

ESPP input to EU public consultation on “Food and feed safety – simplification omnibus”,

14th October 2025

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14824-Food-and-feed-safety-simplification-omnibus_en

ESPP regrets that this Call for Evidence fails to refer to circularity or recycling.

EU Food, Feed, Animal By-Product and TSE Regulations today pose significant obstacles to the Circular Economy and to nutrient recycling. Valorisation of secondary materials in the food chain should be facilitated and encouraged, without compromising safety or farmer and consumer confidence. The proposed streamlining of the regulatory framework and simplification of procedures should be widened to ensure coherence with EU Circular Economy objectives.

The ABP and TSE regulations should be fully reviewed in the context of the 2026 Circular Economy Act. See joint letter to DG SANTE on circularity of ABP materials April 2024 ([16 signature organisations](#)), animal feed circularity September 2024 ([7 organisations](#)). See also (submitted attachment) the ‘Joint call for nutrients in the EU Circular Economy Act’ ([30 organisations](#)).

An overall review of the ABP, food and feed regulations should identify how recycling can be facilitated whilst ensuring safety, in particular:

- the “End-Point” process: this does not currently function except for certain specific ABP materials/applications as specified in 1069/2009 and 142/2011 (including via the EU Fertilising Products Regulation),
- facilitate EU and mutual recognition of “National End-Points” and national use authorisations,
- rationalise the EFSA process: analysis of families of materials/processes/uses rather than one-by-one case decisions, development by EFSA of risk criteria and risk assessment guidance for different types of secondary material or recycling processes, to guide operators preparing dossiers and national regulator assessments,
- improve coherence between ABP End-Points and End-of-Waste.

The Animal Feed Regulation Annex III 767/2009 currently excludes use in animal feed of human excreta, sewage, sewage sludge or animal manure, irrespective of how they are processed. This should not apply where the process results in a purified substance with pathogens and contaminants removed to safe levels, e.g. recovery of nutrient minerals from incineration ashes.

Certain processes should be considered to achieve a ‘universal end-status’, conferring both ABP End-Point and End-of-Waste (EoW), and also exit from any regulation limiting use of certain materials irrespective of their processing (e.g. Nitrates Directive). Such processes could include: incineration (under IED conditions) with recovery from ash ; recovery from offgases.

The complexities of the ABP Regulation and daughter regulations are currently inaccessible to anyone other than ABP regulatory experts. This is an obstacle to circularity, preventing investor confidence, problematic for SMEs (active in process innovation, in agri-food and in valorisation of local secondary resource flows).

Differences in requirements between different regulations (contaminant limits, testing requirements, authorisation and registration dossiers ...) are an obstacle to recycling because of the variability and relatively small production volumes of secondary materials. A review should be engaged to identify:

- complexities and difficulties of understanding, legal ambiguities, incoherences of definitions, wordings and terminology,
- provisions which pose obstacles to circular economy.

This review should include Animal By-Products, Animal Feed and TSE Regulations, taking into account safety and consumer confidence, in coherence with the EU Critical Raw Materials Act, REACH, Waste, Fertilisers, EU Taxonomy, Nitrates Directive, Common Agricultural Policy, IED site permitting ...

This would contribute to regulatory clarity and alignment, thereby supporting innovation and responsible circularity across the agri-food and bio-based sectors