



Dear Sir, Madam

Our Federation is a gathering, at the European level, of the main organizations responsible for the landspreading of organic waste and soil conditioner products. We would like to draw your attention to the fact that a regulation to define **End Of Waste** criteria (EOW) for biodegradable materials subject to composting and digestion is currently being prepared **by DG Environment**.

We have closely followed the work carried out to develop these criteria and participated in the expert's workshops organized by the **JRC** (Joint Research Centre). We have identified and asked for an amendment to the initial proposals that did not comply with the expectations of our customers and partners. These being the communities, industries and farmers we work with.

Despite this we consider that the final choices that were selected by the **JRC**, and which could be endorsed by **DG Environment**, are likely to destabilize long-established markets in different EU countries, whilst not providing the expected guarantees or any additional benefit to Member States.

You will find, in the explanatory note attached, a quick overview of the situation and if you require any additional information you can download the full **JRC** report at the following address <http://www.efar.be/virtuelle.php/page/efar-position-papers>.

The consultation of the Member States is now going to start throughout the comitology procedure. Therefore, if you share our views, we would request you put a question to your **Ministry of the Environment** or directly to the **Commission**, requesting that the arbitrary conclusion that might be used as the basis for the development of the **EOW** regulation, for compost and digestate, be reviewed in depth or that the current **EOW procedure** is simply abandoned.

We hope that you take cognisance of the on-going discussions and the resulting issues and support our position. We stay at your disposal if you require any further information.

Yours truly,

Hubert BRUNET
Chairman

TOWARD THE ABANDON OF THE EOW REGULATION FOR BIODEGRADABLE WASTE SUBJECT TO BIOLOGICAL TREATMENT

1. Collection and processing of biodegradable waste in the EU

The term "**biodegradable waste**" includes various types of organic waste that are capable of undergoing aerobic or anaerobic treatment as bio-waste, animal manure and sewage sludge.

"**Bio-waste**" consists in the biodegradable waste produced by households (fermentable fraction of household waste and green waste) but also in similar waste generated by industrial and commercial activities.

The **segregated collection** of fermentable households will, even in the future, concern less than one third of thy type of waste due to the difficulty to generalize this type of collection.

On the other hand **separation treatment after collection called MBT** (Mechanical Biological Treatment) is developing rapidly and the quality of compost produced by this type of facility is constantly improving.

In the **European Union**, the **quantities of bio-waste treated by composting or anaerobic digestion** represent about **45 million tonnes** per year (one third of the quantities produced).

Compost produced by the treatment of biodegradable waste is representing approximately **14.5 million tonnes**.

On its side the production of **digestate** is estimated at **55 million tonnes** per year. These quantities are mainly from the processing of animal manure and energy crops. The **element from bio-waste treatment** is estimated at less than **2 million tonnes**.

2. Potential uses of compost and digestate

Biodegradable waste, including animal manure which represents the major part of this category are mainly applied to land without any specific treatment.

The **bio-waste compost** is generally landsread as soil improver. It is, in a more limited number of cases, used as growing media or for landscaping and land reclamation.

Digestate is almost exclusively applied to agricultural land; however, it is it's fertilizer value as a substitute to mineral fertilizers that is of interest to the end users.

3. Market value of compost and digestate

Compost and digestate are in most of cases **used in a radius of less than 50 km** from their production plant.

The **sale price of compost** is either negative (as in Germany if one takes into consideration the costs associated with transportation and spreading) or slightly positive and **rarely higher than the € 5 / t**

Regarding the **digestate** only those which are dried have a real market value but the quantities produced remain very limited. Dewatered digestate are sold for a **modest price (3 € / t) or spread for free** as it is systematically the case for liquid digestate.

The **exportation** from one Member State to another **are limited to about 100 kt for compost** (mainly from Belgium and Netherlands). The situation is expected to be the **same for digestate** for which no reliable figure is available.

4. Applicable regulations

Almost all of the Member States have regulated the conditions for landspreading of compost and digestate.

However, there are **significant differences regarding the limits of potential toxic elements** including heavy metals. For example these values vary from 200 to 4000 ppm for zinc and from 90 to 1000 ppm for copper. These variations are related to the type of raw materials that are allowed to be used (acceptance or not of animal manure) and to the fact that little real risk assessments have been conducted to date.

The majority of Member States (18) has also defined the conditions for the composted bio-waste or biodegradable waste to have access to a product status.

5. Quality assurance scheme

In parallel to the regulation significant efforts have been made to **promote the quality of compost**. Thus **15 Member States have established quality assurance scheme** to meet the **specific expectations expressed by local users**.

As well as for the regulation, the potential toxic elements limits are significantly varying, particularly for zinc (from 400 to 900 ppm) and copper (from 100 to 600 ppm).

6. Toward the abandon of the EOW regulation for compost and digestate

EFAR is considering that it is not appropriate to develop an EU regulation on the EOW criteria for compost and digestate is not appropriate for the following reasons:

- **This is contradictory to the principle of subsidiarity.** Indeed there is evidence that Member States have already regulated efficiently the use of compost and digestate and there are quality assurance scheme to complement the existing regulations.
These regulations and quality assurance scheme have been developed taking into account local considerations about the use of compost and digestate and are subject to a local consensus with stakeholders.
- **Exports of compost and digestate between Member States are negligible.**
- **The only criterion regarding agronomic value of compost and digestate proposed by the JRC is the organic matter content on the dry matter!** As a result of, liquid digestate can obtain a product status whereas they are not subject to any commercial transaction.

In this situation **one of the criteria conditioning the end of waste status which is defined in the Waste Framework Directive is not fulfilled** (a market or demand exists for such a substance or object)!

Moreover **this sole criterion is not appropriate with the end-user expectations and ignores the fundamental difference between compost** that is used for soil improvement and digestate which are used for their fertilizing properties.

- Regarding heavy **metals limit; values proposed by the JRC are not reaching consensus and are not supported by an appropriate risk assessment.** The review of risks associated with the landspreading of compost and digestate takes only 2 pages of the 203 of the **JRC** report!
- The enforcement of this regulation will **destabilise well established markets** (eg composted sludge markets) without any additional value for the compost and digestate producer and for the end users.
- Overall **the benefits that could materialise from this approach, to the Member States are negligible.**