

## **ECN's feedback on Simplification omnibus on food and feed safety**

The European Compost Network (ECN), the European umbrella organisation representing the bio-waste recycling sector, welcomes the Commission's initiative to reduce unnecessary regulatory burdens in order to improve competitiveness and resilience of EU food and feed systems while maintaining high standards for food and feed safety, for human health, and for environmental protection. However, the ECN believes that it is also essential to consider the circularity of EU food and feed systems, particularly with regard to the recycling of separately collected food waste containing animal by-products (ABP) into organic fertilisers and soil improvers, such as compost and digestate.

Indeed, the ECN would like to draw the Commission's attention to the regulatory barriers that currently hinder the placing of animal by-products-derived organic fertilisers and soil improvers on the European market, resulting in a missed opportunity for nutrient and organic matter recovery. The main barrier lies in the fact that the Animal By-Products Regulation (EC) No 1069/2009 (ABPR) sets out unsuitable process requirements for composting. These standard transformation parameters must be adhered to in order to reach the end point in the manufacturing chain, which is a prerequisite for placing ABP-derived composts and digestates as CE-labelled organic fertilisers and soil improvers on the European market.

Therefore, we urge the EU Commission to simplify the existing regulations by accepting the alternative temperature-time profiles that have been positively assessed by the European Food Safety Authority (EFSA), and by respecting and fully integrate alternative transformation parameters that have been validated and authorised by Member States. These aspects are described below in detail:

### **The need for additional transformation parameters for composting of ABP-derived materials and non-ABP-derived materials**

Food waste from households and commercial kitchens is classified as catering waste as ABP category 3 material. It must be treated according to the standard transformation parameters (70 °C/1 h/12 mm) set out in the Commission Regulation (EU) No 142/2011 implementing the ABPR. However, these parameters are unsuitable for composting due to the required particle size.

This is the reason why additional alternative transformation parameters should be included in the ABPR. In 2024, the EFSA published a Scientific Opinion<sup>1</sup> giving a positive assessment of two alternative time-temperature profiles for tunnel composting (60°C/48h/<200mm and 55°C/72h/<200mm). However, the delegated act to amend the Commission Regulation (EU) No 142/2011 to include these two alternative time temperature profiles is still awaited. Simplification is also required when recognising alternative transformation parameters, as the EFSA process is very complex and time-consuming, and delegated acts have to be developed as well.

The ECN calls as well to add these two alternative transformation parameters in the EU Fertilising Products Regulation (EU FPR) as requirements for composting (EU FPR Annex II Part II CMC 3: Compost Point 3) as the sanitation evidence was approved by EFSA, which also guarantees the safety of non-ABP biowaste input materials for composting.

Alternatively, the ECN would suggest to amend the scope of the ABPR No 1069/2009 in order to exempt food waste from the requirements of the ABPR, as this waste stream is already regulated under the EU FPR and the Waste Framework Directive. Food waste is covered under the ABPR in Article 10(e), (f), (g) and (p). This would be a straightforward solution to finally remove the barriers to the single market for compost and digestate derived from food waste.

### **The recognition and integration of national authorised and validated alternative standard parameters is essential**

The ECN sees an inconsistency between the possibility to place compost or digestate on the market according to the Fertilising Products Regulation (EU) 2019/1009 and the Animal By-Products Regulation (EC) 1069/2009.

Fertilising products containing animal by-products can only be placed with CE mark on the EU market, if the end point in the manufacturing chain for ABP-derived materials have been reached. In accordance with EU FPR Article 42, point 5, the Commission has published the 'Delegated Regulation (EU) 2023/1605 supplementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council as regards the determination of end points in the manufacturing chain of certain organic fertilisers and soil improvers' on 22 May 2023. In Article 3 of this delegated act, the requirements for reaching the end point in the manufacturing chain for digestate- and compost-derived organic fertilisers and soil improvers are laid down. These requirements refer to Annex V of Commission Regulation (EU) 142/2011 but excluding point 1 of Section 2 of Chapter III of the same Annex V, where

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<sup>1</sup> EFSA 2024: Evaluation of alternative methods of tunnel composting (submitted by the European Composting Network) II, EFSA Scientific Opinion, Adopted 14 march 2024. EFSA Journal Volume 22, Issue 4, April 2024. <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2024.8745>.

alternative transformation parameters for biogas and composting plants can be validated according to the harmonised model and authorised by the competent authority. These validated and authorised alternative transformation parameters for biogas and composting plants guarantee the same level of safety than the standard transformation parameters, and the trade of compost/digestate is not limited to the Member State itself.

The inconsistency lies within the fact that (treated) animal by-products within the scope of ABPR are allowed as fertilising products on the entire European market in terms of safety, but they are ruled out by the EU FPR because the possible treatment parameters are narrowed down.

**Therefore, the ECN urges the Commission to introduce more appropriate transformation parameters for the composting of ABP-derived materials, in order to support the organic fertilisers market. The process for recognising and regulating these parameters must be simplified and accelerated.**

**Any inconsistency between regulations dealing with the transformation of food waste into valuable circular fertilising products should be eliminated. The positive effects of high-quality recycled organic fertilizers and soil improvers on soil health and food quality are indeed widely recognised<sup>2</sup>.**

### 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 67 members from 27 European countries, ECN represents more than 4,500 experts and plant operators with more than 45 million tonnes of biological waste treatment capacity.

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<sup>2</sup> See ECN, 2020, The sustainable use of compost – Fact sheet 2: Soil Fertility & Productivity, <https://www.compostnetwork.info/download/soil-fertility-productivity/>.