Impact of the Regulation

Proposed amendments, the impact of which has been assessed as a single package:

- the option to take samples at shorter intervals for the purpose of issuing a certificate (amendment to § 6(4)1));
- more flexible re-sampling at the annual inspection and creation of the possibility to suspend the certificate (§ 10(7) and 7^{1});
- an increase in the limit value for Zn (Annex 2);
- clarification of the lists of input materials (Annexes 1 and 3).

affected target groups (size of the target group):

- biogas plants using waste listed in Annexes 1 and 3 of the Regulation as inputs (9)
- certification body (1)
- farmers using digestate as fertiliser (in 2023, there were a total of 10,700 farmers in Estonia using almost 980,000 hectares of utilised agricultural area[1], but not all farmers are potential users of digestate).

Social, demographic impact: the amendments to the Regulation will not have a social or demographic impact.

Impact on the economy: the amendments are intended to increase the flexibility of issuing and maintenance of digestate certificates for biogas plants and also to accelerate the issue of such certificates, so that the impact of the amendments on biogas plants is positive. The effect is manifested when applying for a certificate. In the case of compliant samples, more frequent sampling allows certificates to be issued more quickly than before. However, in the case of non-compliant samples, this may ultimately mean a longer and more costly certification process for the company, as additional samples will need to be taken. Annual inspections also have an impact if deficiencies are detected and re-sampling is needed (in the future, a higher number of duplicate samples is possible). Repeat samples will be paid for by the biogas plant, i.e. in the event of deficiencies, the costs for sampling increase, but a higher number of repeat samples offers more flexibility to remedy the deficiencies and reduces the current risk of losing the certificate due to accidental deviations in the safety and quality indicators. If deficiencies occur in two repeat samples, i.e. three times in a row, the certificate will be suspended instead of being revoked. The suspension of a certificate is the preferred option in order to reduce administrative burden compared to the revocation of the certificate. It is easier, cheaper and less burdensome to recover a suspended certificate than to apply for a new one.

If the biogas plant uses only the waste specified in Annex 3 as input, it is possible to convert the digestate into a product without external certification. In the future, the list in Annex 3 will be expanded, but with certain clarifications to ensure that digestate is safe for the environment and human health. If a biogas plant uses as input waste that was previously listed only in Annex 1 but now in Annex 3, it will be easier for it to produce digestate.

Companies can apply for support from the Environmental Investment Centre for the production of digestate from biodegradable waste under the support measure “Recovery of waste, recycling and digital reporting”[2]. The intention is to continue to support recycling of waste in the new funding period.

[1] https://stat.ee/et/uudised/eesti-pollumajandusmaa-pind-tootja-kohta-uks-euroopa-suurimaid

[2] https://kik.ee/et/toetatavad-tegevused/jaatmete-vaarindamine-ringlussevott-ja-digiaruandlus.

The certification body must update the certification scheme to ensure that the activities comply with the requirements of the Regulation and must follow the new requirements of the Regulation in the future. However, the renewal of the scheme is a one-off activity.

The positive impact is felt by farmers who wish to use digestate as fertiliser. It is easier to use digestate with product status than with waste status. An environmental permit is required for the storage of digestate with waste status, but not for the use of digestate with product status. As a result of the amendments to the Regulation, the certification of digestate is expected to increase, and thus the quantities of digestate with product status are expected to increase as well. The changes will therefore enable farmers to use more quality, nutrient-rich local fertilisers, reduce the use of mineral fertilisers and promote the wider application of circular economy principles and environmentally friendly agricultural practices.

Impact on the living and natural environment: the amendments do not entail any significant change compared to the current situation, as the safety and quality parameters of the digestate remain largely unchanged and the certified digestate transferred to the fields continues to meet the requirements. An undesirable effect may be that biogas plants do not comply with the requirements of the Regulation and digestate produced in accordance with Annex 3, which is not certified, does not meet safety and quality indicators, as a result of which digestate contaminated with, for example, pathogens or heavy metals is released into the environment. However, the amendments to the Regulation will not increase the risk of companies operating in violation of the requirements of the Regulation; rather, the likelihood of the risk materialising will decrease as a result of the mitigating measures.

Impact on regional development: the changes will have a positive impact on regional development, as more flexible certification will be an important message for companies when setting up new biogas plants. The construction of new biogas plants can increase the number of jobs and economic activity in various regions and can increase energy security and local bioenergy production.

Impact on the organisation of state authorities and local government units: the changes do not have a significant impact on the organisation of state and municipal authorities.