Proposal for amendments
EU Fertilising Product Regulation

ECN proposals for further amendments to the Annex II of the EU Fertilising Product Regulation 2019/1009

The European Compost Network (ECN) supports the amendments in the proposed Commission delegated Regulation from 02/02/2021. In addition to these amendments, we would like to ask the Commission to take the following proposals for further amendments on the EU Fertilising Product Regulation with regard to Annex II under consideration:

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

Fertilising Products Regulation	ECN suggested amendments
Point 3(c) in CMC3 in Part II in Annex II (and the similar provision for CMC 5):	Amending point 1(c) in CMC3 in Part II in Annex II (and the similar provision for CMC 5): c) sewage sludge, industrial sludge (except for sludge from food and feed processing plants) or dredging sludge, and ***new (d) food and feed washing waste, sludges from food and feed processing plants***

Reasons

A new subparagraph *(d) food and feed washing waste, sludges from food and feed processing plants* should be added as input materials for the Component Material Categories CMC3 (Compost) and CMC5 (digestate other than fresh crop digestate), as these materials contain valuable nutrient and organic matter contents for being recycled in composting and anaerobic digestion plants.

The use of sludges from food processing plants are listed as well under the **Ecolabel Decision (Commission Decision (EU) 2015/2099** of 18 November 2015 establishing the ecological criteria for the award of the EU Ecolabel for growing media, soil improvers and mulches) under Criteria 2.3 of the Annex:
Materials derived from recycling or recovery of sludges are only allowed if the sludges comply with the following requirements:
(a) they are identified as one of the following types of waste according to the European List of Wastes, as defined by Commission Decision 2000/532/EC (2) presented in Table 2:
(b) they are single-source separated, meaning that there has been no mixing with effluents or sludges outside a specific production process.

Table 2
Sludges allowed and their codes according to the European List of Wastes
0203 05 sludges from on-site effluent treatment in the preparation and processing of fruit, vegetables, cereals, edible oils, cocoa, coffee, tea and tobacco, conserve production, yeast and yeast extract production, molasses preparation and fermentation;
0204 03 sludges from on-site effluent treatment in sugar processing;

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0205 02 sludges from on-site effluent treatment in the dairy products industry;
0206 03 sludges from on-site effluent treatment in the baking and confectionery industry;
0207 05 sludges from on-site effluent treatment in the production of alcoholic and non-alcoholic beverages (except coffee, tea and cocoa).

Editorial change for using the word 'digestate' in CMC 5 Point 4

Fertilising Products Regulation	ECN suggested deletion
CMC5 Point 4 Neither the solid nor the liquid part of the digestate shall contain more than 6mg/kg dry matter of PAH_{16} ([10]).	CMC5 Point 4 ~~Neither the solid nor the liquid part of~~ The digestate shall contain no more than 6mg/kg dry matter of PAH_{16} ([10]).

Editorial change for using the word 'digestate' in CMC 4 Point 4 and CMC 5 Point 6

Fertilising Products Regulation	ECN suggested deletion
CMC4Point 4 CMC5 Point 6 Both the solid and the liquid part of the digestate shall meet at least one of the possible stability criteria:	CMC4Point 4 CMC5 Point 6 ~~Both the solid and the liquid part of~~ The digestate shall meet at least one of the possible stability criteria:

Reason

There is no defintiion on solid or liquid part of digestate in the Regulation. The word 'digestate should be used as general term.

Stability Criteria CMCs 3, 4 and 5 – Oxygen Uptake Rate

Fertilising Products Regulation	ECN suggested deletion
CMC3Point 5(a) and CMC5 point 6(a) Oxygen uptake rate: - Definition: an indicator of the extent to which biodegradable organic matter is being broken down within a specified time period. The method is not suitable for material with a particle sizes > 10 mm that exceeds 20%.	CMC3Point 5(a) and CMC5 point 6(a) Oxygen uptake rate: - Definition: an indicator of the extent to which biodegradable organic matter is being broken down within a specified time period. ~~The method is not suitable for material with a particle sizes > 10 mm that exceeds 20%.~~

Reasons

The second sentence the definition should be deleted as this refers to the method and not to the definition. CEN is mandated to develop a harmonised standard which will be validated for compost and digestate. A method which is limited to materials with a particle size ≤ 10 mm is not suitable as compost materials are placed with particle sizes up to 25 mm as soil improvers and growing media.

Stability Criteria 4 and 5 – Residual Biogas Potential

Fertilising Products Regulation	ECN suggested deletion
CMC4Point 4 and 4(b) CMC5 Point 6 and 6(b) Residual biogas potential: - Definition: an indicator of the gas released from a digestate in a 28 day period and measures against the volatile solids contained within the sample. The test is run in triplicate, and the average result is used to demonstrate compliance with the criterion. The volatile solids are those solids in a sample of material that are lost on ignition of the dry solids at 550 °C.	CMC4Point 4(b) CMC5 Point 6(b) Residual biogas potential: - Definition: an indicator of the gas released from a digestate. ~~in a 28 day period and measures against the volatile solids contained within the sample. The test is run in triplicate, and the average result is used to demonstrate compliance with the criterion. The volatile solids are those solids in a sample of material that are lost on ignition of the dry solids at 550 °C.~~

Reasons

The second part included in the definition should be deleted as this refers to the method and not to the definition. CEN is mandated to develop a harmonised standard which will be validated for digestate. The method description should not be duplicated in the Regulation. So far, no validated harmonised standard exists for the analytical method for determining the residual biogas potential.

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.