

Draft regulations amending the Regulations on fertilisers etc. of organic origin and the Regulations relating to the payment of fees for specific services provided by the Norwegian Food Safety Authority ('sewage sludge-based fertiliser' etc.)

Adopted on dd.mm.yyyy by the Ministry of Agriculture and Food pursuant to the Act of 19 December 2003 No 124 relating to food production and food safety etc. (the Food Act) Sections 9, 11, 12, 14, 15, 17 and 18, cf. Delegation Decision of 19 December 2003 No 1790.

EEA references: The EEA Agreement Annex XX Chapter V No 32 (Directive 86/278/EEC). The regulation is notified to the EFTA Surveillance Authority pursuant to requirements in Law 17 December 2004 No 101 on European notification of technical rules (Law on EEA-hearing) and Annex II Chapter XIX No 1 (Directive 98/34/EC as amended by Directive 98/48/EC).

I

The following amendments are made to the Regulations of 4 July 2003 No 950 on fertilisers etc. of organic origin:

Section 8 first paragraph is repealed.

Section 8 second paragraph becomes the new first paragraph, and the third paragraph becomes the new second paragraph.

Section 12 shall read as follows:

Section 12 Duty to report

Everyone who produces or imports products that fall under Part II of these Regulations must report to the Norwegian Food Safety Authority how much of each individual product the producer or importer has sold.

The Norwegian Food Safety Authority issues a prescribed form that is to be used for reporting and decides the frequency of and deadlines for reporting. The Norwegian Food Safety Authority can order the responsible enterprise to provide information about the amount of each individual product that is sold. The Norwegian Food Safety Authority can also require enterprises to submit an annual statement certified by their auditor (limited liability companies) or accountant (sole proprietorships) detailing the sales of each individual product.

For producers of sewage sludge, the information must include the amount produced and sold *stated as dry matter*, the manner of use and the composition of the sludge.

Producers of sewage sludge must inform the recipient municipalities annually, stating the name and address of recipients in the municipality and the quantity of product delivered to each recipient. Also enterprises that *deliver sewage sludge or sewage sludge products to end users that are engaged in agriculture must annually provide such information to the recipient municipalities*. The municipality must store this information for at least 10 years. The Norwegian Food Safety Authority can issue separate reporting forms for this purpose and stipulate when the reporting shall take place.

The new section 12a shall read as follows:

Section 12a Use of the product designations 'sewage sludge-based fertiliser'

Use of the product designation 'sewage sludge-based fertiliser' is subject to approval by the Norwegian Food Safety Authority. Upon application, the Norwegian Food Safety Authority can grant approval for use of this designation for sewage sludge products that meet the following requirements:

- a) *They are suitable for annual fertilising where the annual amount of the sewage sludge component used is less than 100 kg of dry matter per decaare.*
- b) *They have an available nitrogen, phosphorus and potassium content that is balanced and adapted to the annual agronomic needs of the plants.*
- c) *They have a solid form and are suitable for even spreading on the area that is to be fertilised.*
- d) *They have been treated using methods where the temperature during the hygienisation period is at least 55 degrees Celcius.*

The new section 12b shall read as follows:

Section 12b Tracing duty in connection with the sale of 'sewage sludge-based fertiliser'

Enterprises that produce or sell 'sewage sludge-based fertiliser' must keep a register of which enterprises have delivered the raw materials or products, and which enterprises they have been sold on to. The register must contain the following information:

- a. name and address of the supplier, the date of delivery and the quantity received stated as dry matter
- b. name and address of the recipient, the date of delivery and the quantity sold stated as dry matter.

The enterprises must store the register for at least 10 years.

Section 15 shall read as follows:

Section 15. Product description for organic fertiliser and organic mineral fertiliser

1. Product type: A brief description of the origin and nature of the product.
2. *The product designation pursuant to Section 12a must be stated.*
3. The composition of the individual fractions (stated in descending order by weight). For 'sewage sludge-based fertiliser', the content shall be stated in weight per cent.
4. Guaranteed content by weight or volume.
5. Name and address of the producer or importer.
6. Nutrient content
 - total N
 - nitrate N + ammonium N
 - phosphorus (P-AI) and potassium (K-AI) (ammonium-lactate soluble)
 - any potassium (Ca-AI) and magnesium (Mg-AI) (ammonium-lactate soluble)
 - any micronutrient content (total content).

- The content of secondary nutrients and micronutrients can only be declared if the amount of the individual nutrient is equal to or greater than the content limits stated in Annex 3.
7. Physical properties:
 - dry matter content (%)
 - organic content (%)
 8. For all products that contain raw materials listed in Annex 4, the following must also be declared:
 - the product's quality class (0-III) with a pertaining description, including any restrictions on use or other necessary precautions when using the product. When a product that falls under Section 10 is an ingredient in another product, the quality class of the ingredient in question shall be stated. Analysis values for heavy metals must be specified for all products that contain sewage sludge.
 - the hygienisation and stabilisation method.

Section 16 shall read as follows:

Section 16. *Marketing and sales*

Products covered by Part II of these Regulations may only be marketed and sold if they satisfy the Regulations' quality requirements, including the requirements for labelling and documentation.

For products that do not meet the requirements for use of the product designations in Section 12a, it must not be claimed, expressed or in any way indicated in labelling, trading documents, advertising or in any form of presentation that the product in question is 'sewage sludge-based fertiliser'.

The Norwegian Food Safety Authority may prohibit the sale of products covered by these Regulations if the product in question is sold under a misleading, fallacious or incorrect name, or if misleading information is provided about the product in connection with its marketing. It must be possible to document product properties and effects stated in marketing.

Section 25 shall read as follows:

Section 25 *Special requirements for products containing sewage sludge*

Products that contain sludge cannot be spread on land where vegetables, potatoes, berries or fruit are grown. Such plants cannot be cultivated on land where sludge has been spread until at least three years have elapsed since the date of the last spreading. *Where 'sewage sludge-based fertiliser' has been spread, such plants can nonetheless be grown minimum 10 months after the date of the last spreading.*

Sludge must not be spread on grassland or used in the commercial production of fruit, vegetables or plants in greenhouses. Sludge must only be used in private gardens, parks, play areas or similar as part of a growing medium.

After spreading, the sludge must be covered with soil immediately, and no later than 18 hours after it is spread. *The requirement does not apply, however, to the use of 'sewage sludge-based fertiliser'.*

When using products containing sludge, the enterprise must submit a notification to the municipality no later than two weeks before the first delivery, containing an assessment of all factors that can have an impact on agricultural, pollution-related, safety-related, health-

related and hygienic aspects of their use. The notification must also contain information about the quantity and composition of the sludge, the size of the area and type of land on which it is to be spread, any soil analyses, and the cadastral and property unit number and name/address of the recipient. *The requirement to submit a notification to the municipality does not apply to the use of 'sewage sludge-based fertiliser', however.*

Users of 'sewage sludge-based fertiliser' must keep a record. The record shall state which enterprise the sludge product was received from, the product's trade name, the quantity received and the date on which it was received. The record shall also contain outline maps showing the areas where the sludge has been used. It must be stated what quantity of sludge has been used per decare and the time when it was spread. The record must be stored for at least 10 years.

Section 25 fifth paragraph will be the new sixth paragraph, and the sixth paragraph will be the new seventh paragraph.

Section 27 shall read as follows:

Section 27 Quality classes and areas of use

The provisions in this section apply to products that fall under Section 10 of the Regulations. Where such products are ingredients in another product, the quantity limitations in this section apply to the ingredient in question.

Quality class 0 can be used on agricultural land, private gardens, parks, green areas and similar. The quantity applied must not exceed the plants' nutrient needs.

Quality class 1 can be used in the following ways:

- a) On agricultural land, in private gardens and in parks, up to four tonnes of dry matter per decare of the product can be used over a ten-year period.
- b) In green areas and similar areas where food or fodder crops will not be grown, the product can be spread in layers of maximum 5 centimetre thickness and worked into the soil on site.

Quality class II can be used in the following ways:

- a) On agricultural land, in private gardens and in parks, up to two tonnes of dry matter per decare of the product can be used over a ten-year period.
- b) In green areas and similar areas where food or fodder crops will not be grown, the product can be spread in layers of maximum 5 centimetre thickness and worked into the soil on site.

Quality class III can be used in the following ways:

- a) In green areas and similar areas where food or fodder crops will not be grown, the product can be spread in layers of maximum 5 centimetre thickness over a ten-year period and worked into the soil on site.
- b) As a top layer on landfill sites, the covering layer can be maximum 15 centimetres thick.

When using 'sewage sludge-based fertiliser' of Class 0, I, II or III, the annual quantity of the sewage sludge ingredient used shall not exceed 100 kg of dry matter per decare.

II

The following amendments are made to the Regulations of 13 February 2004 No 406 relating to the payment of fees for specific services provided by the Norwegian Food Safety Authority:

In Annex I Chapter II, the following fee is added under the heading 'Processing of applications for the approval of products':

The following is added to the column 'Specific services': *Approval of use of the designation 'sewage sludge-based fertiliser' on the labelling of a sewage sludge-based product.* In the column 'Fee', the amount '3,675' is added, and the letter 'c' is added under the column 'Fee class'.

III

The amendments shall enter into force immediately.