

Minutes of the third meeting of the expert group to discuss a draft delegated act supplementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council as regards the determination of end points in the manufacturing chain of certain organic fertilisers and soil improvers

7 September 2022 (Webex)

1. Approval of the agenda

An agenda was circulated prior to the meeting and approved.

2. Nature of the meeting

The meeting was non-public. The meeting was held via Webex with experts of the competent veterinary authorities of Member States and EEA countries attending. The Chair noted the absence of the Council and European Parliament.

3. List of points discussed

3.1. Introduction

The Chair recalled that the purpose of the meeting was to discuss the last amendments of the draft for a Commission Delegated Regulation supplementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council as regards determination of end points in the manufacturing chain of certain organic fertilizers and soil improvers (the draft).

The Commission circulated a revised version of the draft, prior to the meeting.

3.2. Discussion on the draft

Following the introductory presentation and explanation by the Commission of the revised draft, experts asked for clarification of the following:

Imports: are imported products not allowed to be used for the production of an EU fertiliser product?

Imported products may be used for the production of an EU fertiliser product, but this production shall only take place in an approved fertiliser plant in the Union. Imported derived products need to pass veterinary border controls checks and be transported to the approved fertiliser plant. There they may be further manufactured to reach an end point to be part of, or become, an EU fertiliser product. Import requirements are laid down in Regulation (EU) 142/2011.

If manure is used as a co-substrate for biogas digestion, it often does not reach the 70 degrees condition for the processed manure. So, apparently, two conditions apply for manure? The draft does not refer to nationally approved requirements for biogas transformation. It

authorises only harmonised requirements for compost and biogas digestion residues set out in Annex V to Regulation (EU) 142/2011.

Regulation (EU) 142/2011 will have to be changed. There are some products mentioned in the draft that are not processed, but only treated (as feathers, e.g.).

Three amendments are foreseen: TSE Regulation (EC) No 999/2001 to remove restrictions on exports of processed animal protein in fertilisers that reach the end point, Regulation (EU) 142/2011 as regards conditions for approval and controls of fertilisers plants and the technical specifications (the last two will be done at the next ABP working group). The Commission is guided by the EFSA opinion for the materials that can be included.

Article 3: The words “other than imported into the Union” trigger questions and should be deleted, as it is set out clearly in Article 5 that an end point can only be reached in an approved plant in the Union.

It is the same wording as in Article 3 of Regulation (EU) 142/2011 for the existing end points.

Hydrolised proteins from the leather industry – must those hydrolised proteins meet all the requirements of Annex X to Regulation (EU) 142/2011?

Yes, the standards of Annex X will apply for all hydrolised proteins, regardless their origin. Additionally, an analytical method is currently under validation to detect the seize of hydrolised proteins, so the 10.000 Dalton-condition could be verified.

Article 4 –mixing is a requirement, so the wording should be “shall”, instead of “may”.

Article 4, paragraph 3: add: “or any other material that may be consumed by animals as feed”.

The intention is to prohibit all materials in the feed catalogue as a mixing component to prevent the use in feed. The proposals will be taken into account.

Hydrolised proteins from the leather industry and egg shells, processed with method 7 in a fertiliser plant –those materials should be added to Annex XI to Reg. 142/2011 and listed in Article 3 of the draft separately. It is difficult to agree on this draft if there is no clarity concerning the amendments to be made in Regulation (EU) 142/2011.

The Commission is not in the position to introduce more materials in this draft. Only those materials assessed by EFSA may be declared as end point in the manufacturing chain of fertilisers and soil improvers. We expect the outcome of more EFSA assessments in the future, as operators will ask for more processing standards. After a favourable EFSA assessment, subsequently more materials could enter the list by further amendments.

Ash from Cat 1 meat and bone meal – is there anything planned in order to reach harmonized rules?

An EFSA assessment will be requested. In case of a favourable outcome, an amendment of the basic Regulation (EC) No 1069/2009 is needed to add this material to the list.

4. Conclusions/recommendations/opinions

The Commission thanked Member States for their input and invited them to provide their written feedback by 14 September 2022.

5. Next steps

After receiving comments from the Member States, the draft will be published for Public Feedback of 4 weeks.