

## ESPP input to EU consultation on NERC Directive (National Emissions Reduction Commitments)

call for evidence for an evaluation / fitness check

[https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13968-National-Emission-Reduction-Commitments-Directive-evaluation\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13968-National-Emission-Reduction-Commitments-Directive-evaluation_en)

Deadline 14<sup>th</sup> march 2024

*The Directive currently limits emissions of sulphur dioxide, nitrogen oxides (NO<sub>x</sub> but not N<sub>2</sub>O), ammonia non methane volatile organics, fine particles PM<sub>2.5</sub>*

.....

ESPP (European Sustainable Phosphorus Platform) considers that the National Emissions Reduction Commitments Directive (NERCD) is important to ensure continuing reductions of emissions of concerned air pollutants. The Directive should integrate the objective to recover and recycle nitrogen and sulphur.

NERCD is important in limiting emissions of the targeted air pollutants across Europe, and is necessary to achieve EU reduction targets, to avoid transboundary pollution and to ensure a level playing field across Europe for concerned activities.

ESPP regrets that the call for evidence does not mention **EU Circular Economy policy**. We suggest that the evaluation of NERCD should consider not only prevention of emissions of nitrogen and sulphur but also recovery/recycling.

**NO<sub>x</sub> and ammonia gas abatement systems can be combined with nitrogen recovery, to produce nitrogen salts for fertiliser or industrial use.** A revision of NERCD should require N-recovery where feasible, to reduce climate emissions and natural gas consumption related to synthetic ammonia production (so reducing EU dependency on imported natural gas and contributing to fertiliser supply resilience and to food security). This would be coherent with revision of the **Industrial Emissions Directive**, which increases emphasis on material efficiency and reuse, and with the Communication “Ensuring availability and affordability of fertilisers”, [COM\(2022\) 590](#). Sulphur, which is increasingly required in fertilisers to ensure crop fertility, can also be recovered, for recycling, from SO<sub>2</sub> abatement processes.

For information on nitrogen and sulphur recovery see ESPP nutrient recycling technology process catalogue <https://www.phosphorusplatform.eu/techcatalogue> and ESPP SCOPE Newsletters 145 and 148 summarising nitrogen : [www.phosphorusplatform.eu/Scope145](http://www.phosphorusplatform.eu/Scope145) and [www.phosphorusplatform.eu/Scope148](http://www.phosphorusplatform.eu/Scope148)

Limits to NO<sub>x</sub> and NH<sub>3</sub> emissions under NERCD should be fixed to avoid risk of deterioration (nitrogen eutrophication by atmospheric deposition) of sensitive terrestrial and aquatic

ecosystems, to ensure coherence with water quality and biodiversity objectives (**Habitats Directive, Water Framework Directive, Nitrates Directive**) and also to avoid negative impacts on soils (**proposed Directive on Soil Monitoring and Resilience**). The NERC Directive revision should reflect the **Zero Pollution Action Plan** and the **nutrient loss reduction target** set by the [EU Farm-to-Fork Strategy](#), EU Biodiversity Strategy and [COP15 Convention on Biological Biodiversity](#) (reduce nutrient losses by 50% by 2030).

EU agriculture policy (**CAP farm funding and CAP National Action Plans**) and **Nitrates Directive NVZ Action Programmes** should be compatible with NERCD nitrogen emissions limits.

ESPP suggests that, the **NERCD should also cover methane**, for which emissions are often related to NH<sub>3</sub> (agriculture, livestock, anaerobic digestates). In addition to being a significant climate gas, methane is a precursor of tropospheric ozone (a leading [cause](#) of air quality failure and health risks). Methane emissions must be prevented whilst [developing](#) EU biomethane production and enabling nutrient recycling from digestates.