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BDE Comments on the New Approach to the Revised Fertiliser Regulation

At the Fertiliser Working Group meeting on the 17th of March, the European Commission presented a new approach to the revised Fertiliser Regulation. Accompanied by two Power-Point-presentations both the new approach as such (ppt 1) and safety and quality requirements (ppt 2) have been discussed. **BDE** welcomes the possibility to send comments until the end of May and has therefore summarised main concerns of the German manufacturer and distributor industry of organic fertilisers and soil improvers.

National fertiliser rules will still be needed

As this has already led to intensive discussion, **BDE** would like to stress that – even if the EU Fertiliser Regulation would be extended to organic materials – national fertiliser rules are still required. These rules are needed for both fertilisers outside the scope of the EU-regulation (e.g. sewage sludge) and those that fail the high EU-requirements (at the moment EoW-standards are discussed) but are still of good quality. In order to avoid that these materials, even if suitable, cannot be used on land anymore, national rules remain important.

Clarification required on the admissible materials

COM proposes a negative list of critical materials (slide 3 ppt 2) and gives as an example "raw sewage sludge". **BDE** is of the opinion that a clear definition for "raw sewage sludge" is needed. Does that include sewage sludge before treatment in an AD reactor? Is both industrial and municipal sludge meant? How does that interfere with the EU sewage sludge directive that allows a use of sewage sludge on land?

In addition, **BDE** favours a positive list that clearly indicates which materials would potentially qualify as EU-fertiliser.

Cadmium

On slides 6, 12 and 21 of ppt 2, Cadmium limit values are given according to the percentage of Phosphate (P_2O_5) in the fertilizer.

	Inorganic Fertilisers in [mg/kg dry matter]	Organic Fertilisers and Soil Improvers in [mg/kg dry matter]
Cd (for products containing less than 5% P_2O_5)	3	1.5
Cd (for products > 5% P_2O_5)	60, opt-in 40 or 20	-

200 mg Cd per kg micronutrient are allowed in micronutrient fertilisers (inorganic; slide 7), 3 mg Cd per kg dry matter are allowed in liming materials and growing media (slides 19 and 22).

28.05.2014

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Vereinsregister Nr. VR 22240 B

BDE would like to express two remarks: First, it is unclear whether the percentage of P_2O_5 refers to the dry matter or to the fresh material of the fertilizer. **BDE** strongly recommends to clarify this issue and to refer to dry matter content. Otherwise it would be easy to "influence" the limit value simply by reducing or expanding the water content. As water content does slightly vary anyway, measurements would always show different results that may allow or ban the use of a fertilizer on land, even if the solid part as such, which is attached to the Cd-content, does not vary.

Secondly, from a soil and environment protection perspective, it is not comprehensible why a higher Cd-content is allowed for inorganic fertilisers and liming materials: 3 ppm compared to 1.5 ppm for organic fertilisers. **BDE** urges for non-discrimination of organic fertilisers since discrimination may lead to unintended distortion of competition. For various other heavy metals, stricter limit values exist for organic fertilizers (Cr^{VI}, Hg, Ni, Pb, Cu, Zn, PAH) that requires further technical justification. **BDE** would also like to point out again that there is no need to measure organic pollutants in the compost and digestate from source separated biowaste.

Organic matter content

BDE fully supports the COM proposal to provide no minimum organic matter content in organic fertilizers (slide 16) and a minimum organic matter content of 15% on the dry matter for organic soil improvers (slide 20).

However, **BDE** identifies a mistake in setting a limit value for the Carbon to Nitrogen ratio in organic soil improvers (< 15%, slide 16). Without doubt, the C/N-ratio is an important parameter for microbial processes but as such it is only important for the plant and the treatment process and not suitable as quality criteria for a soil improver. **BDE** therefore suggests to verify parameter and figure and to finally delete the limit value for the C/N-ratio. The C/N-ratio should remain a declaration parameter.

Nutrient content

Slides 16 and 20 also display the minimum nutrient contents for organic fertilisers and for soil improvers. According to the COM-proposal, organic fertilisers are limited to: 1.5 % N-total, 0.5 % P_2O_5-total and 0.75 % water-soluble K_2O.

BDE already mentioned that, if the nutrient contents are not modified, a high percentage of the biowaste composts in Germany would not fall in the organic fertiliser category but would remain as soil improver. This does not meet the full excellence of compost as the very unique material fulfils both requirements: high organic matter content as prerequisite for soil improvement and a basic fertilising effect that can be influenced depending on the application rate. For both scenarios market demands exist. It is therefore vital for compost producers to preserve the possibility to market the product both as fertiliser and as soil improver. Consequently, **BDE** re-emphasises the overlap between both categories, organic fertilizer and soil improver, and thus a slight lowering of the minimum nutrient provisions for organic fertilisers as follows: 1/0.3/0.5 % for NPK. At the same time the nutrient content of organic soil improvers could be limited to 3% of the dry matter.

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Additional positive developments to be mentioned

- As considered by the COM, **BDE** does also not support a sub-group for organo-mineral fertilisers (slide 17).
- **BDE** appreciates that the dry sieving method for the determination of physical impurities is now accepted (slide 15).

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