ECN comments on the draft COMMISSION DELEGATED REGULATION amending Regulation (EU) 2019/1009 of the European Parliament and of the Council as regards the requirements applicable to EU fertilising products containing inhibiting compounds and the post-processing of digestate

The European Compost Network (ECN) welcomes the initiative of the European Commission to take up requirements for the post-processing of digestate (CMC4 and CNC5) in Annex II of Regulation (EU) 2019/1009.

We fully support the inclusion of post-processing techniques for digestate, but there is a need for clarification on the remaining digestate from ammonium stripping (new 3b) and we would like to ask the Commission to take the following proposals for amending the new 3c) under consideration:

Input materials for CMCs 3 and 5 – sludges from food and feed processing plants

Fertilising Products Regulation	ECN suggested amendment
CMC4 and CMC5 (3) Section 'CMC4' and CMC 5' is amended as follows	
(a) the following points 3a, 3b and 3c are inserted: '3a. An EU fertilising product may contain a solid or liquid fraction of digestate, provided that all of the following conditions are met: (a) the solid or liquid fraction is obtained by mechanical separation of digestate compliant with points 1 to 3; (b) the additives needed for the mechanical separation comply with the requirement in point 1(d)(i); (c) the total concentration of all additives does not exceed 5 % of the digestate weight. 3b. An EU fertilising product may contain a digestate compliant with points 1 to 3, or a fraction referred to in [compliant with? See above] point 3a, from which all or part	

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of the soluble ammonium has been removed to recover nitrogen, without the intention to otherwise modify the digestate or the fraction. 3c. An EU fertilising product may contain a digestate compliant with points 1 to 3 or point 3b, as well as a fraction compliant with point 3a, which have undergone only physical processing to remove water that do not chemically modify the digestate or the fraction.	3c. An EU fertilising product may contain a digestate provided that all the following conditions are met: (a) the digestate is obtained physical processing to remove water that does not chemically modify the digestate or the fraction.', compliant with points 1 to 3 or point 3b, as well as a fraction compliant with point 3a, (b) the additives needed for the physical process comply with the requirement in point 1(d)(i); (c) the total concentration of all additives does not exceed 5 % of the digestate weight
CMC5	
(b) point 4 is replaced by the following: '4. The digestate or the fraction referred to in points 3a and 3c shall not contain more than 6 mg/kg dry matter of PAH16.',	(b) point 4 is replaced by the following: '4. The digestate or the fraction referred to in points 3a, 3b and 3c shall not contain more than 6 mg/kg dry matter of PAH16.',
(c) in point 5, the introductory sentence is replaced by the following: 'The digestate or the fraction referred to in points 3a and 3c shall contain:'	(c) in point 5, the introductory sentence is replaced by the following: 'The digestate or the fraction referred to in points 3a, 3b and 3c shall contain:'
(d) in point 6, the introductory sentence is replaced by the following: 'The digestate or the fraction referred to in points 3a and 3c shall meet at least one of the following stability criteria:'	(d) in point 6, the introductory sentence is replaced by the following: 'The digestate or the fraction referred to in points 3a, 3b and 3c shall meet at least one of the following stability criteria:'

Request for amending additives on physical processes

If additives are allowed for mechanical separation, we do not understand why additives are excluded for physical processing. With regard to further developments, we request to be open for further post-processing techniques for digestate but as well for compost, as to provide tailor-made recycled products which fulfil the demand of customers and as well more stringent environmental requirements in the agricultural sector.

Clarification on excluding 3b from point 4, 5 and 6

We understand that 3b) describes the remianing digestate from Ammonia “stripping” as described in the EBA/ESPP submission from 15/11/2021: ‘Ammonia stripping can be achieved by one or a combination of the following processes:

a) increasing pH by adding e.g. caustic soda

b) bubbling air through the digestate

c) increasing the temperature

d) decreasing the pressure (vacuum)

e) gas membrane separation

f) adsorption / ion-exchange

These processes do not chemically modify the remaining digestate (caustic can be considered to be a processing “additive”)’.

As the remaining digestate will be used in EU Fertilising Products we do not unterstand why the requirements of point 4 (PAH), 5 (impurities), 6 (stability) do not apply for these digestates, if no mechanical separation or physical post-processing takes place.

About ECN

The **European Compost Network** (ECN) is the leading European membership organisation promoting sustainable recycling practices by composting and anaerobic digestion of organic resources and guarding over the quality and safe use of the recovered organic fertilisers/soil improvers.

The European Compost Network is a membership organisation with 65 members from 27 European countries. Members include all European bio-waste organisations and their operating plants, research, policy making, consultants and authorities. Through its member organisations, ECN represents more than 4,500 experts and plant operators with a biological waste treatment capacity above 48 million tonnes.