

## **ECN's feedback on the Technical study to support the inclusion of new materials and processes under the Fertilising Products Regulation (FPR)**

Lot 2: Material and processes under the FPR

### **Questionnaire on Inception report**

1. Have you noticed any incorrect or obsolete information in the report section that describes the screening of proposals (Chapter 4-7)?

**NO**

2. Based on your expert views, NMI would appreciate receiving further feedback and other observations related to the screening or working plan. Please provide general notes of support or disapproval for the proposed approach, as well as any specific comments you may have on particular challenges and issues.

**Editorial remark:** We recommend to refer in 8.2 to the JRC report End-of-waste criteria for biodegradable waste subjected to biological treatment (compost & digestate): Technical proposals 2014-01-14

[JRC Publications Repository - End-of-waste criteria for biodegradable waste subjected to biological treatment \(compost & digestate\): Technical proposals \(europa.eu\)](#)

8.2 Task 2 – Assessment of proposals to identify the materials' potential to be subject to significant trade

- Studies and other reports from the European Commission, EU Institutions, and international organisations. These will include, but not be limited to, the EU studies and publication on the implementation and evaluation of the Directive on the use of sewage sludge in agriculture, and the JRC technical proposals on the new materials under the FPR (CMCs 11, 12, 13, 14, and 15), **and JRC Scientific and policy report “ End-of-waste criteria for biodegradable waste subjected to biological treatment (compost & digestate).**

**Remark on general approach/assessment:** 8.2 Task 2 – Assessment of proposals to identify the materials’ potential to be subject to significant trade

The identification of such a potential of relevant materials, the legal status of such materials in national legislation, the current production and marketing by different types of companies are listed.

The chapter also states that *"an assessment will be made of the extent to which each proposal fits in with the Commission's priorities as set out in the last paragraph of Article 42(1) of the Fertiliser Regulation"*.

See Article 42 §1) EU FPR: *"..When adopting delegated acts under this paragraph, the Commission shall prioritise in particular animal by-products, by-products within the meaning of Directive 2008/98/EC, and recovered waste, in particular from the agricultural sector and the agro-food industry, as well as materials and products already lawfully placed on the market in one or more Member States."*

**Question from ECN for clarification:** How are future developments in the supply and use of biomass /organic waste considered in terms of the future market importance of such materials and the extent to which such materials are available for EU fertiliser production and/or use in primary bioenergy production?

Referring to JRC “Biomass Supply and uses in the EU” – JRC Publications Repository ISSN 1831-9424 “Biomass and Supply in the EU \_summary for policymakers,2023 [JRC Publications Repository - Biomass supply and uses in the EU \(europa.eu\)](#)”

With reference to Box 1, Municipal waste 2 bullet point: *"... biowaste is the most important waste stream for which action is needed, since it constitutes on average 34% on municipal waste. Focus should be given to introducing or expanding effective capacity for the separate collection and treatment of biowaste. Sound biowaste management could enable the use of biowaste as a fertiliser and soil improver and for the biogas production."*

**Question from ECN in the assessment of the potential of bio-waste:** Will you assess as well the huge potential of bio-waste from municipal households that currently remains unused in residual household waste?

See reference to Box 1, Municipal waste 2 bullet point: *"... biowaste is the most important waste stream for which action is needed, since it constitutes on average 34% on municipal*

*waste. Focus should be given to introducing or expanding effective capacity for the separate collection and treatment of biowaste. Sound biowaste management could enable the use of biowaste as a fertiliser and soil improver and for the biogas production.”*

See COM(2023) 304 final: [eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023DC0304](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023DC0304)

See EEA REPORT No 4/2020 “Biowaste – in EUROPE – turning challenges in opportunities” [Bio-waste in Europe — turning challenges into opportunities — European Environment Agency \(europa.eu\)](https://www.eea.europa.eu/en/bio-waste-in-europe—turning-challenges-into-opportunities—European-Environment-Agency)

3. Are you aware of any relevant information sources that should be taken into consideration for screening or tasks 2: assessment of market perspective, task 3: identify any risk to human, animal and plant health, to safety or to the environment, or task 4: agronomic performance?

**Proposal by ECN for consideration of task 2:** To assess the market perspective, the legal status of CMC materials (if they are considered as waste or products at national level) for EU fertiliser products should be taken into account.

In addition, are these materials placed on the market in several Member States? Are they sold by many companies/in large quantities? Does the processing and use of these materials have a long history? Are there any health or safety risks or criteria for the resulting products in the Member States? Are there any agronomic performance criteria for the resulting products?

For example, residues from olive oil production are only available in relevant quantities in some Member States, but also if specific requirements are needed to classify the input materials. For example, sludges from food and feed production are available in all Member States, but due to the process techniques and water treatment of such food production facilities, the supply of such appropriate sludges from food processing could vary over a wider range.

Sludges from the preparation and processing of food and feed (meat, fish, fruit, vegetables, cereals) should be considered in the future assessment by setting additional requirements for their use. With reference to the German fertiliser ordinance, only sludges from food production - vegetable or animal by-products - are allowed if the washing water does not consist of faeces, urine and any additives. As in the positive list of input materials

for composting and anaerobic digestion in the ECN-QAS, specific information must be provided:

See [Anlage 2 DüMV - Einzelnorm \(gesetze-im-internet.de\)](#)

See positive list for compost and digestate in the [ECN-QAS Manual](#).

The German Fertiliser Act describes such 'sludges, flotsam and swept-up debris from the food industry' and lists permissible raw materials as well as 'supplementary specifications and notes' on these input materials for fertiliser production. Such a measurement is necessary to define such input materials suitable for composting / digestion as a main component for fertiliser production.

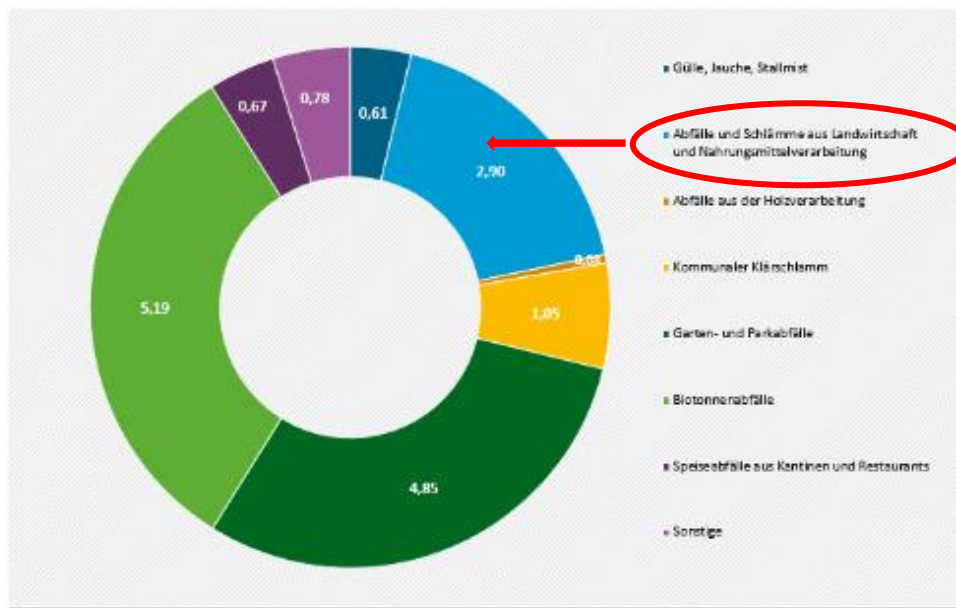
47

	Raw material, substance group or origin	Restriction of the permissible raw materials	Supplemental specifications and notes
	1	2	3
			Article 5 paragraph 2 No. 2 in particular for beetroot and residue from beetroot processing as well as potatoes and residue from potato processing, including potato liquor.
<b>7.4 Other substances and organisms, also mixtures</b>			
7.4.1	Waste water from the production of synthetic methionine		Labelling in instructions for proper use to include the words: 'direct application or immediate incorporation'
7.4.2	Sludge, flotsam and swept-up debris from the food industry	Dairy farm waste water Waste water from gelatine production Waste water from beverage production Waste water from vegetable comestibles production	From the plant's own wastewater treatment without municipal waste water. Raw materials each processed only with substances serving the necessary waste water and sludge treatment, including hygienisation or other necessary treatment. Addition of lime only of quality corresponding to the permitted fertilisers. Specification of the substances added in the processing and of the particular purpose of the addition (e.g. conditioning, hygienisation, precipitation); in the case of addition of lime, also specification of the added amount. <u>Note:</u> Reference is made to the specifications of Article 5 paragraph 2 No. 2 in particular for beetroot and residue from beetroot processing as well as potatoes and residue from potato processing, including potato liquor.

The importance of such sludge from food production is illustrated by the GERMAN ENVIRONMENTAL AGENCY: Around 2.9 million tonnes of wastewater and sludge from the treatment of agricultural and food products were listed by the German Statistical Office for 2021.

**Zusammensetzung der an Bioabfallbehandlungsanlagen angelieferten Bioabfälle (zuzüglich Klärschlamm) 2021**

Millionen Tonnen



© Statistisches Bundesamt, Abfallwirtschaft 2021, Wiesbaden, Stand 06/2023

[2 abb zusammensetzung-bioabfaelle 2023-11-23.pdf \(umweltbundesamt.de\)](#)

A	B	C	D	E	F	G	H	I	J	K
Haupttitel	Zusammensetzung der an Bioabfallbehandlungsanlagen angelieferten Bioabfälle (zuzüglich Klärschlamm) 2021									
Untertitel	Millionen Tonnen									
Quelle	Statistisches Bundesamt, Abfallentsorgung 2021, Wiesbaden, Stand 06/2023									
Fußnote										
Achsenbezeichnung 1:										
Achsenbezeichnung 2:										
		Gülle, Jauche, Stallmist	Abfälle und Schlämme aus Landwirtschaft und Nahrungsmittelverarbeitung	Abfälle aus der Holzverarbeitung	Kommunaler Klärschlamm	Garten- und Parkabfälle	Biotonnenabfälle	Speiseabfälle aus Kantinen und Restaurants	Sonstige	Summe
2012	1,43	2,22	0,17	1,36	4,39	3,93	0,53	0,97	14,98	
2013	1,14	2,53	0,18	1,15	4,14	4,03	0,47	1,01	14,66	
2014	1,24	2,49	0,15	1,21	4,57	4,10	0,54	1,12	15,44	
2015	1,25	2,41	0,15	1,26	4,65	4,19	0,60	1,01	15,54	
2016	1,00	2,66	0,11	1,04	4,79	4,36	0,61	1,03	15,61	
2017	0,95	2,73	0,10	1,22	4,79	4,35	0,62	1,06	15,82	
2018	0,68	2,57	0,11	1,26	4,47	4,32	0,63	1,03	15,06	
2019	0,66	2,44	0,08	1,18	4,62	4,59	0,77	0,93	15,26	
2020	0,67	2,33	0,09	1,28	4,55	4,92	0,65	0,88	15,37	
2021	0,61	2,90	0,08	1,05	4,85	5,19	0,67	0,78	16,13	

**About the ECN**

The 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 and soil improvers. With 64 members from 27 European Countries ECN represents more than 4500 experts and plant operators with more than 45 million tonnes of biological waste treatment capacity.