

De: postmaster@defra.gov.uk
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À: info@phosphorusplatform.eu
Objet: Remis : Input to UK Fertilisers Regulation consultation
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Votre message a été remis aux destinataires suivants :

['SM-Defra-Fertilisers-reform \(Defra\)' \(Fertilisers-reform@defra.gov.uk\)](mailto:Fertilisers-reform@defra.gov.uk)

Objet : Input to UK Fertilisers Regulation consultation

10th June 2026

ESPP additional input to UK Government consultation on UK fertilisers regulations (FR)

This input is additional to the ESPP input submitted 19th April.

In our initial input we suggested that the UK FRs should not address only inorganic fertilisers (etc) based on virgin chemicals, but should importantly enable recycled nutrients, organic materials, bio-based materials, composts and digestates, etc.

We understand that the consultation proposes to address these recycled fertilising materials in a later stage, and this input addresses this second stage.

We underline that it is today difficult to input on these aspects because the EU Fertilising Products Regulation (FPR) is currently under [Evaluation](#) (conclusoins expected in coming months) and the EU's future [Circular Economy Act](#) is at the discussion phase (European Commission proposal expected before end 2026).

The pressing need to widen the UKFR to recycled nutrients

The UK should consider as a priority to include recycled nutrients into the new UKFR:

- **Farmers across Europe currently face a fertiliser supply and price crisis**, consequent to Russia's war of aggression against Ukraine (the EU is still today importing a significant part of phosphate fertilisers from Russia) and now the Hormoz crisis. Gas supply, essential for nitrogen fertiliser production, is largely blocked, as well as some fertiliser shipping. Most phosphate is delivered to farmers as NP(K) fertiliser (including MAP and DAP), so the ammonia production crisis in Europe also impacts phosphate fertiliser supply. The situation is critical for farmers because the consequent considerable increase in fertiliser prices is not today accompanied by an increase in crop prices.
- **Recycling nutrients is thus urgent to reduce fertiliser import dependency and develop resilient locally sourced fertiliser supply.** For the EU, this is underlined in the European Commission's Fertiliser Action Plan (19th May 2026)
COM (2026)310 and Annex (list of 25 actions, via DG AGRI page "Ensuring availability and affordability of fertilisers"
https://agriculture.ec.europa.eu/common-agricultural-policy/agri-food-supply-chain/ensuring-availability-and-affordability-fertilisers_en#fertiliser-action-plan
- **The developing bio-economy requires development of nutrient recycling.** Without nutrient inputs (in particular from the CRM "Phosphate Rock") agricultural production would be insufficient to feed the population, and bioeconomy crop production will necessitate further fertiliser inputs. At the same time, phosphorus is removed in processing for many bio-economy products (e.g. fuels, polymers ...), resulting in significant, new and evolving potential recycling streams. The UKFR should recognise the potential of bio-economy secondary nutrient streams and incite nutrient recycling from these streams, and their processing to agronomically effective materials.
- **Sewage sludge and digestate offer key opportunities to develop nutrient recovery and recycling to agronomically effective fertilisers.** The EU fixed the principle of phosphorus reuse or recycling from sewage in the revised Urban Waste Water Treatment Directive art.20 (UWWTD, EU2024/3019, December 2024). The EU's renewable methane objectives (RED II, EU2023/2413) depend on important development of anaerobic digestion of agri-food and crop wastes, and in particular of manure. This will result in considerable flows of nutrient-rich digestate, offering an important potential for processing to transportable, storable and effective fertilisers. The UK may or may not align with these EU Directives, but is likely to move along similar policy lines for reasons of coherence and because the policy drivers are similar..

Lessons from the lack of uptake to date of the EU FPR

As already indicated in our input in April, we suggest that the UK has interest to align for widely traded fertilisers with the EU Fertilising Products Regulation (FPR EU2009/1009), in particular for inorganic/mineral fertilisers

However, the UKFR can and should advance more rapidly and effectively towards nutrient recycling than is achieved by the EU FPR today.

The official 'Evaluation' of the EU FPR is currently underway, so we can only refer to the draft, non-published and non-validated 'Draft Final Report' (April 2026), as circulated to stakeholders and presented at the online workshop of 24th April 2026.

This draft Evaluation report confirms the understanding we have from our 50+ members and wider network of contacts, that the FPR has not to date enabled significant acceleration of nutrient recycling to fertilisers and is blocking relevant innovation, noting that:

- progress on circularity “modest”, p33
- <50% of stakeholders see progress in circularity, p10
- only 1 – 3 % of relevant products sold in the EU today are FPR CE-Mark (organic and organo-mineral fertilisers, soil improvers, growing media) – nearly all continue to be sold under national fertilisers regulations
- SMEs in particular face obstacles to FPR update, whereas they are highly relevant for nutrient recycling, p23
- This low uptake is significantly due to:
 - relevant input materials are excluded from the FPR, p30 (“incomplete or restrictive MC eligibility), p124-125, p132, p38 (78% of respondents)
 - complexity and compliance costs, p39, p124
 - not flexible to technological progress, more flexible approach needed, p71 (83% of respondents), p118
- only 1 – 3 % of relevant products sold in the EU today are FPR CE-Mark (organic and organo-mineral fertilisers, soil improvers, growing media) – nearly all continue to be sold under national fertilisers regulations

ESPP notes that today inclusion into the FPR of a new material stream, or of a stream generated by a new process, takes nearly a decade: materials submitted for consideration in the COM survey of 2022 are currently still being studied (NMI study underway), so that even those possibly evaluated positively cannot hope to be included into the FPR (by Delegated Regulation amendment) until 2027 at the earliest.

The failure to date of the EU FPR for recycled nutrients is considered by many stakeholders to result from:

- ❖ **the closed 'CMC' system which limits inputs to limitative lists of secondary materials and processes**, effectively excluding (or making excessively slow and cumbersome) adaptation to innovation (e.g. new bio-economy streams) or to locally specific or variable secondary streams (as is the case for many organic wastes, agri-food streams, etc).
To address this, the relevant European industry organisations and ESPP propose to complement the CMC system with a criteria-based approach.
- ❖ **EU End-of-Waste status, resulting from FPR Certification, results in loss of traceability, producer responsibility, records of use** (where and when applied). Consequently, it “has to be” very demanding to obtain FPR CE-Mark status (limited input materials and processes, complex and costly Certification ...). This is appropriate for some standardised materials (e.g. precipitated inorganic phosphates from sewage, inorganic fertilisers produced from ashes ...) or certain large-

volume materials (some composts or materials processed from digestates), but not for locally specific, innovative or small quantity – variable materials.

To address this, we suggest to consider a parallel and second intermediate approach authorising use as fertilisers, but with traceability, producer cradle-to-grave responsibility, spreading plan and records of application.

These two approaches are outlined below.

A criteria-based approach to respond to innovation in recycling

A criteria-based approach could enable rapid and flexible inclusion of innovative nutrient recycling and bioeconomy residues, whilst ensuring safety, agronomic value and food chain confidence. European industry and stakeholder organisations are already working on this proposal in response to the EU FPR Evaluation (joint task force of European industries and European organisations), following the joint position of nine organisations “Addressing structural barriers to innovation, circularity, and market access in the EU Fertilising Products Regulation (EU) 2019/1009” 10_2_2026 (here www.phosphorusplatform.eu/regulatory -> EU Fertilising Products Regulation).

The intention of this criteria-based pathway for new materials would be the creation of a new criteria-based CMCxx (added as an additional CMC to the EU FPR). This new criteria-based CMCxx would aim to accommodate new materials that do not currently fit under the current CMCs. This would help to future-proof the FPR, enable it to meet its objectives and promote innovation and circularity within the sector.

The aim is that this new CMCxx will define criteria for allowing a material to be a CMC, and the methodology and documentation for verification of these criteria. Any company could then propose for Certification a material fulfilling the criteria, on condition of providing data to justify respect of the criteria, to be verified by the Certification process.

The aim is to avoid the delay, bureaucracy, administrative costs, etc of amending the regulation texts for every innovative new recycling or bioeconomy process, and to avoid the problem of limitative ‘positive lists’ which can never be complete and can only reflect today’s technologies and widely implemented identical processes.

An intermediate approach, between Certification and EoW

ESPP notes that an important innovation challenge is that many secondary nutrient and bioeconomy flows are locally divers, often variable over time and small volumes. Despite this, and even if such residues are often used locally as fertilising products (directly or after e.g. anaerobic digestion), Fertilising Regulation recognition and Certification are important:

- to enable development, recognition and a market for the recycling technology and know-how,
- because processing to recognised, tradeable, products is increasingly important to improve Nutrient Use Efficiency (precision application) and to transfer nutrients from manure or manure digestate to regions needing nutrient input,
- to respond to user requirements (purchasing criteria of e.g. supermarkets).

The UKFR should look at the wider picture rather than limiting to a black-and-white framework of End-of-Waste = certification = recognised fertiliser, versus waste = no certification = not a recognised fertiliser.

The UK should therefore consider whether new approach solutions, based on traceability and producer responsibility, should be legally implemented for some fertiliser recognition of some secondary materials, e.g.: a ‘waste for fertiliser use’ status (as already for ‘National’ fertilisers in several EU Member States), allowing certification and use as a fertiliser while retaining ‘waste’ status and/or Animal By-Products status and, so, traceability, producer cradle-to-grave responsibility, a declared waste application plan. This could be combined with a Digital Product Passport. It should be subject to general minimum safety criteria (including relevant FR ‘PFC’ product criteria).