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COMMISSION DIRECTIVE (EU) 2026/288

of 9 February 2026

amending Council Directive 91/676/EEC as regards the use of certain fertilising materials from livestock manure

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ⁽¹⁾, and in particular Article 8 thereof,

Whereas:

- (1) Article 5(4), point (a), of Directive 91/676/EEC, sets out the measures to be included in action programmes to be applied in vulnerable zones or throughout the national territory in accordance with Article 3(5) of that Directive. Pursuant to point 2 of Annex III to Directive 91/676/EEC, those measures are to ensure that, for each farm or livestock unit, the amount of livestock manure or processed manure applied to the land each year, including by animals themselves, does not exceed a specified amount per hectare, set at 170 kg nitrogen (N) per year.
- (2) Since the adoption of Directive 91/676/EEC, scientific and technical progress in manure processing techniques has made it possible to manufacture fertilisers (known as 'RENURE' fertilisers) that under certain conditions act as 'chemical fertilisers' as defined in Article 2(f) of the Directive.
- (3) The Commission's Joint Research Centre has assessed that under certain conditions RENURE fertilisers have a similar nitrogen leaching potential and agronomic efficiency to chemical fertilisers. These materials therefore reduce the risks of nitrate losses in water compared to manure and, thanks to this environmental advantage, they could be used above the maximum amount for manure application set out in Directive 91/676/EEC, while ensuring the achievement of the Directive's objectives and adequate agronomic benefits ⁽²⁾.
- (4) Broader application of organic fertilisers and nutrients from recycled waste streams could strengthen the Union's open strategic autonomy and food security while setting out high sustainability standards, in particular, in regions with a low uptake of organic fertilisers. The use of manure and processed manure, in compliance with Directive 91/676/EEC, could reduce farmers' exposure to volatile mineral fertiliser prices and close nutrient cycles. The Communication entitled 'Ensuring availability and affordability of fertilisers' ⁽³⁾ called for the assessment of further regulatory and non-regulatory steps to enable wider use of recovered nutrients from livestock manure.
- (5) In 2023, the Commission launched an evaluation of Directive 91/676/EEC with the aim of assessing, among others, whether that Directive sufficiently promotes the recycling of nutrients from various sources, including processed manure, and technological developments in manure processing technologies resulting in RENURE fertilisers.
- (6) Therefore, until the evaluation of Directive 91/676/EEC is finalised, it is necessary to provide an interim solution for Member States to authorise farmers to use RENURE fertilisers above the amount set out in Annex III, point 2, under certain conditions.

⁽¹⁾ OJ L 375, 31.12.1991, p. 1, ELI: <http://data.europa.eu/eli/dir/1991/676/oj>.

⁽²⁾ Huygens, D., Orveillon, G., Lugato, E., Tavazzi, S., Comero, S., Jones, A., Gawlik, B. and Saveyn, H., *Technical proposals for the safe use of processed manure above the threshold established for Nitrate Vulnerable Zones by the Nitrates Directive (91/676/EEC)*, Publications Office of the European Union, Luxembourg, 2020.

⁽³⁾ COM(2022) 590 of 9 November 2022.

- (7) The use of RENURE fertilisers above the amount of 170 kg N per hectare per year from livestock manure should be authorised with the appropriate safeguards to improve substitution of chemical fertilisers by organic fertilisers, reduce costs for farmers and enhance the strategic autonomy of the Union's agricultural sector, without jeopardising the attainment of the objectives of Directive 91/676/EEC.
- (8) In addition to the impact on water quality, nitrogen emissions from manure and livestock affect air quality. The use of RENURE fertilisers should go hand in hand with continuous efforts to mitigate the overall environmental impacts. It is therefore necessary to have appropriate safeguards and to set an upper limit for the use of RENURE fertilisers. That limit should reflect the characteristics of RENURE fertilisers from livestock manure, their use and substitution capacity, as well as the experience with the application of Annex III, point 2.
- (9) Quality criteria for RENURE fertilisers and conditions for their use should be set out so they can replace 'chemical fertilisers' in accordance with the objectives of Directive 91/676/EEC.
- (10) Only processing methods that reliably yield materials of a consistent quality in accordance with specified criteria should be covered. The Commission's Joint Research Centre has assessed criteria for the concentration of mineral nitrogen and organic carbon in such materials and has tested the reliability of various processes in producing materials compliant with those criteria. The assessment shows that the following processing methods are capable of yielding materials of a consistent quality in accordance with those criteria: stripping and scrubbing of ammonia to produce ammonium salts, application of reverse osmosis to produce mineral concentrates, and nitrogen-rich phosphate salts (struvite) precipitated out of livestock manure. Therefore, the processes required for the production of RENURE fertilisers which meet the necessary quality to ensure reliable replacement of chemical fertilisers, should be established.
- (11) To ensure safe land application of RENURE fertilisers, Member States should be required to apply strict quality standards, including safe limits for relevant contaminants and pathogens in accordance with relevant Union and national legislation. Upper limit values should therefore be set out, in particular as regards the presence of copper, zinc and microorganisms.
- (12) Commission Delegated Regulation (EU) 2023/1605 ⁽⁴⁾ defines end-points in the manufacturing chain for certain organic fertilisers pursuant to Regulation (EC) No 1069/2009 of the European Parliament and of the Council ⁽⁵⁾, including processed manure, beyond which processed manure is no longer subject to the requirements of Regulation (EC) No 1069/2009, in order to become or be part of EU fertilising products referred to in Regulation (EU) 2019/1009 of the European Parliament and of the Council ⁽⁶⁾. Manure other than that referred to in Delegated Regulation (EU) 2023/1605 is still subject to the requirements of Regulation (EC) No 1069/2009.
- (13) Member States should set requirements for installations producing RENURE fertilisers to ensure a consistent nutrient content in accordance with the criteria set out in Directive 91/676/EEC. To facilitate their land application in line with crop requirements, RENURE fertilisers should be accompanied by appropriate information on their nutrient content.
- (14) The Commission's Joint Research Centre assessed the environmental and health impacts and proposed criteria for the use of RENURE fertilisers under the condition and assumption that the total amount of manure produced within the Union, the number of livestock units and the livestock density would not increase.

⁽⁴⁾ 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).

⁽⁵⁾ 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>).

⁽⁶⁾ 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 (OJ L 170, 25.6.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/1009/oj>).

- (15) Member States should therefore closely monitor the effect of the authorisation for the use of RENURE fertilisers above the amount of 170 kg nitrogen per hectare per year on overall livestock numbers and manure production. Where the nitrogen content of the total annual manure production per hectare of utilised agriculture area (UAA) is exceeding or at risk of exceeding 170 kg of nitrogen per hectare in the Member State as a whole or in the NUTS 2 regions where application of RENURE fertilisers is authorised, Member States should prevent any increase thereof in those regions, in order to ensure that it does not result in further unintended negative environmental effects.
- (16) Land application of RENURE fertilisers remains subject to the requirements for the application of all fertilisers (balanced fertilisation) set out Annex III, point 1(3), to Directive 91/676/EEC. As RENURE fertilisers are intended to substitute chemical fertilisers, the limitations on fertiliser use in accordance with the principle of balanced fertilisation as applied in the Member State concerned may need to be reviewed in the context of the decision to allow RENURE fertilisers to take this into account. Possible additional environmental pressures resulting from the application of RENURE fertilisers, in particular following their autumn application on arable crops, need to be taken into account and appropriate measures taken in the respective action programmes, in particular with regard to the limitation of land application of fertilisers. Good agri-environmental practices should therefore be observed, such as living vegetation covers or equivalent measures, to prevent losses of nitrogen to the environment. These requirements should therefore be set out.
- (17) The use of RENURE fertilisers may also be associated with a risk of emissions of nitrogen through volatilisation from soils, especially in the case of fertilisers containing more than 60 % of nitrogen in forms other than nitrates and a pH higher than 5,5. Therefore, to avoid negative effects on the environment, appropriate fertiliser land application techniques should be observed such as injection, immediate incorporation of surface-applied materials, or equivalent measures.
- (18) When authorising the use of RENURE fertilisers from processed manure, Member States should also take into account their possible effects on the attainment of the objectives of Council Directive 92/43/EEC⁽⁷⁾, and of Directives 2000/60/EC⁽⁸⁾, (EU) 2016/2284⁽⁹⁾, (EU) 2020/2184⁽¹⁰⁾ and 2008/50/EC⁽¹¹⁾ of the European Parliament and of the Council and of Regulation (EU) 2018/848 of the European Parliament and of the Council⁽¹²⁾. The use of RENURE fertilisers should not affect or hamper the implementation of those directives and of that Regulation. In view of the precautionary principle set out in Article 191(2) of the Treaty on the Functioning of the European Union, Member States should take particular precautions in and around Natura 2000 areas and in the vicinity of drinking water abstraction points. In application of the above legislation, and prior to giving the authorisation to use such RENURE fertilisers, Member States should assess the overall impact on ammonia emissions in the regions where application of RENURE fertilisers is authorised, in view of ensuring that environmental objectives are not negatively affected.
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- ⁽⁷⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7, ELI: <http://data.europa.eu/eli/dir/1992/43/oj>).
- ⁽⁸⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1, ELI: <http://data.europa.eu/eli/dir/2000/60/oj>).
- ⁽⁹⁾ Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p. 1, ELI: <http://data.europa.eu/eli/dir/2016/2284/oj>).
- ⁽¹⁰⁾ Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1, ELI: <http://data.europa.eu/eli/dir/2020/2184/oj>).
- ⁽¹¹⁾ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1, ELI: <http://data.europa.eu/eli/dir/2008/50/oj>). EU Ambient Air Quality Directive and as amended in 2024.
- ⁽¹²⁾ Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/848/oj>).

- (19) In order to enable the Commission to fulfil its role pursuant to Directive 91/676/EEC, Member States should notify the Commission of their decision to authorise the use of RENURE fertilisers from processed manure, and should report to the Commission, as part of the 4-yearly report pursuant to Article 10 of Directive 91/676/EEC, on the application of that authorisation, including annual data on the production of RENURE fertilisers, on livestock numbers and on manure production.
- (20) This amendment should not affect the obligations of Member States unless they choose to implement the new point (c) in Annex III, set out in the annex to this act.
- (21) It is therefore necessary to amend Directive 91/676/EEC accordingly.
- (22) The measures provided for in this Directive are in accordance with the opinion of the Committee established by Article 9 of Directive 91/676/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 91/676/EEC is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 2 March 2028 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 9 February 2026.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex III to Directive 91/676/EEC, in point 2, second subparagraph, the following point (c) is added:

‘(c) Member States may authorise, above the amount of 170 kg nitrogen per hectare per year as set out in this subparagraph and up to a separate additional limit of 80 kg nitrogen per hectare per year, the use of certain fertilising materials from livestock manure that have undergone processing, provided all the following conditions are met:

- (i) the livestock manure component of the fertilising material has undergone a treatment process that increases the concentration of nitrogen in mineral form, urea nitrogen or crystal-bound nitrogen, expressed as a percentage by weight of the total nitrogen compared to the input to the treatment process, resulting in any of the following:
 - (1) an ammonium salt (scrubbing salt), stemming from a gas purification or emission control process designed to remove ammonia from off-gases;
 - (2) a mineral concentrate obtained through reverse osmosis;
 - (3) a nitrogen-rich phosphate salt (struvite), precipitated out of livestock manure;
- (ii) the fertilising materials are of consistent quality across batches and have a ratio of mineral nitrogen to total nitrogen of at least 90 % or a ratio of organically bound carbon to total nitrogen of no more than 3, in both cases correcting for any nitrogen derived from component materials that do not originate from manure and contain more than 3 % of nitrogen on a dry matter basis;
- (iii) the fertilising materials do not exceed the following upper limits:
 - copper (Cu): 300 mg kg⁻¹ dry matter,
 - zinc (Zn): 800 mg kg⁻¹ dry matter;
- (iv) pathogens in the fertilising materials containing more than 1 % organic carbon do not exceed the following upper limits:

Micro-organisms to be tested	Sampling plans			Limit
	n	c	m	M
<i>Salmonella</i> spp.	5	0	0	Absence in 25 g or 25 ml
<i>Escherichia coli</i> or <i>enterococci</i>	5	5	0	1 000 in 1 g or 1 ml

Where:

n = number of samples to be tested,

c = number of samples where the number of bacteria expressed in colony forming units (CFU) is between m and M,

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory,

M = maximum value of the number of bacteria expressed in CFU.

- (v) Member States implement strict quality standards to ensure a consistent nutrient content in fertilising materials across production batches in line with the criteria set out in point (ii);
- (vi) Member States ensure that the fertilising material is accompanied by documentation containing information on the content of nitrogen (N) and phosphates (P₂O₅) where the concentration of any of those elements exceeds 1 % of dry matter, with a maximum deviation of 25 % from the declared value;

- (vii) Member States ensure that livestock numbers and manure production do not increase as a result of the application of this point, (i) at national level when nitrogen content of total annual national manure production per hectare of utilised agricultural area (UAA) exceeds 75 % of the 170 kg N per hectare limit set out in this subparagraph; and (ii) at the level of NUTS 2 territorial units where the authorisation is given, when nitrogen content of the total annual manure production per hectare of UAA in these territorial units exceeds 75 % of the 170 kg N per hectare limit set out in this subparagraph;
- (viii) Member States tighten the limitations on land application of fertilisers (fertilisation rates), set out in point 1, paragraph 3 of this Annex, to take into account the increased risks of nitrogen loss in water and air resulting from the use of fertilising materials meeting the conditions set out in points (i) to (iv) of this point, while applying a mineral fertiliser equivalence coefficient of 1 for such materials. Member States ensure as far as possible the maintenance of a living plant cover or equivalent measures on land where fertilising materials meeting the conditions in points (i) to (iv) of this point are applied; Member States ensure that, where relevant to prevent the loss of ammonia from agricultural soils, appropriate precautions are taken during the land application of fertilising materials meeting the conditions in points (i) to (iv) of this point, in particular, through injection, immediate incorporation of surface-applied materials, or equivalent measures;
- (ix) Member States take measures to prevent to the extent possible emissions, including emissions to air, resulting from storage of fertilising materials meeting the conditions in points (i) to (iv) by defining appropriate storage conditions and requirements for such materials;
- (x) Member States take all necessary measures to ensure that the use of fertilising materials meeting the conditions set out in points (i) to (iv) of this point does not prejudice the attainment of the objectives of this Directive, of Council Directive 92/43/EEC ^{(1)*} and Directives 2000/60/EC ^{(2)*}, (EU) 2016/2284 ^{(3)*}, (EU) 2020/2184 ^{(4)*} and 2008/50/EC ^{(5)*} of the European Parliament and of the Council in so far as the measures of the action programme are relevant to those Directives. Member States take measures to prevent adverse effects in and around Natura 2000 areas, and in the vicinity of drinking water abstraction points, in accordance with Directive 92/43/EEC and Directive (EU) 2020/2184, respectively.

Where Member States apply this point of the second subparagraph they shall notify the Commission thereof. In addition, they shall, as part of the report referred to in Article 10, report on its application, including annual data on the amount of materials produced meeting the conditions set out in points (i) to (iv) of this point and on livestock density and manure production at national level and at the level of NUTS 2 territorial units as established by Regulation (EC) No 1059/2003 of the European Parliament and of the Council ^{(6)*}.

^{(1)*} Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7, ELI: <http://data.europa.eu/eli/dir/1992/43/oj>).

^{(2)*} Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1, ELI: <http://data.europa.eu/eli/dir/2000/60/oj>).

^{(3)*} Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p. 1, ELI: <http://data.europa.eu/eli/dir/2016/2284/oj>).

^{(4)*} Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1, ELI: <http://data.europa.eu/eli/dir/2020/2184/oj>).

^{(5)*} Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1, ELI: <http://data.europa.eu/eli/dir/2008/50/oj>). EU Ambient Air Quality Directive and as amended in 2024.

^{(6)*} Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1, ELI: <http://data.europa.eu/eli/reg/2003/1059/oj>).