

ECN Comments on item 3.4 FAQs on question 2.1 (bio-waste) in Section A of Annex I and question 3 (sludge) in Section B of Annex I

Reference: Expert Group Fertilising Products meeting 26-27 November 2024

FAQ 2.1 Draft response from DG GROW:

'Bio-waste' means biodegradable garden and park waste, food and kitchen waste from households, offices, restaurants, wholesales, canteens, caterers and retail premises and comparable waste from food processing plants, according to the Waste Framework Directive.

'Comparable waste streams from food processing plants' may cover:

- ~~separately collected household organic waste;~~
- food waste flows from factories processing food materials, for example from factories producing sandwiches, ready-to-cook meals, frozen meals, jams and preserves. Such food waste flows could include vegetable or bread, vegetable peelings and unused parts of vegetables, food materials discarded because of deterioration or date.

The following are not considered bio-waste:

- starch sludge from potato industry
- whey and other fractions of milk from dairy processing
- molasses from different origins
- residues from the production of alcoholic drinks
- organic waste streams from feed processing industry and residues from pet food
- organic waste materials from the production of biofuels, bio-ethanol or other biobased products, such as glycerine and residues of maize/grains after production of bioethanol
- oil or fat such as spent frying oil, of vegetable and/or animal origin.

Animal by-products may be used as input material for compost and digestate but have to reach the end point in accordance with the ABPR before the final EU fertilising product is placed on the market.

ECN Comment

The ECN welcomes the clarification that comparable waste streams from food processing plants can include 'food waste streams from food processing plants'.

Comparable waste streams from food processing plants should include all materials used for food production, crops and unsuitable crops and plant material for consumption, process

residues, plant waste and from plant/crop washing within the food processing plant.

However, the ECN does not agree to include a negative list in the FAQ document, which is not a legally binding document. Therefore, the listed material streams should be deleted from the answer.

In addition, these material streams do not pose a higher risk than the genuine material from which they are derived through processing. Furthermore, composting and anaerobic digestion are already best available techniques for the treatment of these types of materials. Compost and digestate from waste materials from the food/feed and bio-based industries are already on the market and approved in national regulations and quality assurance schemes for compost and digestate.

To demonstrate the relevance of these waste streams, we have summarised the amounts treated in Germany and Italy (Annex 1). An assessment of the input materials for biological treatment in Flanders is also included (Annex 2).

Positive list for input materials of CMC3 and CMC5

In order not to lose valuable organic resources through recycling in composting or anaerobic digestion plants, ECN proposes to refer to a specific positive list of permitted input materials for the production of CMC3 and CMC5.

A positive list is included in Table 14 "Examples of input materials for the production of compost/digestate" of the [JRC Report 2014](#) "End-of-waste criteria for biodegradable waste subjected to biological treatment (compost & digestate)/Technical proposals".

This list covers all sectors of food production: meat, fish, fruit and vegetables, cereals, edible oils, cocoa, coffee, tea, sugar, dairy, bakery and beverage processing.

A positive list with specific waste codes for the different waste streams can be found in the [ECN-QAS Manual](#) ('ECN-QAS European Quality Assurance Scheme for Compost and Digestate' 2018) for compost and digestate.

FAQ 8.27 – Draft response from DG Grow on sludge in CMCs 12 and 13

What does 'sludge' in CMCs 3, 5, 12 and 13 mean?

'Sludge' is referred to in two separate contexts:

1. *As material which cannot be used as input:* CMCs 3 (compost), 5 (digestate other than fresh crop digestate), 12 (precipitates phosphate salts or derivatives) and 13 (thermal oxidation materials or derivatives) allow as input materials 'living or dead organisms' except 'sewage sludge', 'industrial sludge' and 'dredging sludge'.
2. *As material which can be used as input:*

- 'Sewage sludge from municipal wastewater treatment plants', except animal by-products, may be used as input material for materials belonging to CMCs 12 (precipitated phosphate salts) and 13 (thermal oxidation materials).
- 'Sludge from processing of foods, beverages, pet foods, animal feeds, or dairy products', except animal by-products, may be used as input material for a material belonging to CMC 12 (precipitated phosphate salts).

As regards the first scenario, 'sewage sludge', 'industrial sludge' and 'dredging sludge' are not defined in the FPR.

ECN's comment

The ECN sees no reason why "sludges from the processing of food, beverages, pet foods, animal feeds, or dairy products" can't be used as inputs for materials belonging to CMC 3 and CMC 5, as these are common waste streams used in composting and anaerobic digestion and contain valuable nutrient and organic matter contents that can be recycled in composting and anaerobic digestion plants.

These input materials are also listed under the same EWC code groups with the addition 'sludges from on-site effluent treatment'. This means that all materials are collected separately in the food production plants where the waste is generated and don't come into contact with non-separated waste (water) or waste (water) from harmful sources.

ECN proposes to allow sludges/washing water from food and feed processing plants if these sludges/washing water comply with the following requirements:

(a) they are identified as one of the following types of waste according to the European Waste Catalogue (EWC) codes of Commission Decision [2000/532/EC](#);

(b) they are single-source separated, meaning that there has been no mixing with effluents or sludges outside a specific production process.