ESPP input to the EU public consultation on
Fertilising Products Regulation – (certain) Animal By-Products in CMC10
11th May 2026

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/16132-Products-derived-from-animal-by-products-as-component-materials-in-EU-fertilising-products_en

ESPP (European Sustainable Phosphorus Platform) welcomes the proposal to include a number of animal by-products into the FPR CMC10. These materials have proven their agronomic value and safety by many years of use under national regulations in different Member States.

ESPP regrets that this has taken such a long time to include these materials into the FPR and notes that this results from DG SANTE's failure to respect. Art. 46 of the FPR which required a first assessment by end 2019 and definition of an ABP End Point within 6 months of finalising assessment (delivered only in May 2023 with 2023/1605).

ESPP welcomes the proposed list of authorised 'post-processing' processes (important for all FPR CMCs). It is ESPP's understanding that such post-processing may take place at the site producing the initial ABP material, at the site where it is integrated into a CE-product, or at an intermediate site. We welcome that to simplify understanding, the same conditions (points 2-4) apply to all added materials. We welcome the included point that where selenium is not expected to be found, testing and labelling information are not necessary.

ESPP welcomes the authorisation (art 3) of additives for post-processing. However, the reference to CMC1.2 (REACH registration) should be modified. CMC 1.2 requires registration "covering use as a fertilising product" whereas here use is as an additive for post-processing. The text should be modified to "requirement in CMC1 point 2 but covering use as an additive in processing of a fertilising product input material".

ESPP suggests to delete the storage requirements (art. 4: protect from precipitation and sunlight). These are standard practice. And the list is arbitrary and incomplete: standard practice also includes protection from high temperatures, humidity, biological contamination and pests (rodents, beetles …).

Points 1c and 1d refer to Cat2 only. In that Cat3 is safer than Cat2, for clarify, **these points should refer to 'Cat2 or Cat3'**.

ESPP regrets that wool and hair are not included in 2023/1605 and so not in this proposal, despite being listed in the FPR art. 46. We request that an ABP End-Point be assessed, defined and then that these by included into FPR CMC10, covering in particular sheep's wool, other animal bristles and hair, human hair.

ESPP regrets that no progress is made to date on including aquaculture sludges into the FPR, despite the considerable phosphorus recycling potential, organics and other nutrient content. DG SANTE has confirmed that all aquaculture sludge is ABP Cat 2, but is not covered by 'processed manure" in www.phosphorusplatform.eu/Scope158 . ESPP requests that action be engaged to:

- clarify that aquaculture sludges, as ABPs, can be used as inputs to FPR composts, digestates and ash-derivates (CMCs 3, 5, 13), under the defined conditions
- define ABP End-Points for inclusion of aquaculture sludge into CMC10 (parallel to "processed manure") and into CMC14 (pyrolysis/gasification).

ESPP notes and supports the input from Eurofema, in particular concerning missing materials (Cat2 materials from biodiesel, Cat3 materials other than glycerine), appropriate application of REACH and also technical wording comments.

The European Sustainable Phosphorus Platform (ESPP) promotes implementation of sustainable nutrient management in Europe, in particular phosphorus recycling. ESPP is a non-profit organisation funded by its members and brings together some 50 companies and research organisations active in water and waste, mineral and organic fertilisers, chemicals, anaerobic digestion, nutrient recycling technologies. ESPP is an active participant in the EU Fertilisers Expert Group and its subgroups www.phosphorusplatform.eu