



France gaz renouvelables response to the Call for Evidence 'Fertilising Products Regulation – evaluation'

France gaz renouvelable (FGR) welcomes the opportunity to contribute to the evaluation of the EU Fertilising Products Regulation (FPR). A key objective of the FPR is to promote the use of recycled nutrients including digestate-derived products while preserving soil quality. This supports the circular economy, improves resource efficiency, and reduces the EU's dependence on nutrient imports. FGR stands ready to provide practical recommendations to help achieve these goals more effectively.

1. General assessment

The EU Fertilising Products Regulation is a step forward in providing a clear regulatory structure. One notable improvement is the shift in terminology – from "digestate" to more product-oriented terms like "organic soil improvers". This change can help improve public perception and encourage greater acceptance. Harmonised terminology also supports greater alignment among Member States, fostering regulatory harmonisation.

However, the FPR has **not yet achieved its objectives related to the circular economy and the creation of a market for organic fertilisers**. Uptake of these products remains limited. We are currently aware of only one example of a digestate-derived fertilising product that has obtained CE marking. Several factors contribute to this, including the difficulty of complying with technical requirements (as outlined in Section 2.), particularly for small-scale producers. Additionally, many producers are not necessarily intending to engage in cross-border trade because digestate is typically used locally due to transport constraints. Moreover, the cost of certification remains prohibitive.

FGR general recommendations:

- **Revise technical requirements**

The FPR must be revised to ensure that the technical requirements under PFC 1(A)(i) 'Solid organic fertiliser', PFC 1(A)(ii) 'Liquid organic fertiliser' and PFC 3(A) 'Organic soil improver', as well as under CMC 4 'Fresh crop digestate' and CMC 5 'Digestate other than fresh crop digestate', are realistic and achievable. Further details and examples are provided in Section 2 of this document.

- **Introduce supporting policy signals.**

To fully unlock the potential of the FPR, it must be accompanied by clear policy signals – such as regulatory incentives or binding targets – to encourage the use of organic fertilisers and the recovery of nutrients. Without such measures, market uptake will remain limited.

2. Technical requirements

At EU level, the Fertilising Products Regulation (FPR) is intended to provide harmonised end-of-waste criteria. However, its requirements are often so strict and difficult to meet that many producers are relieved the regulation remains optional. The conformity assessment procedure – particularly under

Module D1 – can be excessively burdensome, time-consuming and costly. As a result, producers often fall back on national legislation to place their products on the market. Yet, in many Member States, national rules are equally complex and inflexible, offering little legal certainty or practical support.

2.1. Product function category

Digestate and digestate-derived products are best suited to the following Product Function Categories (PFCs) under the FPR: PFC 1(A)(i) ‘Solid organic fertiliser’, PFC 1(A)(ii) ‘Liquid organic fertiliser’ and PFC 3(A) ‘Organic soil improver’.

- **Nutrient content thresholds**

The minimum nutrient content thresholds set by the FPR are impossible to meet for organic fertilisers (solid or liquid) derived from digestate (PFC 1(A)(i) & (ii)).

For **solid organic fertilisers**, the regulation requires at least 1% by mass of nitrogen (N) and potassium (K), and a total of 4% for NPK combined. However, typical values for digestate-based solids fall below these levels, with N content generally not exceeding 0.8%, P ranging between 0.3% and 0.8%, and total NPK remaining below 2.5%.

Similarly, for **liquid organic fertilisers**, the threshold of 1% by mass for each nutrient (N, P, and K), and 3% total NPK, is also unachievable. Liquid digestate products usually contain N between 0.3% and 0.7%, P between 0.09% and 0.2%, and K levels that are generally very low – leading to a total NPK content of no more than 1.3%.

FGR recommendation:

A more appropriate approach would be to express these thresholds on a dry matter basis, not a fresh matter basis, which would better align with the actual nutrient profiles of digestate-derived fertilisers and enable their fair inclusion in the EU fertiliser market.

- **Carbon content**

The organic carbon thresholds set by the FPR also present a challenge for organic fertilisers (solid or liquid) derived from digestate (PFC 1(A)(i) & (ii)).

For **solid organic fertilisers**, the requirement of more than 15% organic carbon by mass is not always attainable. Similarly, for **liquid organic fertilisers**, the threshold of over 5% organic carbon by mass can be difficult to meet.

2.2. Component material category

The most relevant Component Material Categories (CMCs) for digestate under the FPR are CMC 4 ‘Fresh crop digestate’ and CMC 5 ‘Digestate other than fresh crop digestate’. In some cases, products may include a mix of both CMC 4 and CMC 5 materials.

- **Input materials**

For example, CMC 4 – Fresh crop digestate currently only permits as input materials “plants or plant parts grown for the production of biogas”. As a result, producers using solely crop residues (i.e. plants cultivated for food or feed) and/or plant-based materials from the agri-food industry cannot qualify under CMC 4, even though these are ultimately plant-based inputs with limited associated risks.

FGR recommendation:

Crop residues and plant-based materials from the agri-food industry should also be eligible under CMC 4 (and thus covered by Module A).

- **Anaerobic digestion processes**

Among the five AD processes allowed under CMC 4 and 5, only thermophilic anaerobic digestion (AD) at 55 °C for 24 hours followed by a hydraulic retention time of 20 days, or mesophilic AD at 37–40 °C followed by composting, are applied in practice, though they are not routinely implemented in most countries. Pasteurisation or an equivalent alternative method should be required exclusively for animal by-products.

FGR recommendation:

Mesophilic anaerobic digestion at 37–40 °C, without pasteurisation or composting, must be recognised as an eligible process under CMC 4 and CMC 5 (except if containing animal by-products).

- **Impurity limit**

The impurity limits set by the FPR — namely, no more than 3 g/kg dry matter of macroscopic impurities larger than 2 mm in forms such as glass, metal or plastics, and a total maximum of 5 g/kg dry matter of all macroscopic impurities combined — should be, at least, maintained as soil quality preservation is non-negotiable and is a lever for social acceptance of digestate spreading. Current progress tends to improve the reduction of plastics in digestate. Thus, the planned evolution of this limit is salutary.

FGR recommendation:

Maintain the impurity limit set by the FPR — no more than 3 g/kg dry matter of macroscopic impurities larger than 2 mm in forms such as glass, metal or plastics, and a total maximum of 5 g/kg dry matter of all macroscopic impurities combined and the planned evolution.

- **Stability criteria**

The stability criteria — an oxygen uptake rate of no more than 25 mmol O₂/kg organic matter/hour or a residual biogas potential of no more than 0.25 L biogas/g volatile solids — are not routinely tested. As a result, meeting these requirements can be costly for producers.

2.3. EU Fertilising Products Legislation & Animal By-Products Legislation

The end point in the manufacturing for animal by-products is defined in Article 5 of the Animal By-Product Regulation (ABPR) as the stage of manufacturing beyond which a derived product from an animal by-product is no longer subject to the requirements of the ABPR. At EU level, the end point in the manufacturing chain for digestate derived from animal by-product to be used in fertilising products has been determined in Delegated Regulation (EU) 2023/1605.

However, it requires compliance with strict ABPR standards — specifically, pasteurisation at 70°C for 1 hour with particles no larger than 12 mm. This process entails significant investment costs. Some Member States allow derogations or alternative time-temperature parameters, these national standards might be recognised under the EU Fertilising Product Regulation, after health studies for example.

FGR recommendation:

Carrying further studies on nationally approved transformation parameters to recognize some of them at EU level under FPR. This would facilitate compliant fertilising products from manure ou biowaste.

Contact

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About France gaz renouvelables

Founded in 2018, France gaz renouvelables brings together AAMF, Biogaz Vallée®, Coénove, Chambres d'Agriculture France, FNSEA, Club Biogaz ATEE, FNCCR, France biométhane, GRDF, NaTran, Gaz et Territoires, LCA, Swen Capital Partners and Terega. Its aim is to promote the role of renewable gases in the French energy mix. As an open and not-for-profit organization, FGR works to bring together the various initiatives linked to the development of renewable gases, and to help create an ecosystem in which agriculture and energy can work together to serve local communities and promote the energy transition