

RECOMMENDATIONS

COMMISSION DELEGATED REGULATION (EU) .../...
of XXX

amending Regulation (EU) 2019/1009 of the European Parliament and of the Council as regards the requirements applicable to EU fertilising products containing inhibiting compounds and the post-processing of digestate

Fertilising products – technical amendments to the rules on digestate

The European Biogas Association (EBA) welcomes the proposed technical amendments. They are important because they **provide legal certainty to all operators** and they **encourage the market to develop new innovations** and solutions to achieve more ambitious objective of circular economy, farm to fork and zero pollution.

The EBA share its **analysis and interpretation** of the proposed amendments:

In the amendment introducing the **paragraph 3a**¹ EBA highlights that is needed to clarify that additives shall not exceed 5% if "input" digestate waste in order to distinguish from output digestate weight. Mass differences between solid and liquid fractions could lead to involuntary exclusions of digestate from CMC5.

The amendment introducing the new **paragraph 3b**² is rightly recognising the possibility to recover nitrogen from digestate and use a **N-reduced fraction** of digestate for the production of tailor-made fertilising products. However, **it fails** to acknowledge practices and techniques that allow to recover phosphorus from the digestate fractions, such as for **precipitation of phosphate**. These practices are important for the production of **P-reduced fractions** of digestate which are tailor made fertilising products. The EBA suggests introducing a **new paragraph 3d** to acknowledge **phosphate precipitation**.

The new **paragraph 3c**³ introduces the possibility to apply **processes to remove water**. Such techniques are very useful to reduce digestate volume and constitute normal standard practice. Common techniques include **atmospheric evaporation** where no dried digestate is produced, but instead thickened liquid nutrient solutions, and **vacuum evaporation** where H₂O, CO₂, NH₃ leave the liquid fraction at lower temperatures than standard boiling temperature. The same paragraph seems to allow **drying of the solid fraction of the digestate**. This is typical where the hot air, e.g. from the CHP of the biogas plant, is conducted through or over the digestate to be dried. Other frequent drying practices include **belt dryers** in which the digestate is placed on a conveyor belt and dried at temperatures of 60–150°C for about 2 hours; **push-turn, fluid bed, and drum dryers**, in which the digestate is transported through the hot air by movement of vanes, air injection, or a rotating drum. With **trailer or container dryers**, hot air is blown through a motionless pile. However, it is **not** clear if **membrane filtration** is acknowledged by paragraph 3c. Membrane (micro, ultra, nano filtration, and reverse osmosis) requires the use of minimum additives like

¹ An EU fertilising product may contain a solid or liquid fraction of digestate, provided that all of the following conditions are met:

- (a) the solid or liquid fraction is obtained by mechanical separation of digestate compliant with points 1 to 3;
- (b) the additives needed for the mechanical separation comply with the requirement in point 1(b)(i);
- (c) the total concentration of all additives does not exceed 5 % of the digestate weight.

² An EU fertilising product may contain a digestate compliant with points 1 to 3, or a fraction compliant with point 3a, from which all or part of the soluble ammonium has been removed to recover nitrogen, without the intention to otherwise modify the digestate or the fraction.

³ An EU fertilising product may contain a digestate compliant with points 1 to 3 or point 3b, as well as a fraction compliant with point 3a, which have undergone only physical processing to remove water that does not chemically modify the digestate or the fraction

flocculants for proper functioning. The EBA recommends aligning the wording of the paragraph 3c to the paragraph 3b: the sentence "*that does not chemically modify the digestate or the fraction*" should be replaced with the sentence "*without the intention to otherwise modify the digestate or the fraction*".

Both paragraphs 3b and 3c should therefore include additional subparagraphs authorising the use of **additives**, just as allowed for the solid liquid separation in paragraph 3a. The EBA recommends adding the following sentence to paragraph 3b, 3c and eventually to 3d for precipitation of phosphates: "*provided that all of the following conditions are met:*

(a) the additives needed for the mechanical separation comply with the requirement in point 1(b)(i);

(b) the total concentration of all additives does not exceed 5 % of the fraction weight."

The EBA suggest introducing a **new paragraph 3e** that acknowledges another upgrading technique of the dry fraction of digestate, such as **pelletising**. The goal of pelletising is to compact the dried digestate into digestate pellets to improve the density as well as handling and appearance. Farmers and horticulture practitioners usually prefer pellets. Digestate pellets are simply obtained through a combination of high pressure (centrifugation) and high temperatures that first melt and secondly solidify digestate.

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About the EBA

The **European Biogas Association** is the voice of renewable gas in Europe since 2009. EBA advocates the recognition of biomethane and other renewable gases as sustainable, on demand and flexible energy sources that provide multiple knock-on socio-economic and environmental benefits. Supported by its members, EBA is committed to work with European institutions, industry, agricultural partners, NGOs and academia to develop policies which can enable the large-scale deployment of renewable gases and organic fertilisers throughout Europe, supported by transparent, well-established sustainability certification bodies to ensure that sustainability remains at the core of the industry. The association counts today on a well-established network of over 200 national organisations, scientific institutes, and companies from Europe and beyond.