

14/5/24 - ESPP input to EU consultation on recovered nutrient products from manure under the Nitrates Directive

- ESPP welcomes the proposal to exempt from the 170 kgN/ha limit **THREE (only) specified recycled nutrient products** recovered from manure, subject to their being of “consistent quality”.
- This will enable a **level playing field for consistent, quality recycled products** from manure, **limited to those which are essentially similar to synthetic inorganic fertilisers**. Such products are today penalised because of the specific spreading limit in NVZs, which means that they cannot be placed on the market without distinguishing labelling and traceability.

However, this level playing field will not be achieved with the proposed modified limit of 170+100 kgN/ha, because this will still require specific labelling and traceability for these products. **The application limit, for the specific materials listed in point (c)(i) ONLY, should be the same as for synthetic fertilisers**. The words “up to a separate additional limit of 100 kg” in point (c) should be replaced by “up to the total limitation of fertiliser application specified in (Annex III) art. 1.3”.

- The Commission’s proposal (presented as “interim”) **avoids opening up the Nitrates Directive more widely**, which could risk reduced protection from nitrate pollution, and enables to take action before completion of the Nitrates Directive evaluation.
- ESPP welcomes the proposed requirements that modifications to NVZ Action Plans, to allow use of these products > 170 kgN/ha, should **not allow increased nitrate losses nor increased livestock numbers**.
- ESPP recommends to add clarifications regarding the three listed products, to ensure that the indications in point (i) and (ii) are respected (increased concentration of mineral-N, consistent quality).

This would **provide precise definitions of these products, so enabling verification by Member States regulatory authorities**. Implementation would be difficult with the current text which does not define the listed products: would a mixed solid of sedimented organics containing some precipitated struvite be covered? What % of organic material is acceptable: 3% as in the FPR? or around 75% organics, which would achieve the C-org/N-total ratio of 3?

The following clarifications enable regulatory coherence of wording and ensure quality, safety and agronomic efficiency:

1. **Ammonium scrubbing salts should achieve the criteria of FPR CMC15** (EU Fertilising Products Regulation).
 2. **Precipitated struvite should achieve the criteria of FPR CMC12**. We suggest modifying “Precipitated struvite” to “Precipitated phosphate salts” coherent with FPR wording.
 3. **Mineral concentrates should achieve the FPR criteria for “Mineral fertiliser”**.
- The specifications of points (i), (ii), (iii) and (iv) should be validated by either CE-mark (FPR) certification or by national regulatory authority verification.
 - ESPP considers that the proposals implement the objectives and the scientific principles of the JRC Renure proposed criteria, but without the problems posed by these criteria. The JRC criteria alone would be impossible to verify for national regulatory authorities because they could be achieved by raw manure spiked with urea. They would have allowed various forms of scarcely processed manures (some solid fractions or manure digestates) and even some unprocessed manures.
 - It should be specified that the use of ammonium sulphate scrubbing salts should not lead to sulphur application higher than crop needs.
 - ESPP notes that the limitative list of THREE recovered nutrient products excludes innovation and new N recovery processes. However, these three products cover the main recycled N products produced today, so are a good basis for an interim Directive amendment. Other nutrient products could be considered at a later date, if the present amendment is demonstrated to open the market for recycled products from manure without negative environmental consequences (nitrate losses, livestock concentration).