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European Commission
DG GROW
F.2 Unit – Bioeconomy, chemicals, cosmetics
Building N105 (Office 08/101)
Avenue de Nerviens 105
B - 1049 Brussels

http://ec.europa.eu/growth/sectors/chemicals_en

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Dear Ms Santoro,

Thank you for the questions you raised with your letter of 16 March 2026 (Ares(2026)3281022).

Please find below our responses to the four questions.

As regards wool, we would like to note that derived product from animal by-products may only be included in Component Materials Category (CMC) 10 of Annex II to Regulation (EU) 2019/1009 on EU fertilising products (FPR), if an end point in the manufacturing chain has been determined in accordance with Regulation (EC) 1069/2009 on animal by-products (ABPR). Legally, those end points are laid down in Commission Delegated Regulation (EU) 2023/1605 (https://eur-lex.europa.eu/eli/reg_del/2023/1605/oj). Wool was indeed already assessed by the European Food Safety Authority which assessment was initiated by the Commission as stipulated by the Article 5(4) of Regulation (EC) No 1069/2009 as amended by the FPR. That EFSA Scientific Opinion is referred to in recital (3) of Delegated Regulation (EU) 2023/1605. As a result of that assessment an end point for wool could **not** have been determined by the Commission in that Delegated Regulation (EU) 2023/1605.

We would also like to take the opportunity and clarify that the technical study to define agronomic and safety criteria in the context of the FPR, mandated to Qlab, was only relevant to derived products from animal by-products for which an end-point in the manufacturing chain has been determined in accordance with Regulation (EC) No 1069/2009. The QLaB study did not assess biological risks to animal and public health deriving from derived products from animal by-products used as fertilising materials. Such an assessment may only be performed by EFSA and cannot be replaced by technical work in the context of the FPR. As regards fish sludge from aquaculture, we would like to clarify that only those Category 2 or Category 3 materials or derived products thereof may be used as input material to CMC 3 and 5 for which an end point in the manufacturing chain has been determined.

“Fish sludge from aquaculture” is excluded from the definition of manure in Article 3(20) of Regulation (EC) No 1069/2009 but is not excluded from the scope of the Regulation itself. It may be considered as an undefined Category 2 material covered by Article 9(h) of that Regulation. As such, it is already possible to utilise it pursuant to Article 14(c) and (d) of that Regulation and in accordance with the relevant detailed rules in Regulation (EU) No 142/2011. If it is part of a “compost” for which an end point has been determined by Article 3(c) of CDR (EU) 2023/1605, it is even eligible to be further regulated by the FPR, as we understand under CMC 3.

It is a misconception that “fish sludge from aquaculture” cannot be used already as a fertiliser. It can be. Not in the same manner as manure, in accordance with the above. Our understanding has been that certain actors simply consider that the currently required pressure sterilisation is overly burdensome, unnecessary, and/or “fish sludge from aquaculture” should be eligible directly as an input material for more CMCs. In simple terms, to add more granularity to the ABP rules, to make them more proportionate for this material. If that is so, the Commission is aware of those ideas, and we are open to explore them. We have already

proactively reached out to the Federation of European Aquaculture Producers (FEAP) and had several technical discussions with them, and participated at a dedicated webinar by ESPP.

We understood during those discussions from relevant industries (both aqua industry and "mining/recovery" industry is that "fish sludge from aquaculture" might be a more varied substance than originally anticipated. Also, that the aquaculture sector has no clear interest to initiate any change, current ABP rules may be fit for them, while the "mining/recovery" industry although has some possible technologies, they are expensive to employ, compared to the economic gain from fertilisers. Nevertheless, if, and as soon as they wish to come back to the matter, they are welcome, and we are ready to engage.

That is because the Commission cannot proceed on its own without data from industry/stakeholders on the definition and composition/variations of the material in question, on the intended use(s) and on existing or foreseen technologies related to possible process(es) to be used. Such data will be necessary for the Commission to draft a mandate to EFSA and for EFSA to do the risk assessment. We suggest any interested operators or ESPP to contact FEAP for further discussions and afterwards they are welcome to contact the Commission again.

As regards the inclusion of certain derived products in the meaning of the ABPR in CMC 10 of Annex II to the FPR, we would like to inform you that following the Commission internal procedures, the draft Delegated Regulation amending CMC 10 was published for public feedback on the Have Your Say Portal. Currently, the Commission is analysing the input submitted during the public consultation, it will finalise the draft and proceed with the adoption of the Delegated Regulation.

Finally, we take note of stakeholders' concerns about the use of recovered additives. As you correctly pointed out, the FPR rules require that all intentionally added substances/mixtures or materials in the final formulation of an EU fertilising product, irrespective of their final concentration, comply with requirements of one of the CMCs in Annex II to the FPR. According to the Commission empowerment, substances or materials, including recovered ones, may be included in the scope of the FPR only if there is evidence that they are safe when used in EU fertilising products. The existing requirements in the CMCs which cover waste derived materials were set out on the basis of scientific evidence, and additional waste derived materials are currently being assessed in a technical study for potential inclusion. The envisaged subsequent amendment of Annex II to the FPR will also increase the range of recovered substances and materials that can be safely used in EU fertilising products, including as additives.

We hope that the provided comments clarified the issues you raised.

Regards,

The GROW fertilising products team

European Sustainable Phosphorus Platform

www.phosphorusplatform.eu

67 rue de Trèves, 1040 Bruxelles, Belgium
+33 474 93 07 93 +33 680 72 70 75 info@phosphorusplatform.eu

To the European Commission, DG GROW
Hans Ingels, Head of Unit Chemicals & BioEconomy

Copy: Theodora Nikolakopoulou, Fertilisers Unit, DG GROW

Brussels, 16 March 2026

Dear Mr Ingels,

ESPP organised on 25th February a webinar for members of ESPP and of Nutrient Platforms in five countries, with 105 participants online, on regulatory aspects of placing secondary nutrient materials on the market as fertilising products.

Four questions were spontaneously raised at this webinar, all of which have been raised before, suggesting that these are significant questions which today are not being adequately addressed or that solutions could be better communicated. We therefore feel useful to formally raise these to your attention as outstanding stakeholder and operator concerns:

1) Wool as an ABP in CMC of the FPR

Wool is cited in art. 46.4 of the FPR as one of the materials listed by Parliament and Council on which the Commission should act by January 2000 for possible inclusion to include into the FPR. Yet, wool does not appear in the "Technical proposals for draft amendments" of the QLab report (version circulated to Fertilisers Expert Group in May 2025).

Obviously, wool is intended primarily for use in clothing, insulation or technical fibres, but there will always be cases where quality, logistics or timing prevent this. Wool contains nitrogen and other plant nutrient minerals. To our understanding, wool is authorised as a fertiliser in some EU Member States, e.g. Netherlands.

Appropriate processing of the wool should be allowed. Some safety requirements may be appropriate, e.g. those proposed for feathers in the QLab report, possibly additional exclusion delay time from any veterinary skin treatment of the sheep.

Please can you indicate what action is envisaged by the Commission to study and to possibly include wool into CMC10 as suggested by art. 46.4 ?

2) Aquaculture sludge

Fish sludge contains significant tonnages of phosphorus (Critical Raw Material 'Phosphate Rock') as well as nitrogen, other nutrients and methane/bioenergy potential. Production is expected to increase considerably as open-net sea aquaculture is liable to be limited by issues of disease and pollution, pushing towards closed systems where sludge collection is possible or necessary.

It has been clarified by DG SANTE that "fish sludge" from aquaculture is a Cat2 ABP, despite fish manure being excluded from the definition of manure in 1069/2009. Fish sludge is thus excluded from the current NMI report on new materials in the FPR.

The FPR FAQ currently states correctly that fish sludge and (in our opinion incorrectly) that shellfish/crustacean aquaculture sludge are not covered by “Processed Manure” in CMC10. We suggest to delete “shellfish sludge” as this has not to date been raised as a real-life concern.

It is our understanding that fish sludge is included in Cat2 ABPs authorised (under conditions) in CMCs 3, 5 and 13. If this is correct, we suggest to add this to the FAQ.

Given the significant nutrient recycling potential of fish sludge and the stakeholder interest, we request that the Commission engage proactive action to assess the safety of, define an ABP End-Point and include it into the FPR CMC10.

3) Other ABPs in CMC10

Webinar participants questioned why, more than six years later, the various ABPs cited in the FPR art. 46 are still not today included into CMC10. ESPP notes that the QLab study, including proposed amendments was concluded in early 2025.

Our understanding is that the draft Delegated Amendment to include the QLab proposals into CMC10 is expected to soon be finalised and opened to public consultation

We look forward to this progress.

4) Recovered additives

Stakeholders expressed concerns about additives. The conception of the FPR means that any deliberately added material, even at 0.01% of final product, is a CMC. This excludes many recycled and recovered materials being used as additives, because their use would require a new CMC and demanding requirements are made (contaminants, data) as if they were intended as a principal component of a fertilising material. This is illustrated by the NMI rejection of use of recycled lubricants as processing additives, obliging to use CMC1 additives (virgin chemicals).

Because such additives are used at low levels, the total material flow impact is low, but additives can be high-value specialist products, so that the value impact on Circular Economy may be significant.

ESPP repeats our request that the Commission address this question, and consider an amendment authorising additives below a certain % in the final product subject to appropriate general safety specifications, in particular: not Hazardous for chronic tox or ecotox.

We remain at your disposition for any further information on these questions.

Yours sincerely

Robert Van Spingelen, President of ESPP