

26/09/2012

By email

Dear Technical Working Group Members,

Please find hereunder **EFAR's** position on the 3rd document about the EOW criteria for biodegradable waste subject to biological treatment.

EFAR is considering that **it is not appropriate to develop an EU regulation on EOW criteria for compost and digestate** 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 that 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 national consensus with stakeholders.
- **Exports of compost and digestate between Member States are negligible.**
- **The only criterion regarding agronomic value of compost and digestate proposed 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.

- The **heavy metals limit values proposed are not reaching consensus** and are not supported by an appropriate risk assessment.
- 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** and not clearly documented into the report.

Cordialement / Kind regards.

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