

From:



IFOAM, Rue du Commerce 124, 1000 Brussels, Belgium
Contact: eric.gall@ifoam-eu.org

ESPP, 67 rue de Trèves, 1040 Brussels, Belgium
Contact : info@phosphorusplatform.eu

To:

- DG AGRI, Nicolas Verlet, Head of Unit Organic Farming, European Commission DG Agriculture
- DG GROW, Louise Prista, Head of Unit Chemicals, European Commission DG GROW

Object: inclusion of recovered struvite and calcined phosphate in Organic Farming Regulation annexes

17th June 2020

Dear Ms Prista, dear Mr Verlet,

We would like to draw your attention to the opportunity to include recovered struvite and calcined phosphate in the revision of the Annex listing “authorized fertilisers and soil improvers” of the EU Organic Farming Regulation 2018/848 (OFR) in coherence with the inclusion of these products in the “STRUBIAS” annexes of the EU Fertilising Products Regulation 2019/1009 (FPR).

The authorisation of phosphate fertilisers from secondary sources (under appropriate conditions) is coherent with the overall sustainability objectives of Organic Farming and corresponds to a need in Organic Farming for phosphorus inputs to maintain crop productivity and an insufficiency of renewable phosphorus sources.

As you are aware, the (EU Expert Group for Technical Advice on Organic Production) Opinion adopted 14-15 December 2015 recommends the inclusion of recovered struvite, related to struvite obtained from municipal waste water treatment plants, and of calcined phosphates, produced by thermal treatment of ash, “without further consultation of the Group (EGTOP) and without the submission of another dossier”, under certain specified conditions, and subject to these materials being included in EU fertilisers regulation.

The expected inclusion of “Precipitated phosphate salts and derivatives” and of “Thermal oxidation materials and derivatives” in the FPR (draft annexes CMC 12 and 13) will resolve the latter above EGTOP condition.

To our understanding, it is anticipated that the final texts of these FPR annexes could be validated at the next EU Fertilisers Experts Group 26th June 2020, so enabling publication in 2020. We also understand that the finalisation of the new OFR Annex 2 listing “authorized fertilisers and soil improvers” is underway. We would suggest therefore that it should be possible to include recovered struvite and calcined phosphates in this new OFR Annex 1.

We would propose that the other conditions specified by EGTOP be addressed as follows in the OFR annex 1:

- For recovered struvite:
 - **Definition:** we propose to specify that the material must show sameness to struvite, using the same wording as in REACH art 2(7)d(i) “the substance that results from the recovery process is the same as the substance that has been registered ...”. Note: we propose to not specify that the substance must be “REACH registered as struvite”, because many struvite producers will use Art. 2(7)d of REACH (exemption from registration of producers of “recovered” substances, on condition that the substance has been registered by one producer, which has indeed been done for struvite). Also, the REACH registration obligation is indicated in FPR CMC12 so duplicating this could lead to contradiction or confusion.

- EGTOP indicates that there should be **requirements for hygiene and pollutant limits**, but without specific indications. We propose to rely on the pathogen and contaminant limits specified in the FPR (CMC12, PFCs), see following point.
- The **substrates for struvite** were discussed at length in the JRC expert group STRUBIAS in order to ensure safety and consumer confidence, and the conclusions are transposed into the FPR annex 12, see below. EGTOP recommends that *“the production process should preferably be based on the use of municipal waste water”*. According to IFOAM EU, the authorisation for organic farming should be explicitly limited to struvite recovered from municipal wastewater treatment, to avoid the use of another source of fertility from non-organic agriculture or food processing.
- EGTOP implicitly indicates that the struvite should **conform to EU fertilisers regulations**. However, a producer may wish to sell struvite under national not EU (CE-Mark) fertiliser status. We propose to specify in the OFR Annex1 that struvite must respect EU fertiliser PFC* and CMC* criteria, but NOT include an obligation of CE-fertiliser status. This means that the respect of the EU criteria could be verified by the producer themselves using self-certification (as applicable for other OFR Annex I requirements) and NOT necessarily by Module D1 (external certification). This offers more flexibility and lower costs for small, local producers, conform to the overall objectives of Organic Farming
** PFC and CMC as defined in the Fertilising Products Regulation: Product Function Category and Component Material Category*
- For calcined phosphates:
 - **Definition:** we propose to specify in the OFR Annex 1 only “calcined phosphates produced by thermal treatment of ash” (see comment below), as considered by EGTOP. The definition of “thermal oxidation materials and derivatives” in the FPR is much wider than this. Calcined phosphates should fit into this FPR definition (CMC annex 13, as specified below) but this is not a sufficient definition.
 - For **contaminant limits**, we propose (as for struvite above) to rely on the FPR limits (CMC13 and PFCs) but also to specify in the OFR Annex 1. However, EGTOP proposed also “CrIV not detectable”: this is not workable and we propose to replace by a low but specified limit.
 - For **substrates:** the EGTOP Opinion on calcined phosphates explicitly specifies the substrate municipal sewage, we therefore propose to define calcined phosphates in the OFR Annex 1 as: “calcined phosphates produced by thermal treatment of sewage sludge incineration ash”.
 - As for struvite above, we propose to specify in the OFR Annex2 that calcined phosphates must **respect CE fertiliser PFC and CMC criteria**, but NOT include an obligation of CE-fertiliser status.

We hope that it will be possible to meet your services in coming weeks to discuss these proposals and look forward to hearing from you.

Yours faithfully,

Eduardo Cuoco, Director, IFOAM EU



Ludwig Hermann, President, ESPP

