



**German Federal Environmental Agency (UBA)**

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**Object:**

**implementation of the German Phosphorus Recycling legislation (AbfKlärV, 27/9/2017)**

22<sup>nd</sup> January 2026

ESPP has noted the DWA (German Water Industry Federation) letter dated 19<sup>th</sup> December 2025 concerning phosphorus recycling from sewage and including the suggestion to postpone the timelines for phosphorus recovery implementation from 2029/2032 to 2039/2042.

**We welcome DWA's strong support of the objective of phosphorus recovery to reduce EU dependencies on imports.**

Phosphate Rock is on the EU Critical Raw Materials list (CRM Act, EU Regulation 2024/1252). Phosphate fertilisers are non-replaceable for agriculture, an essential plant nutrient, necessary to ensure food production and farmer incomes. The EU is around 90% dependent on imports. 25 – 30% of EU phosphate fertilisers are imported from Russia, directly contributing to the funding of Russia's war of aggression against Ukraine through Russian government taxes.

**It is therefore urgent to implement phosphorus recycling.**

The EU Critical Raw Materials Act requires Member States to take actions on Critical Raw Materials, including to establish single point-of-contact for projects and permitting (art. 9, 18), to include CRM projects in national and regional planning (art. 13) and to monitor operators (art. 21).

The revised EU Urban Waste Water Treatment Directive (2024/3019) requires (art. 20.2) states "*The Commission shall adopt ... by 2 January 2028 ... delegated act ... (to specify) a combined minimum reuse and recycling rate for phosphorus from sludge and from urban wastewater*".

**If Germany were to postpone the AbfKlärV deadlines, this would thus be in reverse direction to the positive movement in Europe, and Germany would pass from being a leader to being amongst maybe the last.**

As for most aspects of waste water treatment, phosphorus recovery is not driven and cannot be driven by the market value of the recovered material. The sale or reuse value of the recovered materials (phosphate, iron or aluminium salts ...) can significantly contribute to the economics of P-recycling, but phosphorus recycling remains an aspect of sewage and sludge management, and nobody expects this to be profitable. Waste water treatment and sludge management are driven by regulation, accelerated by the revision of the EU Urban Waste Water Treatment Directive in 2024.

It is therefore the deadlines in regulation which will define whether or not phosphorus recovery moves forward. Postponing the AbfKlärV deadlines would postpone investment in phosphorus recovery and would retard technological development, scaling up to full scale and optimising operation, and construction of installations.

Furthermore, postponement now of regulatory deadlines would penalise first mover recycling technology companies and water operators, who have based their investments to date on the regulatory deadlines, in particular those who today have full-scale installations operating, testing or under construction.

Postponing the AbfKlärV deadlines would result in a context where operators would no longer wish to invest and would wait to see what the rest of Europe might do and whether the deadlines might not in ten years be postponed yet again.

**ESPP considers that postponing the AbfKlärV deadlines would postpone the implementation of P-recovery in Germany by ten years, prolonging uncertainty and undermining investments.**

Concerning DWA's other requests:

- ESPP underlines our **support for DWA's position against temporary landfill of sewage sludge incineration ash**, as a costly and legally unstable non-solution
- ESPP does **not** share DWA's objection to a 'Fund' into which operators not achieving the current AbfKlärV deadlines would pay and which would contribute to funding development and roll-out of phosphorus recycling. We suggest that, if appropriately designed with contributions increasing progressively over time, this could be an effective tool to incite implementation and to compensate first movers for their risk-taking and process development costs. Operators engaging implementation of P-recovery could in any case face net-zero contributions, as they could receive from the fund as much as they pay in.
- **ESPP strongly supports DWA's call for firm and explicit legal clarification that wastewater operators can fully recover through water use and water treatment fees all costs related to phosphorus recycling** from sewage, conform to the principles of the EU Water Framework Directive 2000/60 art. 9 "*including environmental and resource costs*". This should explicitly include preparatory R&D, planning and permitting, investments and operating costs, including costs related to logistics or processes necessary upstream for P-recovery.

We hope that you will consider this input pertinent and would be happy to provide any further information.

Yours sincerely

Robert Van Spingelen, ESPP President.

