

## Chris Thornton (ESPP)

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**De:** SANTE-CONSULT-G2@ec.europa.eu  
**Envoyé:** vendredi 9 février 2018 15:00  
**À:** info@phosphorusplatform.eu  
**Cc:** SANTE-CONSULT-G2@ec.europa.eu  
**Objet:** Status of Cat1 ABP incineration ash and ABPs as fertilisers  
**Pièces jointes:** L752144.pdf

Dear Mr Hermann

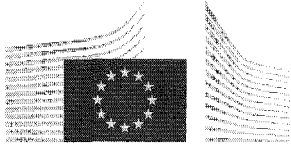
Please find enclosed a letter on the above mentioned subject.

Best regards,

**Dominique Jadoul**  
Assistant



**European Commission**  
DG SANTE  
Directorate G – Unit G2



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Ref. Ares(2018)774945 - 09/02/2018

Directorate G – Crisis management in food, animals and plants  
Director

Brussels  
SANTE/G2/MK/dj(2018) 752144

Dear Mr Hermann,

**Subject: Ash from incineration of Category 1 materials for the manufacturing of fertilisers**

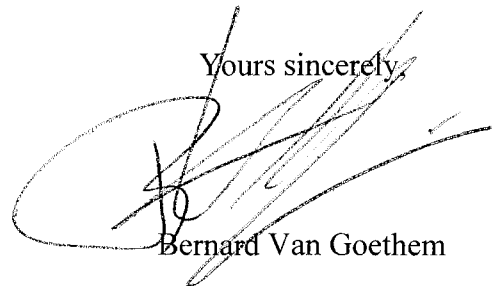
Thank you for your e-mail of 22 January 2018 to Ms Jülicher, Director of Directorate Food and Feed Safety Innovation in DG SANTE. Your request for a meeting and the attached letter on the use of ash from incineration of Category 1 materials for the manufacturing of fertilisers was forwarded to me for reasons of competence.

In accordance with Article 32(1)(a) of Regulation (EC) No 1069/2009<sup>i</sup> (ABP Regulation), organic fertilisers and soil improvers may be placed on the market and used provided they are derived from Category 2 or Category 3 material. Your request to use ash from incineration of Category 1 materials for the manufacturing of fertilisers may not be addressed without a revision of the ABP Regulation.

The priority of my services within the current revision of the fertilisers legislation is a discussion on possible end points for derived products referred to in Article 32 of the ABP Regulation, and in particular the legal base for the establishments of end points in the manufacturing chain of organic fertilisers and soil improvers.

Therefore, I take note of your request for a possible future discussion, but see no urgency for a meeting. In case you have identified such a need you may wish to contact Ms Eva M. ZAMORA ESCRIBANO, Head of Unit G2, responsible for the legislation on animal by-products.

Yours sincerely



Bernard Van Goethem

CC: L. Prista, J. Bernsel, DG GROW (D2); H. Saveyn, JRC – Seville (B5)

<sup>i</sup> Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).

Mr. Ludwig Hermann  
President  
The European Sustainable Phosphorus Platform  
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e-mail: [info@phosphorusplatform.eu](mailto:info@phosphorusplatform.eu)



**To DG SANTE**

Sabine Jülicher, Director – Directorate E – Food and Feed Safety, Innovation

Copy : - DG GROW, Louisa Prista, Head of Unit Chemicals (Fertilisers) and JRC Fertilisers Unit

Object: status of Cat1 ABP incineration ash and ABPs as fertilisers - 22<sup>nd</sup> January 2018

Dear Ms Jülicher,

As you are aware, discussion is underway concerning status of Animal By Products in the EU Fertiliser Regulation revision. Furthermore, JRC is currently elaborating proposed “recovery rules” for certain secondary materials, including ashes (STRUBIAS process).

Amongst other issues, questions are raised concerning the authorisation of Cat1 ABP incineration ash as a fertiliser. This concerns only and explicitly Cat1 ash from installations incinerating the APB under ABP End Point specified conditions and authorised for Cat1 ABP incineration (under conditions where cross contamination of ash by input materials is prevented).

ABP Cat1 ash use is today authorised for commercialisation as a fertiliser in the UK, where more than 10 000 tonnes/y are used by farmers annually (SARIA). A test authorisation has recently been granted in Portugal for use as fertiliser in forestry (ETSA / ITS).

To our understanding there are no safety concerns for such use of (appropriately incinerated) Cat1 ABP ash – as is indicated by the authorisations in certain Member States.

However, in the STRUBIAS project underway, JRC is currently proposing to exclude Cat1 ABP ash as input to production of CE fertiliser products. It has been suggested by European Commission that use of ABP Cat1 ash as fertiliser is currently illegal in Europe, in contradiction to the situation in the UK, Portugal and possibly elsewhere (our information is not complete).

We underline that Cat1 ABP contains high levels of phosphorus and potassium and that Cat1 ABP ash can be an effective fertiliser, as is demonstrated by experience in the UK.

We therefore request a meeting, if possible between DG GROW, DG SANTE and JRC to clarify the different questions of legality, safety-acceptability and conditions of use of Cat1 ABP ash (and so also Cat2 and Cat3 ABP ash) as fertilisers, and either directly or as inputs to manufacture of EU fertilisers under the proposed new EU Fertilisers Regulation.

If possible, it would also be useful to discuss at this meeting or otherwise outstanding questions concerning ABPs in the EU Fertiliser Regulation revision: process and timeline for CMC11 and interactions with ABP End Points, possible consultation of EFSA, possibility of use restrictions for ABP based EU fertilisers (labelling), interactions between ABP endpoints and CMCs 3 and 5 (inputs to composts and digestates) ...

Yours sincerely

Ludwig Hermann, President