



2016/0084(COD)

2.6.2017

OPINION

of the Committee on the Environment, Public Health and Food Safety

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: Elisabetta Gardini

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

PA_Legam

SHORT JUSTIFICATION

Context

Fertilising products are used to feed plants and improve plant growth, mainly in agriculture. They can be grouped into two broad groups: fertilisers, which provide nutrients to plants, and other products, whose primary objective is to promote plant growth through other means. As the world population keeps increasing, fertilisers deliver key benefits thanks in particular to increased crop yields. However, some challenges in terms of the environment, public health and food safety are associated with fertiliser use.

According to Commission estimates, the fertilising products sector has an annual turnover ranging from €20 to €25 billion and accounts for about 100 000 jobs; SMEs represent 90% of companies. An in house study published in 2015 also highlighted that in most EU Member States, fertilisers account for about 10% of farmers' costs, although the figure can be as high as 20% in Ireland and as low as 3.6% in Malta.

Current legal framework

The 2003 Fertilisers Regulation (Regulation (EC) No 2003/2003) defines different types of fertilisers, which have been approved as 'EC fertilisers' and can circulate freely on the EU market. Although the current regulation covers various types of fertilisers, current 'EC fertilisers' are essentially conventional and mineral fertilisers sourced from primary raw materials, some of which require energy and CO₂-intensive production processes. In addition, the Regulation does not include limits to the content of heavy metals and other contaminants, such as pathogens and physical impurities.

In March 2016, the Commission put forward a legislative proposal on fertilising products, as part of the Circular Economy package. The proposal covers a wider range of fertilising products (including those manufactured from secondary raw materials), and also sets limits on heavy metals and contaminants present in fertilising products.

Position of the rapporteur

The rapporteur welcomes the proposal put forward by the Commission as it will allow all fertilisers to access the internal market and put into practice the principles of the Circular Economy. The rapporteur also considers that covering all types of fertilising products - and not only the mineral ones - in EU legislation is an extremely positive step forward. It will contribute to creating a more complete internal market and it will help and strengthen SMEs' investments in the Circular Economy.

However, it is also of crucial importance, to set realistic and achievable targets, to ensure that the limits and requirements can be complied with. Priority should be given to the protection of human and animal health and of the environment, but this should be balanced with the socio-economic impacts these measures might have. In addition, it is important to safeguard food security and ensure that the food supply can still meet the demands of a constantly growing population. The new rules should have a strong scientific basis and be based on robust risk assessments, rather than only on the precautionary principle, which would lead to unjustified restrictions and unfairly ban some products from the internal market. Unless there is robust scientific data concluding that there are risks posed to the environment or human and animal

health, technically unrealistic requirements should not be set. This approach has been adopted by the rapporteur on the proposal and in particular on the issue of contaminants.

Among contaminants, the issue of cadmium (Cd) is of particular importance. Cadmium, present mostly in mineral phosphate fertilisers, raises particular concerns as it can accumulate in soils, transfer to foodstuffs and potentially lead to adverse effects on health, soil biodiversity and groundwater quality - without bringing any benefit to plants. Cadmium content in phosphate fertilisers depends on the phosphate rock used, as it is present in the rock and is not released, even after the production process. Cadmium content in phosphate rocks varies from under 10 mg Cd/kg phosphorus (P_2O_5) to 200 mg/kg, depending on where it is mined. The Commission proposal introduces a gradual reduction of the maximum level of metal impurity from 60 mg Cd/kg P_2O_5 to 40 mg Cd/kg after three years, and to 20 mg Cd/kg after 12 years. These would be the most restrictive limits in the world: Japan, Australia, California and New Zealand have higher Cd limits - whereas currently there are no limits in the EU.

Fertiliser products in the EU are produced using a wide variety of long-established methods, many of which are fully in line with the Circular Economy principles. It is therefore important to ensure that these production methods can be maintained and that rules that run counter to them are not established.

In addition, the rapporteur is committed to ensuring the harmonisation between the rules applicable to different fertiliser categories to ensure that high quality products and many more choices are available to the farmers.

Some fertilisers, defined as "dual use" products, are made of the same chemical compounds as crop protection products. In the Commission proposal, there is no reference to these products and this should be corrected to ensure a clear distinction between the two categories, which have different characteristics.

The Commission also proposes to exclude organic organo-mineral fertilisers and biostimulants made from animal by-products (ABPs) from the scope of the Regulation. In addition, the only ABPs that could be commercialised as CE marked are those that have reached the so-called "end-point" to avoid the fraudulent use of ABPs as animal feed. However, ABPs that have not reached the end-point have to comply with very strict requirements and therefore it should also be possible for these ABPs to be commercialised at EU level.

In addition to these issues, several terms and definitions should be improved in order to better reflect technological progress and in particular in relation to innovative products, such as biostimulants.

There is also a need to ensure that clearer information is provided to farmers and consumers. This should be done by specifying the nutrients available in a given mineral fertiliser and by improving the general labelling requirements specified in Annex III. This would allow farmers and consumers to optimise the use of the fertilisers, and thus reduce the environmental impact of these products.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety 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

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)

Amendment

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, (EC) No 1107/2009 *and*
Directive 91/676/EEC

(Text with EEA relevance)

Justification

It is essential to make a link between the trade in fertilisers and their use, in other words between this regulation and the nitrates directive. If trading and use are kept totally separate, this regulation risks not achieving its objective, because in that case it would be possible for Member States or regions, using the rules on the use of fertilisers, to prevent certain fertilisers, such as compost from organic waste, being used in practice.

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,

AD\1126962EN.docx

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,

5/64

PE597.640v02-00

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 3

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

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. ***Promoting increased use of recycled nutrients would further contribute to the circular economy and allow a more resource-efficient overall use of nutrients, while lowering Union dependency on nutrients from third countries.*** 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

(1a) This Regulation should foster the goals of the circular economy, provided it ensures at the same time that farmers have a secure supply of highly efficient fertilisers. The Commission should present the European Parliament and the Council with a report that takes stock of the application of this Regulation by ... [OJ please insert the date: five years after its entry into force].

Amendment 4

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) Contaminants in CE marked fertilising products, such as cadmium, ***can potentially*** pose a risk to human and animal health and the environment as they accumulate in the environment and enter the food chain. Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.

Amendment

(8) Contaminants in CE marked fertilising products, such as cadmium, pose a risk to human and animal health and the environment as they accumulate in the environment and enter the food chain. ***Several Member States already impose contaminant levels for cadmium due to the risk cadmium poses to human and animal health and to the environment.*** Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.

Amendment 5

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Member States which already have more stringent national limit values for cadmium in fertilisers should be allowed to maintain those limit values until the rest of the Union reaches an equivalent level of ambition.

Amendment 6

Proposal for a regulation

Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) A cadmium content labelling requirement for CE marked fertilising products, to show the actual cadmium (Cd) content in mg/kg phosphorus

pentoxide (P₂O₅), should be introduced throughout the Union. That requirement could take the form of a clearly visible colour-coded label on the product so that users can immediately tell whether they are using a product with higher or lower cadmium content. It should be possible to introduce special indications for fertilising products with an actual cadmium content equal to or lower than 20 mg/kg phosphorus pentoxide (P₂O₅).

Amendment 7

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) In order to take advantage of technical progress concerning the potential use of animal by-products, the relevant component material category should be further expanded without undue delay by including more animal by-products. That expanded component material category could help create more opportunities and legal certainty for producers and businesses by unlocking the potential to make better use of nutrients from animal by-products such as animal manure. Consequently, the power to adopt delegated 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 the addition, without undue delay, of certain animal by-products to specific component material categories.

Amendment 8

Proposal for a regulation

Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) For animal by-products already widely used in Member States for the production of fertilisers, such as processed animal manure, the end point should be determined without undue delay, and at the latest by ... [OJ please insert the date: six months after the date of entry into force of this Regulation].

Amendment 9

Proposal for a regulation

Recital 13

Text proposed by the Commission

Amendment

(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.

(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. ***In order to take advantage of the technical developments and to further incentivise innovation in the recovery of valuable waste streams,***

the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) to add or expand the relevant component material categories, so as to include more recovered waste eligible for use in the production of CE-marked fertilising products, such as struvite, biochar and ash-based products. The proper assessment and setting of processing requirements should start immediately after the entry into force of this Regulation.

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).

Amendment 10

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.

Amendment

(15) Certain substances, ***micro-organisms and mixtures thereof***, commonly referred to as plant biostimulants, are not ***necessarily nutrients***, but nevertheless stimulate plants' ***general vigour and*** nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, ***nutrient availability*** tolerance to abiotic stress, ***plant*** quality traits, ***degradation of soil organic matter, or at increasing the availability of confined nutrients in the soil or the rhizosphere, or yield***, 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).

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 11

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) This Regulation should not prevent the application of existing Union legislation relating to aspects of protection of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC²², Council Directive 89/391/EEC²³, Regulation (EC) No 1907/2006 of the European Parliament and of the Council²⁴, Regulation (EC) No 1272/2008 of the European Parliament and of the Council²⁵, Commission Regulation (EC) No 1881/2006²⁶, Council Directive 2000/29/EC²⁷, Regulation (EU) No 98/2013 of the European Parliament and of the Council²⁸, and Regulation (EU) No 1143/2014 of the European Parliament and of the Council²⁹.

²² Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture

Amendment

(17) This Regulation should not prevent the application of existing Union legislation relating to aspects of protection of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC²², Council Directive **91/676/EEC^{22a}**, **Council Directive 2000/60/EC^{22b}**, Council Directive 89/391/EEC²³, Regulation (EC) No 1907/2006 of the European Parliament and of the Council²⁴, Regulation (EC) No 1272/2008 of the European Parliament and of the Council²⁵, Commission Regulation (EC) No 1881/2006²⁶, Council Directive 2000/29/EC²⁷, Regulation (EU) No 98/2013 of the European Parliament and of the Council²⁸, and Regulation (EU) No 1143/2014 of the European Parliament and of the Council²⁹ **and Council Regulation (EC) No 834/2007^{29a}**.

²² Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture

(OJ L 181, 4.7.1986, p. 6).

²³ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

²⁴ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p. 1).

²⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).

²⁶ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

²⁷ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

²⁸ Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).

²⁹ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and

(OJ L 181, 4.7.1986, p. 6).

^{22a} ***Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).***

^{22b} ***Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22/12/2000, p. 1).***

²³ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

²⁴ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p. 1).

²⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).

²⁶ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

²⁷ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

²⁸ Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).

²⁹ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and

management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

29^a Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products (OJ L 189, 20.7.2007, p. 1) .

Justification

The scope of the fertilising regulation is solely to guarantee the functioning of the internal market and to partially harmonise the conditions for placing in the market of CE marked fertilising products that can be traded in the internal market. The Nitrate Directive, the Water Framework Directive (2000/60/EC) and the Council Regulation (EC) on organic production and labelling of organic products (No 834/2007) should fall outside the scope of placing in the market of the fertilising regulation.

Amendment 12

Proposal for a regulation

Recital 55

Text proposed by the Commission

(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 expanded or added only to the extent an end point in the manufacturing chain has

Amendment

(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 from ash-based products, and considering that such products are already authorised in several Member States under national law***. It should be possible for products containing or consisting of such materials to access the internal market without ***undue*** 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 ***TFEU*** 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

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. ***In particular, a delegated act adding struvite, biochar and ash-based products to the categories of component materials should be adopted without undue delay 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.

Amendment 13

Proposal for a regulation Recital 56

Text proposed by the Commission

(56) Furthermore, it should be possible to react immediately to new findings regarding the conditions for CE marked fertilising products to be sufficiently effective and to new risk assessments regarding human, animal or plant health, safety or the environment. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the requirements applicable to various categories of CE marked fertilising products.

Amendment

(56) Furthermore, it should be possible to react immediately to new findings regarding the conditions for CE marked fertilising products to be sufficiently effective and to new risk assessments regarding human, animal or plant health, safety or the environment, ***taking into account assessments made by or in cooperation with authorities in the Member States.*** For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the requirements applicable to various categories of CE marked fertilising products.

Amendment 14

Proposal for a regulation Recital 59 a (new)

Text proposed by the Commission

Amendment

(59a) Provisions should be adopted to permit the continued use of products placed on the market in the context of

mutual recognition under Regulation EC No 764/2008 of the European Parliament and of the Council^{1a}.

^{1a} Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC (OJ L 218, 13.8.2008, p. 21).

Amendment 15

Proposal for a regulation

Article 1 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Directive 91/676/EEC;

Justification

The scope of the fertilising regulation is solely to guarantee the functioning of the internal market and to partially harmonise the conditions for placing in the market of CE marked fertilising products that can be traded in the internal market. Whereas the scope of the nitrates directive is the protection of water from agricultural pollution through certain restrictions of use of nutrients harmonised at EU level in already polluted areas. Amending the restriction on use in polluted areas included in the nitrates directive should fall outside of the scope of placing in the market of the fertilising regulation.

Amendment 16

Proposal for a regulation

Article 1 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) Directive 2000/60/EC;

Justification

The scope of the fertilising regulation is solely to guarantee the functioning of the internal market and to partially harmonise the conditions for placing in the market of CE marked

fertilising products that can be traded in the internal market. The water framework directive on good quality water in Europe (2000/60/EC) should fall outside of the scope of placing in the market of the fertilising regulation.

Amendment 17

Proposal for a regulation

Article 1 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) Regulation (EC) No 834/2007.

Justification

Important to recognize organic agriculture and its particularities in the scope of fertiliser regulation.

Amendment 18

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

(1) ‘fertilising product’ means a substance, mixture, micro-organism or any other material, applied or intended to be applied, either on its own or mixed with another material, on plants or their ***rhizosphere*** for the purpose of ***providing*** plants ***with nutrient or*** improving their nutrition efficiency;

(1) ‘fertilising product’ means a substance, mixture, micro-organism or any other material applied or intended to be applied, either on its own or mixed with another material, ***on fungi or their mycosphere or*** on plants ***at any growth stage, including seeds, and/or rhizosphere,*** for the purpose of ***providing plants or fungi with nutrients or of improving their physical or biological growth conditions or their general vigour, yields and quality by enhancing*** their nutrition efficiency, ***including by increasing the ability of the plant to take up nutrients from the phyllosphere (with the exception of plant protection products covered by Regulation (EC) No 1107/2009).***

Amendment 19

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Member States shall not impede the making available on the market of CE marked fertilising products which comply with this Regulation.

Amendment

Member States shall not impede the making available on the market of CE marked fertilising products which comply with this Regulation ***for reasons of composition, labelling or other provisions of this Regulation. Concerning the use of CE marked fertilising products, Member States may maintain or adopt national provisions for the purpose of protecting human health and the environment. However, those provisions shall not require modification of CE marked fertilising products which are in compliance with this Regulation. Also, those provisions shall not influence the conditions for making them available on the market.***

Amendment 20

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall simultaneously with the publication of this Regulation in the Official Journal of the European Union publish a guidance document giving clarity and examples to manufacturers and market surveillance authorities about the appearance of the label. This guidance document shall also specify other relevant information as referred to in point d of paragraph 2 of part I of Annex III.

Justification

In order to provide a clear information to the farmers and to avoid incorrect fertiliser applications with negative consequences for the environment, concrete requirements and visual aspects of labels for mineral fertilisers should be provided by the European Commission in a guidance document.

Amendment 21

Proposal for a regulation

Article 6 – paragraph 9

Text proposed by the Commission

9. Manufacturers shall, further to a **reasoned** request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the CE marked fertilising product with this Regulation, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by CE marked fertilising products which they have placed on the market.

Amendment

9. Manufacturers shall, further to a request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the CE marked fertilising product with this Regulation, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by CE marked fertilising products which they have placed on the market.

Amendment 22

Proposal for a regulation

Article 6 – paragraph 10 – subparagraph 1 – point a

Text proposed by the Commission

(a) straight or compound solid **inorganic** macronutrient ammonium nitrate fertilisers of high nitrogen content, as specified in product function category 1(C)(I)(a)(i-ii)(A) in Annex I;

Amendment

(a) straight or compound solid **mineral** macronutrient ammonium nitrate fertilisers of high nitrogen content, as specified in product function category 1(C)(I)(a)(i-ii)(A) in Annex I;

(This amendment from "inorganic fertiliser" to "mineral fertiliser" applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Amendment 23

Proposal for a regulation

Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) further to a **reasoned** request from a

Amendment

(b) further to a request from a

competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a CE marked fertilising product;

competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a CE marked fertilising product;

Amendment 24

Proposal for a regulation Article 9 – paragraph 5

Text proposed by the Commission

5. Distributors shall, further to a **reasoned** request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the CE marked fertilising product. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by CE marked fertilising products which they have made available on the market.

Amendment

5. Distributors shall, further to a request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the CE marked fertilising product. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by CE marked fertilising products which they have made available on the market.

Amendment 25

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

(1) **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

(1) **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 Union declaration of conformity is drawn up.**

Amendment 26

Proposal for a regulation

Article 23 – paragraph 3 – subparagraph 2

Text proposed by the Commission

A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, or use of CE marked fertilising products which it assesses, may, ***on condition that its independence and the absence of any conflict of interest are demonstrated***, be considered such a body.

Amendment

A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, or use of CE marked fertilising products which it assesses, may ***not*** be considered such a body.

Amendment 27

Proposal for a regulation

Article 23 – paragraph 8 – subparagraph 1

Text proposed by the Commission

The impartiality of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.

Amendment

The impartiality of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.
Appropriate protection shall be ensured for employees who report breaches committed within conformity assessment bodies against, at a minimum, retaliation, discrimination or any other type of unfair treatment.

Amendment 28

Proposal for a regulation

Article 33 – paragraph 2

Text proposed by the Commission

2. Notified bodies shall provide the other bodies notified under this Regulation carrying out similar conformity assessment activities covering the same CE marked

Amendment

2. ***Without prejudice to existing Union rules on data protection and confidentiality of business information and the protection of tests and studies***

fertilising products with relevant information on issues relating to negative and, on request, positive conformity assessment results.

submitted for conformity assessment, notified bodies shall provide the other bodies notified under this Regulation carrying out similar conformity assessment activities covering the same CE marked fertilising products with relevant information on issues relating to negative and, on request, positive conformity assessment results.

Justification

Without this addition, Article 33 (2) implies that Notified Bodies may share applicants' data among themselves without restriction, which could impair data protection.

Amendment 29

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 or which are used by manufacturers as by-products from or co-products of other industrial and/or agricultural processes, as well as recycled products, taking into account products and materials that have already been authorised in Member States, and for the facilitation of*** internal market access and free movement for CE marked fertilising products:

Amendment 30

Proposal for a regulation

Article 42 – paragraph 1 – point a

Text proposed by the Commission

(a) which **are likely** to be subject of significant trade on the internal market, and

Amendment

(a) which **have potential** to be subject of significant trade on the internal market, and

Amendment 31

Proposal for a regulation

Article 42 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without undue delay after the entry into force of this Regulation, the Commission shall adopt a delegated act, in accordance with paragraph 1, to amend the component material categories set out in Annex II to add in particular animal by-products, struvite, biochar and ash-based products to those component material categories, as well as to lay down the requirements for the inclusion of those products in those categories. The Commission shall specifically take into account technological progress in the recovery of nutrients.

Amendment 32

Proposal for a regulation

Article 42 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. By [OJ please insert the date: six months after the date of publication of this Regulation], the Commission shall adopt a delegated act in accordance with paragraph 1 to amend Annex II in order to insert the end-points in the manufacturing chain that have been

determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009, with regard to the animal by-products listed in CMC11 of this Regulation.

Amendment 33

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, *to the strain level*;

Justification

Different strains of the same species may have extremely different properties.

Amendment 34

Proposal for a regulation Article 42 – paragraph 2 – point d

Text proposed by the Commission

(d) taxonomic relation to micro-organism species fulfilling the requirements for a Qualified Presumption of Safety as established by the European Food Safety *Agency*;

Amendment

(d) taxonomic relation to micro-organism species fulfilling the requirements for a Qualified Presumption of Safety as established by the European Food Safety *Authority*;

Amendment 35

Proposal for a regulation Article 42 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 with regard to setting out requirements for the safety evaluation of new micro-organisms for the purpose of paragraph 2. The first of

those delegated acts shall be presented to the European Parliament and to the Council no later than ... [OJ please insert the date: one year after the entry into force of this Regulation].

Justification

There is much innovation and development possible for the use of micro-organisms in fertilising products. Therefore it is important to ensure that this Regulation, as much as possible, enables development and innovation in this field. Facilitating the inclusion of more micro-organisms in this Regulation is one important step in this regard.

Amendment 36

Proposal for a regulation

Article 42 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *With regard to Part II of Annex I, the empowerment to adopt delegated acts in accordance with paragraphs 1 and 4 excludes adaptations to the contaminant limits specified therein, unless new contaminant limits are necessary as a consequence of adding new component materials under Annex II. When new contaminant limits are set, those limits shall only apply to the new component materials added.*

Amendment 37

Proposal for a regulation

Article 42 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. *The Commission shall review Part II of Annex I by ... [OJ please insert the date: ten years after the entry into force of this Regulation] or in case there is any new relevant scientific information available as regards the toxicity and carcinogenicity of relevant contaminants or any new technological progress and*

innovation in the field of production and use of fertilising products.

Justification

Requirements related to contaminant of product function categories shall be exempted from the powers delegated to the European Commission and reviewed via the ordinary legislative procedure given that one of the objectives of the new regulation is to address environmental concerns arising from contamination by EC-fertilisers of soil, inland waters, sea waters and ultimately food, thus making it a primary concern for human health.

Amendment 38

Proposal for a regulation

Article 45 – paragraph 1 – point 1 a (new)

Regulation (EC) No 1069/2009

Article 5 – paragraph 2 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) in paragraph 2, the following subparagraph is added after the first subparagraph:

“For derived products falling under the scope of Article 32 that are already widely used in Member States for the production of fertilisers, the Commission shall determine such an end-point by [Publications office, please insert the date occurring six months after the date of publication of the Fertilisers Regulation]”.

Amendment 39

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) 1107/2009

Article 3 – point 34 – introductory part

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

(3) "34."plant biostimulant" means a product ***containing any substance or micro-organism*** stimulating plant nutrition processes independently of ***its*** nutrient content, ***or any combination of such***

characteristics of the plant:

substances and/or micro-organisms, with the sole aim of improving one or more of the following characteristics of the plant ***or the plant rhizosphere***:

Amendment 40

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

(ca) degradation of organic matter in the soil;

Amendment 41

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

(cb) increase the availability of nutrients confined in the soil or the rhizosphere.

Amendment 42

Proposal for a regulation

Article 46 a (new)

Directive 91/676/EEC

Article 2 – point g

Text proposed by the Commission

Amendment

Article 46a

Amendment of Directive 91/676/EEC

In Directive 91/676/EEC point (g) of Article 2 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 have undergone a processing in accordance with Regulation (EC) No 1069/2009 and have reached a nitrate fertiliser replacement value of at least 90%."

Justification

It is important to provide a link between this regulation and the Nitrates Directive.

Amendment 43

Proposal for a regulation

Article 46 b (new)

Regulation (EC) No 1907/2006

Annex V – point 12

Text proposed by the Commission

Amendment

Article 46b

Amendment to Regulation (EC) No 1907/2006

Point 12 in Annex V is replaced by the following:

"12. Compost, biogas and digestate"

Justification

In order to support innovation and development in the circular economy regulatory certainty is essential. The following suggested amendment consolidate the wide spread implementation practice of Regulation (EC) No 1907/2006 (REACH) that digestates are not subject to registration under that Regulation.

Amendment 44

Proposal for a regulation

Article 48 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States which have already implemented a lower limit for cadmium

(Cd) content in organo-mineral fertilisers and inorganic fertilisers, set out in PFC 1 (B)(3)(a) and PFC 1 (C)(I)(2)(a) of Part II of Annex I may maintain that stricter limit until the limit established according to this Regulation is equal or lower. Member States shall notify such existing national measures to the Commission by ... [[OJ please insert the date: six months after the date of entry into force of this Regulation].

Amendment 45
Proposal for a regulation
Article 49 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *By way of derogation from paragraph 2 of this Article, Articles 42 and 45 shall apply from ... [OJ please insert the date: the date of entry into force of the Regulation].*

Amendment 46
Proposal for a regulation
Annex I – part I – point 5 – point A – point I a (new)

Text proposed by the Commission

Amendment

Ia. ***Denitrification inhibitor***

Justification

It is necessary to add the denitrification inhibitor in the “Agronomic additive category”. Denitrification inhibitors are fundamental substances which aim to prevent atmospheric pollution by reducing the formation of dinitrogen from products such as livestock manure and bio-digestate.

Amendment 47

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 1

Text proposed by the Commission

An organic fertiliser shall contain

- carbon (C) and
- nutrients

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

Amendment

An organic fertiliser shall contain

- **organic** carbon (**Corg**) and
- nutrients

of solely biological origin, **such as peat, including leonardite, lignite and substances obtained from those materials, but** excluding **other materials** which **are** fossilized or embedded in geological formations.

Amendment 48

Proposal for a regulation

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

Text proposed by the Commission

- Cadmium (Cd) **1,5** mg/kg dry **matter,**

Amendment

- Cadmium (Cd) **1.0** mg/kg dry **mater**

Justification

Given the fact that one of the intentions of the current regulation is to reduce the usage of organo-mineral and inorganic fertilisers and increase the usage of organic fertilisers in the EU market, it is of utmost importance that we aim to reduce as much as possible the accumulation in EU arable soil of carcinogenic substances like Cadmium. Cadmium is, since 2014 on the Candidate List given its known carcinogenic classification as C1A (known carcinogen in humans) under the REACH Regulation.

Amendment 49

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 2 – indent 5

Text proposed by the Commission

- Lead (Pb) **120** mg/kg dry matter, and

Amendment

- Lead (Pb) **20** mg/kg dry matter, and

Justification

The French Food Security Agency (ANSES) has concluded in a 2016 report that levels for Lead found in baby and child food are of extreme risk and non-acceptable and should immediately be lowered. Similarly, the European Commission's study of the Joint Research Centre and the Institute for Reference Materials and Measurements in which the total lead in baby food in Europe was determined, Lead was found as very problematic substance for babies' intake. Given the fact that presence of lead in fertilisers easily contaminates crops for human consumption, as it was confirmed by EFSA's study on Lead dietary exposure in the European population, maximum limits for this toxic contaminant in contaminants should drastically be lowered for all fertilisers, including organic ones

Amendment 50

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 2 – indent 6

Text proposed by the Commission

- Biuret (C₂H₅N₃O₂) **12 g/kg dry matter.**

Amendment

- Biuret (C₂H₅N₃O₂) **under detection limit.**

Justification

It is necessary to fix a low limit for biuret (chemical complex present in urea) in order to avoid fraudulent uses of urea that, thanks to its low price, could be used as substitute for organic matter.

Amendment 51

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 3

Text proposed by the Commission

3. ***Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.***

Amendment

3. ***Pathogens must not be present in the organic fertiliser in a concentration of more than the respective limits outlined in the table below:***

<i>Micro-organism to be tested</i>	<i>Sampling plans</i>			<i>Limit</i>
	<i>n</i>	<i>c</i>	<i>m</i>	<i>M</i>
<i>Salmonella spp</i>	5	0	0	Absence in 25g or 25ml

<i>Escherichia coli</i> or <i>Enterococcaceae</i>	5	5	0	1000 in 1g or 1ml
--	---	---	---	-------------------

where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100g or 100ml of the organic fertiliser.

Amendment 52

Proposal for a regulation

Annex I – part II – PFC 1(A) (I) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *The CE marked fertilising product shall contain at least one of the following declared nutrients: nitrogen (N), phosphorus pentoxide (P₂O₅) or potassium oxide (K₂O).*

Amendment 53

Proposal for a regulation

Annex I – part II – PFC 1(A) (II) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *The CE marked fertilising product shall contain at least one of the following declared nutrients: nitrogen (N), phosphorus pentoxide (P₂O₅) or potassium oxide (K₂O).*

Amendment 54

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Amendment 55

Proposal for a regulation

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

Text proposed by the Commission

Amendment

- 1% by mass of total phosphorus pentoxide (P₂O₅), or

- 0,5% by mass of total phosphorus pentoxide (P₂O₅), **and/or**

Amendment 56

Proposal for a regulation

Annex I – part II – PFC 1(B) – paragraph 1

Text proposed by the Commission

Amendment

1. An organo-mineral fertiliser shall be a co-formulation of

- one or more **inorganic** fertilisers, as specified in PFC 1(C) below, and
- **a material** containing organic carbon (**C**) and
- nutrients of solely biological origin, excluding **material** which **is** fossilized or embedded in geological formations.

1. An organo-mineral fertiliser shall be a co-formulation of

- one or more **mineral** fertilisers, as specified in PFC 1(C) below, and
- **one or more materials** containing organic carbon (**Corg**) and
- nutrients of solely biological origin, **such as peat, including leonardite, lignite and substances obtained from those materials, but** excluding **other materials** which **are** fossilized or embedded in geological formations.

Amendment 57

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(1) Where the CE marked fertilising product has a total phosphorus (P) content

(1) Where the CE marked fertilising product has a total phosphorus (P) content

of less than 5 % phosphorus pentoxide (P₂O₅)-equivalent by mass: 3 mg/kg dry matter, or

(2) Where the CE marked fertilising product has a total phosphorus (P) content of 5 % phosphorus pentoxide (P₂O₅)-equivalent or more by mass ('phosphate fertiliser'):

- As of [Publications office, please insert the date of application of this Regulation]: 60 mg/kg phosphorus pentoxide (P₂O₅),

- As of [Publications office, please insert the date occurring three years after the date of application of this Regulation]: 40 mg/kg phosphorus pentoxide (P₂O₅), and

- As of [Publications office, please insert the date occurring *twelve* years after the date of application of this Regulation]: 20 mg/kg phosphorus pentoxide (P₂O₅),

of less than 5 % phosphorus pentoxide (P₂O₅)-equivalent by mass: 3 mg/kg dry matter, or

(2) Where the CE marked fertilising product has a total phosphorus (P) content of 5 % phosphorus pentoxide (P₂O₅)-equivalent or more by mass ('phosphate fertiliser'):

- As of [Publications office, please insert the date of application of this Regulation]: 60 mg/kg phosphorus pentoxide (P₂O₅),

- As of [Publications office, please insert the date occurring three years after the date of application of this Regulation]: 40 mg/kg phosphorus pentoxide (P₂O₅), and

- As of [Publications office, please insert the date occurring *nine* years after the date of application of this Regulation]: 20 mg/kg phosphorus pentoxide (P₂O₅),

Amendment 58

Proposal for a regulation

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

Text proposed by the Commission

(e) Lead (Pb) **120** mg/kg dry matter.

Amendment

(e) Lead (Pb) **20** mg/kg dry matter.

Justification

Lead accumulates in the body and most seriously affects the developing central nervous system in infants, children and the foetus of pregnant women. There is no recommended tolerable intake level as there is no evidence of thresholds for a number of critical health effects. In light of the particular concern for lead exposure in children, it is important to strictly regulate major dietary sources of lead.

Amendment 59

Proposal for a regulation

Annex I – part II – PFC 1(B) – paragraph 4

Text proposed by the Commission

4. *Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.*

Amendment

4. *Pathogens must not be present in the organo-mineral fertiliser in a concentration of more than the respective limits outlined in the table below:*

<i>Micro-organism to be tested</i>	<i>Sampling plans</i>			<i>Limit</i>
	<i>n</i>	<i>c</i>	<i>m</i>	<i>M</i>
<i>Salmonella spp</i>	5	0	0	<i>Absence in 25g or 25ml</i>
<i>Escherichia coli or Enterococcaceae</i>	5	5	0	<i>1000 in 1g or 1ml</i>

where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100g or 100ml of the organo-mineral fertiliser.

Amendment 60

Proposal for a regulation

Annex I – part II – PFC 1(B) (I) – paragraph 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.

Amendment 61

Proposal for a regulation

Annex I – part II – PFC 1(B) (I) – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In cases where a CE marked fertilising product contains more than one nutrient, that product shall contain the following declared nutrients in the minimum quantities stated below:

- **1,0% by mass of total nitrogen, out 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.**

Amendment 62

Proposal for a regulation

Annex I – part II – PFC 1(C) – paragraph 1

Text proposed by the Commission

Amendment

An inorganic fertiliser shall be a fertiliser ***other than an organic or organo-mineral fertiliser.***

A mineral fertiliser shall be a fertiliser ***containing nutrients in a mineral form or processed into a mineral form. Calcium cyanamide, urea and its condensation and association products shall be considered as containing nutrients in a mineral form.***

Amendment 63

Proposal for a regulation

Annex I – part II – PFC 1(C) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The total declarable nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from methylene-urea, N from isobutylidene diurea, N from crotonylidene diurea. The declarable

phosphorus content is given by the phosphatic P form. New forms may be added after a scientific examination in accordance with Article 42.

Justification

The EU Commission proposes that the total declarable nutrient content includes by default all forms of nutrients, even those that will not be available to the plants. Only plant available nutrients should be declared and labelled because other forms of nitrogen and phosphorus have no proven contribution to plant nutrition. Otherwise farmers would not bring to their crops the nutrient quantity they were expecting to apply according to the proposal, and thus would be misled by the declaration of the total nutrient content.

Amendment 64

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

- 1a. In order to be plant available, phosphorus (P) fertilisers under this Regulation shall fulfil at least one of the following minimum solubility levels:***
- water solubility: minimum level 40% of total P, or***
 - solubility in neutral ammonium citrate: minimum level 75% of total P, or***
 - solubility in formic acid (only for soft rock phosphate): minimum level 55% of total P.***

Amendment 65

Proposal for a regulation

Annex I – part II – PFC 1(C)(I) – paragraph 1 b (new)

Text proposed by the Commission

Amendment

- 1b. The total declared nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from methylene-urea, N from isobutylidene diurea, N from crotonylidene diurea and***

N from cyanamide.

Justification

The EU Commission proposes that the total declarable nutrient content includes by default all forms of nutrients, even those that will not be available to the plants. Only plant available nutrients should be declared and labelled because other forms of nitrogen and phosphorus have no proven contribution to plant nutrition. Otherwise farmers would not bring to their crops the nutrient quantity they were expecting to apply according to the proposal, and thus would be misled by the declaration of the total nutrient content.

Amendment 66

Proposal for a regulation

Annex I – part II – PFC 1(C) I – paragraph 2 – point a – point 2 – indent 3

Text proposed by the Commission

- As of [Publications office, please insert the date occurring **twelve** years after the date of application of this Regulation]:
20 mg/kg phosphorus pentoxide (P₂O₅),

Amendment

- As of [Publications office, please insert the date occurring **nine** years after the date of application of this Regulation]:
20 mg/kg phosphorus pentoxide (P₂O₅),

Amendment 67

Proposal for a regulation

Annex I – part II – PFC 1(C)(I) – paragraph 2 – point e

Text proposed by the Commission

(e) Lead (Pb) **150** mg/kg dry matter,

Amendment

(e) Lead (Pb) **20** mg/kg dry matter,

Justification

Lead accumulates in the body and most seriously affects the developing central nervous system in infants, children and the foetus of pregnant women. There is no recommended tolerable intake level as there is no evidence of thresholds for a number of critical health effects. In light of the particular concern for lead exposure in children, it is important to strictly regulate major dietary sources of lead.

Amendment 68

Proposal for a regulation

Annex I – Part II- PFC 1 (C) (I) – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) Arsenic (As) **60** mg/kg dry matter,

(f) Arsenic (As) **20** mg/kg dry matter,

Amendment 69

Proposal for a regulation

Annex I – part II – PFC 1 (C)(II) – paragraph 1

Text proposed by the Commission

Amendment

1. An inorganic micronutrient fertiliser shall be an inorganic fertiliser other than a macronutrient fertiliser aimed at providing one or more of the following nutrients: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) or zinc (Zn).

1. An inorganic micronutrient fertiliser shall be an inorganic fertiliser other than a macronutrient fertiliser aimed at providing one or more of the following nutrients: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo), **selenium (Se), Silicon (Si)** or zinc (Zn).

Justification

Selenium is used on grass to improve the nutrition of livestock. Silicon is used to feed plants.

Amendment 70

Proposal for a regulation

Annex I – part II – PFC 2 – paragraph 2 – indent 1

Text proposed by the Commission

Amendment

- Cadmium (Cd) **3** mg/kg dry matter,

- Cadmium (Cd) **1** mg/kg dry matter,

Amendment 71

Proposal for a regulation

Annex I – part II – PFC 2 – paragraph 2 – indent 5

Text proposed by the Commission

Amendment

- Lead (Pb) **200** mg/kg dry matter,
and

- Lead (Pb) **20** mg/kg dry matter, and

Justification

Lead accumulates in the body and most seriously affects the developing central nervous system in infants, children and the foetus of pregnant women. There is no recommended tolerable intake level as there is no evidence of thresholds for a number of critical health effects. In light of the particular concern for lead exposure in children, it is important to strictly regulate major dietary sources of lead.

Amendment 72

Proposal for a regulation

Annex I – part II – PFC 2 – paragraph 2 – indent 6

Text proposed by the Commission

Amendment

- Arsenic (As) **120** mg/kg dry matter.

- Arsenic (As) **20** mg/kg dry matter.

Amendment 73

Proposal for a regulation

Annex I – part II – PFC 3

Text proposed by the Commission

Amendment

A soil improver shall be a ***CE marked fertilising product aimed at being added to the soil for the purpose of maintaining, improving or protecting the physical or chemical properties, the structure or the biological activity of soil.***

A soil improver shall be a ***material (including mulch) added to soil in situ primarily to maintain or improve its physical properties, and which may improve its chemical and/or biological properties or activity.***

Amendment 74

Proposal for a regulation

Annex I – part II – PFC 3(A) – paragraph 1

Text proposed by the Commission

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.

1. An organic soil improver shall consist exclusively of material of solely biological origin, ***such as peat, including leonardite, lignite and substances obtained from those materials, but*** excluding ***other materials*** which ***are*** fossilized or embedded in geological formations.

Amendment 75

Proposal for a regulation

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

Text proposed by the Commission

Amendment

- | | |
|---|---|
| - Cadmium (Cd) 3 mg/kg dry matter, | - Cadmium (Cd) 1,5 mg/kg dry matter, |
|---|---|

Justification

With the aim to align the contaminants' limits between organic soil improvers, liming materials, growing mediums and plant biostimulants, the cadmium limit in all abovementioned categories should be changed from 3 to 1,5 mg/kg.

Amendment 76

Proposal for a regulation

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

Text proposed by the Commission

Amendment

- | | |
|--|--|
| - Hexavalent chromium (Cr VI) 2 mg/kg dry matter, | - Hexavalent chromium (Cr VI) 1 mg/kg dry matter, |
|--|--|

Amendment 77

Proposal for a regulation

Annex I – part II – PFC 3(A) – paragraph 2 – indent 5

Text proposed by the Commission

Amendment

- | | |
|--|---|
| - Lead (Pb) 120 mg/kg dry matter. | - Lead (Pb) 20 mg/kg dry matter. |
|--|---|

Amendment 78

Proposal for a regulation

Annex I – part 2 – PFC 3(A) – paragraph 3 – point a

Text proposed by the Commission

- (a) ***Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.***

Amendment

(a) **Pathogens must not be present in the organic soil improver in a concentration of more than the respective limits outlined in the table below:**

<i>Micro-organism to be tested</i>	<i>Sampling plans</i>			<i>Limit</i>
	<i>n</i>	<i>c</i>	<i>m</i>	<i>M</i>
<i>Salmonella spp</i>	5	0	0	<i>Absence in 25g or 25ml</i>
<i>Escherichia coli or Enterococcaceae</i>	5	5	0	<i>1000 in 1g or 1ml</i>

where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100g or 100ml of the organic soil improver.

Amendment 79

Proposal for a regulation

Annex I – part II – PFC 3(B) – paragraph 1

Text proposed by the Commission

1. An inorganic soil improver shall be a soil improver other than an organic soil improver.

Amendment

1. An inorganic soil improver shall be a soil improver other than an organic soil improver, **and shall include mulch films. A biodegradable mulch film shall be a biodegradable polymer film complying in particular with the requirements of points 2a and 3 of CMC 10 in Annex II and intended to be placed on the soil in situ to protect its structure, suppress weed growth, reduce soil moisture loss, or prevent erosion.**

Amendment 80

Proposal for a regulation

Annex I – part II – PFC 3(B) – paragraph 2 – indent 5

Text proposed by the Commission

Amendment

- Lead (Pb) **150** mg/kg dry matter.

- Lead (Pb) **20** mg/kg dry matter.

Amendment 81

Proposal for a regulation

Annex I – part II – PFC 4 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 82

Proposal for a regulation

Annex I – part II – PFC 4 – paragraph 2 – indent 1

Text proposed by the Commission

Amendment

- Cadmium (Cd) **3** mg/kg dry matter,

- Cadmium (Cd) **1,5** mg/kg dry matter,

Justification

With the aim to align the contaminants' limits between organic soil improvers, liming materials, growing mediums and plant biostimulants, the cadmium limit in all abovementioned categories should be changed from 3 to 1,5 mg/kg.

Amendment 83

Proposal for a regulation

Annex I – part II – PFC 4 – paragraph 2 – indent 5

Text proposed by the Commission

Amendment

- Lead (Pb) **150** mg/kg dry matter.

- Lead (Pb) **20** mg/kg dry matter.

Justification

Lead accumulates in the body and most seriously affects the developing central nervous system in infants, children and the foetus of pregnant women. There is no recommended tolerable intake level as there is no evidence of thresholds for a number of critical health

effects. In light of the particular concern for lead exposure in children, it is important to strictly regulate major dietary sources of lead.

Amendment 84

Proposal for a regulation

Annex I – part II – PFC 4 – paragraph 3

Text proposed by the Commission

3. *Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.*

Amendment

3. *Pathogens must not be present in the growing medium in a concentration of more than the respective limits outlined in the table below:*

<i>Micro-organism to be tested</i>	<i>Sampling plans</i>			<i>Limit</i>
	<i>n</i>	<i>c</i>	<i>m</i>	<i>M</i>
<i>Salmonella spp</i>	5	0	0	<i>Absence in 25g or 25ml</i>
<i>Escherichia coli or Enterococcaceae</i>	5	5	0	<i>1000 in 1g or 1ml</i>

where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100g or 100ml of the growing medium.

Amendment 85

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 1

Text proposed by the Commission

1. A plant biostimulant shall be a CE marked fertilising product stimulating plant nutrition processes independently of the

Amendment

1. A plant biostimulant shall be a CE marked fertilising product ***containing any substances or micro-organisms***

product's nutrient content with the sole aim of improving one or more of the following characteristics of the plant:

stimulating plant nutrition processes independently of the product's nutrient content, **or any combination of such substances and/or micro-organisms**, with the sole aim of improving one or more of the following characteristics of the plant **or the plant rhizosphere**:

Amendment 86

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) degradation of organic matter in the soil; or

Amendment 87

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) increase the availability of nutrients confined in the soil or the rhizosphere.

Amendment 88

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 2 – indent 1

Text proposed by the Commission

Amendment

- Cadmium (Cd) 3 mg/kg dry matter,

- Cadmium (Cd) **1,5** mg/kg dry matter,

Justification

With the aim to align the contaminants' limits between organic soil improvers, liming materials, growing mediums and plant biostimulants, the cadmium limit in all abovementioned categories should be changed from 3 to 1,5 mg/kg.

Amendment 89

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 3

Text proposed by the Commission

3. The plant biostimulant shall have the effects that are claimed on the label for the ***crops*** specified thereon.

Amendment

3. The plant biostimulant shall have the effects that are claimed on the label for the ***plant*** specified thereon.

Amendment 90

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 3

Text proposed by the Commission

3. ***Salmonella spp. shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.***

Amendment

3. ***Pathogens must not be present in the microbial plant biostimulant in a concentration of more than the respective limits outlined in the table below:***

<i>Micro-organisms/their toxins, metabolites</i>	<i>Sampling plans</i>		<i>Limit</i>
	<i>n</i>	<i>c</i>	
<i>Salmonella spp</i>	5	0	<i>Absence in 25g or 25 ml</i>
<i>Escherichia coli</i>	5	0	<i>Absence in 1g or 1ml</i>
<i>Listeria monocytogenes</i>	5	0	<i>Absence in 25g or 25 ml</i>
<i>Vibrio spp</i>	5	0	<i>Absence in 25g or 25 ml</i>
<i>Shigella spp</i>	5	0	<i>Absence in 25g or 25 ml</i>
<i>Staphylococcus aureus</i>	5	0	<i>Absence in 25g or 25 ml</i>
<i>Enterococcaceae</i>	5	2	<i>10 CFU/g</i>
<i>Anaerobic plate count unless the microbial biostimulant is an aerobic bacterium</i>	5	2	<i>10⁵ CFU/g or ml</i>
<i>Yeast and mould count unless the microbial biostimulant is a fungus</i>	5	2	<i>1000 CFU/g or ml</i>

where n = number of units comprising the sample; c = number of sample units giving values over the defined limit.

Amendment 91

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 4

Text proposed by the Commission

Amendment

4. *Escherichia coli shall be absent in a 1 g or 1 ml sample of the CE marked fertilising product.* *deleted*

Amendment 92

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 5

Text proposed by the Commission

Amendment

5. *Enterococcaceae must not be present in the CE marked fertilising product by more than 10 CFU/g fresh mass.* *deleted*

Amendment 93

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 6

Text proposed by the Commission

Amendment

6. *Listeria monocytogenes shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.* *deleted*

Amendment 94

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 7

Text proposed by the Commission

Amendment

7. *Vibrio spp shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.* deleted

Amendment 95

Proposal for a regulation Annex I – part II – PFC 6 (A) – paragraph 8

Text proposed by the Commission

Amendment

8. *Shigella spp shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.* deleted

Amendment 96

Proposal for a regulation Annex I – part II – PFC 6 (A) – paragraph 9

Text proposed by the Commission

Amendment

9. *Staphylococcus aureus shall be absent in a 1 g or 1 ml sample of the CE marked fertilising product.* deleted

Amendment 97

Proposal for a regulation Annex I – part II – PFC 6 (A) – paragraph 10

Text proposed by the Commission

Amendment

10. *Aerobic plate count shall not exceed 10⁵ CFU/g or ml sample of the CE marked fertilising product, unless the microbial biostimulant is an aerobic bacterium.* deleted

Amendment 98

Proposal for a regulation Annex I – part II – PFC 6 (A) – paragraph 12 – subparagraph 2

Text proposed by the Commission

Amendment

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

Amendment 99

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 13

Text proposed by the Commission

Amendment

13. The shelf-life of the microbial plant biostimulant shall be at least 6 months under the storage conditions specified on the label. ***deleted***

Justification

The Commission's proposal to make it mandatory for the shelf life of the microbial plant biostimulant to be six month would risk excluding well-functioning products with a shorter shelf life. The duration of a product's shelf life is not important to regulate here as long as the consumer if the relevant products is duly informed. Therefore a labelling requirement should be put in place instead.

Amendment 100

Proposal for a regulation

Annex II– part II – CMC 2 – paragraph 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,*** pressing, drying, freeze-drying, ***buffering, extrusion, radiation, frost-treatment, sanitation by using heat,*** extraction with water ***or any other preparation or processing that does not render the final substance subject to registration under Regulation (EC) No 1907/2006.***

Amendment 101

Proposal for a regulation

Annex II– part II – CMC 2 – paragraph 2

Text proposed by the Commission

2. For the purpose of paragraph 1, plants are understood to include algae and exclude blue-green algae.

Amendment

2. For the purpose of paragraph 1, plants are understood to include algae ***except for*** blue-green algae ***that produce cyanotoxins classified as hazardous in accordance with Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.***

Amendment 102

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

- which only processes input materials referred to in paragraph 1 above, ***in production lines that are clearly separated from production lines processing input materials other than those referred to in paragraph 1,*** and

Amendment 103

Proposal for a regulation

Annex II – part II – CMC 3 – paragraph 5

Text proposed by the Commission

5. As of [Publications office: Please insert the date occurring **5** years after the date of application of this Regulation], the compost shall contain no more than 2,5 g/kg dry matter of macroscopic impurities in the form of plastics above 2 mm. By [Publications office: Please insert the date occurring **8** years after the date of application of this Regulation] the limit-

Amendment

5. As of [Publications office: Please insert the date occurring **two** years after the date of application of this Regulation], the compost shall contain no more than 2,5 g/kg dry matter of macroscopic impurities in the form of plastics above 2 mm. By [Publications office: Please insert the date occurring **5** years after the date of application of this Regulation] the limit-

value of 2,5 g/kg dry matter shall be reassessed in order to take into account the progress made with regards to separate collection of bio-waste.

value of 2,5 g/kg dry matter shall be reassessed in order to take into account the progress made with regards to separate collection of bio-waste.

Justification

There is no reason to allow up to 5 g/kg of plastic in compost for five years. The level of 2,5 g/kg should be applicable two years after the date of application, and it should be reassessed after 5 years.

Amendment 104

Proposal for a regulation Annex II – part II – CMC 4 – heading

Text proposed by the Commission

Amendment

CMC 4: Energy crop digestate

CMC 4: Energy crop digestate ***and plant-based bio-waste***

Amendment 105

Proposal for a regulation Annex II – part II – CMC 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) Any material referred to in points (a)-(b) that has previously been digested.

(c) Any material referred to in points (a)-(b) that has previously been digested ***without any traces of aflatoxins.***

Justification

Aflatoxins are chemical substances produced by fungi and they are very dangerous for human and animal health.

Amendment 106

Proposal for a regulation Annex II – part II – CMC 4 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) Thermophilic anaerobic digestion at 55°C with a treatment process including ***a***

(b) Thermophilic anaerobic digestion at 55°C with a treatment process including

pasteurisation *step* (70°C – 1h);

pasteurisation *as described in point 1 of section 1 of Chapter I of Annex V to Commission Regulation (EU) No 142/2011*^{1a};

^{1a} *Commission Regulation ((EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive ((OJ L 054 26.2.2011, p. 1).*

Amendment 107

Proposal for a regulation

Annex II – part II – CMC 4 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) Mesophilic anaerobic digestion at 37-40°C with a treatment process including *a* pasteurisation *step* (70°C – 1h); or

(d) Mesophilic anaerobic digestion at 37-40°C with a treatment process including pasteurisation *as described in point 1 of section 1 of Chapter I of Annex V to Regulation (EU) No 142/2011*; or

Amendment 108

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 1 – point e – introductory part

Text proposed by the Commission

Amendment

(e) Any material listed in points (a)-(d) that

(e) Any material *without aflatoxins* listed in points (a)-(d) that

Justification

Aflatoxins are chemical substances produced by fungi and they are very dangerous for human and animal health.

Amendment 109

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 3 – point b

Text proposed by the Commission

(b) Thermophilic anaerobic digestion at 55°C with a treatment process including *a* pasteurisation *step (70°C – 1h)*;

Amendment

(b) Thermophilic anaerobic digestion at 55°C with a treatment process including pasteurisation *as described in point 1 of section 1 of Chapter I of Annex V to Regulation (EU) No 142/2011*;

Amendment 110

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 3 – point d

Text proposed by the Commission

(d) Mesophilic anaerobic digestion at 37-40°C with a treatment process including *a* pasteurisation *step (70°C – 1h)*; or

Amendment

(d) Mesophilic anaerobic digestion at 37-40°C with a treatment process including pasteurisation *as described in point 1 of section 1 of Chapter I of Annex V to Regulation (EU) No 142/2011*; or

Amendment 111

Proposal for a regulation

Annex II – part II – CMC 6 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

All substances shall contain aflatoxins under the detection limit.

Justification

Aflatoxins are chemical substances produced by fungi and they are very dangerous for human and animals health.

Amendment 112

Proposal for a regulation

Annex II – part II – CMC 7 – indent 2

Text proposed by the Commission

Amendment

- *are listed in the table below:*

deleted

Azotobacter spp.

Mycorrhizal fungi

Rhizobium spp.

Azospirillum spp.

Amendment 113

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 1

Text proposed by the Commission

Amendment

1. A CE marked fertilising product may contain other polymers than nutrient polymers only in cases where the purpose of the polymer is that of

(a) controlling the water penetration into nutrient particles and thus the release of nutrients (in which case the polymer is commonly referred to as a 'coating agent'), or

(b) increasing the water retention capacity of the CE marked fertilising product.

1. A CE marked fertilising product may contain other polymers than nutrient polymers only in cases where the purpose of the polymer is that of

(a) controlling the water penetration into nutrient particles and thus the release of nutrients (in which case the polymer is commonly referred to as a 'coating agent'), or

(b) increasing the water retention capacity of the CE marked fertilising product, *or*

(ba) improving the soil as a biodegradable mulch film, which complies in particular with the requirements of points 2a and 3 of CMC10, or

(bb) improving the stability of the CE marked fertilising products.

Amendment 114

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 2

Text proposed by the Commission

Amendment

2. As of [Publications office, please

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.***

(a) ***The test shall be conducted at 25°C ± 2°C.***

(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.***

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

(d) ***Prior to the test, the test material shall not be subject to conditions or procedures designed to accelerate the degradation of the film, such as exposure to heat or light.***

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.***

Amendment 115

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The biodegradable mulch films referred to in PFC 3 (B), shall be comply with the following criterion:

The polymer shall be capable of undergoing physical, biological decomposition, such that it ultimately

decomposes into carbon dioxide (CO₂), biomass and water and it shall have at least 90 %, absolute or relative to the reference material, of the organic carbon converted into CO₂ in a maximum of 24 months, in a biodegradability test in accordance with Union standards for biodegradation of polymers in soil.

Amendment 116

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Polymers that are solely used as binding material in a CE marked fertilising product and that are not in contact with the soil shall be exempted from the requirements set out in paragraphs 1, 2 and 3.

Amendment 117

Proposal for a regulation

Annex II – part II – CMC 11

Text proposed by the Commission

A CE marked fertilising product may contain animal by-products within the meaning of Regulation (EC) No 1069/2009 having reached the end point in the manufacturing chain as determined in accordance with that Regulation, which are listed in the table below and as specified therein:

Amendment

Subject to the adoption by the Commission of the delegated acts pursuant to Article 42, a CE marked fertilising product may contain animal by-products within the meaning of Regulation (EC) No 1069/2009 having reached the end point in the manufacturing chain as determined in accordance with that Regulation, which are listed in the table below and as specified therein

	<i>Derived product</i>	<i>Processing standards to reach the end point in the manufacturing chain</i>
<i>1</i>	<i>Meat meal</i>	<i>Determined in accordance with Article 5(2), [new second]</i>

		<i>subparagraph of Regulation (EC) No 1069/2009</i>
2	<i>Bone meal</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
3	<i>Meat-and-bone meal</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
4	<i>Blood of animals</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
5	<i>Hydrolysed proteins of Category III – according to Regulation 1069/2009</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
6	<i>Processed manure</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
7	<i>Compost (1)</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
8	<i>Biogas digestion residues(1)</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
9	<i>Feather meal</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
10	<i>Hides and skins</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
11	<i>Hoofs and horns</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
12	<i>Guano of bats</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
13	<i>Wool and hair</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
14	<i>Feather and downs</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
15	<i>Pig bristles</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
16	<i>Glycerine and other products of Category 2 and 3 materials derived from the biodiesel and renewable fuels production</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
17	<i>Petfood and dog chews that have been refused for commercial reasons or technical failures</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
<i>(1) derived from Category 2 and 3 materials other than Meat-and-bone meal and Processed</i>		

Amendment 118

Proposal for a regulation

Annex II – part II – CMC 11 a (new) – heading

Text proposed by the Commission

Amendment

CMC 11a: Other industry by-products

Amendment 119

Proposal for a regulation

Annex II – part II – CMC 11 a (new)

Text proposed by the Commission

Amendment

A CE marked fertilising product may contain other industry by-products coming from specific industrial processes, which are excluded from CMC 1 and are listed in the table below and as specified therein:

Justification

Table contents to be determined by the Commission. See amendment to industry by-products - Article 42 – paragraph 1 – point c (new).

Amendment 120

Proposal for a regulation

Annex III – part I – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) in the case of any product containing material originating from organic wastes or by-products, which has not been through a process which has destroyed all organic materials, the label shall specify which wastes and by-products have been used and a batch number or production time series number. That number shall refer to the traceability

data held by the producer and which identifies the individual sources (farms, factories, etc.) of each organic waste/by-product used in the batch/time series. The Commission shall publish, after a public consultation and within two years of ... [OJ please insert the date of entry into force of this Regulation], specifications for the implementation of this provision, which will enter into force within three years of the publication of the specifications. In order to minimise the administrative burden for operators and for market surveillance authorities, the Commission specifications shall take into account both the requirements of paragraphs 5 to 7 of Article 6 and Article 11 and existing traceability systems (e.g. for animal by-products or industry systems) as well as Union waste classification codes.

Justification

Phosphorous is a limited substance, therefore to recycle this very important nutrient and apply the circular economy approach for the production of fertilisers should be supported. In order to establish trust and ensure confidence and safety for fertiliser products susceptible to contain organic materials, a traceability system from input material source to field for organic fertiliser products based on the existing system used for animal by-products is highly recommended. Because the Fertilisers Regulation effectively results in “end of waste” status for animal by-products which become EU fertilisers, and because CMC11 (category of certain animal by-products) is currently a blank box, it should be made explicit that the current traceability for animal by-products (e.g. manures, slaughter house by-products) is maintained. This traceability should also be extended to all organic materials, e.g. fertilisers made out of sludge, food waste, food industry by-products.

Amendment 121

Proposal for a regulation Annex III – part I – paragraph 5

Text proposed by the Commission

5. Where the CE marked fertilising product contains a substance for which maximum residue limits for food and feed have been established in accordance with Regulation (EEC) No 315/93, Regulation

Amendment

5. Where the CE marked fertilising product contains a substance for which maximum residue limits for food and feed have been established in accordance with Regulation (EEC) No 315/93, Regulation

(EC) No 396/2005, Regulation (EC) No 470/2009 or Directive 2002/32/EC, the instructions referred to in paragraph 2(c) shall ensure that the intended use of the CE marked fertilising product does not lead to the exceedance of those limits in food or feed.

(EC) No 396/2005, Regulation (EC) No 470/2009 or Directive 2002/32/EC, the instructions referred to in paragraph 2(c) shall ensure that the intended use of the CE marked fertilising product does not lead to the exceedance of those limits in food or feed. *Where the CE marked fertilising product is permitted for use in organic agriculture under Regulation (EC) No 889/2008^{1a}, it shall carry the phrase "allowed in organic farming in accordance with Regulation (EC) No 889/2008".*

^{1a} Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1).

Justification

In order to improve the information for the final user, it is necessary to label appropriately the products allowed for organic farming.

Amendment 122

Proposal for a regulation Annex III – part I – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. *Where the CE marked fertilising product is permitted for use in organic agriculture under Regulation (EC) 834/2007, it shall be specified on the label as "allowed in organic farming with regard to (EC) No 834/2007."*

CE fertiliser products not suitable for organic agriculture with regard to Regulation (EC) 834/2007, that have a commercial name recalling terms referred to in Article 23 of Regulation (EC) No 834/2007 that may mislead the final user

about its use in organic agriculture shall specify on the label as “not allowed in organic farming with regard to Regulation (EC) No 834/2007.”

Amendment 123

Proposal for a regulation

Annex III – part II – PFC 1(B) – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the CE marked fertilising product has a total phosphorus (P) content of 5 % phosphorus pentoxide (P₂O₅) equivalent or more by mass ('phosphate fertiliser')

(a) the actual cadmium (Cd) content in mg/kg phosphorus pentoxide (P₂O₅) shall be clearly declared, and

(b) the phrase ‘low cadmium content’ or similar, or a logo with that message, may only appear if the content of cadmium (Cd) is equal to or lower than 20 mg/kg phosphorus pentoxide (P₂O₅).

Amendment 124

Proposal for a regulation

Annex III – part II – PFC 1(C)(I) – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) pH

Justification

Fertiliser pH is an important indicator for farmers to adapt their production based on soil type and crops used.

Amendment 125

Proposal for a regulation

Annex III – part 2 – PFC 1(C)(I) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Fertilising products that contain less than 5ppm of cadmium, arsenic, lead, chromium VI and mercury, respectively, shall be eligible to use a visible “Green Label” in their packaging and label. The Commission shall be empowered to adopt delegated acts in accordance with Article 43, supplementing this Regulation to set the technical standards of such labels.

Justification

The European Union should ensure transparency for farmers and consumers and promote the use of greener, non-contaminated products in fertilising practices. In order to foster the usage of non-contaminated products in arable soil, we must increase visibility of those products in the market. The introduction of a “green label” in exceptionally low-contaminants products will facilitate the choice of farmers for these products, ensure their full knowledge on the contents of contaminants in their fertilisers, and ultimately encourage a move towards sustainable farming and safer products in the food chain. The introduction of a green label for those fertilisers with a content of below 5ppm of Cadmium, Arsenic, Lead Chromium VI and Mercury (the most toxic and common contaminants in inorganic and organo-mineral fertilisers” will support the transition towards greener fertilisers in the EU market.

Amendment 126

Proposal for a regulation

Annex III– part II – PFC 1(C)(I) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where the CE marked fertilising product has a total phosphorus (P) content of 5 % phosphorus pentoxide (P₂O₅) equivalent or more by mass (‘phosphate fertiliser’)

(a) the actual cadmium (Cd) content in mg/kg phosphorus pentoxide (P₂O₅) shall be clearly declared, and

(b) the phrase ‘low cadmium content’ or similar, or a logo with that message,

may only appear if the content of cadmium (Cd) is equal to or lower than 20 mg/kg phosphorus pentoxide (P₂O₅).

Amendment 127

Proposal for a regulation

Annex III – part III – PFC 1(C) (I) – paragraph 2

Text proposed by the Commission

Amendment

Quantity: ± 5 % relative deviation of the declared value

Quantity: ± 3 % relative deviation of the declared value

Justification

The ± 5 % relative deviation on the declared value for quantity is too high.

Amendment 128

Proposal for a regulation

Annex IV – part I – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) energy crop digestates as specified in CMC 4,

(b) energy crop digestates ***and plant-based bio-waste*** as specified in CMC 4,

Justification

As it is proposed for CMC 4 and CMC 6, internal production controls should be applied to agro-food waste digestates (Annex IV, Module A). This amendment aligns provisions with the changes introduced under Annex II.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Laying down rules on the making available on the market of CE marked fertilising products
References	COM(2016)0157 – C8-0123/2016 – 2016/0084(COD)
Committee responsible Date announced in plenary	IMCO 11.4.2016
Opinion by Date announced in plenary	ENVI 11.4.2016
Associated committees - date announced in plenary	27.10.2016
Rapporteur Date appointed	Elisabetta Gardini 21.9.2016
Discussed in committee	27.2.2017 24.4.2017
Date adopted	30.5.2017
Result of final vote	+: 34 -: 15 0: 17
Members present for the final vote	Marco Affronte, Margrete Auken, Pilar Ayuso, Zoltán Balczó, Catherine Bearder, Ivo Belet, Simona Bonafè, Biljana Borzan, Paul Brannen, Nessa Childers, Birgit Collin-Langen, Mireille D’Ornano, Miriam Dalli, Seb Dance, Angélique Delahaye, Mark Demesmaeker, Stefan Eck, Bas Eickhout, José Inácio Faria, Karl-Heinz Florenz, Francese Gambús, Elisabetta Gardini, Gerben-Jan Gerbrandy, Arne Gericke, Jens Gieseke, Julie Girling, Françoise Grossetête, Andrzej Grzyb, Jytte Guteland, Anneli Jäätteenmäki, Jean-François Jalkh, Benedek Jávor, Josu Juaristi Abaunz, Karin Kadenbach, Urszula Krupa, Giovanni La Via, Jo Leinen, Peter Liese, Norbert Lins, Valentinas Mazuronis, Susanne Melior, Miroslav Mikolášik, Massimo Paolucci, Gilles Pargneaux, Pavel Poc, Frédérique Ries, Daciana Octavia Sârbu, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Claudiu Ciprian Tănăsescu, Ivica Tolić, Estefanía Torres Martínez, Nils Torvalds, Adina-Ioana Vălean, Jadwiga Wiśniewska, Damiano Zoffoli
Substitutes present for the final vote	Jørn Dohrmann, Eleonora Evi, Robert Jarosław Iwaszkiewicz, Merja Kyllönen, Stefano Maullu, James Nicholson, Christel Schaldemose
Substitutes under Rule 200(2) present for the final vote	Pál Csáky, Siôn Simon

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

34	+
ALDE	Catherine Bearder, Gerben-Jan Gerbrandy, Anneli Jäätteenmäki, Valentinas Mazuronis, Nils Torvalds
EFDD	Eleonora Evi
GUE/NGL	Stefan Eck, Josu Juaristi Abaunz, Merja Kyllönen, Estefanía Torres Martínez
NI	Zoltán Balczó
S&D	Simona Bonafè, Biljana Borzan, Paul Brannen, Nessa Childers, Miriam Dalli, Seb Dance, Jytte Guteland, Karin Kadenbach, Jo Leinen, Susanne Melior, Massimo Paolucci, Gilles Pargneaux, Pavel Poc, Christel Schaldemose, Siôn Simon, Daciana Octavia Sârbu, Claudiu Ciprian Tănăsescu, Damiano Zoffoli
VERTS/ALE	Marco Affronte, Margrete Auken, Bas Eickhout, Benedek Jávor, Davor Škrlec

15	-
ECR	Jørn Dohrmann, Arne Gericke, Julie Girling, Urszula Krupa, James Nicholson, Jadwiga Wiśniewska
EFDD	Robert Jarosław Iwaszkiewicz
ENF	Mireille D'Ornano, Jean-François Jalkh
PPE	Angélique Delahaye, Jens Gieseke, Françoise Grossetête, Andrzej Grzyb, Annie Schreijer-Pierik, Renate Sommer

17	0
ALDE	Frédérique Ries
ECR	Mark Demesmaeker
PPE	Pilar Ayuso, Ivo Belet, Birgit Collin-Langen, Pál Csáky, José Inácio Faria, Karl-Heinz Florenz, Francisc Gambús, Elisabetta Gardini, Giovanni La Via, Peter Liese, Norbert Lins, Stefano Maullu, Miroslav Mikolášik, Ivica Tolić, Adina-Ioana Vălean

Key to symbols:

+ : in favour

- : against

0 : abstention