



ESPP **draft** joint stakeholder proposals for nutrients in the EU Circular Economy Act

Context: The President of the European Commission, Ursula von der Leyen, [has announced](#) an EU Circular Economy Act, to follow the second Circular Economy Action Plan ([March 2020](#)). Her [mission letter](#) to the new Commissioner for Environment, Water Resilience and a Competitive Circular Economy, Jessika Roswall, specifies that the new Circular Economy Act should include measures to create market demand for secondary materials and a single market for waste, especially for critical raw materials (phosphate rock is on the EU Critical Raw Material List since 2014, confirmed in the EU Critical Raw Materials Act [2024](#)).

The following draft proposals are a basis for discussion at **ESPP's stakeholder workshop, 21st January 2025, Brussels & online** (register: <https://www.phosphorusplatform.eu/policy2025>). **Comments, input and proposals are welcome** to info@phosphorusplatform.eu

ESPP draft proposals:

1 **Market uptake of recycled nutrients**

See ESPP proposals here www.phosphorusplatform.eu/regulatory

2 **Strategic coordination of Circular Economy**

At present, Circular Economy is a shared responsibility of DG GROW (including Critical Raw Materials), DG ENVI (sustainability and safety), DG SANTE (circularity of animal by-products) and DG AGRI (key for nutrient circularity, in particular via the CAP). We propose the following to improve coordination and political impetus:

2.1 EU Circular Economy Board

With concerned Commission services, Member States, industry, stakeholders (environment and consumer NGOs, farmers' organisations) and scientific experts. Coordination with Critical Raw Materials Board, Future for Agriculture, Food Waste Forum ...

2.2 EU Commission single information point for Circular Economy

Establish an inter-DG European Commission information point, for Circular Economy, for questions regarding regulation and proposals for policy, covering Waste regulation, Animal By-Product, Standards, site permitting (IED), ... Develop a Circular Economy "FAQ" (European Commission Frequently Asked Questions document).

3 **Waste regulations**

3.1 Producer responsibility and traceability

ESPP fully supports the **principle of extended producer responsibility (EPR)**, from end-of-life and for as long as a waste is not eliminated, and so the need for traceability, and so for an 'End-of-Waste' (EoW) procedure to exit these requirements.

3.2 Create a legal status for 'Secondary Materials'

Secondary materials which are intended for recycling currently are considered "waste", despite they are not intended to be "discarded" (e.g. sewage sludge incineration ash transported from an incinerator to a processing plant to recover phosphorus).

A 'Secondary Materials' status (parallel to the 'Intermediate' status of REACH) should retain producer responsibility and traceability, but facilitate processing site intake (permitting), transport documentation.

3.3 Clarify definitions of 'biowaste' and food, beverage, pet food, animal feed residues

These are important secondary nutrient streams, but highly variable, with very many different food products, different processes ... Issues may be pathogens, chemicals used in processing, concentration of agrochemicals from initial input crops. Define "comparable" for "biowaste" in the Waste Framework Directive and clarify the conditions for similar recycling and valorisation, and for mixing of such waste streams, for agri-food industry wastes and by-products, in respect of the waste hierarchy.

3.4 National EoW / 'mutual recognition'

Procedures, criteria and conclusions for EoW are widely disparate between Member States (MS), and national EoW for recycled materials is often not recognised in other MS (no 'mutual recognition'). This is resolved for agricultural applications of recycled nutrients by the EU Fertilising Products Regulation, which authorises either National status or CE certification which gives EU EoW. The problems are however unresolved for other uses of recycled nutrients (animal feed, industrial chemicals) and for other materials



recovered from wastewaters (industrial fibres or polymers ...). The difficulty is that recycling is case-by-case, inputs are variable, processes are adapted to inputs and so locally specific, quantities are small. Even if recycled materials are used locally, incoherences in national EoW are an obstacle to EU roll-out of new recycling processes.

ESPP proposes:

- **Obligation for MS to instruct National EoW submissions in a given time frame**
- **Harmonisation of format and information** requested between National EoW procedures
- National EoW decisions should be publicly notified at the EU level, and **mutual recognition should be automatic in the absence of a (documented) objection by at least one MS** (within a specified time)
- An 'emergency' procedure should allow instant suspension of the EoW status in case of concerns
- Establish an **EU expert group on recycled materials** (MS, COM, representatives of industry, consumer and environmental NGOs, scientific experts) to which disagreements between MS would be referred (objections to notifications, if not resolved between concerned MS), with possibility for all stakeholders to submit national EoW decisions (even where no MS objection)
- The above, all subject to minimum requirements for the industry EoW dossier: safety, product quality, recycling potential, dossier summary in English (for notification).

4 Flexibility for waste transport/intake for pilot plants

The recently increased 250 kg limit for waste transport for R&D is insufficient for pilot plant testing, so posing an obstacle to scale-up from research to implementation. Under certain conditions, **a further 1000 t/year x 2 years should be facilitated for industrial pilot testing.**

5 Site permitting

Modification of existing site operating permits (under EU Industrial Emissions Directive) to enable intake not only of virgin raw materials but also of 'wastes' is an obstacle to roll-out of recycling, because of delays, administrative complexity, costs.

- **Specify maximum permitting delay for modification of existing site permits to allow input of secondary raw materials.** Could be based on text of the EU Critical Raw Materials Act 2024/1252 art. 11 which specifies, for 'Strategic Projects' only, "the permit-granting process shall not exceed: ... 15 months for (projects) ... involving only processing or recycling."
- **Exclude administration fees** for permit modifications (to allow intake of secondary raw materials) and exclude increases in annual permit administrative fees (for at least five years)
- **Facilitate permitting of intake of wastes with "Secondary Raw Material" status** (see proposal above)

The above should be facilitated, for sites recycling phosphorus (an EU Critical Raw Material) by the instigation of the "single points of contact ... responsible for facilitating and coordinating the permit-granting process for critical raw material projects ..." under articles 8-9 of the EU Critical Raw Materials Act 2024/1252.

6 Animal By-Products (ABP) and Animal Feed Regulations

The ABP and Feed Regulations need updating to facilitate circularity, whilst continuing to ensure food-chain safety and consumer / supermarket confidence in this safety. See [joint letters to DG SANTE "The EU needs an approach to materials from animal origin in the food chain that is fit for the Circular Economy" \(2 April 2024, 16 organisations including ESPP\) and regarding measures to improve animal feed circularity \(18 September 2024, 7 organisations including ESPP\).](#)

6.1 Review of the Animal By-Product (ABP) Regulations to facilitate circularity

An overall review of the ABP Regulation and its daughter regulations should identify how recycling of ABPs can be facilitated whilst ensuring safety, in particular:

- The "End-Point" process. This does not currently function except via the EU Fertilising Products Regulation (no other End-Points defined)
- Facilitate EU and mutual recognition of "National End-Points" and national use authorisations
- Rationalise the EFSA process: analysis of families of materials/processes/uses rather than one-by-one case decisions
- Improve coherence between ABP End-Points and End-of-Waste



- Simply, clarify and streamline the Regulations which are currently incomprehensible to anyone other than ABP regulatory experts, address legal ambiguities and harmonise definitions, wordings and terminology

6.2 Review the Animal Feed Regulation exclusions

The Animal Feed Regulation [767/2009](#) Annex III currently excludes use in animal feed of sewage/sewage sludge or animal manure in feeds however they are processed. This should not apply where the process results in a purified chemical with pathogen and contaminants removed.

6.3 Identify processes which ensure a 'universal' End-Point

Certain processes should be considered to achieve a 'universal' ABP End-Point, End-of-Waste, and exit from any regulation limiting use of certain materials irrespective of their processing (e.g. Nitrates Directive):

- Incineration (IED conditions) and recovery from ash
- Recovery from offgases, subject to demonstrating that pathogens are not present in gas or water droplets

Criteria for such 'universal' end points could be defined similarly to FPR CMCs (input materials, processing conditions, contaminants and safety of output materials) and then be considered applicable to all relevant regulations (ABP, EoW, FPR ...)

7 Coherence and clarity of regulations

Complexity of regulatory requirements (such as contaminants limits, testing requirements, authorisation and registration dossiers) can be an obstacle to recycling because of the variability and relatively small quantities of secondary materials.

7.1 Coherence review

A review of all relevant EU regulations (in particular EU chemicals regulation [REACH](#), Animal By-Products, Waste, Fertilisers, Animal Feed) should be engaged to identify incoherences and obstacles to circular economy.

7.2 Coherent authorisation for recycling to different value chains

As far as possible, dossier requirements for authorisation for different applications (cosmetics, food contact, food, feed, crop protection, fertilisers ...) should use the same core dossier, with additional requirements only where necessary to ensure safety in certain uses. As a general principle, authorisation for applications with higher risk (e.g. food, cosmetics) should give automatic authorisation for lower risk uses (e.g. fertilisers, food contact).

8 Taxonomy

The EU Taxonomy criteria ([EU](#) [2023/2486](#) (EU criteria for green investment funding) currently include recovery of phosphorus from wastewater, recovery of bio-waste by anaerobic digestion or composting, depollution and dismantling of end-of-life products, sorting and material recovery of non-hazardous waste, repair, refurbishment and remanufacturing, preparation for re-use of end-of-life products and product components, sale of second-hand goods, product-as-a-service and other circular use- and result-oriented service models, marketplace for the trade of second-hand goods for reuse. The **Taxonomy should be extended to cover phosphorus recovery from other streams, nitrogen and other nutrient recovery**, and other forms of chemical and bio-based recycling.

9 Standards

Need for EU standards (CEN) for the definition of "bio-based nutrient" and of "recycled nutrient" (the CEN definition of "bio-based" [CEN/TR 16721](#), developed for plastics, is not applicable to nutrients, because it uses carbon dating), and for how to measure "bio-based" and "recycled" content for nutrient products. See ESPP "Proposed definition of "Bio-Based Nutrients" at www.phosphorusplatform.eu/regulatory

10 Implementing the Critical Raw Material (CRM) Act for phosphorus

10.1 Strategic inputs for food security

The EU Critical Raw Materials Act [2024/1252](#) defines materials and projects which are 'Strategic' for the specified priority technologies: batteries, renewable energy, electronics-data, aerospace. Food supply and production security should also be recognised as "Strategic" for Europe. To parallel, the CRM Act [2024/1252](#) for technological materials, we propose that the Circular Economy Act should specify raw materials and other inputs (e.g. equipment) critical for food production which should be identified as "Strategic", and that supply



and recycling targets and resilience actions should be defined in the same way as for technological materials.

10.2 Critical Raw Materials Act implementing regulation

Include phosphorus from manures, food waste, food processing and abattoir wastes in the list of “waste streams that shall at least be considered as having a relevant critical raw materials recovery potential” in the CRM Act implementing act (art. 26(7), deadline May 2025)

10.3 Member States Critical Raw Material (CRM) Act implementation programmes

Ensure appropriate inclusion of phosphorus circularity and reduction of consumption in Member States programmes under CRM Act art. 26 (deadline 2 years from implementing act cited above), in particular: incentives to moderate P consumption, collection, sorting and processing of waste with P-recovery potential, increase use of secondary P (e.g. public procurement, financial incentives), technology R&D, workforce skills, possible financial contributions under extended producer responsibility obligations, support the use of Union quality standards for recycling processes of waste streams containing critical raw materials.

11 Data on nutrient flows and nutrient use efficiency

11.1 Phosphorus and nutrient flow data

Reliable data and monitoring of nutrient flows is needed to support industry and policy actions.

- Update a comprehensive EU P-flow study, and plan annual update
- Similarly for N, K
- From these, evaluate P-recycling potential from different waste streams, considering quantities, quality of secondary resource (concentration, contaminants) and logistics
- Publish these data via the [European Environment Agency](#)
- Modify customs and activity codes to better collect relevant data on secondary nutrient flows

11.2 Nutrient use efficiency for manure, sewage sludge

The real potential for P-recycling depends on what proportion of secondary P-flows (quantities: in particular manure, but also sewage sludge valorised to fields) is today already recycled. What proportion of manure is usefully available to crops (including to grass) for different farm systems, depending on time of year of application, localisation of application (grazing animals will not spread manure evenly over the whole field, with concentrations in streams if accessible, around feeding points ...). What proportion of sewage nutrients are crop available (depending on their chemical form).

Acronyms:

ABP = Animal By-Product. CEN = [European Committee for Standardisation](#). CMC = Component Material Category, as defined in Annex II of the EU Fertilising Products Regulation [2019/2009](#). CRM = Critical Raw Materials (as defined in EU Critical Raw Materials Act [2024/1252](#)). DG = Directorate General of the European Commission. EoW = End-of-Waste as defined in the Waste Framework Directive [2008/98](#). FPR = EU Fertilising Products Regulation [2019/2009](#). IED = EU [Industrial Emissions Directive](#) (Directive 2010/75/EU as amended by Directive 2024/1785). K = potassium. N = nitrogen. P = phosphorus.

