



To: DG GROW, European Commission grow-C2@ec.europa.eu

Object: implementation of Critical Raw Materials Act concerning ‘Phosphate Rock’ and ‘Phosphorus’

26th November 2024

Dear DG GROW,

To our understanding, the Critical Raw Materials Act (Regulation (EU) 2024/1252) includes actions concerning Strategic Raw Materials, and also the following dispositions for all Critical Raw Materials including ‘Phosphate rock’ and ‘Phosphorus’:

- **Art. 9 & Art. 18:** Establishing a single point of contact in Member States for project permitting and providing relevant permitting information.
- **Art. 13:** Requiring Member States to include CRM projects in national and regional planning.
- **Art. 20:** Enabling the Commission to monitor supply risks.
- **Art. 21:** Mandating Member States to identify and monitor key value chain operators.
- **Art. 26(1):** Within two years, Member States are to implement programmes to incentivise technological progress and improvement of resource efficiency. This will increase the use of secondary critical raw materials.
- **Art. 26(7):** By 24 May 2025, the Commission will adopt implementing acts to specify products and waste streams with relevant critical raw materials recovery potential.
- **Art. 30:** By 24 May 2027, the Commission will provide a template for certifying third-party certification schemes.
- **Art. 31:** By 24 November 2026, the Commission will report on which CRMs should be prioritised for assessing environmental footprint declarations.

The revised EU Urban Waste Water Treatment Directive (pending publication) and the EU Fertilising Products Regulation 2019/1009 provide a framework for reuse and recycling of phosphorus in urban waste waters and in fertilising production, addressing important aspects of circularity for the CRM ‘Phosphate Rock’.

However, certain gaps remain unaddressed:

1. Other secondary phosphorus sources, such as manure (the largest secondary stream), food processing waste (including abattoirs), and domestic food waste, as well as industrial streams.
2. Recycling phosphorus for uses other than fertilisers (e.g., animal feed, industrial uses).
3. Improving the use efficiency of mineral fertilisers.
4. Addressing supply risks for phosphate rock (including phosphoric acid and mineral phosphate fertilisers).



5. Exploring the use, supply risks, and potential EU production of secondary materials for the CRM 'Phosphorus' (P4 and its derivatives)

In addition to the above, **Art. 3** and **Art. 4** of the CRM Act specify the updating of the lists of Strategic and Critical Raw Materials by 24 May 2027 and every three years.

The European Sustainable Phosphorus Platform (ESPP) brings together over 50 members, including companies active in phosphorus use, management, and recycling (e.g., fertilisers, chemicals, waste, wastewater). Our active network also includes scientific and technical institutes, regional authorities, experts, and stakeholders across various sectors.

Would it be possible to arrange a meeting to discuss these issues and explore how ESPP and our network could provide input or information to support your activities, in particular:

- the questions indicated above concerning CRM Act implementation
- how to input data for the reassessment of 'Phosphate Rock' and 'Phosphorus as CRMs and possible consideration of 'Phosphorus' (P4) and purified phosphoric acid as SRM

We are keen to learn how and when we might contribute effectively to your work.

We sincerely thank you for considering this request and hope to schedule a meeting, either in Brussels or online, at your convenience.

Yours sincerely

Robert Van Spingelen, President of ESPP (European Sustainable Phosphorus Platform)