



## FLANDERS - LEGAL POINTS

RUSTICA test case: A view on legal points in Flanders

### SHORT SUMMARY FOR PRACTITIONERS

EN version

RUSTICA validates, demonstrates and implements bio-based fertilisers and soil improvers while focusing on closed loops at the regional level. According to the test region Flanders, two main routes are discussed for commercialisation. Depending on the raw material, processing and final product marketing of such bio-based solutions via the harmonised rules of the new EU Fertilising Products Regulation (EU) 2019/1009 or under the national/regional regime can be verified.

Both CE-marked fertilisers rules and national legislation in Flanders include options on the use of organic materials for plant nutrition, and defined treatments, such as composting and anaerobic digestion are comprehensively addressed. However, differences between the new EU Regulation and the national/regional framework in terms of requirements of such treatments or products need to be thoroughly studied. If an innovation is intended to be marketed under the latter, it needs to be evaluated in detail if the new product is already included in existing legislation or a derogation is needed. Derogations are published in Flanders e.g., for biochar.

### SHORT SUMMARY FOR PRACTITIONERS

NATIVE version

RUSTICA valideert, demonstreert en implementeert biogebaseerde meststoffen en bodemverbeteraars en richt zich op gesloten kringlopen op regionaal niveau. In de testregio Vlaanderen worden twee hoofdroutes voor commercialisering besproken. Afhankelijk van de grondstof kan van dergelijke biogebaseerde oplossingen de verwerking en het eindproduct op de markt worden gebracht via de geharmoniseerde regels van de nieuwe EU-meststoffenverordening (EU) 2019/1009 of onder de nationale/regionale regelgeving.

Zowel de regels voor meststoffen met CE-markering als de nationale wetgeving in Vlaanderen omvatten opties voor het gebruik van organische materialen voor plantenvoeding. Gedefinieerde behandelingen zoals compostering en anaerobe vergisting komen er uitgebreid in aan bod. De verschillen tussen de nieuwe EU-verordening en het nationale/regionale kader wat betreft vereisten voor dergelijke behandelingen of producten moeten echter grondig worden bestudeerd. Als het de bedoeling is dat een dergelijke innovatie op de markt wordt gebracht, moet in detail worden beoordeeld of het nieuwe product al is opgenomen in de bestaande wetgeving of dat er een uitzondering nodig is. In Vlaanderen worden uitzonderingen gepubliceerd, bijvoorbeeld voor biochar.



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### CONTEXT

At present, the potential of organic matter by means of residues and side streams in fruit and vegetable production is not fully exhausted along the agri-food chain. Valuable secondary resources are still not completely exploited for bio-based fertilisers while fossil-based materials play an important role. Subsequently, novel developments need to be validated in order to meet this challenge.

### PROBLEM

Valorisation routes for organic material are broadly addressed not only in the new EU Regulation on fertilising products but also in the national and regional legislation one has to abide by in Flanders. However, comparing the rules of the new EU Regulation with national/regional frameworks in Flanders, certain differences can be identified. Furthermore, if marketing of an innovation is planned under the national regime, the necessity of a derogation needs to be examined in this region.

### SOLUTION

In the course of its systemic feasibility studies, the RUSTICA project conducts not only investigations on international agreements and EU legislation but also on national and regional legislative frameworks in Flanders and Belgium. Results are published and available to political institutions and authorities. The analyses include inter alia the six main technologies of RUSTICA and EU rules on fertiliser application including their national and regional transposition in Belgium and Flanders. In addition, specific aspects of organic farming are subject to the studies.

### OUTCOME

1. A detailed and publicly available report (D3.6) on national and regional legislation in the test regions in EU countries and Colombia revealing options and constraints of RUSTICA developments has been prepared.
2. A dedicated summary on major criteria in national and regional legislation in Belgium and Flanders relevant for stakeholders and marketing of the new technologies is elaborated.
3. An integration of the subject into workshops enabling a broad discussion on legal situations, positions and future needs in the Flanders test region has been made.

### PRACTICAL RECOMMENDATIONS

- An evaluation of the feedstocks and precursors of fertilising products identifying their legal options for the individual value chains;
- A verification of the processing methods and comparison with legal requirements to recognize further needs;
- An assessment of contents, such as nutrient values, contaminants and pollutants of the fertilising products, blends and mixtures in terms of compliance with legislation;
- A consideration of legal sources addressing environmental issues, e.g., water (nitrate) and fertiliser application;