



**To the Representatives active in trilogue negotiations  
on the CE marked fertilising products proposal**

REF. ECN\_EC\_FR\_01/2018

DATE Bochum, 23.01.2018

**ECN recommendations on exclusion of bio-waste from CMC2, on alternative time-temperature profiles for composting and deleting the PFC criteria on E.coli and Enterococcaceae**

Dear Madam or Sir,

ECN welcomes the inclusion of compost and digestate within the scope of the draft EU Fertilising Product Regulation. However, based on nearly 30 years of profound experience in the use of quality certified composts and digestates under national fertilisers or waste legislation in many EU member states we would like to draw your attention to three requirements that will – if kept in the final regulation – seriously impede the possibility to qualify for CE marked compost and digestate products. Those three main concerns are:

- Bio-waste needs to be excluded from CMC 2;
- The need for slightly altering the proposed time-temperature profiles for sanitation of bio-waste;
- Delete the pathogen control with limit values for 'Escherichia coli/or Enterococcaceae'.

**EUROPEAN COMPOST NETWORK ECN e.V.**

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**REGISTERED PLACE OF ASSOCIATION** European Compost Network ECN e.V., Bochum **TRANSPARENCY REGISTER** 26513411360-51

**Proposed amendment: exclusion of bio-waste from CMC2 (Annex II, part II)**

Proposal EC	Amendment
<p>1. A CE marked fertilizing product may contain plants, plant parts or plant extracts having undergone no other processing than cutting, grinding, centrifugation, pressing, drying, freeze-drying or extraction with water.</p> <p>2. For the purpose of paragraph 1, plants are understood to include algae and exclude blue-green algae.</p>	<p>1. A CE marked fertilizing product may contain plants, plant parts or plant extracts having undergone no other processing than cutting, grinding, centrifugation, pressing, drying, freeze-drying or extraction with water.</p> <p>2. For the purpose of paragraph 1, plants are understood to include algae and exclude blue-green algae.</p> <p><b>3. For the purpose of paragraph 1, the following items are excluded:</b></p> <ul style="list-style-type: none"> <li>• <b>bio-waste within the meaning of Directive 2008/98/EC,</b></li> <li>• <b>any plant materials from agriculture and forestry, which do not fall under the definition of waste within the meaning of Directive 2008/98/EC and which are possibly infected with epidemiological relevant plant diseases or traces of mycotoxins.</b></li> </ul>

**Justification:**

The broad definition ‘plants, plant parts or plant extracts having undergone no other processing than cutting, grinding etc.’ allows a wide variety of organic residues from plants to be classified as CMC2 material, and, consequently for becoming a CE marked organic soil improver, organic fertiliser or growing media. It effectively would include all green waste from public green areas, roadsides etc., as well as garden waste collected at households, and other plant residues.

This unspecified definition of CMC2 is undesirable, as these materials fall under the common definition of bio-waste and may pose health and environmental risks if not treated in accordance with processing standards laid down in CMC3 or CMC5. For example, pruning’s and grass containing invasive plant species such as Japanese knotweed could obtain a CE label as soil improver. By excluding bio-waste and any infected plant material from the scope of CMC 2 those environmental and health risks would be avoided, as these plant materials will then have to comply with the processing requirements laid out in CMC3 and CMC5 (hygienisation).

It is important that CMC2 would include only material which by origin species and quality poses no risk of spreading plant pathogens into the local or wider environment. The latter can only be achieved via adequate processing and hygienisation requirements as laid down for compost and digestate.

**Proposed amendment: alternative time-temperature profiles for sanitation of bio-waste**

Proposal EC	Amendment
<p><i>The aerobic composting shall consist in controlled decomposition of biodegradable materials, which is predominantly aerobic and which allows the development of temperatures suitable for thermophilic bacteria as a result of biologically produced heat. All parts of each batch shall be regularly and thoroughly moved in order to ensure the correct sanitation and homogeneity of the material. During the composting process, all parts of each batch shall have one of the following temperature-time profiles:</i></p> <ul style="list-style-type: none"> <li>• 65°C or more for at least 5 days,</li> <li>• 60°C or more for at least 7 days, or</li> <li>• 55°C or more for at least 14 days.</li> </ul>	<p><i>The aerobic composting shall consist in controlled decomposition of biodegradable materials, which is predominantly aerobic and which allows the development of temperatures suitable for thermophilic bacteria as a result of biologically produced heat. All parts of each batch shall be regularly and thoroughly moved in order to ensure the correct sanitation and homogeneity of the material. During the composting process, all parts of each batch shall have one of the following temperature-time profiles, <b>provided adequate input control and moisture content:</b></i></p> <ul style="list-style-type: none"> <li>• <b>65°C or more for at least 3 days in open systems,</b></li> <li>• <b>60°C or more for at least 3 days in closed systems, or</b></li> <li>• <b>55°C or more for at least 10 days in open systems.</b></li> </ul>

**Justification:**

Scientific evidence in relation to time-temperature profiles show effective hygienisation for animal pathogens at 3 days at 55 °C. Scientific evidence is also showing the need to relate risks to the treated input material (e.g. the low likelihood of exposure to significantly infected sources in combination with the dilution effect, when a large amount and many origins of source separated bio-waste or green waste are mixed for composting, makes it very unlikely that the resulting low concentration of pathogens entering the composting process will lead to any problems after being composted at 60 °C for 3 days). The mechanism for effective eradicating of pathogens

depends on a number of parameters each adding to the sanitation effect, i.e. adequate input control, moisture content, time-temperature profiles, aeration and maturation as worked out in the JRC report on end-of-waste criteria for biodegradable waste subjected to biological treatment<sup>1</sup>

**In 30 years practice, compulsory time-temperature profiles established through national regulations all over Europe have provided a highly effective safety level throughout the production and market chain for compost and digestate from source separated bio-waste. The profiles laid down in the proposal do not mirror such experience by unnecessarily stretching the required exposure time, hence, also not considering varying configurations of the composting process, the types of bio-waste composted, and other parameters.**

**Proposed amendment: Deletion of E.coli/or Enterococcaceae for organic fertilisers, soil improvers and growing media**

Proposal EC Annex I – part II – PFC 1(A) - paragraph 4 Annex I – part II – PFC 3(A) - paragraph 3 (b) Annex I – part II – PFC 4 - paragraph 4	Amendment
<p><i>Text proposed by the Commission</i></p> <p>None of the two following types of bacteria shall be present in the CE marked fertilising product in a concentration of more than 1000 CFU/g fresh mass:</p> <p style="padding-left: 40px;">(a) Escherichia coli, or (b) Enterococcaceae.</p> <p>This shall be demonstrated by measuring the presence of at least one of those two types of bacteria.</p>	<p><i>ECN suggested amendment</i></p> <p><del>None of the two following types of bacteria shall be present in the CE marked fertilising product in a concentration of more than 1000 CFU/g fresh mass:</del></p> <p style="padding-left: 40px;"><del>(a) Escherichia coli, or (b) Enterococcaceae.</del></p> <p><del>This shall be demonstrated by measuring the presence of at least one of those two types of bacteria.</del></p>

**Justification**

We propose to delete the hygienic parameter “Escherichia coli or Enterococcaceae”. It makes no sense to measure and regulate such a parameter in end products of biological treatment of organic materials. These are applicable in the Animal By-Product Regulation (ABPR) mainly as a process parameter to cross-check the effectiveness of the sanitation step of the treatment but gives no information in

<sup>1</sup> Saveyn, Hans & Peter Eder, 2014: End-of-waste criteria for biodegradable waste subjected to biological treatment (compost & digestate): Technical proposals. European Commission, Joint Research Centre, Institute for Prospective Technological Studies; EUR 26425 EN, <http://publications.jrc.ec.europa.eu/repository/bitstream/JRC87124/eow%20biodegradable%20waste%20final%20report.pdf>



finalized products, due to the fact, that in natural occurring circumstances, E. coli or Enterococcus is subject to regrowth, which is a natural process without influencing the product quality. For the final product assessment, the adequate parameter for hygiene aspects is Salmonella.

With the view to make the new Fertilising Product Regulation a success also for the emerging compost and digestate market, we very much thank you in advance for your consideration of these important issues, and we would welcome the opportunity to provide you with further information in case this would be helpful.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stefanie Siebert'.

Stefanie Siebert  
Executive Director of ECN

A handwritten signature in black ink, appearing to read 'Henrik Lystad'.

Henrik Lystad  
Chair of ECN