

Brussels, 18 May 2022

**Minutes of the second 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 determination of end points in the manufacturing chain of certain organic fertilizers and soil improvers**

**18 May 2022, Brussels (Webex)**

## **1. Approval of the agenda**

An annotated agenda was circulated prior to the meeting and approved at the beginning of the meeting.

## **2. Nature of the meeting**

The meeting was non-public. The meeting was held via Webex with the representatives of the competent veterinary authorities of Member States and EEA countries attending. CY, LU, SK sent their apologies. The Chair noted the absence of the Council and European Parliament.

## **3. Discussion**

### **3.1. Introduction**

The Chair recalled that the purpose of the meeting was to discuss the draft non paper 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 the draft, prior to the meeting.

The Commission presented and explained the draft:

It covers several different materials, for which risk assessments were carried out (by the European Food Safety Authority, EFSA) to define end points in the manufacturing chain for fertilisers. By defining an end point for a processed material to be used in or as a fertilizer, this material can be part of an EU fertilising product to be placed on the EU market without any further veterinary controls. In the future, amendments are possible to introduce further end points for other materials, following request of stakeholders. This will always need a favourable EFSA risk assessment.

In Art. 2(1) of the draft there is a list of materials and their respective end points. 2(1) letter a), b) and c) are very safe materials. 2(1) letters d) to j) are materials needing additional risk mitigation measures such as packaging or composition (set out in the Annex), as they are not reaching a satisfactory level of security by themselves. The grouping is based on EFSA assessments.

End points will only be defined for materials processed in the EU, so imported materials always have to undergo border control entry checks and to be transported and monitored in accordance with the conditions laid down in Commission Delegated Regulation (EU) 2019/1666.

### 3.2. List of issues discussed

Nearly all Experts welcomed the draft as a good starting point for discussions. The following questions were raised:

- *Why must there be an additional approving of biogas and compost plants? They are already approved as ABP-plants.*  
DG SANTE: The additional approval in accordance with Art. 24 (1)(f) of Regulation (EU) No 1069/2009) is necessary to comply with the concept of an endpoint. After this point, there are no more veterinary controls. To ensure the safety of the feed chain, it has to be separated from the fertiliser chain.
- *Why is there an end point for glycerin?*  
Glycerin is assessed as very safe by EFSA. However, there is a problem with the possible use of glycerin for feeding ruminants. A biogas plant using glycerin for the use in fertilisers has to be approved as fertiliser plant. We can consider putting glycerin in the second group with additional risk mitigation to prevent the use as feed, also.
- *Processed manure is missing in the proposal.*  
DG SANTE: Manure can reach an endpoint in a biogas plant, composting plant or as ash after incineration/co-incineration/combustion. An inclusion of processed manure will be discussed.
- *Could Cat 1 ash be added in the first group?*  
DG SANTE: For the time being, only ashes from Cat 2 and 3 materials can be used as fertilisers. The Commission will ask EFSA for a risk assessment for Cat 1 ash and in case of a favourable outcome, the legislation (Reg. (EU) No 1069/2009) may be amended. This requires Co-decision, which has its timelines.
- *Can compound materials reach an end point?*  
DG SANTE: Materials in Art. 2(1) a), b) and c) may reach an endpoint by themselves or mixed into compound fertilisers. The other materials can only reach the end point as component material of a ready-to-sell fertilising product. All materials can only reach the end point in an approved fertiliser plant.

### 4. Next steps

DG SANTE invites Member States to provide comments by Monday, 30 of May 2022.