ESPP input to EU consultation on BioTech Act II - *10th June 2026*

ESPP welcomes that the Biotech II Call for Evidence identifies fertilisers as an area for action, citing creation of lead markets and simplification of legislation for (bio-derived) fertilisers. Biotech II should recognise the Importance of recycled nutrients for fertiliser supply resilience, food security and EU competitiveness, and engage actions for a single market for secondary nutrients across Europe, support investments, facilitate R&D through to industrial pilot and market test phases, make regulations simpler, clearer and coherent.

We note that the EU Fertiliser Action Plan (19th May 2026) states that Biotech II will "*prepare measures to create lead markets for bio-based fertilising products*". It also states that measures to develop organic and bio-based fertilising products should be included in the upcoming EU Circular Economy Act.

ESPP emphasises that the Circular Economy Act (CEA) should target nutrient recycling and bio-sourced / organic-origin secondary streams, not only technical materials (WEEE, demolition wastes, …). CEA measures (e.g. regarding waste regulations, public procurement, lead markets) may need to be specifically adapted to nutrient recycling and the food chain, to take into account aspects such as variability (local, seasonal), decentralised sources and non-industry actors (e.g. on-farm, sewage treatment), Animal By-Product / Animal Feed / Food regulation constraints - whilst ensuring the essential priorities of safety and consumer confidence.

Concerning possible minimum bio-sourced content requirements, see "Questions on Possible Phosphorus Quotas for Fertilisers", Eunomia for ESPP, 2026.

Biotech II should:

- **Address the need to ensure resilient nutrient supply needs to feed crops to input to bio-based products, and to recycle nutrients from bio-economy residue streams**.
  Without nutrient inputs (in particular from the CRM "Phosphate Rock") agricultural production would be insufficient to feed Europe's population, and bioeconomy crops necessitate further fertiliser inputs. At the same time, phosphorus is removed in processing for many bio-economy products (e.g. fuels, polymers …), resulting in potential recycling streams.
- **Provide lead market mechanisms for recycled nutrients** (not only secondary carbon) and investment support for first commercial installations, e.g. through CAP, RED, trade agreements.
- **Enable access of bioeconomy residues to the EU Fertilising Products Regulation (FPR)**, for use as such, after processing, or as inputs to CE-Mark composts and digestates.
- **Ensure a fully open single market for secondary nutrients and nutrient recycling processes** (technology and know-how can only be sold EU-wide if the product is recognised EU-wide). The FPR does not today achieve this (see FPR Evaluation underway), e.g.:
  - address market fragmentation resulting from absence of Mutual Recognition for national fertilisers, End-of-Waste and ABP processing methods, and from differing national interpretations,
  - reduce Conformity Assessment complexity and cost,
  - facilitate legal status and procedures for secondary raw materials intended for recycling,
  - transparent and accessible communication of national End-of-Waste decisions.
- Introduce measures for:
  - investment predictability for nutrient recycling,
  - permitting for industrial sites replacing virgin inputs by secondary materials,
  - R&D through to industrial testing phase.
- **Establish EU guidance on waste / ABP / regulatory status of waste-fed algae** and biomass and extracts.
- **Develop CEN standard(s) to define bio-based and recycled nutrient contents of fertilisers:** CEN/TR 16721 is based on carbon and cannot function for nutrients. See ESPP Proposal on definitions of Bio-Based Fertiliser or Bio-Based Nutrient.

See proposals in "Joint Call for Nutrients in the EU Circular Economy Act" attached.
All documents here www.phosphorusplatform.eu/regulatory