



EUROPEAN COMMISSION

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C(2016) 4459 final*

*Mr Stanisław KARCZEWSKI
Marshal of the Senat
Ul. Wiejska 6
PL – 00-902 WARSAW*

Dear President,

The Commission would like to thank the Senat for its Opinion on the proposal for a Regulation laying down rules on the making available on the market of CE marked fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 {COM(2016) 157 final}.

This initiative has been identified as one of the key legislative proposals under the EU action plan for the Circular Economy¹. The transition towards a circular economy has the potential to create many jobs in Europe while preserving precious and increasingly scarce resources as well as reducing the environmental impacts of resource use. This proposal mainly aims at facilitating the recycling of plant nutrients.

The Commission welcomes the Senat's broad support for the general direction of the proposal, particularly for reducing the content of heavy metals in soil as well as for extending the scope of the Regulation in order to facilitate the recycling of plant nutrients.

However, the Commission also notes the Senat's concerns as regards the maximum levels of cadmium and nickel proposed and the introduction of the end-of-waste status rule.

As regards the proposed maximum limits for nickel and cadmium, these take into account the precaution warranted by the risks that heavy metal exposure poses to human health and the environment and are achievable through the use of state-of-the-art technologies. The Commission is confident that the proposed transitional periods will allow fertiliser manufacturers to adapt to the improved environmental rules. As regards cadmium, the impact assessment found that decadmiation technologies are available and will make the transformation towards the production of safer phosphate fertilisers possible.

On the end-of-waste criteria, the Commission would like to reassure the Senat that the Commission has proposed an exhaustive list of component materials which only includes categories for which strict safety and quality requirements can be defined and commonly agreed. No materials derived from sewage or sludge are included in that list and the Commission considers that the inclusion of any such materials would require prior technical analysis.

¹ COM(2015) 614 final.

The points made in this reply are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council in which your government is represented.

The Commission hopes that these clarifications address the issues raised by the Senat and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Elżbieta Bienkowska
Member of the Commission*