



Mr. Francisco REVIRIEGO GORDEJO
Head of Unit G2
DG SANTE, DDG2
Rue Froissart 101
1000 Brussels
Belgium

CC: Matjaz Klemencic, Policy Officer - Legislative officer, SANTE.DDG2.G.2
Hans Ingels, Head of Unit F2, DG GROW, European Commission;
Ernesto Libana Criado, Head of Biological Hazards & Animal Health and Welfare Unit, EFSA

11 March 2022

Dear Mr. Reviriego Gordejo,

We are writing to reiterate deep concerns¹ on the delays and lack of transparency regarding the definition of end points for animal by-products that are component materials for EU Fertilising Products under Regulation (EU) 2019/1009 (The Fertilising Products Regulation—FPR). According to the FPR, EU Fertilising Products may contain component materials listed in the Component Material Category (CMC) 10 “Derived products within the meaning of Regulation (EC) No 1069/2009”. The conditions outlined in CMC 10 say that “An EU fertilising product may contain derived 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, and which are **listed in the following table** and as specified therein...”

To date, no such end points have been defined, and CMC 10 remains empty. At the end of February 2022, there was no indication of materials/processing methods that are likely to be covered by the proposed list of animal by-product end points for EU Fertilising Products or materials/processing methods that are likely to be excluded.

With the approaching application of the Fertilising Products Regulation (FPR) in mid-July 2022, industry is urgently seeking guidance on the possibility of placing animal-derived component materials (including manures) on the market in EU Fertilising Products under the FPR. Members of the Commission Expert Group on Fertilising Products (CEG-FP) were informed in late 2020 about the mandate to EFSA, but this was subsequently modified by DG SANTE without the CEG-FP being updated. We have taken note of the recent EFSA Opinion (6932) resulting from this process, and some of our organisations have commented on that Opinion separately to inform DG SANTE’s interpretation as it proposes possible end points.

Related to, but technically distinct, from CMC10, we also underline that the use of animal by-products in composts, digestates and certain other fertilising product component materials (CMCs 3-5-12-13-14-15) is also unresolved to date, despite repeated input from stakeholders over the past several years. As one example, manure (a Cat. 2 animal by-product) is a major input material for anaerobic digestion and represents the largest potential for increasing the circular use of nutrients. This requires urgent action to ensure regulatory clarity for operators and the possibility to recycle animal by-product nutrients to EU-fertilisers when the FPR enters into force four months from now.

¹ Many of the organisations signing this letter already expressed the importance of this CMC to their sectors in a statement dated 20 November 2017 (during the Trilogue).











When the European Commission published the draft of the Fertilising Products Regulation in 2016, its main policy objective was clearly stated **“to incentivise large scale fertiliser production in the EU from domestic organic or secondary raw materials in line with the circular economy model, by transforming waste into nutrients for crops. The proposal will provide a regulatory framework radically easing access to the internal market for such fertilisers.”** **As of today, this promise remains unfulfilled for fertilising products that contain animal by-products and derived materials.**

Our industries are committed to contribute to the objectives of the Circular Economy; however, regulatory certainty is a key prerequisite for market actors to be able to do so. Incinerating and disposing of materials derived from animal by-products instead of upcycling and revalorising them as safe and effective fertilising are lost opportunities for the Circular Economy, greatly reducing system-wide nutrient-use efficiency.

Regulation (EC) 1069/2009 (the Animal By-Products Regulation) recognises a number of treatment processes that are used under national authorisation to place thousands of organic fertilisers, soil improvers, plant biostimulants, and growing media on the market every year. The materials resulting from these processes have a long history of safe use. For example, in 2018 (the latest official data available), 62,468 controls were conducted in Italy, with only nine cases requiring further investigation for possible contamination by pathogens, and all nine cases were finally determined to be negative for contamination.

We kindly request to meet with you in the coming weeks to discuss the way forward. In the meantime, we would be happy to respond to any questions you may have. Our point of contact for this letter is Ms. Kristen Sukalac, EBIC Secretariat (kristen@prospero.ag).

Sincerely,

	Afaia represented by Laetitia Fourié, President
	Assofertilizzanti , represented by Giovanni Toffoli, President of
	European Biogas Association (EBA) represented by Marco Giacomazzi, Policy Officer
	European Biostimulants Industry Council (EBIC) represented by Luca Bonini, President
	European Compost Network (ECN) represented by Stefanie Siebert, Executive Director
	European Consortium of the Organic-Based Fertilizer Industry (ECOFI) represented by Chiara Manoli, President
EUROFEMA	European Organic Fertilizers Manufacturers Association (EUROFEMA) , represented by Leon Fock, President
	European Sustainable Phosphorus Platform (ESPP) represented by Ludwig Hermann, President
	Growing Media Europe represented by Cecilia Luetgebrune, Secretary General
Industrieverband Agrar 	Industrieverband Agrar e.V. (IVA) represented by Sven Hartmann, Managing Director of Plant Nutrition
	UNIFA represented by Florence Nys, Director