European Sustainable Phosphorus Platform
www.phosphorusplatform.eu @phosphorusfacts
34 rue Henri Wafelaerts
1060 Bruxelles, Belgium,
Secretariat: Chris Thornton +33 474 93 07 93 +33 680 72 70 75 info@phosphorusplatform.eu

Key messages on EU Fertiliser Regulation – v5/2/2017

A. Traceability of input materials

- **Traceability is key for consumer and farmer confidence for any product susceptible to contain organic contaminants** such as pathogens, antibiotics, pharmaceuticals, consumer chemicals (not for products which have undergone combustion or chemical treatment, e.g. ashes)
- Proposal: include in the FRs commitment to develop a mechanism for traceability for future implementation
- Traceability should not be unrealistically fine, but should specify for each production batch what types of input material are used and identify from which specific input sources (which farms, which STEPs …)
- Information technology and mobile devices can enable paperless and automated traceability
- This goes beyond surveillance traceability (which is only back to product producer)
- Should be defined in coherence with current dispositions for Animal By Products traceability requirements (article 22 from EC regulation n°1069/2009 and article 17 from EC regulation n°142/2011) and draft Fertilisers Regulation proposal texts: Art. 6(5) – 6(7), 'Whereas' (29)
- Also: need for more information on organic contaminants: monitoring data, risk assessment, reductions in recycling processing

B. Animal By-Products and manures (the currently empty box CMC11)

- Need to complete this box (DG SANCO, ABP Regulation)
- Should authorise, subject to appropriate processing as specified in ABP endpoints: manure, meat and bone meal Cat. 2, PAP (processed animal protein), non-PAP animal protein. Also ABP Cat. 1 subject to 'incineration'
- **Avoid double sanitation requirement for manures and digestates** (CMC3, 5): sanitisation of manures and ABPs Cat 2 & 3 is not useful where manure is an input material for compost or digestion processes which are operated to conform to ABP endpoint: double processing & double energy use would block manure recycling

C. PFC criteria and monitoring requirements should ensure safety but not make obstacles to recycling

- The **simplified Conformity Assessment Procedures** (Annex IV) of CMC3 Energy Crop Digestate should be applied to compost and digestates using only manures or mechanically processed plant materials (crop residuals) and "clean" food industry wastes
- **Pathogen monitoring specifications** should be the same as Animal By-Product Regulation obligations (not add additional pathogens). The ABP requirements are defined to be adequate to ensure safety.
- **Copper and zinc**, which are micro-nutrients, should be subject to labelling requirements, not contaminant limits
- In all cases, it should be specified that testing is not required for substances which will not be found in the product, because of the production process. Examples: biuret in products not involving urea ; pathogens in products having undergone incineration ; perchlorate in organic products …

D. Innovation: addition of new materials (CMCs), confusion between CMCs and PFCs

- **Annex II (CMCs) should remain modifiable by Commission decision** (perhaps not Annex I = PFCs)
- But need to **clarify criteria for addition of new CMCs**:
  - define what is meant by "sufficiently effective" (Art 42.1)
  - some new CMCs may not be susceptible to "likely significant trade" (local wastes) – but can be processed into fertiliser products (PFCs) susceptible to trade
  - risk should be assessed for CMC after processing, not for raw materials used as inputs for CMCs
- **Contaminants should be limited in PFCs and not in input materials for CMCs**, on condition that the CMC production process removes (not dilutes) the contaminants (down to PFC safety limits)
- Engage already process for defining CMC criteria for **additional recycled products**:
  - mineral nitrogen products recovered from AD gas/ammonia stripping
  - precipitated inorganic phosphates other than struvite (which is underway)
  - dried / pelletised manure products
  - calcium carbonate from drinking water treatment plants

E. REACH

- Need to clarify that **bio-based fertiliser products**, produced by mechanical or biological processes (not by chemical extraction or heat processes) and conform to Fertiliser Regulation criteria are excluded from REACH
  - REACH is not an appropriate tool for assessing safety of such materials
  - the REACH regulation text specifically excludes compost and biogas, but not digestate resulting in a lack of clarity as to the status of digestate

F. Text adjustments for clarity and workability and to ensure information of farmers

- **Unify different definitions** of "non processed or mechanically processed biological material" and add washing, drying freezing, sanitation < 100°C, pickling, …
- Specify that all concentrations are as "**dry mass**" and adjust some criteria for composts and digestates
- Prefer the Council Presidency proposal to **define "solid" and "liquid"** products, rather than specifying dry matter contents, because the Commission dry matter level proposals would pose issues for digestates
- Definition vocabulary: to ensure understanding and clarify for farmers: **specify maximum organic carbon content (1-2%) of "Inorganic fertilisers", but also minimum organic carbon content for "organo-mineral" fertilisers** (minimum 7.5 – 10% C_{org}) and define vocabulary for products in between
- **Phosphorus**: require labelling of total P, water soluble and P_{NAC}
- Add: **C_{org}/N_{org} ratio** in labelling requirements (PFCs 1A, 1B, 3C)
- Authorise use of non waste origin by-products in CMC1

Proposed amendments

Proposed texts and explanations for amendments on the following points are available on request from info@phosphorusplatform.eu

1) Use of mechanically processed CMCs as fertiliser components
2) Clarification of CMC2 plant parts & CMC6 food industry by-products
3) Sanitisation of animal manures in composts and digestates
4) Contaminants in input materials used for fertiliser production
5) Use of authorised CMCs as inputs to composting and digestates

6a) Art. 42.1 Criteria for addition of new CMC categories

6b) Art. 42.1 Commission modification of Annex II

7) Traceability
8) PROBLEM: definition of "mineral" or "inorganic" fertiliser
9) Use of other crop residues as inputs to CMC4
11) Use of food industry by-products as compost & digestate inputs
12) CMC11 Certain animal by-products
13) CMC1 Use of by-product and recycled minerals

European Sustainable Phosphorus Platform
www.phosphorusplatform.eu @p
34 rue He
1060 Bruxe
Secretariat: Chris Thornton +33 474 93 07 93 +33 680 72 70 75 info@phospho

Key messages on EU Fertiliser Regulation – v23/1/2017

A. Traceability of input materials

- **Traceability is key for consumer and farmer confidence for any product susceptible to cont contaminants** such as pathogens, antibiotics, pharmaceuticals, consumer chemicals (not for proc have undergone combustion or chemical treatment, e.g. ashes)
- Proposal: include in the FRs commitment to develop a mechanism for traceability for future implen
- Traceability should not be unrealistically fine, but should specify for each production batch what ty material are used and identify from which specific input sources (which farms, which STEPs …)
- Information technology and mobile devices can enable paperless and automated traceability
- This goes beyond surveillance traceability (which is only back to product producer)
- Should be defined in coherence with current dispositions for Animal By Products traceability requi (article 22 from EC regulation n°1069/2009 and article 17 from EC regulation n°142/2011) and dra Regulation proposal texts: Art. 6(5) – 6(7), 'Whereas' (29)
- Also: need for more information on organic contaminants: monitoring data, risk assessment, reduc recycling processing

B. Animal By-Products and manures (the currently empty box CMC11)

- Need to complete this box (DG SANCO, ABP Regulation)
- Should authorise, subject to appropriate processing as specified in ABP endpoints: manure, meat meal Cat. 2, PAP (processed animal protein), non-PAP animal protein. Also ABP Cat. 1 subject to
- **Avoid double sanitation requirement for manures and digestates** (CMC3, 5): sanitisation of m ABPs Cat 2 & 3 is not useful where manure is an input material for compost or digestion processe operated to conform to ABP endpoint: double processing & double energy use would block manur

C. PFC criteria and monitoring requirements should ensure safety but not make obstacles to

- The **simplified Conformity Assessment Procedures** (Annex IV) of CMC3 Energy Crop Digestat applied to compost and digestates using only manures or mechanically processed plant materials residuals) and "clean" food industry wastes
- **Pathogen monitoring specifications** should be the same as Animal By-Product Regulation oblig add additional pathogens). The ABP requirements are defined to be adequate to ensure safety.
- **Copper and zinc**, which are micro-nutrients, should be subject to labelling requirements, not cont
- In all cases, it should be specified that testing is not required for substances which will not be foun product, because of the production process. Examples: biuret in products not involving urea ; path products having undergone incineration ; perchlorate in organic products …

D. Innovation: addition of new materials (CMCs), confusion between CMCs and PFCs

- **Annex II (CMCs) should remain modifiable by Commission decision** (perhaps not Annex I = F
- But need to **clarify criteria for addition of new CMCs**:
  - define what is meant by "sufficiently effective" (Art 42.1)
  - some new CMCs may not be susceptible to "likely significant trade" (local wastes) – but can be p fertiliser products (PFCs) susceptible to trade
  - risk should be assessed for CMC after processing, not for raw materials used as inputs for CMCs
- **Contaminants should be limited in PFCs and not in input materials for CMCs**, on condition th production process removes (not dilutes) the contaminants (down to PFC safety limits)
- Engage already process for defining CMC criteria for **additional recycled products**:
  - mineral nitrogen products recovered from AD gas/ammonia stripping
  - precipitated inorganic phosphates other than struvite (which is underway)
  - dried / pelletised manure products
  - calcium carbonate from drinking water treatment plants