



Brussels, XXX  
[...] (2026) XXX draft

ANNEX

**ANNEX**

**to the**

**COMMISSION DELEGATED REGULATION (EU) 2026/xxxx**

**amending Regulation (EU) 2019/1009 of the European Parliament and of the Council to  
include additional derived products as component materials in EU fertilising products**

## **ANNEX**

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

‘1. An EU fertilising product may contain one or more of the following derived products within the meaning of Regulation (EC) No 1069/2009 if they were 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 comply with the requirements in paragraphs 2 to 6:

- (a) Processed manure and processed frass fulfilling the conditions in Article 3(d) of Delegated Regulation (EU) 2023/1605\*;
- (b) Glycerine of Category 2 and 3 materials fulfilling the conditions in Article 4(1)(a) and (2) of Delegated Regulation (EU) 2023/1605;
- (c) Processed animal protein of Category 2 materials fulfilling the conditions in Article 4(1)(c) and (2) of Delegated Regulation (EU) 2023/1605;
- (d) Meat-and-bone meal of Category 2 materials fulfilling the conditions in Article 4(1)(d) and (2) of Delegated Regulation (EU) 2023/1605;
- (e) Blood products of Category 3 fulfilling the conditions in Article 4(1)(e) and (2) of Delegated Regulation (EU) 2023/1605;
- (f) Hydrolysed protein, including hydrolysed protein derived from residues coming from the leather or textile industry, fulfilling the conditions in Article 4(1)(f) and (2) of Delegated Regulation (EU) 2023/1605;
- (g) Dicalcium phosphate and tricalcium phosphate fulfilling the conditions in Article 4(1)(g) and (2) of Delegated Regulation (EU) 2023/1605;
- (h) Horns, horn products, hooves and hoof products fulfilling the conditions in Article 4(1)(h) and (2) of Delegated Regulation (EU) 2023/1605.

\* 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, ELI: [http://data.europa.eu/eli/reg\\_del/2023/1605/oj](http://data.europa.eu/eli/reg_del/2023/1605/oj))

2. The materials referred to in point 1 may undergo one or more of the following additional processes:

- (a) the processing methods referred to in CMC 2;
- (b) biological treatment involving nitrification and denitrification;
- (c) mechanical separation of the solid and liquid fractions;
- (d) processes to recover nutrients or organic carbon, without the intention to otherwise modify the material;
- (e) chemical processing to modify the pH without the intention to otherwise modify the material;
- (f) physical processing to adjust water or to transform the material into an appropriate physical form or physical unit, without the intention to otherwise modify the material.

3. Additives needed in the processing referred to in point 2 may be used provided that

(a) the additive complies with the requirement in CMC 1, point 2;

(b) the concentration of the additives needed in each of the processes does not exceed 5 % of the weight of the total input material weight for the respective process.

4. The derived product 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.

5. The materials referred to in point 1 or the EU fertilising products containing those materials shall comply with the following additional requirements, as applicable:

(a) The processed manure shall have undergone additional processing so that at least one of the following conditions is met:

(1) at least 90 % by dry mass of the material can pass through a sieve with a mesh of 0,25 mm;

(2) 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

(3) the material fulfils at least one of the stability criteria set out in point 5 of CMC 3.

(b) The processed manure shall contain no more than 6 mg/kg dry matter of PAH<sub>16</sub>\*.

(c) The glycerine of Category 2 and 3 materials shall not contain more than 0.5% by mass of methanol.

(d) An EU fertilising product containing hydrolysed proteins as a component material shall contain no more than 400 mg/kg dry matter of total chromium (Cr).

\* 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.

6. Where compliance with the requirements set out in point 5.2 and 5.4 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.'

2. In Annex III, Part I, the following point 7(e) is inserted:

‘(e) Where the EU fertilising product contains or consists of processed frass referred to in Part II, CMC 10, of Annex II:

(1) and has a selenium (Se) content exceeding 10 mg/kg dry matter, the selenium content shall be indicated;

(2) 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;

(3) the label shall contain the following phrase: ‘Processed frass may have the potential to provoke sensitising reactions.’

Where the fact that such an EU fertilising product contains selenium below the limit values in point (c) follows certainly and uncontestably from the nature or production process of the EU fertilising product containing processed frass, the label may contain no information on the selenium content, without verification (such as testing), at the responsibility of the manufacturer.'