



To **Antti Peltomaki**
Deputy Director-General, DG GROW
European Commission
1049 Brussels

Object : Critical Raw Materials

Comments on “*Report on Critical Raw Materials and the Circular Economy*” SWD(2018) 36 final

25th February 2018

Dear Mr Peltomaki

ESPP (the European Sustainable Phosphorus Platform) has participated in dialogue and provided input to the EU CRM process over the last several years.

We read with interest the “*Report on Critical Raw Materials and the Circular Economy*” and note (pp. 62) that the conclusions **call for the views of stakeholders on this report**.

We wish to submit the following comments, in the hope that these can be useful to inform future EU CRM work and policy:

- **A number of Horizon 2020 and LIFE projects relevant to CRMs are cited in \$2.3. However, none of these address the CRMs “phosphate rock” and “phosphorus”.** This is regrettable as the EU has, very positively, enabled a significant number of important projects concerning recycling and sustainable management of phosphorus over the last few years, under Horizon 2020, LIFE and also Interreg and the BioBased Consortium, with further projects coming soon (calls closed last year and currently in decision process, further calls announced for 2018-2019. A list of around 100 ongoing and recently completed projects is available on our website: <http://www.phosphorusplatform.eu/R&D>
- Circular economy and sustainable CRM use principles, including avoiding contaminants, should be **integrated as conditions into both EU and EIB funding**. Industry projects using phosphate rock should only be financed if low contaminant levels in product and very low contaminant losses to the environment are ensured.
- In best practices (\$2.3) it would be appropriate to refer to, for example:
 - the **German federal legislation requiring phosphorus recovery from sewage and the Swiss legislation requiring phosphorus recycling from sewage sludge and animal by-products** – to our knowledge, such national regulatory initiatives directly relevant to CRMs are exceptional



- **sewage biosolids (sludge) quality certification/criteria systems**, for example REVAQ (Sweden) or the UK Sludge Index, and the newly defined German Fertiliser Ordinance. These and other national systems fix quality criteria aiming to ensure safe and acceptable sewage phosphorus reuse. One or several would merit to be cited. REVAQ is a positive example because of the stakeholder dialogue with farmers, the food industry and consumers, and because of the success in reducing upstream inputs of contaminants to the sewage system (so improving recycling safety), but despite this some farmers or supermarkets/food industry are increasingly refusing REVAQ certified biosolids because of image and perception concerns. Around 50% of Sweden's sewage is today certified. See www.phosphorusplatform.eu/scope123
 - **HELCOM “Recommendation 38/1” on “Sewage Sludge Handling”** which specifies “maximum recycling or recovery of phosphorus” and requires regular reporting from HELCOM States, including on the % of wastewater phosphorus recycled. This “Recommendation” is binding on the 9 HELCOM States (including Russia) and on the EU for the HELCOM area.
 - **UK authorisation of the use of Cat1 Animal By-Product ash** (where incineration is in ABP regulated installations to ensure safety) as a fertiliser. SARIA markets c. 12 000 t/y of phosphate fertiliser produced from ABP ash in the UK (Kalfos trade name). Portugal has recently authorised use of Cat1 ABP ash as fertiliser on forests (ETSA)
 - there are also **many success stories of companies, agricultural cooperatives, local authorities, water companies and others recycling phosphorus through different routes and processes**, which could also be cited as good practice. We can provide further examples and information on request.
- There is no mention in the report of **EU policy actions to address food waste**, whereas this can have a significant impact on the CRM phosphate rock, both demand (upstream footprint of the production of food which is finally wasted) and recycling (reuse as fertiliser or recovery from non-consumable food waste after e.g. composting or methanisation energy recovery)
 - There is also no mention of **EU policy actions to improve efficiency of phosphorus fertiliser use**, which is key to limiting demand for the CRM phosphate rock. E.g. agriculture BEMP (EMAS) and actions on phosphorus under the Nitrates Directive and the Water Framework Directive
 - In the overview of possible further EU policy actions (Annex III, pp. 67-68), it would be important to add the **agriculture sector** and the **food & beverage sector**. These are both key sectors influencing demand for and recycling of the CRM phosphate rock (via fertiliser for food production). Possible further policy actions could include:
 - **dialogue with EU food and beverage industry, farming and organic farming sectors, supermarkets, consumer and environmental NGOs** on acceptance of recycled nutrient products (e.g. from manure, sewage, animal by-products) in crop purchasing criteria / sustainability criteria. Note: this is also strategic for Paris soil carbon restoration objectives.
 - **data collection and risk assessment of organic contaminants** (consumer chemicals, pharmaceuticals including antibiotics) in recycling and reuse (after appropriate treatment, e.g. anaerobic digestion or composting) of organic and biological wastes. See <http://www.phosphorusplatform.eu/organic-contaminants>



- integration of nutrient management (c.f. CRM phosphate rock) into RDP funding and **CAP objectives**

- development of **better data on phosphorus flows** (cf. DONUTSS see <http://www.phosphorusplatform.eu/DONUTSS>) – there is a need for better quantitative and qualitative data on phosphorus flows and on the potential for phosphorus recycling, to support phosphorus stewardship within policy and industry. This was clear in the workshops in preparation of the CRM update report. Key aims should be to identify what data is needed by decision makers (agriculture, industry, investors, waste sector and policy makers) and to define how to collect, collate and make this data available.

- integration into **water policy** of interactions between requirements for very low levels of phosphorus discharges, energy and resource costs of phosphorus removal, phosphorus reuse and recycling objectives, overall costs and cost-sharing

- development of data to support **policies on dietary choice** and food and beverage industry policies as regards impacts on phosphorus fertiliser consumption (taking into account bio-nutrient recycling), including nutrient footprint of food wastage. See phosphorus footprint project underway at JRC www.phosphorusplatform.eu/eNews17

We would be happy to provide further information (within the extent of our resources) on any of the above points or to meet you to discuss how to take forward some of these ideas in future CRM policy work at DG GROW and in dialogue with other concerned DGs.

Yours sincerely



Ludwig Hermann, President of ESPP (European Sustainable Phosphorus Platform)