



To: Wim Debeuckelaere, European Commission, DG ENVI
Copy: Johanna Bernsel, Theodora Nikolakopoulou, DG GROW
Angelo Innamorati, DG AGRI
Hans Saveyn, Dries Huygens, JRC

27th December 2021

Object: Mineral fertilisers recovered from manure

Dear Mr. Debeuckelaere,

We would like to remind of our letter of 10th March 2020, attached.

Independent of the Safemanure/Renure discussions concerning manure-based materials, we requested to **address the current Nitrates Directive obstacle to up-cycling of nutrients from manure to high-quality “mineral” fertilisers.**

As you are aware, the EU Fertilising Products Regulation 2019/1009 (FPR) “STRUBIAS” criteria for precipitated phosphates and ash-based materials are now published in the Official Journal (as CMCs 12 and 13).

As indicated in our previous letter, we request clarification as to whether, and under what conditions, such products can be no longer considered as manure “even in a processed form” under art. 2(g) of the Nitrates Directive, and so could be placed on the market without traceability and without specific use conditions having to be defined for them in NVZ Action Plans.

ESPP suggested in our letter of 10th March 2020 the following criteria:

- < 1% organic carbon / dry matter: that is the criterion for a **“Mineral Fertiliser”** fixed by the EU Fertilising Products Regulation (FPR), Annex III, part II §4;
- Conformity to FPR annex 1 and 2 criteria (PFC and CMC), i.e. contaminant limits.

ESPP considers that regulatory clarity concerning the “processed manure” status of such products recovered from manure or from biogas production (in which there is some manure input) is **key to placing recovered mineral fertilisers on the market.**

We suggest that this proposal is simple, would help implement the Green Deal commitment to the Nutrient Circular Economy, is coherent with the EU Fertilising Products Regulation, and respects the objectives of the Nitrates Directive.

The current “Renure” proposals are, it seems, perceived by some as a ploy to enable higher livestock densities in NVZs. We suggest that this interpretation is considerably less applicable to the above proposal for recovered “mineral” fertilisers, in that such high-quality products will often be exported outside of NVZs (high nutrient density and stability render storage and transport viable), and the cost of manure treatment will therefore not be directly impacted by the proposal, but rather the market conditions for recycling technology providers and recovered fertiliser trading companies.

We hope that you will agree to discuss this proposal and are at your disposition to fix a telcon.

We look forward to hearing from you and wish you all the best for 2022

Yours sincerely

Ludwig Hermann, President.



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10th March 2020

Object: opening the market for nutrient recovery from manure

Dear Mr. Debeuckelaere,

At the recent SAFEMANURE expert group in JRC Seville last week, we appreciated the quality of the JRC interim report, to which we made detailed comments, and the dialogue organised with experts and stakeholders.

1) The SAFEMANURE process and “ReNure” approach

ESPP recognises that the “ReNure” approach, as proposed by JRC and discussed in Seville, can make a positive contribution to nutrient recycling by facilitating local use of nutrients in certain manure or digestate fractions, **under appropriate and specifically defined conditions** and in line with existing legislative requirements.

As concluded in Seville, in order to achieve this whilst respecting the Nitrates Directiveⁱ objectives, **“ReNure” must be subject to case-by-case specifications in NVZⁱⁱ Action Plans, and “ReNure” materials must be subject to traceability as for raw manure.**

Thus “ReNure” is not an ‘End-of-Manure Status’.

2) High-quality mineral fertilisers derived from manures

However, it is now clear that **the SAFEMANURE “ReNure” process as engaged will not resolve the current obstacle posed by the Nitrates Directive to placing on the market of high-quality fertilising products derived partly or completely from manure.**

Already today, high-quality manure-derived recovered nutrient products with essentially the same characteristics as conventional mineral fertilisers are being recovered from manure processing, and this is expected to develop. Examples include: struvite and other precipitated phosphate salts, scrubber salts, membrane-purified mineral concentrates, plasma N₂ ammonia fixationⁱⁱⁱ, ...

There is a lack of regulatory clarity as to whether or not such products are considered as “processed manure” under art. 2(g) of the Nitrates Directive, and this unclear status is an obstacle to development of recycling:

- risk of different interpretation of the application of art. 2(g) for a given product can block export to a different region, whereas such products can be concentrated and so adapted for transport of nutrients to another where they can be better used;
- lack of regulatory clarity is also an obstacle to roll-out of technologies and prevents a level playing field with mineral fertilisers currently on the market and with recovered nutrient products from other substrates (e.g. sewage sludge, food industry or food waste processing ...).

In addition to and independently of the engaged “ReNure” process, ESPP requests that, the European Commission should develop, some form of **interpretation guidance specifying conditions under which a (partly or completely) manure-derived recovered nutrient product should be considered to be no longer subject to art. 2(g) of the Nitrates Directive** (no longer treated as manure “even in a processed form”). This could be done in consultation with Member States, the NEG^{iv} and appropriate legal advice

3) Proposed criteria

ESPP would suggest that for reasons of simplicity, clarity and coherence, the following criteria^v would be appropriate and sufficient to ensure crop NUE^{vi}, nutrient leaching and safety:

- < 1% organic carbon / dry matter: that is the criterion for a “Mineral Fertiliser” fixed by the EU Fertilising Products Regulation (FPR)^{vii}
- Conformity to FPR annex 1 and 2 criteria (PFC and CMC)^{viii}. This would ensure appropriate contaminant limits.
- Certification and labelling should respect the applicable national fertiliser regulation if the product is not CE-Label^{ix}

These criteria would be coherent in that EU FPR status (as a “Mineral Fertiliser” only) would then give not only End-of-Waste but also effectively ‘End-of-Manure’ status.

This would also be coherent with existing regulations in some countries, for example Germany already today considers recovered ammonium sulphate (scrubber salt) as a “mineral fertiliser”^x

ESPP considers that regulatory clarity concerning the “processed manure” status of high quality fertilising products recovered from manure and from biogas production is key to roll-out of processes such as recycled phosphate salts or recovered nitrogen.

We would be happy to discuss this proposal with you and to provide any further information which might be useful and we hope that you will agree to take it forward, in coherence with the Commission’s commitment and positive actions already taken for the Circular Economy for nutrients.

We look forward to hearing from you

Yours sincerely



Ludwig Hermann, President.

ⁱ Nitrates Directive: 91/676/CE

ⁱⁱ NVZ = Nitrate Vulnerable Zones as defined by Member States in application of the Nitrates Directive

ⁱⁱⁱ See N2Applied in www.phosphorusplatform.eu/eNews033

^{iv} EU Nitrates Expert Group

^v We note that this does not cover all relevant processes, for example CCm (see www.phosphorusplatform.eu/Scope134 where a recovered ‘mineral’ chemical is reacted with a carbon substrate) but this process is not today operating on manure. However, we suggest to start with criteria as simple and clear as possible, with possible adaptation in the future.

^{vi} NUE: nutrient use efficiency

^{vii} FPR: EU Fertilising Products Regulation 2019/1009

^{viii} PFC = Product Function Category. MCM = Component Material Category.

^{ix} We suggest to require conformity to the EU Fertilising Products Regulation annexes 1 and 2, but NOT to require that the product have the CE-Label, because some local producers may wish to use conformity assessment Module A (self-certification) or similar, if this is authorised under applicable national fertiliser regulation, whereas Modules B-C may be required under the EU FPR (the case for struvite under the STRUBIAS proposals).

^x German fertilising materials ordinance (Düngemittelverordnung DüMV), in part 1, mono nutrient fertilisers, line 1.1.12 with further explanations in appendix 2, part 6.1.5 and related part 7.2.1, specifies that ammonium sulphate solution with at least 5% min. N, originating from wastewater treatment, manure, manure treatment [...] is a mineral fertiliser