



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Deputy Director General for food sustainability responsible for Directorates E, F and G

Brussels
SANTE/G2/A/ma(2024)2629885

Subject: Nutrient Circular Economy and food chain safety

Dear Mr Van Spingelen,

Thank you for your letter of 29 January 2024, registered in ARES on 20 February 2024, on the above-mentioned subject.

I am pleased to hear that the work of my services contributed to simplification and efficiency of the EU fertilisers market. I take a good note of your request on possible consideration of several potentially significant Nutrient Circular Economy routes.

Please kindly note that what you call the '*regulatory obstacles*' in the feed legislation and legislation on animal by-products, are measures to ensure public and animal health safety in the feed and food chain. Those measures are based on science and may be changed in particular in case of scientific or technological progress, provided that such progress is subject to a risk assessment by the European Food Safety Authority (EFSA).

As regards your point 5, currently, my services already clarified with EFSA the main elements of a mandate for the risk assessment of the treatments leading to Category 1 ash, to be completed by 2025. For that item, we appreciate your request for a meeting; however, we propose to meet after the publication of the future EFSA scientific opinion, to discuss possible further steps.

As regards the other points raised in your letter:

Points 1 and 2: it is premature to consider the proposed use in animal nutrition of these ashes. A stepwise approach is needed, starting with assessing the risks in fertilizers / soil improvers (see point 5).

Point 3: considering that the algae / aquatic plants would be contaminated by the proposed substrates and in the light of recitals 3 and 4 of Commission Decision 2000/285/EC, we see no possibility to consider the use in animal nutrition of such algae / aquatic plants nor of material extracted from them.

Point 4: considering that processed manure may be used as organic fertilisers or growing media, the use of processed manure as growing media for algae intended for production

Mr Robert Van Spingelen,
President
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of fertilisers is allowed. However, the use of unprocessed manure for growing media is not allowed.

Kindly note that this reply represents the technical opinion of the Commission's services and is not binding on the Commission as an institution. Please also note that only the Court of Justice of the EU is competent to give an authoritative interpretation of EU law.

Yours sincerely,

Claire Bury



To: **Claire Bury,**
Deputy Director General (Food Sustainability)
Directorate-General for Health and Food Safety
European Commission
1049 Bruxelles/Brussel
Belgium

Brussels 29th January 2024

Object: Nutrient Circular Economy and food chain safety

Dear Ms Bury,

The European Sustainable Phosphorus Platform has exchanged various correspondence with your services since 2020 concerning regulatory obstacles to nutrient recycling, with the aim of facilitating nutrient recycling in the food chain whilst ensuring sanitary safety, environmental safety, and consumer confidence.

We thank your services for the progress underway towards enabling inclusion into the EU Fertilising Products Regulation of a number of Animal By-Products (ABPs) which are already widely used in fertilisers across Europe under national fertiliser regulations.

We regret however the absence of consideration of other potentially significant Nutrient Circular Economy routes. We wish to request that the following routes be today assessed to establish:

- what is the potential for nutrient recycling, considering current fate of nutrients
 - whether or not, or under what conditions, safety can be ensured
 - (only if so) what are the regulatory obstacles and how could these possibly be addressed.
- 1) Use, as animal feed ingredients, of inorganic phosphates recovered from sewage sludge incineration ash substituting phosphate feed ingredients derived from mined phosphate rock (indicated "A" in the table we submitted 27/4/2021, attached providing detailed information);
 - 2) Use, as animal feed ingredients, of inorganic phosphates recovered similarly from ABP ashes (e.g. manure ashes, MBM ashes);
 - 3) Use as animal feed of algae or aquatic plants grown using municipal wastewater as a substrate, or of materials extracted from such algae or aquatic plants (see "B" in table of 27/4/21);
 - 4) Use, as fertilisers, of algae or aquatic plants grown using manures as a substrate, or of materials extracted from such algae or aquatic plants (see "B" in table of 27/4/21);
 - 5) Use, as fertilisers, of inorganic phosphates recovered from Cat1 ABP incineration ash.

On the last point, your services indicated in 2022 to ESPP (Ares(2022)4033785, dated 31/5/2022) and also to Member States, that a mandate to EFSA was under preparation. **Please can you clarify the expected timeline for this mandate ?**

We wish to also request that you also consider mandating EFSA to assess the safety of the nutrient recycling routes 1 – 4 above.

For each of these routes, there are regulatory obstacles, which may be more or less complex to address (Commission interpretation, Delegated Act or equivalent modifying a Regulation Annex, modification of a Regulation - concerning ABP Regulation(s) and/or other Regulations: fertilisers, waste, ...). Such regulatory obstacles are referred in your letter of 9/9/2022 (Ares(2022)6241 095), in the email of ATZENI Tommaso to EasyMining (8/9/2022), in your services letter of 31/5/2022 and elsewhere in our exchanges with your services. If assessment indicates that the routes above offer significant opportunities for the Nutrient Circular Economy and that safety can be ensured (under conditions to be specified), then it should be defined how these legal obstacles might be appropriately addressed.

As your services indicated in your letter of 31/5/2022, addressing regulatory obstacles could “require some time”. We suggest that this is a reason for engaging now the assessment of potential and of safety of these nutrient recycling routes.

We would be happy to meet your services to discuss what further information we can usefully bring to support preparation of EFSA mandates for these different nutrient recycling routes, beyond that already supplied for points 1-4 above in our table of 27/4/2021.

We look forward to hearing from you and thank you in advance for your consideration of this request

Yours sincerely



Robert Van Spingelen,
President