



ESPP input to EU Roadmap consultation:

Revision of the Feed Additives Regulation 1831/2003

18th January 2021

ESPP regrets that the proposed Roadmap **does not address the obstacles posed to the Circular Economy** by the animal feed and feed additives regulations.

Reference is twice made in the proposed Roadmap to better or more efficient “*use of resources*”, but no reference is made to the EU Circular Economy Action Plan, and no actions are proposed to develop the circular economy or recycling.

Regulatory context and explanation of the problem we identify

It is our understanding that the Feed Additives Regulation 1831/2003 is subject to general specifications on animal feeds in Regulation 767/2009 (on the placing on the market and use of feed).

This Regulation 767/2009, art. 6(1) specifies “*Feed shall not contain or consist of materials whose placing on the market or use for animal nutritional purposes is restricted or prohibited. The list of such materials is set out in Annex III*”, and Annex III (1) and (5) prohibit the “*placing on the market or use for animal nutritional purposes*” of any material derived from manures “*irrespective of any form of treatment*” or derived from municipal or industrial wastewater “*irrespective of any further processing*”

The definition of “feed” in 767/2009 art. 3(1)a refers to Regulation 178/2002 art. 3(4): “*‘feed’ (or ‘feedingstuff’) means any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals*”.

It is our understanding that the consequence of the above is that any feed additive which is derived, even after intensive chemical reprocessing (e.g. incineration, chemical extraction, acid or other chemical reactions, purification ...), from secondary materials from manure or wastewater, is apparently excluded from use in production of animal feeds.

ESPP fully supports strong safety requirements to prevent any risk of pathogen contamination in the animal feed chain. However, for certain routes of chemical recovery of nutrients, there are clearly no such risks. For example, commercially operational processes exist today to recover phosphate or potassium chemicals from sewage sludge incineration ash, by acid extraction and chemical purification. The risk of pathogens in such recovered chemicals, after both incineration and chemical processing, can be demonstrated to be zero both by assessment of the process and by analysis of the final resulting chemical.

Exclusion from animal feeds of such safe recovered chemicals is an unnecessary and significant obstacle to the nutrient circular economy.

This exclusion not only prevents sale of such recovered chemicals as animal feed additives, it also prevents sale of recovered chemicals to the commodity chemical market, in that they would presumably have to be accompanied with “traceability” to ensure that they are not then used in feed production. This prevents placing on the commodity chemical market and prevents a level playing field compared to the same chemicals produced from non-renewable mined phosphate or potassium resources. This is also a source of legal uncertainty and inconsistency, as interpretation is unclear as to whether such recovered chemicals are or are not excluded from use in animal feeds, and as to the mechanisms required to ensure traceability of such recovered streams.

This exclusion is also a significant obstacle to development of nutrient recycling technologies in Europe, because it limits destinations of recovered nutrients to lower value applications, and reduces market flexibility for relevant secondary nutrients.



We recognise that the general exclusions of potentially pathogen-bearing wastes should remain in 767/2002 annex III, but propose that **clear specific exemptions should be made for processes which demonstrably ensure sanitary safety**, subject to controls in the waste recycling site to avoid possible cross-contamination between incoming wastes and products. This could be developed similarly to the “positive list” approach of the new EU Fertilising Products Regulation 2019/1009 (annex II – CMCs).

We add that **Annex III of 767/2002 is not coherent**, in that municipal solid waste is excluded from animal feed, but not chemicals processed from such waste, whereas chemicals processed from wastewaters are excluded. It is clear that chemicals minimally processed from municipal solid waste (e.g. by simple leaching using water and filtration) do not guarantee safety, neither for contaminants nor for potential pathogens.

ESPP suggests that a revision of the Feed Additives Regulation 1831/2003 should proactively address the circular economy, and consequently Annex III of 767/2002 should also be modified.

We note that this would be coherent with the objective stated in the Roadmap to address legal clarity and consistency.

The European Sustainable Phosphorus Platform (ESPP) promotes the implementation of sustainable phosphorus management in Europe, in particular phosphorus recycling. ESPP is a non-profit organisation, funded by its members. The Platform has over 40 members from a range of different industries (water and waste companies, mineral and organic fertilisers, chemicals, recycling technologies), knowledge institutes and public establishments.