



Fra affald til gødning – en EU-handelsvare

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Affald eller produkt? Affaldslovgivningen i lyset af cirkulær økonomi

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DAKOFA 

Ny gødningsforordning med ex-affald

Trialog-enighed godkendt af Europa-Parlamentet 27. marts 2019

– og forventes formelt godkendt af ministerrådet inden for kort tid

Nye muligheder for fri adgang til EU's indre marked for produkter så som:

- Organiske gødninger (også i blanding med mineralske gødninger)
- Med indhold af affald jf. affaldsdirektivet – omdefineres!
- Biprodukter jf. affaldsdirektivet
- Visse produkter stammende fra animalske biprodukter
- Struvit – en fosforgødning fra spildevand (på vej)
- Bioaske – inkl fosfor fra spildevandsslamaske (på vej), og Biokoks (på vej)

Article 19 End-of-waste status

This Regulation lays down criteria in accordance with which material that constitutes waste, as defined in Directive 2008/98/EC, can cease to be waste, if it is contained in a compliant EU fertilising product.

In such cases, the recovery operation under this Regulation shall be performed before the material ceases to be waste, and the material shall be considered to comply with the conditions laid down in Article 6 [*Affaldsfasens ophør*] of that Directive and therefore to have ceased to be waste from the moment that the EU declaration of conformity was drawn up.

Forordningens Annex I Produkt-funktions-kategorier (PFC)

Annex I indeholder en række krav og grænseværdier til de 7 PFCs, som :

1. Gødning
 - A. Organisk gødning
 - B. Organisk-mineralsk gødning
 - C. Uorganisk gødning
2. Kalkningsmiddel
3. Jordforbedringsmiddel
 - A. Organisk jordforbedringsmiddel
 - B. Uorganisk jordforbedring
4. Vækstmedium
5. Inhibitor / Hæmmer/ Agronomisk additiv
 - A. Nitrifikationshæmmer
 - B. Denitrifikationshæmmer
 - C. Ureasehæmmer
6. Biostimulans til planter
 - A. Mikrobiel biostimulans til planter
 - B. Ikkemikrobiel biostimulans til planter
7. Gødnings-produktblanding (fremstillet af 2 eller flere EU-gødningsprodukter fra PFC 1 til PFC 6)

Forordningens Annex II Komponent-materiale-kategorier (CMC)

Annex II indeholder en række specifikke krav og grænseværdier til de 11 forskellige CMCs, som er :

1. Stoffer og blandinger af jomfruelige materialer
2. Planter, plantedele eller planteekstrakter
3. Kompost
4. Afgasset biomasse fra friske afgrøder
5. Afgasset biomasse bortset fra afgasset biomasse fra friske afgrøder
6. Biprodukter fra fødevareindustrien
7. Mikroorganismer
8. Næringsstofpolymer
9. Polymerer bortset fra næringsstofpolymerer
10. Visse animalske biprodukter / Derived products within the meaning of Regulation No 1069/2009
11. Biprodukter som defineret i affaldsdirektivet 2008/98

Annex II Component Material Categories

CMC 3: Compost

1. An EU fertilising product may contain compost obtained through aerobic composting of exclusively one or more of the following input materials:

(a) bio-waste within the meaning of Directive 2008/98/EC resulting from separate bio-waste collection at source...;

Flere andre mulige inputmaterialer nævnes – men der må fx. Ikke indgå spildevandsslam.

CMC 5: Digestate other than fresh crops digestate

1. An EU fertilising product may contain digestate obtained through anaerobic digestion of exclusively one or more of the following input materials:

(a) bio-waste..., [og flere andre, mulige inputmaterialer]

Under CMC 3 og CMC 5 sættes også krav vedr. proces-temperatur og -tid, PAH, fysiske urenheder og stabilitet.

Definition af 'bioaffald' i affaldsdirektivet

Bionedbrydeligt have- og parkaffald, mad- og køkkenaffald fra husholdninger, kontorer, restauranter, engrossalg, kantiner, cateringfirmaer og detailforretninger samt lignende affald fra fødevarer-forarbejdningsvirksomheder.

Forordningens Annex III Mærkningskrav

Alle EU-gødninger og produktfunktionskategorier pålagt en række mærkningskrav

Ekstra produktkrav til CMC 3 Kompost og CMC 4 Digestat i Annex III

Kvalitets-systemkrav til produktionsprocessen for kompost og digestat er beskrevet i Annex IV, del II, modul D1

- Herunder prøver og kontrol for at vurdere overensstemmelse med krav til proces og produkt
- Denne vurdering og evt. notifikation af en godkendt EU-gødning udføres af nationale overensstemmelsesvurderingsorganer, som medlemsstaterne skal etablere indenfor ni måneder fra forordningens ikrafttrædelse (jf forordningens kapitel IV)

Delegated powers and committee procedure

Article 42 Amendments of Annexes

1. The Commission is empowered to adopt delegated acts in accordance with Article 44 amending Annex I, with the exception of, and amending Annexes II, III and IV, for the purposes of adapting those Annexes to technical progress and of facilitating internal market access and free movement for EU fertilising products:

(a) which have the potential to be the subject of significant trade on the internal market, and

(b) for which there is scientific evidence that they:

(i) do not present a risk to human, animal or plant health, to safety or to the environment, and

(ii) ensure agronomic efficiency.

.....

When adopting delegated acts under this paragraph, the Commission shall prioritise in particular animal by-products, by-products within the meaning of Directive 2008/98/EC, and recovered waste, in particular from the agricultural sector and the agro-food industry, as well as materials and products already lawfully placed on the market in one or more Member States.

2. **Without undue delay** after ... [date of the entry into force of this Regulation], the Commission **shall assess struvite, biochar and ash-based products**. If that assessment concludes that the criteria in point (b) of paragraph 1 are fulfilled, the Commission shall adopt delegated acts pursuant to paragraph 1 **to include those materials in Annex II**.

3. The Commission may only adopt delegated acts pursuant to paragraph 1 amending Annex II to this Regulation to include in the component material categories materials that **cease to be waste following a recovery operation if recovery rules in that Annex, adopted no later than the inclusion, ensure that the materials comply with the conditions laid down in Article 6 of Directive 2008/98/EC**.

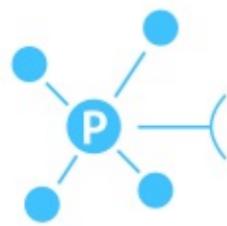
Artikel 46 Ændringer til forordningen om animalske biprodukter

... (4) Within six months after ... [date of entry into force of this Regulation], the Commission shall initiate a first assessment of derived products referred to in Article 32 that are already widely used in the Union as organic fertilisers and soil improvers. **This assessment shall cover at least the following products:**

- meat meal, bone meal, meat-and-bone meal, hydrolysed proteins of Category 3 materials,
- processed manure, compost, biogas digestion residues,
- feather meal, glycerine and other products of Category 2 or 3 materials derived from the production of biodiesel and renewable fuels, as well as
- petfood, feed and dog chews that have been refused for commercial reasons or technical failures, and
- derived products from blood of animals, hides and skins, hoofs and horns, guano of bats and birds, wool and hair, feather and downs, and pig bristles.

Where the assessment concludes that those derived products no longer pose any significant risk to public or animal health, the Commission shall determine an end point in the manufacturing chain pursuant to paragraph 2 of this Article without undue delay and in any case no later than six months after the assessment is finalised."

To the best of our



European Sustainable Phosphorus Platform

understanding as expected at 15/12/18

<i>in? or out?</i>	Sewage	Manure + Cat 2 & 3 ABPs	Cat1 ABPs	Plant materials	Food waste / biowaste	Food industry
plant materials	X	X	X	✓	X	X
compost	X	✓	X	✓	✓	?
“energy crop” digestate	X	X	X	(✓)	X	X
other digestate	X	✓	X	✓	✓	?
food-industry by-products	X	X	X	X	X	X (only lime, molasses, vinasse)
animal by-products	Undefined empty box (but already included in CMC3, CMC5, STRUBIAS ...)					
STRUBIAS P-salts	✓	✓ (sterilised ?)	X	✓	✓	✓
STRUBIAS ashes (inc. used as fertiliser process ingredient)	✓	✓	X	✓	✓	✓
STRUBIAS biochars etc	X	✓	X	✓	✓	?

Affaldsdirektivet om hjælp til målemetoder og evt. nye mål

- CEN skal udvikle standarder for bioaffald, kompost og digestat (artikel 22, stk. 3)
- Måling af effekt af hjemmekompostering (artikel 11a, stk. 9)
- Opstille gennemsnitligt tab ved forbehandling (artikel 11a, stk. 10)
- Måling af madaffald (artikel 9 stk. 8)
- Evt. særskilt 2030 EU-mål for reduktion af madaffald overvejes i 2023 (artikel 9, stk. 6)
- Evt. specifikke EU-mål for genanvendelse af bl.a. kommunalt bioaffald overvejes i 2024 (artikel 11, stk. 6)

- Fra 2027 kan kommunalt bioaffald, der undergår aerob eller anaerob behandling, kun regnes som genanvendt, hvis jf. artikel 22 er blevet indsamlet særskilt eller adskilt ved kilden (artikel 11a, stk. 4)
- Materialer, som er ophørt med at være affald, og som skal anvendes som **brændsel** eller andre midler til energifremstilling, eller som skal forbrændes, anvendes til **opfyldning** eller deponeres, **ikke medregnes** i mål-opfyldelsen (artikel 11a, stk. 5)

Ekstra slides: gødningsforordningens indledende betragtninger

Indledende betragtning 19

For certain recovered wastes, such as struvite, biochar and ash-based products, within the meaning of Directive 2008/98/EC of the European Parliament and of the Council, a market demand for their use as fertilising products has been identified. Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those fertilising products does not lead to overall adverse environmental or human health impacts. For EU fertilising products, those requirements should be laid down in this Regulation. **Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC, and it should, therefore, be possible for fertilising products containing or consisting of such recovered waste materials to access the internal market.**

To ensure legal certainty, take advantage of technical developments, and further stimulate the incentive among producers to make more use of valuable waste streams, the scientific analyses and the setting of recovery requirements at Union level for such products should start immediately after the entry into force of this Regulation. Accordingly, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of defining, without unnecessary delay, larger or additional categories of component materials eligible for use in the production of EU fertilising products.

Indledende betragtning 38

In order to enable economic operators to demonstrate and the competent authorities to verify that EU fertilising products made available on the market comply with the requirements of this Regulation, it is necessary to provide for conformity assessment procedures. Decision No 768/2008/EC *[om fælles rammer for markedsføring af produkter]* establishes modules for conformity assessment procedures, from the least stringent to the most stringent, in proportion to the level of risk involved and the level of safety required.

In order to ensure inter-sectoral coherence and to avoid ad-hoc variants, conformity assessment procedures should be chosen from among those modules. It should be possible for manufacturers to choose a more stringent conformity assessment procedure for the assessment of an EU fertilising product eligible for a less stringent procedure, since this might enable the manufacturers to streamline their administration without jeopardising the conformity of the EU fertilising product.

Furthermore, it is necessary to adapt the modules established by Decision No 768/2008/EC in order to reflect specific aspects of fertilising products. **In particular, it is necessary to reinforce the quality systems and the involvement of notified bodies for the conformity assessment of certain EU fertilising products derived from recovered waste.**

Indledende betragtning 57

In order to achieve the objectives of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of adaptation to technical progress, in particular in the field of production of fertilising products derived from animal by-products and in the field of waste recovery, as well as in the agricultural sector and the agro-food industry.

Indledende betragtning 58

Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, and fertilising product production from animal by-products, such as biochar. It should be possible for products containing or consisting of such materials to access the internal market without unnecessary delay when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of defining and introducing additional component materials eligible for use in the production of EU fertilising products and corresponding contaminant limit values in such products. That empowerment should only apply to the extent justified by technical progress established after the adoption of this Regulation, and not for the purpose of amending any elements of this Regulation in the absence of new evidence of such progress.

In order to base the introduction of new contaminant limit values in EU fertilising products on full consideration of the direct and indirect impact on food and feed safety and on the environment, scientific opinions of the European Food Safety Authority, the European Chemicals Agency or the Commission's Joint Research Centre, as relevant, should be taken into account prior to the adoption of new contaminant limit values. For derived products within the meaning of the Regulation (EC) No 1069/2009, component material categories should be expanded or added only to the extent that an end point in the manufacturing chain has been determined in accordance with the procedures laid down in that Regulation, since derived products for which no such end point has been determined are in any event excluded from the scope of this Regulation.