

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive on the use of sewage sludge in agriculture*(Submitted by the Commission to the Council on 13 September 1982)*

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 100 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the main objective of this Directive is to provide better protection for the environment and to make use of waste; whereas it is therefore necessary to make specific provision for this purpose; whereas the Treaty makes no provision for the powers required for such action and it is therefore necessary to act under Article 235 of the Treaty;

Whereas the disparity between the Member States' current provisions on the agricultural applications of sewage sludge, or between those under consideration, might create an imbalance in the conditions of competition and therefore directly affect the functioning of the common market; whereas in this field the approximation of laws provided for under Article 100 of the Treaty should therefore be instigated;

Whereas under Article 2 (c) and (d) of Council Directive 75/442/EEC ⁽¹⁾ on the disposal of waste in general, waste waters and substances used in farming, with the exception of waste in liquid form, are excluded from the scope of that Directive;

Whereas the measures for which provision is made in Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste ⁽²⁾ also apply to sewage sludge containing or contaminated by substances or materials listed in the Annex to that Directive which are of such a nature or are present in such quantities or concentrations that they present a hazard to health or to the environment;

Whereas special arrangements should be made to ensure that human beings, animals, plants and the environment are fully safeguarded against the harmful effects arising from the uncontrolled spreading of sludge;

Whereas sludge sometimes has valuable agronomic properties and agricultural applications are therefore justified subject to certain precautions being taken; whereas the spreading of sewage sludge must not impair the quality of agricultural and forestry products in the long term;

Whereas some trace elements are more toxic to plants than others; and whereas, consequently, it is necessary to lay down mandatory values, to be complied with all times, for the more toxic elements, whilst recommended values, to be complied with as far as possible, are laid down for the less toxic ones;

Whereas sludge from small sewage plants which process only domestic sewage presents little risk to the health of human beings and of animals, or to plants or the environment and this sludge may therefore be excluded from the scope of the Directive;

Whereas to this end the amount of trace elements added to soil under cultivation should be restricted by limiting the total input of such elements into the soil over a given period, whilst at the same time ensuring that a concentration threshold for those elements in the soil is not exceeded, or even by prohibiting the use of sludge with an excessive concentration of trace elements;

Whereas in order to safeguard human health, the spreading of sludge on crops which would come into direct contact with it and/or which are supplied raw to consumers must be prohibited; whereas this provision should also apply to woodland areas, parks and playgrounds;

Whereas for other crops sludges must be stabilized and a certain period must elapse between spreading the sludge and putting stock out to pasture or harvesting fodder crops;

⁽¹⁾ OJ No L 194, 25. 7. 1975, p. 47.

⁽²⁾ OJ No L 84, 31. 3. 1978, p. 43.

Whereas sludge which is directly pumped or worked into the soil may be untreated;

Whereas in accordance with Council Directives 75/440/EEC ⁽¹⁾ and 80/68/EEC ⁽²⁾, spreading should be carried out under conditions which ensure that the soil and the surface and ground water are protected;

Whereas to this end it is necessary to monitor the quality of sludges and of the soils to which they are applied and hence to make regular analyses and to communicate the results to the users;

Whereas the scope of this Directive should be limited to municipal sludges, certain non-toxic commercial or agro-food industry sludges, and mixed urban and industrial or commercial sludges, so excluding industrial and commercial sludges, which often contain too high a load of one or more trace elements,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive:

- (a) *sludge* means residual sludge from sewage treatment plants treating urban or similar effluents and mixed effluents, that is, mixtures of urban and industrial or commercial effluents;
- (b) *stabilized sludge* means sludge which has undergone biological or chemical treatment or long-term storage;
- (c) *agriculture* means the commercial growing of all types of food crops;
- (d) *spreading of sewage sludge* means all uses of sewage sludge on and in the soil.

Article 2

Sewage sludge from treatment plants treating only urban or similar effluents and serving throughout the year a population of less than 5 000 persons shall be excluded from the scope of this Directive.

Article 3

Mandatory (M) and recommended (R) values shall be laid down for the trace element concentrations in the

sludge, for the cumulative quantities of trace elements introduced into soil used for agriculture and for permissible concentrations of trace elements in the receiving soils.

Member States shall ensure that the mandatory values laid down in Annexes I A, I B and I C are complied with when sludge is spread.

Member States shall make every effort to observe the recommended values laid down in Annexes I A, I B and I C where local conditions permit.

Article 4

Sludge having a concentration of one or more elements listed in Annex I A higher than the mandatory values may not be used in agriculture.

Member States shall make every effort to observe the recommended values laid down in Annex I A where local conditions permit.

Member States shall take whatever steps are necessary to ensure that sludge of this type is disposed of with minimum risk to human beings, animals, plants and the environment.

Article 5

Repeated applications of sludge must not lead to an accumulation of trace elements in the soil exceeding the mandatory values laid down in Annex I C.

For trace elements for which mandatory values have been fixed in Annex I B Member States shall lay down the maximum amounts which may be added per unit of soil surface area per year, calculated over 10 years.

For trace elements for which recommended values are given in Annex I B Member States shall make every effort to observe the recommended values where local conditions permit.

Article 6

Member States shall prohibit the spreading on soil of sludge in which the concentration of one or more trace elements exceeds the mandatory values laid down in Annex I C.

Member States shall make every effort to observe the recommended values laid down in Annex I C where local conditions permit.

Article 7

Without prejudice to Article 8:

- sludge shall be stabilized before being used in agriculture; and

⁽¹⁾ OJ No L 194, 25. 7. 1975, p. 26.

⁽²⁾ OJ No L 20, 26. 1. 1980, p. 43.

- non-stabilized sludge may be used only if it is immediately injected or worked into the soil.

Article 8

1. Member States shall prohibit the application of sludge in parks, playgrounds and woodlands save where special authorization has been granted for special reasons.
2. Grassland shall not be grazed and forage crops shall not be harvested for at least six weeks after the application of stabilized sludge.
3. Member States shall prohibit the spreading of sludge on crops which would be in direct contact with the sludge and/or are supplied raw to consumers.

Article 9

The application of sludge shall be carried out in accordance with the following rules:

- the sludge shall be spread in a manner which fulfills the needs of the plants and preserves the quality of the soil and of the surface and ground water;
- sludge shall not be spread on soil with a pH value which will allow excessive mobility of the trace elements. Member States shall ensure that the pH value of the soil does not fall below six after spreading.

Article 10

Sludge and the soil on which it is spread shall be analyzed in accordance with the schedule in Annex II.

Article 11

Member States shall ensure that a record is kept of the amounts of sludge produced, of the quantities supplied for use in agriculture, of the recipients, the methods of treatment and of the results of the analyses referred to in Article 10.

The record will provide a basis for the consolidated report referred to in Article 17.

Information on the methods of treatment and the results of the analyses shall be released upon request to farmers and competent bodies.

Article 12

Where conditions so demand the Member States may take more stringent measures than those provided for in this Directive.

Article 13

In accordance with the procedure referred to in Article 15, adaptation to technical progress shall concern:

- the values given in Annex I;
- the analyses specified in Annex II;
- methods of sampling and analysis.

Article 14

1. A committee for adapting this Directive to technical progress (hereinafter called 'the Committee') is hereby set up. It shall consist of representatives of the Member States with a representative of the Commission as chairman.

2. The Committee shall draw up its own rules of procedure.

Article 15

1. Where the procedure laid down in this Article is to be followed, matters shall be referred to the Committee by the Chairman, either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its opinion on the draft within a period to be determined by the Chairman according to the urgency of the matter. It shall decide by a majority of 45 votes, the votes of the Member States being weighted as provided for in Article 148 (2) of the Treaty. The Chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged where these are in accordance with the opinion of the Committee.

(b) Where the measures envisaged are not in accordance with the opinion of the Committee or if no opinion has been given, the Commission shall forthwith propose to the Council the measures to be adopted. The Council shall act by a qualified majority.

(c) If, within three months of the proposal being submitted to it, the Council has not acted, the measures proposed shall be adopted by the Commission.

Article 16

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within three years of its notification. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

Article 17

Five years after the notification of this Directive and every three years thereafter Member States shall prepare a consolidated report on the use of sludge in agriculture setting out the quantities applied and the percentage thereof on each type of soil, the criteria

used and any difficulties encountered; they shall send the report to the Commission which shall publish the information contained therein.

Article 18

This Directive is addressed to the Member States.

ANNEX I A

**Limit values of trace-element concentrations in sludge for use in agriculture
(mg/kg dry matter)**

<i>Element</i>		<i>R</i>	<i>M</i>
Cadmium	(Cd)	20	40
Copper	(Cu)	1 000	1 500
Nickel	(Ni)	300	400
Lead	(Pb)	750	1 000
Zinc	(Zn)	2 500	3 000
Chromium	(Cr)	750	—
Mercury	(Hg)	16	—

ANNEX I B

**Amounts of trace elements which may be added annually to agricultural land, based on a ten-year
average
(kg/ha/yr)**

<i>Element</i>		<i>R</i>	<i>M</i>
Cadmium	(Cd)	0.10	0.15
Copper	(Cu)	10	12
Nickel	(Ni)	2	3
Lead	(Pb)	10	15
Zinc	(Zn)	25	30
Arsenic	(As)	0.35	—
Chromium	(Cr)	10	—
Mercury	(Hg)	0.40	—

ANNEX I C

**Concentrations of trace elements admissible in agricultural soil to which sludge is applied
(mg/kg dry matter)**

<i>Element</i>		<i>R</i>	<i>M</i>
Cadmium	(Cd)	1	3
Copper	(Cu)	50	100
Nickel	(Ni)	30	50
Lead	(Pb)	50	100
Zinc	(Zn)	150	300
Arsenic	(As)	20	—
Chromium	(Cr)	50	—
Mercury	(Hg)	2	—

*ANNEX II A***Sludge analysis**

As a rule, sludge is to be analyzed at least every six months. Where changes occur in the characteristics of the sewage being treated the frequency of the analyses must be increased. If the results of the analysis do not vary significantly over a full year, the sludge must be analyzed every 12 months.

Analysis should cover the following parameters:

- dry matter, organic matter;
- pH;
- nitrogen and phosphorus;
- copper, cadmium, nickel, lead and zinc.

It is for the Member States to decide whether the following parameters should also be calculated:

- C/N ratio;
- salinity;
- faecal content.

Analyses must also be carried out for the other trace elements for which the Member States have fixed recommended values.

*ANNEX II B***Soil analysis**

Soils must be analyzed prior to the first application of sludge and every five years thereafter ⁽¹⁾.

Analysis should cover the following parameters:

- pH;
- copper, cadmium, nickel, lead and zinc.

It is for the Member States to decide whether the following parameters should also be calculated:

- physical characteristics of the soil;
- buffering capacity.

Analyses must also be carried out for the other trace elements for which the Member States have fixed recommended values.

⁽¹⁾ The number of soil samples taken will depend on the homogeneity of the soil and the land area; the depth at which samples are taken will depend on the type of crop.

Proposal for a Council Decision on a financial contribution from the Community to the campaign against foot-and-mouth disease in south-east Europe

(Submitted by the Commission to the Council on 24 September 1982)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament;

Whereas there have been outbreaks of foot-and-mouth disease caused by viruses foreign to the Community in recent years in certain regions of south-east Europe; whereas the danger to Community livestock from such exotic foot-and-