



3.2.2017

DRAFT OPINION

of the Committee on Agriculture and Rural Development

for the Committee on the Internal Market and Consumer Protection

on 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)0157 – C8-0123/2016 – 2016/0084(COD))

Rapporteur (*): Jan Huitema

(*) Associated committee – Rule 54 of the Rules of Procedure

SHORT JUSTIFICATION

Fertilisers are essential for agricultural production. Fertilising products ensure farmers that their crops receive the necessary nutrients. The need to produce more with less becomes more and more important in order to meet demands for food and preserve our environment. Fertilisers play an important role in this challenge.

Approximately 50% of the fertilisers which are currently on the market are excluded from the scope of the existing regulation, especially fertilising products which contain or consist of recycled organic materials. Estimates show that almost 30% of the inorganic fertilisers could be replaced by organic fertilisers if bio-waste would be more exploited and the potential for recycling used. This could contribute to the circular economy by reducing waste and by closing the mineral loop and would also help to address concerns about the dependence of the European Union on the import of raw materials from third countries and the energy intensive processes involved in the production of inorganic fertilisers.

Therefore, the rapporteur welcomes the revision of the existing fertiliser regulation in order to provide the opportunity for organic fertilising products to enter the internal market providing more freedom of choice for farmers. Moreover, the expansion of the scope and increased harmonisation will stimulate entrepreneurship and enhance the innovative potential of the agro-food sector, especially with regards to the development of techniques which recover valuable nutrients from organic waste streams and use them for the production of fertilising products.

The opportunities for recycling organic waste streams are enormous and the agricultural sector plays an indispensable role. For example, with the recovery of nutrients from animal manure. Manure is the most common fertiliser on farm land in the European Union, accounting for approximately half of the nutrients applied to EU farm land. With innovative techniques that recover nutrients from animal manure into highly efficient mineral concentrates (nitrogen + potassium), farmers are offered the opportunity to recycle nutrients in a more sustainable way.

However, the incentive to use fertilising products containing or consisting of processed animal manure is obstructed by the implementing rules for application of fertilisers as described in the Nitrates Directive, as the use of processed manure is bound to the same rules as unprocessed manure.

The rapporteur does not question the objectives of the Nitrates Directive nor wants to change the limit for nitrogen from animal manure that is allowed to be applied on agricultural lands. However, it is unjustified that fertilising products containing or consisting of processed animal manure that equal the agronomic efficiency of inorganic fertilisers and which do not pose a threat to the environmental objectives of the Nitrates Directive are subjected to the same rules as unprocessed manure and thus limited in their use. The recovery of nutrients from animal manure does not only have environmental benefits by closing the mineral loop but also saves costs for the farmers as they will be less dependent on buying inorganic fertilisers.

The rapporteur, therefore, proposes an amendment to adjust the definition of “livestock manure” in the Nitrates Directive in order to make sure that fertilising products containing or

consisting of processed animal manure, which fulfil the requirements of the fertilisers Regulation and have proven to possess sufficient agronomic capacities, are not unduly discriminated. Notwithstanding that, clear and stringent requirements are necessary to control the efficiency and quality of the products in order to safeguard the environmental objectives of the Nitrates Directive.

Another promising product with high potential for agriculture is the category of the biostimulants. The rapporteur is of the opinion that the use of biostimulants could play an important role in increasing the efficiency and therefore the use of fertilisers as they enhance the uptake of nutrients by the crop. Next to that, they can also have multiple other beneficial effects that indirectly make the plant more resilient against external influences like pests.

However, the current proposal is not entirely reconciled with the rapid developments as regards new biostimulants, especially microbial plant biostimulants. It should be prevented that promising beneficial products are being left out of the scope of the fertilisers Regulation. Therefore, there should be clear requirements which producers of microbial plant biostimulants have to comply with, as there are currently no clear requirements for the safety evaluation to assess if newly discovered micro-organisms are safe to be used in CE marked fertilising products. This delays product innovation whereas producers need clarity.

The same holds for the biodegradability requirements for control released fertilisers. The rapporteur agrees that we need to prevent, as much as possible, the pollution of our soils with plastic polymers. However, a timespan of 24 months does not safeguard the function of a biodegradable polymer since some products need to retain their function of releasing nutrients over a longer period of time. Moreover, it is unlikely that, with current day knowledge and available technology, the 90% biodegradability will be feasible in 24 months. Therefore, the time-period after the polymer starts to degrade has to be initiated after the claimed release time has passed. Next to that, the industry should be provided with more time to set a feasible timespan after which the polymer reaches a biodegradability of 90%. Accordingly, appropriate biodegradability tests need to be developed.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Title 1

Text proposed by the Commission

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
laying down rules on the making available

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

(Text with EEA relevance)

on the market of CE marked fertilising products and amending Regulations (EC) No 1069/2009, (EC) No 1107/2009, **Directive 91/676/EEC and Regulation (EC) No 1907/2006,**

(Text with EEA relevance)

Or. en

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The conditions for making fertilisers available on the internal market have been partially harmonised through Regulation (EC) No 2003/2003 of the European Parliament and of the Council¹⁵, which almost exclusively covers fertilisers from mined or chemically produced, inorganic materials. There is also a need to make use of recycled or organic materials for fertilising purposes. Harmonised conditions for making fertilisers made from such recycled or organic materials available on the entire internal market should be established in order to provide an important incentive *for* their further use. The scope of the harmonisation should therefore be extended in order to include recycled and organic materials.

¹⁵ Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1).

Amendment

(1) The conditions for making fertilisers available on the internal market have been partially harmonised through Regulation (EC) No 2003/2003 of the European Parliament and of the Council¹⁵, which almost exclusively covers fertilisers from mined or chemically produced, inorganic materials. There is also a need to make use of recycled or organic materials for fertilising purposes. Harmonised conditions for making fertilisers made from such recycled or organic materials available on the entire internal market should be established in order to provide an important incentive *to promote* their further use. ***This is vital in order to decrease the dependence of the Union on imports of nutrients from third countries and contribute to the circular economy.*** The scope of the harmonisation should therefore be extended in order to include recycled and organic materials.

¹⁵ Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1).

Or. en

Amendment 3

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The end point in the manufacturing chain should be determined for each relevant component material containing animal by-products in accordance with the procedures laid down in Regulation (EC) No 1069/2009. Where a manufacturing process regulated under this Regulation starts already before that end point has been reached, the process requirements of both Regulation (EC) No 1069/2009 and this Regulation should apply cumulatively to CE marked fertilising products, which means application of the stricter requirement in case both Regulations regulate the same parameter.

Amendment

(10) The end point in the manufacturing chain should be determined for each relevant component material containing animal by-products in accordance with the procedures laid down in Regulation (EC) No 1069/2009. ***The setting of processing methods and recovery rules for animal by-products for which an end point in the manufacturing chain has been determined should start immediately after the entry into force of this Regulation. Accordingly, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of expanding or adding, without unnecessary delay, certain animal by-products to the specific component material categories in order to create more opportunities and legal certainty for producers and businesses by unlocking the potential to make more use of nutrients from animal by-products such as animal manure.*** Where a manufacturing process regulated under this Regulation starts already before that end point has been reached, the process requirements of both Regulation (EC) No 1069/2009 and this Regulation should apply cumulatively to CE marked fertilising products, which means application of the stricter requirement in case both Regulations regulate the same parameter.

Or. en

Amendment 4

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) For certain recovered wastes within the meaning of Directive 2008/98/EC of the European Parliament and of the Council²⁰, a market demand for their use as fertilising products has been identified. Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE marked fertilising products, those requirements should be laid down in this Regulation. Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC.

Amendment

(13) For certain recovered wastes ***such as struvite, biochar and ash-based products*** within the meaning of Directive 2008/98/EC of the European Parliament and of the Council²⁰, a market demand for their use as fertilising products has been identified. Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE marked fertilising products, those requirements should be laid down in this Regulation. Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste, within the meaning of Directive 2008/98/EC, ***and accordingly it should be possible for products containing or consisting of such recovered waste materials to access the internal market. To ensure legal clarity and to further stimulate the incentive among producers to make more use of valuable waste streams, the scientific analyses and the setting of process requirements on Union level for such products should start immediately after the entry into force of this Regulation. Accordingly, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of defining, without unnecessary delay, larger or additional categories of component materials eligible for the use in the production of CE marked fertilising products such as struvite, biochar and ash-based products.***

²⁰ Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

²⁰ Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Or. en

Amendment 5

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Certain substances, mixtures and micro-organisms, commonly referred to as plant biostimulants, are not as such nutrients, but nevertheless stimulate plants' nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, **or** crop quality traits, they are by nature more similar to fertilising products than to most categories of plant protection products. Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009 of the European Parliament and of the Council²¹. Regulation (EC) No 1107/2009 should therefore be amended accordingly.

²¹ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

Amendment

(15) Certain substances, mixtures and micro-organisms, commonly referred to as plant biostimulants, are not as such nutrients, but nevertheless stimulate plants' nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, crop quality traits, ***degradation of soil organic compounds, or increasing the availability of confined nutrients in soil, rhizosphere or phyllosphere***, they are by nature more similar to fertilising products than to most categories of plant protection products. Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009 of the European Parliament and of the Council²¹. Regulation (EC) No 1107/2009 should therefore be amended accordingly.

²¹ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

Amendment 6**Proposal for a regulation****Recital 15 a (new)**

Text proposed by the Commission

Amendment

(15 a) For micro-organisms, component material categories should be expanded or added in order to guarantee and enhance the innovative potential concerning the development and discovery of new microbial plant biostimulant products. In order to stimulate innovation and to create legal certainty for producers concerning the requirements which have to be fulfilled for the registration of new micro-organisms as an ingredient for CE marked fertilising products, harmonized methods for the safety evaluation of new micro-organisms have to be clearly identified. The preparatory work for defining these safety evaluation methods should start immediately after the entry into force of this Regulation. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to define, without any unnecessary delay, the requirements which producers have to comply with when demonstrating the safety of new micro-organisms in order to be registered for the use in CE marked fertilising products.

Or. en

Amendment 7**Proposal for a regulation****Recital 17 a (new)**

(17 a) Fertilising products which are CE marked in accordance with this Regulation should be afforded equal treatment and not unduly discriminated against by rules laid down in other Union legislation. In order to stimulate the incentive to use fertilising products from recycled and organic materials, technologically neutral rules should apply in order to provide legal clarity to producers who invest in the production of innovative fertilising products and to ensure fair competition between the different categories of fertilising products. Provided that fertilising products containing or consisting of processed animal manure are sufficiently agronomically efficient in order to maintain the environmental objectives of Directive 91/676/EEC^{1a} and that this efficiency is proven by technical documentation which is checked by the mechanisms provided for in this Regulation, it would therefore be unjustified to restrict the application of such fertilising products below the application limits of nitrogen compounds from livestock manure established under Directive 91/676/EEC. Therefore, Directive 91/676/EEC should be amended so as to prevent discrimination of products containing or consisting of processed animal manure.

^{1a} Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources

Or. en

Amendment 8

Proposal for a regulation Recital 18 a (new)

Text proposed by the Commission

Amendment

(18 a) Although digestate should not be subject to registration pursuant to Regulation (EC) No 1907/2006, this is not entirely clear from the wording of Annex V to that Regulation. A revision of that Annex is therefore needed in order to codify the current implementation practice.

Or. en

Amendment 9

Proposal for a regulation Recital 55

Text proposed by the Commission

Amendment

(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, ***and*** fertilising product production from animal by-products, such as biochar. It should be possible for products containing or consisting of such materials to access the internal market ***without unnecessary delay*** when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining larger or additional categories of CE marked fertilising products or component materials eligible for use in the production of such products. For animal by-products, component material categories should be

(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, ***in particular struvite,*** fertilising product production from animal by-products, such as biochar, ***and phosphorus recovery after incineration, in particular ash-based products.*** ***Therefore,*** it should be possible for products containing or consisting of such materials to access the internal market when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining larger or additional categories of CE marked fertilising products or component materials eligible for use in the production of such

expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009, since animal by-products for which no such end point has been determined are in any event excluded from the scope of this Regulation.

products. ***The first of those delegated acts should, in particular, add struvite, biochar and ash-based products to the categories of component materials and should be adopted as soon as possible after the entry into force of this Regulation.*** For animal by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009, since animal by-products for which no such end point has been determined are in any event excluded from the scope of this Regulation.

Or. en

Amendment 10

Proposal for a regulation Article 18

Text proposed by the Commission

A CE marked fertilising product that has undergone a recovery operation ***and complies with the requirements laid down in this Regulation*** shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste.

Amendment

Where a material that was waste has undergone a recovery operation ***in accordance with this Regulation and a compliant CE marked fertilising product contains or consists of that material, the material*** shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste ***from the moment the EU declaration of conformity is drawn up.***

Or. en

Amendment 11

Proposal for a regulation Article 42 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV for the purposes of adapting them to technical progress *and* facilitating internal market access and free movement for CE marked fertilising products

Amendment

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV for the purposes of adapting them to technical progress, *in particular as regards the production of fertilisers from animal by-products and waste recovery products and for* facilitating internal market access and free movement for CE marked fertilising products

Or. en

Amendment 12

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Within one year after the entry into force of this Regulation, the Commission shall adopt a delegated act, in accordance with the first subparagraph, to amend, for the first time, the component material categories set out in Annex II, in particular to add animal by-products, struvite, ash-based products and biochar to those component material categories. In adopting that delegated act, the Commission shall specifically focus on the technological progress which is being made in the recovery of nutrients.

Or. en

Amendment 13

Proposal for a regulation

Article 42 – paragraph 2 – point a

Text proposed by the Commission

(a) name of the micro-organism;

Amendment

(a) name of the micro-organism **by strain level**;

Or. en

Amendment 14

Proposal for a regulation

Article 42 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. For the purposes of paragraph 2, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of defining the requirements for the safety evaluation of new micro-organisms. The first of those delegated acts should be adopted no later than one year after the entry into force of this Regulation.

Or. en

Amendment 15

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) 1107/2009

Article 3 – point 34

Text proposed by the Commission

Amendment

(3) "34. "plant biostimulant" means a product stimulating plant nutrition processes independently of the product's nutrient content with the sole aim of improving one or more of the following characteristics of the plant:

"34. "plant biostimulant" means a product stimulating plant nutrition processes independently of the product's nutrient content with the sole aim of improving one or more of the following characteristics of the plant **and the plant rhizosphere or phyllosphere**:

Or. en

Amendment 16

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) 1107/2009

Article 3 – point 34 – point c a (new)

Text proposed by the Commission

Amendment

(c a) degradation of organic compounds in the soil;

Or. en

Amendment 17

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) 1107/2009

Article 3 – point 34 – point c b (new)

Text proposed by the Commission

Amendment

(c b) increase the availability of confined nutrients in soil, rhizosphere or phyllosphere;

Or. en

Amendment 18

Proposal for a regulation

Article 46 a (new)

Text proposed by the Commission

Amendment

Article 46 a

Amendments to Directive 91/676/EEC

Directive 91/676/EEC is amended as follows:

“(1) Article 2(g) is replaced by the following:

"(g) 'livestock manure': means waste products excreted by livestock or a mixture of litter and waste products excreted by livestock, even in processed form, unless these products are CE marked in accordance with Regulation (EC) XXX^{1a} and have a declared Nitrate Fertiliser Replacement Value of at least 80 % for the application made;"

^{1a} Proposal for a Regulation of the European Parliament and the Council on 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

Or. en

Amendment 19

Proposal for a regulation Article 46 b (new)

Text proposed by the Commission

Amendment

Article 46 b

***Amendments to Regulation (EC) No
1907/2006***

***In Annex V, point 12 is replaced by the
following:***

"12. Compost, biogas and digestate."

Or. en

Amendment 20

Proposal for a regulation Annex I – part 2 – PFC 1(A) – point 1 – subparagraph 2

Text proposed by the Commission

Amendment

of solely biological origin, excluding material which is fossilized or embedded in geological formations.

of solely biological origin, excluding material which is fossilized or embedded in geological formations, ***with the exemption of leonardite, lignite and peat.***

Or. en

Amendment 21

Proposal for a regulation

Annex I – part 2 – PFC 1(A)(II) – point 2 – indent 1

Text proposed by the Commission

Amendment

- 2% by mass of total nitrogen (N),

- 1% by mass of total nitrogen (N),

Or. en

Amendment 22

Proposal for a regulation

Annex I – part 2 – PFC 1(A)(II) – point 2 – indent 3

Text proposed by the Commission

Amendment

- 2% by mass of total potassium oxide (K₂O).

- 1% by mass of total potassium oxide (K₂O).

Or. en

Amendment 23

Proposal for a regulation

Annex I – part 2 – PFC 1(B) – point 1 – subparagraph 2

Text proposed by the Commission

Amendment

of solely biological origin, excluding material which is fossilized or embedded in geological formations.

of solely biological origin, excluding material which is fossilized or embedded in geological formations, ***with the exemption***

of leonardite, lignite and peat.

Or. en

Amendment 24

Proposal for a regulation

Annex I – part 2 – PFC 1(B)(II) – point 2 – indent 1

Text proposed by the Commission

- 2 % by mass of total nitrogen (N), out of which 0,5 % by mass of the CE marked fertilising product shall be organic nitrogen (N), or

Amendment

- 1 % by mass of total nitrogen (N), out of which 0,5 % by mass of the CE marked fertilising product shall be organic nitrogen (N), or

Or. en

Amendment 25

Proposal for a regulation

Annex I – part 2 – PFC 1(B)(II) – point 2 – indent 3

Text proposed by the Commission

- 2 % by mass of total potassium oxide (K₂O).

Amendment

- 1 % by mass of total potassium oxide (K₂O).

Or. en

Amendment 26

Proposal for a regulation

Annex I – part 2 – PFC 1(B)(II) – point 2 a (new)

Text proposed by the Commission

Amendment

2 a. Where the CE marked fertilising product contains more than one nutrient the product shall contain the following declared nutrients in the minimum quantities stated below:

- 1.0% by mass of total nitrogen, of which

0.5% by mass of the CE marked fertilising product shall be organic (N), or

- 1.0% by mass of total phosphorus pentoxide (P₂O₅), or

- 1.0% by mass of total potassium oxide (K₂O), and

- 3.0% by mass of total sum of nutrients.

Or. en

Amendment 27

Proposal for a regulation

Annex I – part 2 – PFC 1(B)(II) – point 3

Text proposed by the Commission

3. Organic carbon (C) shall be present in the CE marked fertilising product by at least **3** % by mass.

Amendment

3. Organic carbon (C) shall be present in the CE marked fertilising product by at least **1** % by mass.

Or. en

Amendment 28

Proposal for a regulation

Annex I – part 2 – PFC 3(A) – point 1

Text proposed by the Commission

1. An organic soil improver shall consist exclusively of material of solely biological origin, excluding material which is fossilized or embedded in geological formations.

Amendment

1. An organic soil improver shall consist exclusively of material of solely biological origin, excluding material which is fossilized or embedded in geological formations, *with the exemption of leonardite, lignite and peat.*

Or. en

Amendment 29

Proposal for a regulation Annex I – part 2 – PFC 3(A) – point 4

Text proposed by the Commission

4. The CE marked fertilising product shall contain **40%** or more dry matter.

Amendment

4. The CE marked fertilising product shall contain **20%** or more dry matter.

Or. en

Amendment 30

Proposal for a regulation Annex I – part 2 – PFC 4 – point 1

Text proposed by the Commission

1. A growing medium shall be a material other than soil *intended for use as a substrate for root development*.

Amendment

1. A growing medium shall be a material other than soil *for plants and mushrooms to grow in*.

Or. en

Amendment 31

Proposal for a regulation Annex I – part 2 – PFC 6 – point 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) degradation of organic compounds in the soil; or

Or. en

Amendment 32

Proposal for a regulation Annex I – part 2 – PFC 6 – point 1 – point c b (new)

Text proposed by the Commission

Amendment

(c b) increase the availability of confined nutrients in soil, rhizosphere and phyllosphere.

Or. en

Amendment 33

Proposal for a regulation

Annex I – part 2 – PFC 6(A) – point 12 – subparagraph 2

Text proposed by the Commission

Amendment

the plant biostimulant shall have a pH superior or equal to 4.

deleted

Or. en

Amendment 34

Proposal for a regulation

Annex II – part 2 – CMC 2 – point 1

Text proposed by the Commission

Amendment

1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone no other processing than cutting, grinding, centrifugation, pressing, drying, freeze-drying or extraction with water.

1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone no other processing than cutting, grinding, centrifugation, ***sieving, milling, centrifugation***, pressing, drying, freeze-drying, ***buffering, extrusion, frost-treatment, radiation, sanitation by using heat***, or extraction with water.

Or. en

Amendment 35

Proposal for a regulation

Annex II – part 2 – CMC 3 – point 2 – indent 1

Text proposed by the Commission

- which **only processes** input materials referred to in paragraph 1 above, and

Amendment

- **in** which **production lines for the processing of** input materials referred to in paragraph 1 above **are clearly separated from production lines for the processing of input materials other than referred to in paragraph 1**, and

Or. en

Amendment 36

Proposal for a regulation

Annex II – part 2 – CMC 7 – indent 1

Text proposed by the Commission

- **have undergone no other processing than drying or freeze-drying and**

Amendment

deleted

Or. en

Amendment 37

Proposal for a regulation

Annex II – part 2 – CMC 7 – indent 2 – introductory part

Text proposed by the Commission

- are listed in the table below:

Amendment

- are listed in the table below:
Azotobacter spp.
Mycorrhizal fungi
Rhizobium spp.
Azospirillum spp.
Bacillus spp.

Amendment 38**Proposal for a regulation****Annex II – part 2 – CMC 10 – point 2 – introductory part***Text proposed by the Commission*

2. As of [Publications office, please insert the date occurring **three** years after the date of application of this Regulation], the **following criterion shall be complied with: The polymer shall be capable of undergoing physical, biological decomposition, such that most of it ultimately decomposes into carbon dioxide (CO₂), biomass and water. It shall have at least 90 % of the organic carbon converted into CO₂ in maximum 24 months, in a biodegradability test as specified points (a)-(c) below.**

Amendment

2. As of [Publications office, please insert the date occurring **five** years after the date of application of this Regulation], the **Commission shall adopt delegated acts, pursuant to Article 42 (1) of this Regulation, introducing**

(a) a standard for the biodegradability by setting a timeframe in which at least 90% of the organic carbon is converted into CO₂, after the claimed release time of the polymer has been fulfilled, and

(b) a biodegradability test

that complies with the following criterion: the polymer is capable of undergoing physical, biological decomposition, such that most of it ultimately decomposes into carbon dioxide (CO₂), biomass and water.

Or. en

Amendment 39**Proposal for a regulation****Annex II – part 2 – CMC 10 – point 2 – point a***Text proposed by the Commission*

(a) The test shall be conducted at

Amendment

deleted

25°C ± 2°C.

Or. en

Amendment 40

Proposal for a regulation

Annex II – part 2 – CMC 10 – point 2 – point b

Text proposed by the Commission

Amendment

(b) *The test shall be conducted in accordance with a method for determining the ultimate aerobic biodegradability of plastic materials in soils by measuring oxygen demand or the amount of carbon dioxide evolved.* **deleted**

Or. en

Amendment 41

Proposal for a regulation

Annex II – part 2 – CMC 10 – point 2 – point c

Text proposed by the Commission

Amendment

(c) *A micro-crystalline cellulose powder with the same dimension as the test material shall be used as a reference material in the test.* **deleted**

Or. en

Amendment 42

Proposal for a regulation

Annex II – part 2 – CMC 10 – point 2 – point d

Text proposed by the Commission

Amendment

(d) *Prior to the test, the test material shall not be subject to conditions or* **deleted**

procedures designed to accelerate the degradation of the film, such as exposure to heat or light.

Or. en

Amendment 43

Proposal for a regulation Annex II – part 2 – CMC 10 – point 3 a (new)

Text proposed by the Commission

Amendment

3 a. A CE marked fertilising product containing polymers other than nutrient polymers shall be exempted from the requirements set out in paragraphs 1, 2 and 3 under the condition that the polymers are solely used as binding material for the fertilising product and they are not in contact with the soil.

Or. en

Amendment 44

Proposal for a regulation Annex III – part 1 – point 8 a (new)

Text proposed by the Commission

Amendment

8 a. The term "Nitrate Fertiliser Replacement Value" or similar may only be used if the fertilising products contains or consists of processed animal manure, and if the value indicates the product's performance compared with calcium ammonium nitrate with regard to nitrate losses to water at the recommended use(s).

Or. en

Amendment 45

Draft legislative resolution Annex III – Part 3 – table 7

Text proposed by the Commission

PFC3: SOIL IMPROVER

Forms of the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
pH	± 0,7 at the time of manufacture
	± 1,0 at any time in the <i>distribution</i> chain
Organic carbon (C)	± 10% relative deviation of the declared value up to a maximum of 1,0 percentage points in absolute terms
Total nitrogen (N)	± 20% relative deviation up to a maximum of 1,0 percentage point in absolute terms
Total phosphorus pentoxide (P ₂ O ₅)	± 20% relative deviation up to a maximum of 1,0 percentage point in absolute terms
Total potassium oxide (K ₂ O)	± 20% relative deviation up to a maximum of 1,0 percentage point in absolute terms
Dry matter	± 10% relative deviation of the declared value
Quantity	-5% relative deviation of the declared value at the time of manufacture
	-25% relative deviation of the declared value at any time in the <i>distribution</i> chain
Carbon (C) org /Nitrogen (N) org	± 20% relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms
Granulometry	± 10 % relative deviation applicable to the declared percentage of material passing a specific sieve.

Amendment

PFC3: SOIL IMPROVER

Forms of the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
pH	± 0,7 at the time of manufacture
	± 1,0 at any time in the <i>manufacturing</i> chain
Organic carbon (C)	± 10% relative deviation of the declared value up to a maximum of 1,0 percentage points in absolute terms
Total nitrogen (N)	± 20% relative deviation up to a maximum of 1,0 percentage point in absolute terms
Total phosphorus pentoxide (P ₂ O ₅)	± 20% relative deviation up to a maximum of 1,0 percentage point in absolute terms
Total potassium oxide (K ₂ O)	± 20% relative deviation up to a maximum of 1,0 percentage point in absolute terms
Dry matter	± 10% relative deviation of the declared value
Quantity	-5% relative deviation of the declared value at the time of manufacture
	-25% relative deviation of the declared value at any time in the <i>manufacturing</i> chain
Carbon (C) org /Nitrogen (N) org	± 20% relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms
Granulometry	± 10 % relative deviation applicable to the declared percentage of material passing a specific sieve.

Or. en

Amendment 46

Draft legislative resolution Annex III – Part 3 – table 8

Text proposed by the Commission

PFC 4: GROWING MEDIUM

Forms for the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
Electric conductivity	$\pm 50\%$ relative deviation at the time of manufacture
	$\pm 75\%$ relative deviation at any time in the <i>distribution</i> chain
pH	$\pm 0,7$ at the time of manufacture
	$\pm 1,0$ at any time in the <i>distribution</i> chain
Quantity by volume (litres or m ³)	-5% relative deviation at the time of manufacture
	-25% relative deviation at any time in the <i>distribution</i> chain
Quantity (volume) determination of materials with particle size greater than 60 mm	-5% relative deviation at the time of manufacture
	-25% relative deviation at any time in the <i>distribution</i> chain
Quantity (volume) determination of pre-shaped GM	-5% relative deviation at the time of manufacture
	-25% relative deviation at any time in the <i>distribution</i> chain
Water-soluble nitrogen (N)	$\pm 50\%$ relative deviation at the time of manufacture
	$\pm 75\%$ relative deviation at any time in the <i>distribution</i> chain
Water-soluble phosphorus pentoxide (P ₂ O ₅)	$\pm 50\%$ relative deviation at the time of manufacture
	$\pm 75\%$ relative deviation at any time in the

	<i>distribution</i> chain
Water-soluble potassium oxide (K ₂ O)	± 50% relative deviation at the time of manufacture
	± 75% relative deviation at any time in the <i>distribution</i> chain

Amendment

PFC 4: GROWING MEDIUM

Forms for the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
Electric conductivity	± 50% relative deviation at the time of manufacture
	± 75% relative deviation at any time in the <i>manufacturing</i> chain
pH	± 0,7 at the time of manufacture
	± 1,0 at any time in the <i>manufacturing</i> chain
Quantity by volume (litres or m ³)	-5% relative deviation at the time of manufacture
	-25% relative deviation at any time in the <i>manufacturing</i> chain
Quantity (volume) determination of materials with particle size greater than 60 mm	-5% relative deviation at the time of manufacture
	-25% relative deviation at any time in the <i>manufacturing</i> chain
Quantity (volume) determination of pre-shaped GM	-5% relative deviation at the time of manufacture
	-25% relative deviation at any time in the <i>manufacturing</i> chain
Water-soluble nitrogen (N)	± 50% relative deviation at the time of manufacture
	± 75% relative deviation at any time in the <i>manufacturing</i> chain

Water-soluble phosphorus pentoxide (P ₂ O ₅)	± 50% relative deviation at the time of manufacture
	± 75% relative deviation at any time in the <i>manufacturing</i> chain
Water-soluble potassium oxide (K ₂ O)	± 50% relative deviation at the time of manufacture
	± 75% relative deviation at any time in the <i>manufacturing</i> chain

Or. en