



COMMISSION EUROPÉENNE
SECRÉTARIAT GÉNÉRAL

Direction G

SG-G-1

Affaires horizontales et GRI (Groupe des Relations Interinstitutionnelles)

Bruxelles, le 19 mai 2018

SI(2018) 248

<p>GRI du 18 mai 2018 point 3.1.</p>

NOTE À L'ATTENTION DE MMES MM. LES MEMBRES DU GRI

Objet: Proposition de règlement établissant les règles relatives à la mise sur le marché des fertilisants porteurs du marquage CE et modifiant les règlements (CE) n° 1069/2009 et (CE) n° 1107/2009 – 2016/0084 COD (17.03.16) – rapport TURCANU

Mmes et MM. les membres du GRI trouveront en annexe une fiche préparée par la DG GROW sous l'autorité du cabinet de Mme BIENKOWSKA et en accord avec le cabinet de M. KATAINEN.

Annexe 1

**GRI MEETING OF
18 MAY 2018**

NOTE TO THE MEMBERS OF THE GRI

Subject: **Proposal for a Regulation on the making available on the market of CE marked fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009**

The fiche is proposed to prepare the Commission's position in view of the forthcoming political trilogues and technical tripartite meetings

Ref.: COM(2016) 157; 2016/0084(COD)

Procedure: Ordinary legislative procedure

Council: Working Party on Technical Harmonisation; COREPER I

Rapporteur(s): Mihai ȚURCANU (EPP/RO), Elisabetta GARDINI (EPP/IT), Jan HUIITEMA (ALDE/NL)

Lead parliamentary committee: Internal Market and Consumer Protection (IMCO)

Associated parliamentary committees: ENVI (contaminant limits including cadmium)
AGRI

Former GRI fiche: SI(2018) 169/2

PURPOSE OF THIS FICHE

- The purpose of this fiche is to prepare the Commission's position in view of the forthcoming political trilogues (the next one being provisionally scheduled for 19 June) and technical tripartite meetings.
- At this stage, the Commission should, while explaining and defending its proposal seek to facilitate a compromise between the two co-legislators that preserves the objectives, coherence and the integrity of the Commission's proposal and the mechanisms put in place to protect health and the environment. This fiche defines the Commission's position in relation to a number of European Parliament and Council amendments, some of which have significant implications on the integrity of the Regulation, in relation to delegation of power, the Nitrates Directive, the definition of risks, chemical industrial by-products, input materials for compost and digestates, and links with the Waste Framework Directive. The Commission's position in relation to most of the other key elements of the negotiations were defined in previous GRI Fiches.
- It is therefore suggested to the GRI to endorse the line as suggested in the present fiche.

1. **BACKGROUND**

- Please see the previous GRI fiches for this file with reference
 - i) SP(2017) 528, prepared in view of the EP plenary debate and vote on 24 October 2017;
 - ii) SI(2018) 15/2, prepared in view of the first political trilogue on 25 January 2018;
 - iii) SI(2018) 169/2, prepared in view of the second political trilogue on 11 April 2018.

2. **STATE OF PLAY IN THE EUROPEAN PARLIAMENT**

There has been no further development in the European Parliament between the second trilogue meeting and the time of preparation of the current GRI fiche.

3. **STATE OF PLAY IN THE COUNCIL**

There has been no further development in the Council between the second trilogue meeting and the time of preparation of the current GRI fiche.

4. **STATE OF PLAY OF TRILOGUE NEGOTIATIONS**

- Since the latest GRI fiche was agreed, **a second trilogue meeting** took place on 11 April 2018. In that meeting, the discussion on cadmium revealed important divergences between the two co-legislators: whereas the Parliament is closely aligned with the Commission's proposal to progressively reduce cadmium limits from 60-40-20 ppm, the Council has proposed a single limit value of 60 ppm without further reductions. On the issue of chemical industrial by-products, the co-legislators agreed that a solution needs to be found to allow their use as component materials for the production of fertilisers, but agreed to refer the matter for further discussions at technical level. Co-legislators also confirmed agreement on those elements on which consensus was found at technical level based on a four-column document circulated in advance.
- Between the second trilogue meeting and the time of preparation of the current GRI fiche, there have been two technical tripartite meetings, which resulted in partial agreements between the co-legislators on chemical industrial by-products and delegation of powers.
- The trilogue discussions are characterised by the very complex technical and legal nature of the Commission's proposal, as well as the large number of amendments proposed by the European Parliament and the Council. The Commission's proposal is a ground-breaking implementation of the circular economy, which for the first time combines the New Legislative Framework for product legislation with elements of general chemicals legislation, waste legislation, and legislation on animal by-products.
- For a successful implementation of the new Regulation, it is crucial that the text remains coherent in navigating between the various regulatory techniques, and provides an intact protection of health and the environment consistent with other Union legislation, also *after* the co-legislators' introduction of their compromise amendments. In this respect, the representatives of the European Parliament and the Council are showing a constant and keen interest in the Commission's advice.

Therefore, representatives of several DGs are always present in the technical tripartite meetings and taking the floor in their areas of expertise, and the DGs liaise closely on the file in between those meetings. In order to prevent the tangible risk of complete stalemate of the file from materialising, **the Commission should on all amendments, while explaining and defending its proposal, seek to facilitate a compromise between the two co-legislators that preserves the objectives, coherence and the integrity of the Commission's proposal and the mechanisms put in place to protect health and the environment.**

- In addition to the issues addressed in previous GRI Fiches, this section outlines certain other European Parliament and Council amendments, some of which are of concern to the Commission because they have significant implications on the integrity of the Regulation. "Row" refers to the row number in the "4-column document" circulated by the European Parliament and the Council.

5. **A. Delegation of power to the Commission**

6. **Adaptation of Annex I to technical progress**

- The Council has proposed (Article 42(1); row 385) to limit the Commission's power to make adaptation of Annex I (containing safety requirements including limit values for contaminants like cadmium) to technical progress. The Parliament has no corresponding amendment.
- This power is important for the Commission, in particular to continuously promote best industrial practice in terms of avoiding soil pollution from fertilisers. **The Commission should seek to facilitate a compromise between the two co-legislators which is as closely aligned as possible with the Commission's proposal in this respect.** It should also welcome the Council's proposal (Article 42(1); row 388) to let the Commission maintain at least the delegation of powers to introduce contaminant limits in Annex I which are necessary as a consequence of adding component materials in Annex II.

Delegation of power related to microorganisms

- Microorganisms in plant biostimulants are close to plant protection products, and one of the reasons why the Commission has proposed to amend the scope of the Plant Protection Products Regulation. For the purpose of the Fertilising Products Regulation, the Commission has proposed listing microorganisms in an exhaustive, positive list established based on expert judgment in combination with EFSA's findings of Qualified Presumption of Safety. The European Parliament has proposed an empowerment for the Commission to adopt criteria for manufacturers' self-designation of microorganisms not included in the exhaustive positive list (AM 86; row 400), and suggested that conformity with harmonised standards could be an alternative to conformity with legal requirements (AM 85; row 395). The Council has not proposed any corresponding amendment.
- The Commission services are convinced that it is impossible to define safety criteria for microorganisms which could be applied directly without taking into account an element of expert judgment. Allowing manufacturers to self-designate additional microorganisms based on (currently inexistent) safety criteria – or even harmonised standards unrelated to any safety criteria – would therefore not only lead to high risks of jeopardising food safety and damaging the environment, but

also amount to delegating legislative power to a private standardisation organisation. **The Commission should therefore oppose the European Parliament's proposal and seek to facilitate a compromise insisting on the principle that only microorganisms listed in the Regulation itself by the co-legislators, or by the Commission by delegation, can be included in CE marked fertilising products.**

Delegation of powers on animal by-products

- The European Parliament proposed an obligation on the Commission to define end-points for certain identified (AM 280) animal by-products, in order to remove those animal by-products from the scope of the controls of the Animal By-products Regulation, (AM 93; row 424) and include the products (as well as the actual end-points) in the scope of the Fertilising Products Regulation (AM 87). The European Parliament set a deadline of only 6 months after the entry into force of the Fertilising Products Regulation. The Council has only made amendments to clarify the Commission proposal by replacing “animal by-products” by “products *derived* from animal by-products”.
- The European Parliament's amendments are extremely problematic for the Commission, because (1) the end-points for animal by-products should exclusively be laid down in the context of Regulation (EC) No 1069/2009. Two diverging systems on the specifications of end-points would cause legal uncertainty, and (2) defining end points under the Animal By-products Regulation is done by regulatory procedure with scrutiny (currently PRAC with 3 months scrutiny and after alignment Delegated Act with 4 months consultation) based on EFSA opinions on the risks to public and animal health. Experience shows that it takes at least 12 months, and often more. Requesting the Commission to define within only six months end-points for pre-selected animal by-products would therefore not only create unrealistic expectations in the industry, which the Commission would surely fail to deliver on, thus being exposed to a high risk of legal challenge. It would also put EFSA's scientific integrity and the Commission's accountability for public and animal health into question, by pressing them to come to pre-determined results within a very short timeline. **The Commission should therefore seek to facilitate a compromise between the co-legislators on animal by-products which is entirely free of those elements of the European Parliament's amendments which set legally binding deadlines, pre-select products, or oblige the Commission or include the end-points in the Fertilising Products Regulation as such.** It should welcome the Council's suggestion to refer to derived products rather than animal by-products.

7. Delegation of powers for defining biodegradability requirements for coating agents

- Fertilisers coated with non-biodegradable polymers are sold and used in the EU and are compatible with the current EU Fertilisers Regulation. They are a niche product used mostly in horticulture.
- The Commission proposed to exclude non-biodegradable coating agents from the scope of the new Fertilising Products Regulation, and to include biodegradable coating agents. Three years after the date of application of the Regulation, the coating agents would be subject to strict biodegradability criteria. While the volume of coated fertilisers used is currently very small in relation to other

fertilisers or plastic mulches, the proposed biodegradability criteria are an important signal of aligning the EU's regulatory framework for fertilisers with the objectives of the Commission's Circular Economy Action Plan and the EU Plastic Strategy, which aim at reducing plastic leakage into the environment.

- In the course of the legislative procedure, the fertilisers industry has communicated that the proposed biodegradability criteria are not well adapted to the functionality of coating agents, and will therefore be impossible to comply with even after the three years' transitional period proposed by the Commission. The industry has also committed itself to developing biodegradability criteria for coating agents and corresponding test methods. There is, however, no common understanding within the industry regarding how the criteria would be framed.
- Both the Council and the European Parliament have proposed to remove the biodegradability criteria for coating agents proposed by the Commission. Both have proposed to oblige the Commission to adopt other criteria in a delegated act, and that the criteria would become mandatory for the industry 4 (Council) or 5 (European Parliament) years after the date of application of the Regulation.
- The European Parliament has also framed the criteria by requiring a biodegradability time of maximum 48 months, and mandated the Commission to develop a test method.
- The Council has proposed a "sunset clause" intended to make it clear that coated fertilisers must no longer be CE marked if the Commission would fail to adopt the biodegradability criteria in time. That would provide a strong incentive for the industry to collaborate on developing suitable criteria.
- The suggested obligation for the Commission to adopt a delegated act could put the Commission in a very difficult situation and make it vulnerable to legal challenge, since there is a tangible risk that no suitable criteria will be found, in particular taking into account the current split view within the industry on how to frame such criteria. The wording of the delegation should also be clarified in line with the Plastics Strategy in terms of the environmental safeguards to provide legal certainty on the nature of the criteria to be adopted by the Commission.
- **The Commission should therefore seek to facilitate a compromise between the co-legislators on biodegradability criteria for coating agents which**
 - **does not contain any unconditional obligation** for the Commission to adopt a delegated act within a given timeframe,
 - in case the adoption of the criteria are delegated to the Commission as suggested by both co-legislators, **contains a sunset clause** of the kind proposed by the Council, but in a stronger version which more explicitly covers the eventuality of the Commission failing to adopt biodegradability criteria, and
 - **contains guarantees of avoiding leakage and accumulation of plastic in the environment** by requiring biodegradability in natural soil conditions and the marine environment across the EU in line with the EU's Plastics Strategy.

8. Delegation of power to open the single market for innovative products from recovered, secondary raw materials

- Both the European Parliament and the Council have suggested a number of amendments aiming at speeding up and orienting the Commission's work on opening up the single market for innovative products from recovered, secondary raw materials (Article 42(1); rows 385 and 389).
- **The Commission should seek to facilitate a compromise on these points which reflects the Commission's on-going and intended future work** in the area of nutrient-recovery and which does not impose any obligations or deadlines on the Commission, taking into account the following:
 - The Parliament has proposed the phrase "taking into account **products and materials already authorised in Member States**" (AM 80; row 385). This could be read as a restriction to incorporate innovative products into the scope of the Regulation, or – worse – as an obligation for the Commission to incorporate any product which is allowed in any Member State.
 - There are inconsistencies in the Council's proposal on the delegation of power to adapt the Regulation on the one hand to technical progress (Article 42(1)) (row 385) and on the other hand to new scientific evidence (Article 42(4)) in terms of expressing which new raw materials the Commission should prioritise. **The Commission should advocate a consistency between the respective delegation of powers, i.e.** that the same reference to waste, animal by-products and other by-products as that proposed in Article 42(1) is also made in Article 42(4). That is because the need to amend Component Material Categories can arise from technical as well as scientific progress. Ideally, this should also be explained in a recital.

Anti-bundling clause in delegation of powers

- The Council's proposed new Article 42a would oblige the Commission to adopt separate delegated acts for separate Component Material Categories in Annex II. The European Parliament has not proposed any corresponding amendment. **The Commission should seek to facilitate a compromise which limits this "anti-bundling" provision to the extent possible.**

B. Nitrates Directive

- The European Parliament has proposed (AM 102, row 447) an obligation for the Commission to "submit an evaluation of the scientific data to set the agronomic and environmental criteria to define end-of-livestock-manure criteria" within 12 months after the entry into force. There is no corresponding amendment in the Council's position, as some Member States were concerned about the confusion and the legal uncertainty this would bring.
- This Parliament amendment is of great concern to the Commission, on one hand because the Commission should not be bound to such strict deadlines and on the other hand because it seems to suggest that the ongoing work on "end of manure" criteria in the context of the Nitrates Directive would somehow entail a modification of the Fertilising Products Regulation, which would create a

regulatory confusion. **The Commission should object to the amendment and seek to facilitate a compromise which makes no reference at all to the on-going or any future work performed under the Nitrates Directive.**

9.

10. C. Definition of risk

- The Commission has proposed to grant free movement to products which satisfy the requirements of the Annexes to the Regulation and which – for aspects not covered by the Regulation – does not give rise to food becoming unsafe (Article 4). In the safeguard procedures and the delegation of powers, the Commission has also required Member States – and ultimately itself by amending the Annexes – to take action against any products which, albeit compliant with the Annexes, are found to present “unacceptable risks to human, animal or plant health, to safety or to the environment”. This obligation for Member States is common practice under the New Legislative Framework, and has in this particular Regulation for the first time been extended to the Commission. Under the New Legislative Framework this is usually merely referred to as “presenting a risk”, which is not defined but commonly understood as including an element of acceptability. In this Regulation, the explicit reference to “unacceptable” risks reflects the provisions regulating free movement in other central pieces of chemicals legislation (Article 68 of the REACH Regulation, Article 19 of the Biocidal Products Regulation, and Article 4 of the Plant Protection Products Regulation).
- However, there is no harmonised definition of “unacceptable risk” across the different EU chemicals legislations, and the acceptable level of risk is one of the most controversial technical and political discussions in the chemicals legislations. In the context of the adoption of the recent Commission Communication on the REACH review, it was decided to continue the reflection on the definition of the acceptable level under the REACH Regulation,
- Both the European Parliament and the Council have proposed obliging the Member States and the Commission to intervene against products which – albeit compliant with the Annexes of the Regulation - “present a risk”, without qualifying the risk as “unacceptable”.
- The Council has also proposed to include a definition of “presenting a risk” (Article 2a), which refers to potential adverse effects going “beyond that considered reasonable and acceptable in relation to the intended purpose or under the normal or reasonably foreseeable conditions of use”. This definition is very close to the Commission’s proposed definition of a risk for non-harmonised products in the Market Surveillance proposal of 2013, to which the Parliament and the Council have so far made only editorial amendments. Furthermore, the Council has proposed that, for any aspect not covered by the Annexes to the Regulation, a fertilising product benefitting from free movement on the single market must not present a risk, as described in that definition.
- It should be borne in mind that, in accordance with the normal principles of the New Legislative Framework, the acceptable level of the risk is established through the substantive provisions of the Regulation. In other words, the definition of the risk is only relevant in cases where the substantive provisions have overlooked a risk, and action needs to be taken against products that comply with those provisions. Introducing a new definition of “presenting a risk” does not appear necessary, as it is not present in any other piece of product legislation within the New Legislative Framework. Introducing such a definition would furthermore lead

to a risk of discrepancy with any future definition of “unacceptable risk” under the REACH Regulation, on which the Fertilising Products Regulation relies heavily.

- With this in mind, **the Commission should seek to facilitate a compromise which is as close as possible to the Commission’s original proposal, and which does not contain any definition of either “presenting a risk” or “presenting an unacceptable risk”.**

11. D. Chemical industrial By-Products

- The issue of chemical industrial by-products is of significant importance to the European Parliament and the Council, and has been described in previous GRI fiches. **The Commission should facilitate a compromise which contains environmental safeguards to ensure that waste is not disguised as by-products, and in particular the following elements:**
 - The links to national controls under the revised Waste Framework Directive should be strengthened by **requiring that the manufacturer's technical documentation contains technical and administrative evidence that the substance or mixture is not waste, in accordance with EU waste legislation.** Those controls will remain of fundamental importance, since the proposed agro-efficiency and safety criteria will have to be very general in order to apply to all by-products, in particular if – as proposed – they have to be developed by the date of application of the Regulation.
 - The delegation of power to the Commission to adapt the Annexes to scientific progress should be aligned with the revised wording of the delegation of power to adapt them to technical progress (as already explained above in the section on delegation of powers).
 - By-products should be subject to all the requirements already applying to other mixtures and substances (see CMC 1);
 - Animal by-products and polymers should be excluded from the generic category of substances and mixtures constituting by-products (the new CMC 12), since their use cannot be presumed to be safe subject only to the generic criteria for substances and mixtures. That is why they are excluded from CMC 1 and covered by more specific categories. To ensure consistency with this approach in the Regulation, there should also be an obligation in Article 42 for the Commission to remove from the generic component material categories for substances and mixtures (CMCs 1 and 12) any material for which the Commission introduces a specific category subject to harmonised recovery rules.
 - The Commission should manage the expectations on the Council’s proposed “criteria on agronomic efficiency and safety”, by explaining that it is unlikely that generic criteria to that effect could provide any safeguards beyond the existing Waste Framework Directive. Hence the importance of the strengthened link to the Waste Framework Directive, as referred to above. Should the delegation of powers to adopt such criteria nevertheless be retained, it should include a reference to protection of the environmental and human health.

- The involvement of an independent external or accredited in-house conformity assessment body should be explored.

12. **E. Reporting obligations**

- **The Commission should seek to facilitate a compromise on reporting obligations which is reasonable and adapted to final text of the provisions of the Regulation.** *E.g.*, if the Commission’s proposal would be accepted with regard to limit values perceived as challenging for manufacturers, such as the limit of 20 mg/kg for cadmium in phosphate fertilisers, the Commission could accept an obligation to report on the market effects within a reasonable timeframe and before the challenging limit value becomes applicable.

13.

14. **F. Input materials for compost and digestate**

- The Council has proposed to limit the eligibility of animal by-products as input materials for compost and digestate to derived products for which an end-point in the manufacturing chain has been defined (albeit not necessarily *reached* before being used for composting or digestion, since the composting or digestion could be part of the end-point process). This is compatible with the Commission’s intention to exclude from the scope of the Regulation – and thus from free movement on the single market – any animal by-product which has not reached the end-point in the manufacturing chain at the time of being made available on the market. The European Parliament has proposed a similar amendment (albeit containing the problematic word “reached” instead of “defined”).
- The European Parliament, has also proposed to extend the list of eligible input materials, notably to certain forms of sewage sludge, residues from food production. These extensions are extremely problematic to the Commission. The Commission’s proposal for input materials for compost and digestate is based on a sound assessment by the Joint Research Centre, which identified an exhaustive positive list of input materials from which sewage sludge and food production residues due to the risks linked to them. Extending the list of input materials to such loosely defined materials, without simultaneously assessing and revising the recovery rules and quality requirements including the limit values, therefore seems extremely problematic, since it is likely to pose unforeseen risks to human health and the environment.
- **The Commission should therefore defend its proposal vis-à-vis the European Parliament amendments and remain positive towards the Council’s position on products derived from animal by-products.**

G. Links with the Waste Framework Directive

- The Commission proposed (Article 18) that products having undergone a recovery operation and complying with the Fertilising Products Regulation should be considered as having obtained end-of-waste status under the Waste Framework Directive. The Council has proposed to limit this provision to materials having undergone a recovery operation “in accordance with” the Fertilising Products Regulation. The European Parliament has no corresponding amendment related to this aspect of Article 18.

- The Council's amendment means that only when a material has undergone a recovery operation in accordance with the harmonised rules of the Fertilising Products Regulation – as opposed to a recovery operation in accordance with any national rules applicable in a Member State – would end-of-waste status be obtained by virtue of the Fertilising Products Regulation. As a result, no component material category should be open to materials that may constitute waste without also containing waste recovery rules. That would alleviate any concerns that Member States may have about mutual recognition of other Member States' non-harmonised recovery rules for obtaining end-of-waste-status.
- The Council's amendment is relevant for Component Material Category 2 which in the Commission's proposal includes non-processed or mechanically processed plants, plant parts and plant extracts, and does not exclude cases where those plant materials are waste although no specific recovery rules are foreseen. The Council's amendment may be a source of legal uncertainty as to whether such materials would obtain end-of-waste status by virtue of compliance with the Fertilising Products Regulation. This could be solved by excluding plant materials constituting waste from Component Material Category 2. **The Commission should therefore endorse the Council's amendment and suggest that as a consequence waste should be explicitly excluded from the Component Material Category for non-processed or mechanically processed plants, plant parts and plant extracts.**
- The Waste Framework Directive is about to be amended. In the version agreed between the co-legislators, Article 6 on end-of-waste now states that the end-of-waste conditions in Article 6(1) "have to be met *before* the legislation on chemicals and products applies to the material that has ceased to be waste". The recital in that Directive however clarifies that end-of-waste criteria can also be established in product legislation, like the Fertiliser Regulation. This clarification is important, because the Fertilising Products Regulation (currently included in Component Material Categories 3 and 5) established recovery rules in the sense of Article 6(1) of the Waste Framework Directive, which must be applied *before* the material has ceased to be waste. In order to avoid any confusion about the interaction between the Fertiliser Regulation and the Waste Framework Directive, **the Commission should draw this to the attention of the co-legislators and advocate a compromise which makes it clear that the Fertilising Products Regulation establishes recovery rules in the sense of Article 6(1) of the Waste Framework Directive and that it has to be applied to ascertain that the end-of-waste conditions are met, and that the recovery rules of the Regulation will hence have to be applied *before* the material has ceased to be waste.**

15.

16. H. Biodegradable mulch films

- The European Parliament proposes to allow biodegradable mulch films to be CE marked. The minimum biodegradability performance proposed by the Parliament is conversion into carbon dioxide of 90% of the organic carbon within maximum 24 months, "in a biodegradability test in accordance with Union standards for biodegradation of polymers in soil". There is no corresponding amendment in the Council's proposal.
- **At this stage, the Commission should reserve its position and continue explaining and defending its proposal not to include biodegradable mulch**

films in the scope of the Regulation. The issue will be revisited in a future GRI fiche.

17. **I. Limit values for contaminants other than cadmium**

- The Commission's proposed limit values other than for cadmium in phosphate fertilisers are largely based on existing limit values in Member States. Those, in turn, reflect best industrial practice, in combination with the general objective of keeping soil contamination with toxic substances to a minimum. The limit values are thus generally *not* based on any proven excessive exposure from fertilisers to man or the environment (as opposed to cadmium from phosphate fertilisers, where an exposure near or above tolerable limits has been established). However, some proposed stricter limit values for heavy metals in fertilizers might fall within the range of national limit values already in place today and therefore fertilizers meeting these limits are already available in some Member States.
- The European Parliament and the Council propose to make a number of those limit values more stringent, and to add some new. The amendments do not appear to be are not supported by either economic impact assessments or scientific evidence. Furthermore, the main representatives of the European industries for both conventional and organic fertilisers have adopted a joint statement expressing their concerns that this would “pose significant obstacles to nutrient recycling or to the use of certain natural feedstocks as raw materials”.
- **At this stage, the Commission should reserve its position and continue explaining and defending its proposed limit values.** The issue will be revisited in a future GRI fiche.

6. **RECOMMENDATION TO THE COMMISSION**

- It is suggested that the GRI recommends to the Commission to adopt the position reflected in this fiche, namely, while defending its proposal, seek to facilitate a compromise between the two co-legislators which makes the Regulation implementable and safe by preserving the coherence and the integrity of the mechanisms put in place to protect health and the environment, and which preserves the objectives of the Commission's proposal on the following issues: various aspects of delegation of power, the Nitrates Directive, the definition of risks, chemical industrial by-products, input materials for compost and digestates, and links with the Waste Framework Directive, along the lines set out in this note. On all other issues not subject to previous GRI Fiches, the Commission should seek to facilitate a compromise with the same objectives, while explaining and defending its proposal and reserving its position.

7. **OFFICIALS RESPONSIBLE**

[REDACTED]