

ESPP input to the EU consultation on Animal By Products in the EU Fertilising Products Regulation

24th October 2022

ESPP underlines that the inclusion of ABPs into the FPR is much needed and regrets that this proposal arrives only six and a half years after FPR proposed text was published, despite co-decision requirement FPR art. 46 for DG SANTE to move forward by 15/1/2020.

ESPP fully supports to guarantee safety and to consult EFSA before allowing free circulation, without traceability, of ABP-derived materials as EU fertilising products.

We regret that the DG SANTE 30/4/20 mandate to EFSA of did not cover composts, digestates, precipitated phosphates, Cat.1 ashes, pyrolysis and gasification materials, processed manure and processed insect frass.

We regret lack of dialogue between DG SANTE and stakeholders, including effective exclusion from the 6/2020 Animal Health Advisory Committee meeting because DG SANTE refused online participation, contrary to COM policy.

ESPP considers that this proposal fails to deliver the Green Deal ambitions of nutrient circularity, despite the urgency of the current fertiliser supply crisis.

We request that action be now engaged by COM, without delay, to mandate EFSA, and then (subject to EFSA's Opinions) to complete this amendment for:

- “Alternative transformation parameters” for composts, digestates, processed manure and frass, as already defined in 142/2011 annexes,
- Nationally validated treatment methods,
- precipitated phosphates & derivatives CMC12,
- pyrolysis-gasification materials CMC 14,
- Cat.1 ABP ashes which represent a significant potential for phosphorus recycling.

The risk mitigating measures proposed in art.4 do not come from EFSA but from DG SANTE and are justified by reference to 999/2001. Input from a organic fertilisers companies, users and stakeholders at the EU Fertilisers Expert Group suggest that the proposed measures are disproportionate and inappropriate, and that they will strongly limit recycling to agriculture of nutrients in these secondary materials, in many cases despite widespread and recognised safe use in national fertilisers for many years. They would also generate unsustainable packaging and transport.

- The 50% mixing requirement is excessively restrictive and will largely prevent use of these materials in EU-fertilisers, especially for Organic Certified Farming. We support the NL proposal of 10% mixing.
- Exclusion (for mixing) of all materials listed in 68/2013 is an excessive obstacle. This open list identifies wide non-toxic materials/categories. It would exclude mixing with non-feed materials such as wood chips, or with many fertiliser minerals (e.g. MAP DAP, many plant materials). We suggest to specify mixing with materials which are not intended for use for feed.
- The <50kg packaging obligation will not exclude use as feed. Farmers can tip smaller packets into feed troughs. This requirement is ineffective compared to the stated objective but will generate packaging, transport energy consumption and costs.

ESPP suggests, to reinforce safety, obligatory labelling in FPR Annex III and obligatory inclusion of an anti-palatability additive (effective without other measures for most animals). These measures are absent from DG SANTE's proposal, despite having been proposed to DG SANTE by stakeholders at the Fertilisers Expert Group and SANTE's recognition that they are effective for all animals except poultry.

In arts 3 and 4 it should be clarified that “organic fertilisers and soil improvers” refers to definition 1069/2009 art. 1(22) not to definitions in 2019/1009.

ESPP also questions whether amendments of the TSE Regulation (EC) No 999/2001 are required to ensure coherence with the proposed amendments of 1069/2009 and of FPR annexes, to render coherent restrictions on exports of processed animal protein in fertilisers reaching the end point. Similarly for amendments of Regulation (EU) 142/2011 as regards conditions for approval and controls of fertilisers plants and technical specifications. If yes, we hope that these will be proposed rapidly.