



Fertilising products

ECOS and EEB comments on the proposed amendments to the Fertilising Products Regulation (EU) 2019/1009

11 March 2021

Context

Following publication of the Fertilising Products regulation (FPR), it was found necessary to adapt some of the technical provisions in the annexes. The amendments were discussed in the Expert Group, where ECOS and EEB are represented, and they are now under public consultation until 16th March 2021.

The FPR, published in 2019, was built on JRC research and lengthy discussions between stakeholders, followed by extended negotiations between the European Commission, the Council and the European Parliament. It was decided that it was essential to cover all products used on soils, in order to ensure that they are both effective and harmless for crops, soil and the environment.

Key recommendations

EEB and ECOS have worked with the European Commission for over 15 years to promote high-quality recycling of organic waste to land, through the creation of a clear and structured framework which eventually took the form of this regulation for the CE mark. We welcome the amendment clarifying the exclusion of materials from mixed municipal, not just household, waste, and the widening of permitted processing of plant fibres that can substitute peat. We are satisfied that our detailed arguments, plus the thorough work of the JRC, led to **total content being maintained for all contaminant measurements**, with the small exception of nickel in mineral growing media. **Strong, harmonised rules are essential to protect the soil.** The adjustment allowing the end point for animal by-products to occur during composting or anaerobic digestion is important to allow their recycling.

At the same time, we are **dubitative about the loosening of tolerance levels of nutrients for inorganic fertilisers**, produced in large quantities from relatively homogeneous substrates, **whilst those for organic-based products remain sometimes overly strict** despite the variability inherent to living matter and biological processes.

As for mineral growing media, giving a CE mark to products that must not be added to soil, but are collected by the producers, is a **dangerous precedent and unworkable outside a few limited countries**.

As for polymers, the situation is complex. If biodegradable polymers are to be accepted, the type of biodegradability needs to be defined so that the polymers will break down completely under conditions found in soils. **Our organisations regret that non-biodegradable polymers are allowed until 2026 under the FPR**, leaving a disproportionately long time for industry to adapt to the new rules.

Conclusions

The FPR was a step forward and the present amendments help to improve its applicability. However, the enormous disparities between the different industries involved – from multinational mineral fertiliser producers to localised composting sites – mean that the search for a level playing-field through harmonised criteria results in a regulation much more favourable to the bigger players. It is difficult to avoid composts and digestates being penalised through a multitude of testing obligations that weigh heavily on the production costs of small installations.