



Parliament of Romania  
Senate

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Bucharest, 4th May 2016

Courtesy translation

**OPINION**

**of the SENATE OF ROMANIA  
on the Circular Economy Package**

**Proposal for a Regulation of the European Parliament and of the Council 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**

The Senate of Romania has examined the Proposal for a Regulation of the European Parliament and of the Council 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, according to the provisions of the Treaty of Lisbon (Protocol no.2).

Taking into account the report of the Committee for European Affairs no. LXII/388/28.04.2016, **the plenum of the Senate**, during its session of 3rd May 2016, has decided the following:

(1) Notes:

1. This Regulation proposal complies with the principles of subsidiarity and proportionality;
2. The proposal contains several elements which will help create fair competition conditions for all fertilising products, while ensuring a high safety and environmental protection standards. The main provisions of the proposal:
  - a) rules on the free movement of all CE marked fertilizers, produced across the EU, the current rules covering only the chemical fertilizers and the agricultural additives; the proposal will enable all fertilising products, including those derived from biological waste and recycled nutrients, to benefit from CE marking that ensures the free movement within the single market;
  - b) updates current requirements for CE marked chemical fertilizers;
  - c) maintains the optional harmonization - a producer who does not want his product to have the CE mark but have unlimited access to the entire EU single market, can decide to follow the national rules, in accordance with the principle of subsidiarity;
  - d) introduces new harmonized requirements for all CE marked fertilising products in terms of quality, safety and labeling;

e) allows animal by-products derived to move freely within the single market as fertilizers produced after the end point of the production chain;

f) includes rules for recovery of biowaste converted in compost and digestate. If these products are incorporated into CE marked fertilizers, they are no longer considered waste within the meaning of the Waste Framework Directive, thus allowing products derived from waste to move freely in the EU.

(2) Considers:

1. Romania rejects the introduction in the current Regulation of products containing nutrients or organic materials recycled from biowaste or other secondary raw materials in accordance with the circular economy model, for the following reasons:

a) The reuse of raw materials, that are currently disposed of as waste, is a problem because there is little known the impact on the environment and implicitly on the human health as result of the consumption of products fertilized with substances originating from such waste;

b) The risk of contamination with pathogens originating from animal by-products, the waste used in the composition of organic fertilizers resulting in difficult to assess effects on public or animal health;

c) Also the conformity assessment of products originating from this waste can not be left to the latitude and task of producers. The placing on the market of such products can not be made without a prior testing of effects on the environment and human health;

d) The use of large quantities of organic fertilizers produced in other Member States creates major problems in implementing the Nitrates Directive and in the drawing up of correct agrochemical recommendations;

e) About 40% of the agricultural land is managed by very small farmers, who practice an agriculture of subsistence with an area of about 2 hectares/farm, with a level of knowledge and endowment very low, who do not have the possibility to assess the impact of organic fertilizers on the agricultural products obtained;

f) The lack of studies on soil protection showing its characteristics after the use of products of organic nature;

g) In Romania there are pursuits for the production of safe and efficient fertilizers from recovered secondary raw materials, such as biological coal, lignite, peat, ash and struvite;

h) Because of the complexity, heterogeneity, instability and environmental risks of organic products and raw materials, it is necessary that they are applied where they are produced, therefore the particular solutions of a Member State may not become general binding rules to the other Member States;

i) Romania considers that each Member State has to organize his system of conformity assessment for organic fertilizers, which should be used only in that State, because it is mandatory to ensure the health of residents and environment and create conditions for the free movement of agricultural and food products, the food security being essential for all countries but especially for those with an imperfect health care system;

j) The concrete conditions in Romania do not allow the conformity assessment of a product by the one that designs and manufactures that product, therefore it is inappropriate that producers/distributors/importers are to be involved in market surveillance tasks;

k) The non-acceptance of free movement of organic fertilizers is given by "the variable nature of certain component materials of organic fertilising products and the potentially irreversible nature of damages at which could lead the exposure of the soil, cultures" and water because of the impurities in these products;

l) The socio-economic conditions in Romania have not led to the intensive development of agriculture, our soils are clean, allowing us the practice of organic and traditional farming where production is lowered but of quality. Romania counts on increasing the quality of agricultural production, thing that is not any more ensured by the free movement of organic fertilizers.

(3) Recommends:

Romania is in favor of adoption of solution no. 2 by which the regulatory technique of the Regulation on fertilizers namely the type approval remains unchanged and is extended to the harmonization of fertilizers originating from organic raw materials and other products in the field of fertilizers, such as the biostimulators of plants. Permission of application of organic fertilizers on the national territory being carried out strictly only for the products from internal sources and/or the products recognized on the basis of reciprocity.

**p. President of the Senate**



**Ioan CHELARU**