

To: DG Environment
Waste Water

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Object: interpretation of art. 20 of UWWT Directive 2024/3019

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Dear Nele-Frederike, dear DG ENVI UWWTD team,

There seem to be significant questions concerning the legal and 'political' interpretation of the terms "reuse and recycling" in art. 20.2 of the UWWT Directive 2024/3019.

Because work is now actively underway on "*specifying a combined minimum reuse and recycling rate for phosphorus*" as required by this article, we suggest that it would be helpful to address this. If different people understand different things by the terms 'reuse' and 'recycling' (of phosphorus), in this context, it will make this work difficult.

It seems to be the understanding of some stakeholders is that the terms "reuse and recovery" represent the political agreement of the co-legislators to allow valorisation of phosphorus by:

- "reuse" = application of sewage sludge to agriculture, under appropriate conditions, ensuring safety and effective valorisation of the phosphorus,
- "recycling" = chemical processing / extraction of the phosphorus from the sewage/sludge in a form where the phosphorus is valorised (often referred to as "P-recovery").

This understanding may be incorrect.

On the other hand, JRC have at several different times proposed a different interpretation, based on the definitions in the Waste Framework Directive art. 3 (despite that waste waters are excluded from the Waste Framework Directive scope by art. 2.2.a):

13. 're-use' means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;

15. 'recovery' means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. Annex II sets out a non-exhaustive list of recovery operations;

17. 'recycling' means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;

This interpretation is supported by Annex II of the Waste Framework Directive which includes a non-exhaustive list of recovery operations, including: R3. "composting and other biological processes", R10. "land treatment resulting in benefit to agriculture or ecological improvement" and R11. "use of waste obtained from any of the operations numbered R 1 to R 10". These would appear to cover valorisation of sewage sludge to agriculture.

It is our understanding (possibly wrongly), that JRC thus consider that the term “recycling” in the UWWT Directive art. 20.2 covers both valorisation of sewage sludge to agriculture and chemical processing / extraction to phosphate products, and that the term “reuse” refers to phosphorus valorisation as a nutrient in water reuse.

We note that:

- the Waste Framework Directive definition of “re-use” seems to be not applicable to sewage / sewage sludge, which was not conceived for a purpose, is not a product or component,
- the UWWT Directive (e.g. art. 8.8, art. 15) and the Water Reuse Regulation 202/741 both use the term “reuse” for valorisation of appropriately treated wastewater to agriculture.

Both of these two interpretations of the terms “reuse” and “recycling” in art. 20.2 seem to have justification.

Confusion is accentuated in that art. 20.1 of the UWWT Directive refers to “*sludge management ... prepare for reuse, recycling and other recovery of resources*” whereas art. 20.2 refers to “a combined minimum reuse and recycling rate for phosphorus” but then to “*the economic viability of phosphorus recovery*”.

We therefore request that COM should clarify the interpretation of these terms (“reuse”, “recycling” and “recovery”) for the implementation of art. 20.2 of the UWWT Directive, taking into account the positions of the co-legislators during the elaboration of 2024/3019 and legal interpretations of the wording of the UWWT Directive itself and of other relevant EU texts.

We believe that such a clarification would facilitate progress on implementation of art. 20.2 by enabling discussion to concentrate on circularity, safety and economic questions, without interference from different understandings of vocabulary.

Please take this request as a positive contribution to ongoing work on the revised UWWT Directive. We are happy to provide any further information if useful and look forward to hearing from you.

Yours sincerely



Robert Van Spingelen, ESPP President.