

ESPP input to EU [consultation](#) on digestate and other adjustments



9th March 2022

ESPP (European Sustainable Phosphorus Platform) welcomes the proposed technical amendment, in particular the inclusion of certain post-processing treatments for digestates CMC4 and CMC5 (solid-liquid separation, dewatering, ammonia recovery).

It is ESPP's understanding that where raw digestate ("as is") is used locally on fields the CE-Mark will generally not be relevant. However, **where digestate is placed on the market as a fertilising product, it will generally undergo post-processing.**

The proposed amendment to cover post-processing of digestate is therefore important because, as indicated by the European Commission 12/10/2021, in response to a question from ESPP, under the current wording of CMCs 3, 4 and 5: "... *post processing is not allowed under the current rules in CMCs 3-5. The additives referred to, for instance, in point 1 in CMC 5 do not cover post-processing additives either.*"

ESPP considers positively that the **three post-processing treatments included in the proposed amendment are the most widely used and significant for placing digestate on the market** as a fertilising product.

We also welcome [in 3a-(b)] the proposed **acceptance of additives necessary for solid liquid separation**, such as polymers or coagulants.

Various mechanical post-processing of digestate (fractions), such as drying (low or ambient temperature, solar), compacting, pelletising or granulation, removal of fibres ... are not cited in the proposed amendment. These are standard fertilising product conditioning processes and should be authorised for composts and digestates. ESPP requests that the eligibility of these processes be clarified in the **European Commission's "Frequently Answered Questions" (FAQ)**.

Addition of a chemical to adjust the pH of digestate is (to ESPP's understanding) considered to be a combination of two CMCs (digestate, pH additive), that is the chemical itself must be CMC (e.g. CMC1). ESPP suggests that this should also be explicitly clarified in the FAQ

Non-mechanical post-processing of digestate, such as ion removal by precipitation, ion exchange, adsorption, plasma treatment, electrostatic separation ... are NOT cited in the proposed amendment, and (to our understanding) **digestate (fractions) after such chemical processing, will therefore continue to be excluded from use in CE-fertilisers**. ESPP suggests that this should be addressed for the specific case where phosphate salts are precipitated from liquid fraction of digestate. These salts are eligible for use in CE-fertilisers (subject to achieving CMC12 criteria) but the currently proposed amendment wording would exclude the remaining digestate. ESPP suggests that, to ensure coherence, the amendment wording should be modified to cover the digestate remaining after precipitated phosphate salt recovery, by modifying 3a-(b) as follows: "*all or part of the soluble ammonium AND/OR PHOSPHATE has been removed to recover NITROGEN AND/OR PHOSPHORUS, without the intention to otherwise modify the digestate ...*"

ESPP notes that the recovered nitrogen products (resulting from the ammonia removal cited in the proposed amendment [3a-(b)]) are expected to be covered by the proposed new CMC15 subject to purity and other requirements.

ESPP notes that **post-processing of composts CMC3 is are NOT covered by the proposed amendment** and that post-processed composts will be excluded from CE-fertilisers. ESPP has received no information from compost operators to indicate that such processes could be relevant for placing composts on the market. However, our comment above concerning conditioning processes (drying, compacting, pelletising, granulation) also applies to compost (clarification needed in FAQ).

ESPP is also favourable to the proposed amendment points concerning **magnesia and REACH** and concerning **PCB limits**, because these ensure coherence with other EU regulatory texts.

ESPP has no opinion on the proposed amendments concerning nitrification inhibitors, polymers, biostimulants.