

## FNADE POSITION – REVISION of the EU FERTILISER REGULATION

### 17<sup>th</sup> March Proposals

FNADE is the French Federation of Waste Management and Environmental Services. The Federation represents French operators recovering biodegradable waste (green waste, bio-waste, digestate, sludge and organic fractions of waste collected co-mingled) by composting or anaerobic digestion. Each year, our members produce 2.5Mt of compost of which 80% reach the mandatory quality standards NF U44-095 and NF U44-051. FNADE members are concerned by the impacts on their activities of the current revision of the EU Fertiliser Regulation by DG Enterprise.

### Scope of Regulation (EC) n°2003/2003 relating to fertilisers

**France is the 2<sup>nd</sup> largest producer of compost in Europe** with nearly 2.5 Mt of compost produced annually. Anaerobic digestion and composting contribute significantly to the achievement of recycling targets at French and European levels. In France, recovery methods concern different types of waste from manure to organic fractions from municipal waste.

France was also **one of the first countries to introduce a product status (later becoming “end-of-waste” status)** through the Rural Code and the French compulsory standards NFU 44-051 and NFU 44-095. This status has strongly driven the development of composting and more recently for anaerobic digestion. It has also and especially contributed to the improvement of the quality of compost (whose improvement, recognised by all, is a constant motivation for operators). This end-of-waste (EoW) status is now reachable by any high quality compost, regardless of raw materials, provided that the final compost meets accurate and controlled requirements.

Any evolution of the end-of-waste criteria must keep this approach, and therefore not exclude, by principle, some inputs and rather judge on the results. Therefore, all **composts and digestates should continue to benefit from the end-of-waste status if they meet the quality requirement set by the revised regulation n°2003/2003/EC relating to fertilisers.**

FNADE doesn't support the implementation of negative list of inputs (see slide 1: sludge is excluded). **Excluding certain categories of compost by dogmatism will divert a large part of the excluded organic matter to energy recovery, or landfilling, in total contradiction with the waste hierarchy** a core value of the European Waste Management policy established by article 4 of the Waste Framework Directive (2008/98/EC).

## Agronomic value and quality requirements

FNADE demands the European Commission to establish a clear distinction between the different types of fertilisers (slides 16 and 20). **Soil improvers, organic fertilisers and inorganic fertilisers must be differentiated according to their application rate.** FNADE proposes to take into account the proposition made by DG Enterprise in March 2013:

- Application rate higher than 10 t/ha : soil improvers
- Application rate between 10t/ha and 1t/ha : organic fertilisers
- Application rate under 1t/ha : inorganic fertilisers

**In slide 20, the minimum value for organic matter in soil improvers is too low.** EoW criteria are supposed to be highly qualitative and oriented to the end-user satisfaction. In this regard, the proposed content of 15% of organic matter on dry matter (equivalent to 5 to 10% on wet weight) makes no sense and does not allow to avoid the dilution with other non-organic materials (e.g sand, soil). **The mandatory threshold in France for composts (20% on wet weight, and 30% on dry weight) can be a pragmatic basis of reflection for stringent EoW criteria for products claiming a role of organic amendment. FNADE proposes to use this criterion.**

## Maximum limit values for contaminants

FNADE would like to recall that the current proposal for essential safety for soil improvers and organic fertilisers are based on the EU End-of-Waste criteria for compost and digestate set in the JRC report<sup>1</sup> of January 2014, a document which is not accepted by all Member States. FNADE notes that the proposed requirements (Fertiliser Working Group proposal of 17 March 2014) are only based on criteria set for compost and digestate whereas there are supposed to be applicable to all fertilisers and soils improvers.

In this regard, it would be necessary to revise the thresholds to be as accurate and consistent as possible. **FNADE proposes to set the contaminant criteria according to a health risk assessment to make a clear link between the thresholds and potential hazards.** This approach was adopted in 2013 for the French composts on a scientific model developed by INERIS (the national Institute of risk assessment and industrial environment, independent agency in charge of risk evaluation).

**The results of the health risk assessment demonstrate that the following maximum values for contaminants are associated with a “negligible” risk for human health and the protection of environment** (Details of the study are given in the attached paper (“APPENDIX FNADE POSITION – Revision of the EU Fertilisers Regulation”):

<b>Cd :</b>	<b>1.8</b> mg/kg DS
<b>Cr :</b>	<b>100</b> mg/kg DS
<b>Hg :</b>	<b>1.3</b> mg/kg DS
<b>Ni :</b>	<b>50</b> mg/kg DS
<b>Pb :</b>	<b>150</b> mg/kg DS
<b>Cu :</b>	<b>300</b> mg/kg DS
<b>Zn :</b>	<b>600</b> mg/kg DS

The study highlights the fact that the proposed thresholds by the JRC do not clearly reduce the risk associated with land spreading of compost from waste. **In case DG Enterprise would like to establish maximum value for contaminants, FNADE would support the setting of the aforementioned thresholds.**

<sup>1</sup> JRC Scientific and Policy Reports: *End-of-waste criteria for biodegradable waste subjected to biological treatment (compost & digestate): Technical proposals*. Joint Research Centre, January 2014.