



EUROPEAN
COMMISSION

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

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

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

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Animal by-products within the meaning of Regulation (EC) No 1069/2009¹ are entire bodies or parts of animals, products of animal origin or other products obtained from animals, which are not intended for human consumption. Derived products are products obtained from one or more treatments, transformations or steps of processing of animal by-products. Derived products have a long tradition of use as national organic fertilisers and soil improvers, under the conditions laid down in Regulation (EC) No 1069/2009 and the national rules on fertilising products.

Regulation (EU) 2019/1009² lays down rules on the making available on the market of EU fertilising products. EU fertilising products are CE-marked and move freely in the internal market. They may contain derived products within the meaning of Regulation (EC) No 1069/2009 for which an end point in the manufacturing chain has been determined in accordance with that Regulation, provided that such derived products are listed in Component Material Category (CMC) 10 in Annex II to Regulation (EU) 2019/1009. The end point in the manufacturing chain is the moment as of when the derived products are no longer subject to the veterinary controls set out in Regulation (EC) No 1069/2009. The Commission is empowered to add materials to the list in CMC 10, where there is scientific evidence that they do not present a risk to human, animal or plant health, to safety or to the environment, and ensure agronomic efficiency. Currently, only processed manure is listed in CMC 10.

With a view of adding additional materials to CMC 10, the Commission carried a study for the assessment of the safety and agronomic efficiency of several derived products, for which an end point had already been determined in Commission Delegated Regulation (EU) 2023/1605³. Based on the conclusions of the study and feedback received from experts in the Commission Expert Group, the Commission has assessed for each derived product whether the conditions for inclusion are met, and which requirements should be complied with by manufacturers of EU fertilising products using those materials.

With this Delegated Regulation, the following derived products are added to Annex II, CMC 10, together with the requirements needed to ensure that EU fertilising products containing these component materials are safe and agronomically efficient:

- Processed frass;
- Glycerine of Category 2 and 3 materials;
- Processed animal protein;
- Meat-and-bone meal;
- Blood products of Category 3;

¹ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/1069/oj>).

² Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003 (OJ L 170, 25.6.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/1009/oj>).

³ 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).

- Hydrolysed protein;
- Dicalcium phosphate and tricalcium phosphate;
- Horns, horn products, hooves and hoof products.

Annex III is also amended to set out specific labelling requirements for EU fertilising products containing processed frass.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Pursuant to Article 44(4) of Regulation (EU) 2019/1009, experts designated by each Member States have been consulted on the draft in the meeting of the Commission expert group on Fertilising Products (E01320)⁴ on 4 and 5 November 2025⁵ according to the rules of the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁶.

Member States and interested stakeholders were largely supportive of the adoption of this delegated Regulation.

The draft delegated Regulation has been published for feedback on the Better Regulation portal.⁷ [add details]

The draft delegated Regulation has also been notified based on Article 2(9)(2) of the Agreement on Technical Barriers to Trade. [add details]

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The legal act amends Annex II to Regulation (EU) 2019/1009. The legal basis of this delegated act is Article 42(1) of Regulation (EU) 2019/1009. Article 42(5) of Regulation (EU) 2019/1009 provides further rules for adding derived products in Annex II of that Regulation.

⁴ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=1320>.

⁵ Details of these consultations can be found in the minutes of the meetings on the CIRCABC page of the expert group, at the following link: <https://circabc.europa.eu/ui/group/36ec94c7-575b-44dc-a6e9-4ace02907f2f/library/169df8c3-e093-4738-bd60-c2b7434f4de3>.

⁶ OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinst/2016/512/oj.

⁷ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14548-Amendment-of-conformity-assessment-procedures-for-EU-fertilising-products_en.

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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

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003⁸, and in particular Article 42(1) thereof,

Whereas:

- (1) Regulation (EU) 2019/1009 lays down rules on the making available on the market of EU fertilising products. EU fertilising products may contain derived products within the meaning of Regulation (EC) No 1069 of the European Parliament and of the Council which are listed as component material in Component Material Category 10 of Annex II to the Regulation (EU) 2019/1009.
- (2) The Commission may only add derived products as component material where an end point in the manufacturing chain has been determined in accordance with Article 5 of Regulation (EC) No 1069/2009⁹. End points for several derived products have been determined in.¹⁰ Derived products that were treated to reach the end point in accordance with that Commission Delegated Regulation, are no longer subject to the requirements laid down in Regulation (EC) No 1069/2009, provided that they are used as component materials in EU fertilising products.
- (3) With Commission Delegated Regulation (EU) 2024/1682 of 4 March 2024¹¹, the Commission added processed manure as a component material in EU fertilising products.
- (4) In accordance with Article 42(1) and (5) of Regulation (EU) 2019/1009, the Commission has assessed the market potential, safety and agronomic efficiency of additional derived products with respect to relevant aspects not taken into account for

⁸ OJ L 170, 25.6.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/1009/oj>.

⁹ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (OJ L 300, 14.11.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/1069/oj>).

¹⁰ 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).

¹¹ Commission Delegated Regulation (EU) 2024/1682 of 4 March 2024 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 (OJ L, 2024/1682, 13.6.2024, ELI: http://data.europa.eu/eli/reg_del/2024/1682/oj).

the purpose of determining an end point in the manufacturing chain. This assessment was supported by an external study.¹²

- (5) The assessment concluded that processed frass, glycerine of category 2 and 3 materials, processed animal protein of category 2 materials, meat-and-bone meal of category 2 materials, blood products of category 3 materials, hydrolysed protein, including hydrolysed protein derived from residues coming from the leather or textile industry, dicalcium phosphate and tricalcium phosphate, and horns, horn products, hooves and hoof products meet the requirements for inclusion.
- (6) Those derived products are rich in nutrients, increase the organic carbon levels in soil, improve the plant nutrition, improve soil structure or enhance its microbial or enzymatic activity. Overall, they can have beneficial effects on soil health and the growth and stress resilience of plants. They therefore have a clear agronomic value in EU fertilising products and significant potential for trade on the internal market. The treatment required to reach an end point in accordance with Regulation (EU) 2019/1009 largely ensures that chemical, biological or physical hazards from the derived products are eliminated. Any remaining risks from those materials should be addressed by additional safety requirements.
- (7) To avoid risks from long-term storage of the derived products, such as contamination and material degradation, it is necessary to limit the time between the treatment to reach the end point according to Regulation (EC) No 1069/2009 and the inclusion of the material in an EU fertilising product.
- (8) In addition to the treatment required to reach an end point, the derived products may undergo additional processes to further improve their agronomic value or other properties. Processing methods which are currently widely used for such materials, such as solid-liquid separation, drying, pelletising, and recovery of nutrients, should be permitted. However, the derived products should not undergo thermochemical conversion processes at high temperatures or pressures, such as liquefaction, hydrothermal carbonisation, pyrolysis, gasification or combustion, as such processes are covered under other component material categories due to the specific nature of the material transformation process.
- (9) Additives needed in the processing of the derived products should be limited to 5% of the total input material weight for the respective process. Any additive used above this threshold should be considered a component material and comply with the requirements of at least one component material category.
- (10) Moisture and high temperatures can lead to a degradation of the derived products, such as microbial growth or caking, which affects their stability and functionality. The materials should therefore be stored in dry conditions and protected from direct sunlight.
- (11) Glycerine of Category 2 and 3 materials can be contaminated with methanol used in the biodiesel process which can lower the flash point of the material, increasing its flammability. Therefore, the methanol content in those materials should be limited.
- (12) Hydrolysed proteins derived from leather and poultry by-products can contain chromium (Cr). Hexavalent chromium (Cr(VI)) is highly toxic, posing significant health risks for humans and wildlife and negatively affecting plants and soil micro-

¹²

Add link if published

organisms. It can accumulate in soil and enter the food chain. As trivalent chromium (Cr(III)) can transform into Cr(VI) under favourable conditions, it is appropriate to set out a limit value for total chromium.

- (13) To further ensure the safe use of EU fertilising products containing processed frass, certain labelling requirements should be set out for such products. Depending on the insect species, there may be a risk of significant traces of selenium. As selenium can be toxic for human and plant health if present in high concentration, end-users should therefore be informed about a product's selenium content, if it exceeds 10 mg/kg dry matter. Moreover, end-users should be informed about the potential air quality impacts of the release of ammonia from the degradation of processed frass in the soil and the appropriate measures to reduce such impacts. The label should also include a warning about possible allergic reactions caused by proteins contained in processed frass and recommended means of protection.
- (14) Certain requirements set out for derived products might not be relevant for all input materials covered by Component Material Category 10, as compliance might be evident from the nature of the material or the manufacturing process of the derived product or of the EU fertilising product. To facilitate the conformity assessment procedure and avoid unnecessary costs, it should therefore be possible in such cases to assume compliance with the requirement without testing, under the responsibility of the manufacturer.
- (15) Regulation (EU) 2019/1009 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN