

**From:** KUSTER Laszlo <Laszlo.KUSTER@ec.europa.eu>  
**Sent:** Friday, 19 June 2026 17:06  
**To:** veronica.santoro@phosphorusplatform.eu  
**Cc:** SANTE-ABP@ec.europa.eu; GROW-FERTILISING-PRODUCTS@ec.europa.eu  
**Subject:** FW: Request for clarification on the regulatory status of aquaculture fish sludge  
**Attachments:** ESPP letter\_COM GROW SANTE\_fish sludge\_18062026.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Ms Santoro,

We have not received the below e-mail of yours but we did receive it from our colleagues in DG GROW.

You might know that the Commission (at least our Unit) does not provide legal analysis and especially cannot interpret EU rules. The interpretation of the EU rules is the right of the courts and ultimately that of the European Court of Justice, while the implementation of the EU rules is the responsibility of the operators and competent authorities of the Member States. In that context we can only share our understanding as a technical assistance to help with that implementation. All these have already been explained by Matjaz during the presentations and are recorded in the summary too.

Having said that, our impression is that the presentation by Matjaz at your webinar was comprehensive and clear, it was supported by the relevant legal references for anyone to consider, and the summary document you have linked below is in line with what was presented. All the Articles in the EU ABP rules you referred to below, are rather clear, including the definition of manure, and you seem to have a good understanding on the subject.

We would just add that these rules are not necessarily specific to any ABP of your interest. And these possibilities in the basic regulation and in the implementing rules to handle, dispose and valorise various Category 2 ABPs as much as possible, are not really new. These are generic possibilities offered by the EU ABP rules since long. Much of these rules have been used by the Member States and ABP operators since ca. 15 years, as they predate EU Fertiliser Regulation by long years. And they apply regardless of the phosphate content or the prices or the geopolitical situation or the MS/EEA country in question, to mitigate animal and public health risks.

What we noticed however, in the last few years:

- These ABP rules can assist also the implementation of the relatively new Fertiliser Regulation, and we are happy to see that. We work a lot with our GROW colleagues on many topics.
- But there are many fertiliser operators who might need to get more familiar with ABP rules as they need to comply with them. That is in certain cases, a pre-requisite to compliance with the Fertiliser Regulation. Normally we encourage operators to liaise with their own national ABP competent authorities.
- New technologies and/or needs and ideas might emerge. We are always ready to fine-tune our implementing rules with some policy development to assist the relevant stakeholders or to provide for more granularity and specific rules for previously undefined ABPs. We have expressed our readiness several times, publicly (see the last paragraph of the summary of Matjaz's presentation) and in various other settings too. But stakeholders need to play their part too. That is because neither the Commission, nor EFSA cannot act alone: stakeholders need to foster due contacts with national ABP authorities, follow procedural pathways which are laid down in

the ABP rules and in certain cases also need to furnish their definitions and data on specific ABP materials in question, or share details of technologies they wish EFSA to assess, and so on.

We see this last point quite relevant to the material you called “fish sludge” in your letter, while others have called it differently in the past. We see the unclarity more on the part of the stakeholders in defining this material and also in implementing relevant ABP rules. The EU ABP regulatory framework can deal with this material as today, as an undefined Category 2 material. But we are still not sure what the stakeholders want, to change that or not, and on what basis. We see a possibility for a fruitful collaboration there and we are ready to pursue that, if and when the relevant sector is ready to contact us. Be that the aquaculture sector or the recycling (“mining”) sector, or ideally both, in agreement with each other.

Best regards:

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**From:** [veronica.santoro@phosphorusplatform.eu](mailto:veronica.santoro@phosphorusplatform.eu) <[veronica.santoro@phosphorusplatform.eu](mailto:veronica.santoro@phosphorusplatform.eu)>  
**Sent:** Thursday, June 18, 2026 10:55 AM  
**To:** NIKOLAKOPOULOU Theodora (GROW) <[Theodora.NIKOLAKOPOULOU@ec.europa.eu](mailto:Theodora.NIKOLAKOPOULOU@ec.europa.eu)>  
**Cc:** 'Van Spingelen, Robert - ESPP President' <[president@phosphorusplatform.eu](mailto:president@phosphorusplatform.eu)>  
**Subject:** Request for clarification on the regulatory status of aquaculture fish sludge

Dear Ms Nikolakopoulou, dear Mr Kuster,

Please find attached a letter from ESPP concerning the regulatory status of aquaculture fish sludge and its possible valorisation in fertilising products.

ESPP is currently working with aquaculture, nutrient recycling and public-sector stakeholders to advance the recovery of nutrients from fish sludge. To facilitate investment, innovation and consistent implementation across Member States, we would be grateful for clarification of the European Commission's interpretation of the applicable provisions of the Animal By-Products Regulation and the EU Fertilising Products Regulation.

In particular, we would appreciate confirmation of the status of aquaculture sludge under the ABP Regulation and its eligibility as an input material under the relevant CMCs of Regulation (EU) 2019/1009.

We would be very grateful for any clarification you may be able to provide and remain available should a discussion with your services be helpful.

Thank you in advance for your consideration.

Kind regards,  
Robert van Spingelen  
President  
European Sustainable Phosphorus Platform (ESPP)

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Veronica Santoro, PhD  
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