

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) No 142/2011, Division CHAPTER II. (See end of Document for details)

ANNEX XI

ORGANIC FERTILISERS AND SOIL IMPROVERS

CHAPTER II

REQUIREMENTS FOR CERTAIN ORGANIC FERTILISERS AND SOIL IMPROVERS

Section 1

Conditions for the production

1. Organic fertilisers and soil improvers, other than manure, digestive tract content, compost, milk, milk-based products, milk-derived products, colostrum, colostrum products and digestion residues from the transformation of animal by-products or derived products into biogas, shall be produced by:
 - (a) applying processing method 1 (pressure sterilisation), when Category 2 material is used as starting material;
 - (b) [^{F1}using processed animal protein, including processed animal protein produced in accordance with point B.1(b)(ii) of Section 1 of Chapter II of Annex X, which has been produced from Category 3 material in accordance with Section 1 of Chapter II of Annex X, or materials which have been subject to another treatment, where such materials may be used for organic fertilisers and soil improvers in accordance with this Regulation; or]
 - (c) by applying any of the processing methods 1 to 7, as set out in Chapter III of Annex IV, when Category 3 material is used as starting material which is not used for the production of processed animal protein.

Textual Amendments

- F1** Substituted by Commission Regulation (EU) No 294/2013 of 14 March 2013 amending and correcting Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (Text with EEA relevance).

2. Organic fertilisers and soil improvers which consist of or which have been produced from meat-and-bone meal derived from Category 2 material or from processed animal protein, shall be mixed, in a registered establishment or plant, with a sufficient minimum proportion of a component which is authorised by the competent authority of the [^{F2}constituent nation] where the product is to be applied to land, in order to exclude the subsequent use of the mixture for feeding purposes.

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Textual Amendments

F2 Words in Annex 11 Ch. 2 Section 1 point 2 substituted (E.W.S.) (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **13(61)**

3. The competent authority shall authorise the component referred to in point 2 according to the following:
- (a) the component shall consist of lime, manure, urine, compost or digestion residues from the transformation of animal by-products into biogas or other substances, such as mineral fertilisers, which are not used in animal feed and which exclude the subsequent use of the mixture for feeding purposes according to good agricultural practice;
 - (b) the component shall be determined based on an assessment of the climatic and soil conditions for the use of the mixture as a fertiliser, on indications that the component renders the mixture unpalatable to animals or it is otherwise effective in preventing misuse of the mixture for feeding purposes and in accordance with the requirements laid down in [^{F3}retained EU law] or, where applicable, national legislation, for the protection of the environment regarding the protection of soil and groundwater.

Textual Amendments

F3 Words in Regulation substituted (E.W.S.) (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **13(2)(a)**

The competent authority shall make the list of the authorised components available to the [^{F4}appropriate authority,] and to other [^{F5}appropriate authorities] upon request.

Textual Amendments

F4 Words in Annex 11 Ch. 2 Section 1 point 3 substituted (E.W.S.) (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **13(62)(a)**

F5 Words in Annex 11 Ch. 2 Section 1 point 3 substituted (E.W.S.) (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **13(62)(b)**

4. However, the requirements referred to in point 2 shall not apply:
- (a) to organic fertilisers and soil improvers which are in ready-to-sell packages of not more than 50 kg in weight for use by the final consumer; or
 - (b) to organic fertilisers and soil improvers in big bags of not more than 1 000 kg in weight, on the packages of which it is indicated that the organic fertilisers are not destined to land to which farmed animals have access, provided that the competent authority of the [^{F6}constituent nation] where the organic fertiliser or soil improver is to be applied to land, has authorised the use of such big bags on the basis of an assessment of the likelihood of a potential diversion of the materials to farms keeping animals or to land to which farmed animals have access.

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Textual Amendments

F6 Words in Annex 11 Ch. 2 Section 1 point 4(b) substituted (E.W.S.) (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), regs. 1(2)(c), **13(63)**

5. Producers of organic fertilisers and soil improvers must ensure that decontamination of pathogens is carried out prior to their placing on the market, in accordance with:
- Chapter I of Annex X, in the case of processed animal protein or derived products from Category 2 or Category 3 material,
 - Section 3 of Chapter III of Annex V in the case of compost and digestion residues from the transformation of animal by-products or derived products into biogas.

Section 2

Storage and transport

After processing or transformation, organic fertilisers and soil improvers shall be properly stored and transported:

- (a) in bulk, under appropriate conditions that prevent contamination;
- (b) packaged or in big bags, in the case of organic fertilisers or soil improvers destined for sale to final users; or
- (c) in the case of storage on farm, in an adequate storage space to which no farmed animals have access.

^{F7}Section 3

Requirements for approval of establishments or plants

In order to be approved in accordance with Article 24(1)(f) of Regulation (EC) No 1069/2009, operators shall ensure that establishments or plants carrying out the activities referred to in point 1 of Section 1 meet the requirements laid down in Article 8 of this Regulation and:

- (a) have adequate facilities for storage of incoming ingredients to prevent cross-contamination and avoid contamination during storage;
- (b) dispose of unused animal by-products or derived products in accordance with Articles 13 and 14 of Regulation (EC) No 1069/2009.]

Textual Amendments

F7 Inserted by [Commission Regulation \(EU\) 2015/9 of 6 January 2015 amending Regulation \(EU\) No 142/2011 implementing Regulation \(EC\) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive \(Text with EEA relevance\)](#).

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