



BCE - Position paper on the Fertilizer Regulation revision : *compiled comments from associated projects, workshops and EU partners*

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This summary report is a compilation of points of attention raised in various stakeholder oriented conferences (listed I.) as well as activities undertaken in nutrient related research projects (list II.) and dedicated reflection notes provided by organizations and interest groups (list III.).

1. General

As a general remark most sources listed in annex welcome the opportunity to present reflections and suggestions, yet regret that this feedback can only be provided based on powerpoint presentations with no existing clarifying texts to work from.

We therefore propose to include additional stakeholder involvement, either via the existing technical working groups or via additional consultation in further stages when more descriptive written texts become available. The Ghent University, the partner institutes presented in annex as well as the >100 partners associated via the Biorefine Cluster Europe (www.biorefine.eu) are willing to facilitate and assist in this regard as indeed we have done at several occasions over the last year in association with EC experts (ManuResource Conference (2013 ; Bruges, Belgium) ; Renewable Resources & Biorefineries Conference (2014, Valladolid, Spain) ; Bio-economy Workshop (2014 ; Rennes, France).

2. Current legislation

2.1. Harmonization with other European legislative frameworks

As was drafted and undersigned by a respectable array of experts at the ManuResource conference in Bruges (see also "conclusions of the conference") and as was put in many of the direct individual inputs received from the organizations listed in annex III, there remains a high level of uncertainty towards sufficient harmonization with other relevant European frameworks.

One such general concern is the uncertainty towards product status in relation to animal manure and waste status as imposed by various existing frameworks. In general, categorization as products under the Fertilizer Regulation should include end-of-waste and end-of-manure status in order not to limit the application and use of upgraded products originating from manure and waste sources. For example, the Nitrate Directive states that animal manure maintains the status of manure regardless of process which practically implies that no animal manure based inorganic N fertilizers can ever be used to replace current fossil-based fertilizers.

We propose to assign a dedicated working group on identification with potential legislative constraints in relation to existing European legislations and proposals to address inconsistencies or undesired effects that would impair the intended stimulation of the production and use of biobased mineral fertilizers.

2.2. Existing national lists / bilateral trade between member states

Concerns have been raised against the fact that a revised fertilizer regulation would substitute existing national lists. For example, in Belgium we currently have a system of federal accredited acceptance (FOD) allowing usage of manure derived products (e.g. effluent from biological treatment of liquid/thin fraction of digestate) within national boundaries. In current discussions between farmer associations and FOD it was lead to believe that the Fertilizer Regulation would also substitute national lists and existing systems. This is a concern that requires to be addressed.

In addition, several member states and regions already have up-and-running systems for processing and upgrading manure derived products suitable for export. For example, manure treatment and export of derived products from the Netherlands and Flanders towards France (acceptation under French national NFU norms). Newly adopted systems should not hamper existing trade yet should further facilitate such trade to occur.

3. Safety & Quality Requirements

3.1. General

In general, it would have been far easier to assess when all product categories were listed in a single comprehensive table for all proposed quality and safety parameters.

It is also generally conceived that in the current categorization, multiple existing derived products risk falling between categories as they are currently defined (e.g. membrane concentrates). The boundaries between categories therefore need to be sufficiently closely defined to avoid (too many) products falling in between categories.

3.2. Organic matter

Organic matter has been included as a scrutinizing parameter in the delineation between inorganic and organic fertilizer products. Although this is understandable, the inclusion of a 0% approach towards traces of organic material in inorganic fertilizers would virtually exclude many biobased mineral precipitates and concentrates. We therefore propose raising this level to an acceptable level, e.g. a tolerated presence of up to 1,5% OM on DW basis.

3.3. Minimum nutrient requirements

There is confusion whether for organic fertilizers a product needs to simultaneously meet minimum requirements for N and P and K, or whether meeting requirements for one element suffices to be classified as such. We interpreted it as the latter, which also would make most sense and would avoid unnecessary stringent conditions.

3.4. Heavy metals

- The evolution in which a distinction would be made between essential and non-essential heavy metals and metalloids is applauded and welcomed by all consulted organizations. More specifically – the intent to include no maximum limits for Cu and Zn yet to include a labelling requirement for these elements above certain threshold values has been welcomed as an improvement to initial limit proposals.

- In the documents, there has been no information provided on Cd limits in inorganic P2O5 fertilizers (> 5%) whereas a stringent limit of 1,5 mg/kg has been set for inorganic fertilizers (< 5% P2O5). It is known that phosphate rock, such as those originating from North-Africa, can be characterized by elevated concentrations of Cd. Limit values of 60 mg/kg Cd have been mentioned by ESPP. In order to respect the “level playing field” principle, the limits should be harmonized carefully between >5% and <5% products as many of the biobased products might fall under the <5% category whereas phosphate rocks will as a rule fall in the >5% category. We currently have no quantitative proposal as yet but we recommend a careful assessment on the final limits bearing the level-playing-field argument in mind and considering the vast difference between 1,5 mg/kg (indicated in the presentation) and 60 mg/kg as indicated by ESPP response. Most likely a good compromise would be to respect the mentioned value for >5% products (60 mg/kg) but incorporate comparable flexibility to <5% products, e.g. a Cd/P2O5 ratio could be imposed throughout all products. However, the set limits should be sufficiently conservative throughout all categories in order to safeguard environmental quality.
- Set limit values should be consistent throughout the various categories. At the moment we observe different values for organic fertilizer, organo-mineral fertilizer and organic soil enhancer.
- No minimum requirements have been defined for micronutrient inorganic fertilizers (B, Co, Cu, Fe, Mn, Mo, Zn) or at least this was not evident in the presentations provided.

3.5. Quality assurance

The current system wishes to limit itself to composition requirements and not take into account process information or product origin information. Many of the sources consider this a too narrow approach that may lead to reduced traceability, abuse of waste management and/or lead to long lists of required quality standards. For example, it has been argued that if a process only uses agricultural products, the risks for undesired side-effects or presence of contaminants is much lower (to non-existent) in comparison to systems which also process sludges or other forms of wastes. Also, within the waste categories clear distinctions exist in the risks associated with their upgrading and usage.

Therefore it might be argued that chain information will be required in the regulations – either in additional safety criteria, in the monitoring by accrediting bodies or in the classification itself. When more clear-cut distinctions can be incorporated between products and/or processes, the level of analysis required could also be adapted in accordance with potential risks (e.g. reducing analytical and administrative burden when only agro-derived products are used and so on).

List I

International conference on manure management and valorization (ManuResource ; Bruges, Belgium, Dec 5-6, 2013)

2nd Transnational Advisory Board Meeting *Digestate Valorization and Nutrient Recycling* (TAB-ARBOR ; Brussels, March 4, 2014)

10th International Conference on Renewable Resources & Biorefineries (RRB-10 ; Valladolid, Spain, June 4-6, 2014)

Workshop "Regions at work for Bio-Economy" (Rennes, France, 7-9 July 2014)

List II

EU-INTERREG IV.B – Project ARBOR : www.arbornwe.eu

EU-INTERREG IV.B. – Project BIOREFINE : www.biorefine.eu

EU-FP7-INEMAD – www.inemad.eu

BE-MIP-NUTRICYCLE

List III

Biogas-E – Sectoral progress report 2013

Vlaco – Flemish compost organization

Kristof Bol, DLV (personal communications)

Jason Vanddriesche, DLV (personal communications)

VCM - Flemish Coordination Centre for Manure Processing (position paper)

Eddy Vandycke, Boerenbond (Farmer Association, BE) (personal communications)

ESPP – European Sustainable Phosphorus Platform (position paper)

EBA – European Biogas Association (position paper)

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