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#### COVER NOTE

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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	4 March 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject:	ANNEXES to the COMMISSION DELEGATED REGULATION amending Regulation (EU) 2019/1009 of the European Parliament and of the Council as regards adding processed manure as a component material in EU fertilising products

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Delegations will find attached document C(2024) 1309 final - Annex.

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Encl.: C(2024) 1309 final - Annex



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ANNEXES 1 to 2

**ANNEXES**

**to the**

**COMMISSION DELEGATED REGULATION**

**amending Regulation (EU) 2019/1009 of the European Parliament and of the Council  
as regards adding processed manure as a component material in EU fertilising products**

## ANNEX I

In Part II of Annex II to Regulation (EU) 2019/1009, CMC 10 is replaced by the following:

**‘CMC 10: DERIVED PRODUCTS WITHIN THE MEANING OF REGULATION (EC) NO 1069/2009**

An EU fertilising product may contain derived products within the meaning of Regulation (EC) No 1069/2009 having reached the end point in the manufacturing chain as determined in accordance with that Regulation, and which are listed in the following table and as specified therein:

No	The component material	Additional requirements
	<p>Processed manure fulfilling the conditions in Article 3(d) of Delegated Regulation (EU) 2023/1605*</p>	<p>1.1 An EU fertilising product may contain processed manure only if it was treated to reach an end point according to Regulation (EC) No 1069/2009 at the latest 36 months before signing the EU declaration of conformity for the respective product and the material underwent additional processing so that at least one of the following conditions is met:</p> <ul style="list-style-type: none"> <li><b>a. at least 90 % by dry mass of the material can pass through a sieve with a mesh of 0,25 mm;</b></li> <li><b>b. the material has been granulated under pressure, pelletised, dried at temperatures higher than 100°C or has undergone any equivalent process that ensures that the content of viable weed seeds and plant propagules in the processed manure is no more than 3 units/l; or</b></li> <li><b>c. the material fulfills at least one of the stability criteria set out in point 5 of CMC 3.</b></li> </ul> <p>1.2 The material referred to in point 1.1 may undergo one or more of the following additional processes:</p> <ul style="list-style-type: none"> <li>a. the processing methods referred to in CMC 2;</li> <li>b. biological treatment involving nitrification and denitrification;</li> <li>c. mechanical separation of the solid and liquid fractions;</li> <li>d. processes to recover nutrients and/or organic carbon, without the intention to otherwise modify the material;</li> <li>e. chemical processing to modify the pH without the intention to otherwise modify the material;</li> <li>f. physical processing to remove water and to transform the material into powder, granules or pellets, without the intention to otherwise modify the material.</li> </ul> <p>1.3 Additives needed in the processing referred to in points 1.1 and 1.2 may be used provided that:</p> <ul style="list-style-type: none"> <li>a. the additive complies with the requirement set out in point 2 of CMC 1;</li> <li>b. the concentration of the additives needed in each of the</li> </ul>

		<p>processes does not exceed 5 % of the weight of the processed manure or fraction used as input in the respective process.</p> <p>1.4 The processed manure shall contain no more than 6 mg/kg dry matter of PAH<sub>16</sub>**.</p> <p>1.5 The processed manure to be used as component material in an EU fertilising product shall be stored in a way that protects it against precipitation and direct sunlight.</p>
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2. Where compliance with the requirement set out in point 1.4 follows certainly and uncontestably from the nature or the processing of the component material or the manufacturing process of the EU fertilising product, such compliance may be presumed in the conformity assessment procedure without verification (such as testing), under the responsibility of the manufacturer.’

\* Commission Delegated Regulation (EU) 2023/1605 of 22 May 2023 supplementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council as regards the determination of end points in the manufacturing chain of certain organic fertilisers and soil improvers (OJ L 198, 8.8.2023, p. 1).

\*\* Sum of naphthalene, acenaphthylene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, benzo[a]anthracene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, indeno[1,2,3-cd]pyrene, dibenzo[a,h]anthracene and benzo[ghi]perylene.’

## ANNEX II

In Part I of Annex III to Regulation (EU) 2019/1009, the following points 7c and 7d are inserted:

‘7c. Where an EU fertilising product contains processed manure as referred to in Part II, CMC 10, of Annex II, information about the possible air quality impacts of the release of ammonia from the product’s use and an invitation to users to apply appropriate remediation measures shall be included on the label.

Where an EU fertilising product contains processed manure as referred to in Part II, CMC 10, of Annex II, the following warning shall be included on the label ‘This product may contain aminopyralid or clopyralid and must not be used for the production of plants susceptible to these substances, such as beans, clover, lentils, peas, salad, sunflowers and tomatoes. This product must be used in such a manner as to avoid leading to the exceedance of the maximum residue levels for food or feed set in accordance with Regulation (EC) 396/2005’, or a similar warning. Such a warning is not needed for EU fertilising products containing processed manure with no more than 50 µg aminopyralid or clopyralid/kg dry matter.

7d. Where an EU fertilising product contains a component material out of manure, the total content of nitrogen originated out of manure shall be indicated.’.