

ESPP input to the three public consultations on STRUBIAS materials (EU Fertilising Products Regulation, Annex II)

11th February 2021

<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12136-Pyrolysis-and-gasification-materials-in-EU-fertilising-products>

<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12162-Thermal-oxidation-materials-and-derivates-in-EU-fertilising-products>

<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12163-Precipitated-phosphate-salts-and-derivates-in-EU-fertilising-products>

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 bringing together companies, knowledge institutes and public organisations.

ESPP covers sectors including chemicals, fertilisers, water and waste management and recycling technologies.

ESPP acts through stakeholder and inter-sectoral industry dialogue, networking, information dissemination and elaboration of joint proposals to policy makers.

ESPP (European Sustainable Phosphorus Platform) welcomes the proposed ‘STRUBIAS’ criteria, for the three categories open to consultation. The adoption of these criteria and integration into the EU Fertilising Products Regulation (FPR) is important for the nutrient Circular Economy and for the roll-out of nutrient recycling technologies.

The criteria proposed have been discussed in detail through the JRC STRUBIAS process, with stakeholders, experts and Member States, and the 470-page JRC report was [published](#) in September 2019. ESPP circulated widely the JRC initial reports and documents, and the draft criteria, for comment. A wide and thorough consultation process has thus already taken place and inputs have been taken into account. **The proposed criteria correspond to the consensus conclusions of this inclusive and thorough consultation process.**

We thank the European Commission, DG GROW and JRC, for their commitment in bringing these criteria to finalisation, in time, hopefully, for **integration into the Fertilising Products Regulation (FPR) before this comes into application in 2022.**

Manure and animal by-products

ESPP is however concerned that **the use of animal by-products and “derived products” (ABPs) as input materials to these STRUBIAS materials is not yet clarified**, despite appropriate safety specifications having been defined in these FPR criteria by JRC.

This is important because **manure, as well as other animal by-products, represent significant nutrient recycling potential.** It is our understanding that manure and other ABPs will only be accepted in STRUBIAS materials after definition of a specific End-Point by the Commission (DG SANTE), but that no mandate has yet been given to EFSA to propose this. We request that this process be now engaged very rapidly and that the EU Commission requests from EFSA on Opinion on definition of ABP End-Points for relevant STRUBIAS materials, coherent with these proposed criteria and based on the information in the JRC final STRUBIAS report.

Specific comments on certain STRUBIAS materials criteria

We are submitting the same input to the three open public consultations, in that the above comments apply to 2 or all 3 of the proposed new CMCs: 'Precipitated phosphate salts and derivatives', 'Thermal oxidation materials and derivatives' and 'Pyrolysis and gasification materials'. The following specific comments concern only one of the materials.

Concerning 'Pyrolysis and gasification materials':

ESPP regrets that sewage sludge is excluded is excluded from the input materials for biochars and pyrolysis materials. Sewage sludge biochars are already authorised as fertilisers in several countries and commercial production is operational.

We underline that in the STRUBIAS final report it is stated "*JRC recommends undertaking more scientific research to ... show ... not present an unacceptable risk ... and are sufficiently effective ...*", (pages 57-60). We request that **this further research should now be engaged**, including possibly defining specific minimum treatment conditions (temperature, time ...) appropriate to ensure safety of sewage derived biochars.

Wording issue for 'Precipitated phosphate salts and derivatives', 'Thermal oxidation materials and derivatives':

ESPP agrees with the objective behind the modification of CMC1 with the addition of "(i) precipitated phosphate salts or derivatives from recovered waste or by-products within the meaning of Directive 2008/98/EC" (and similarly for Thermal oxidation materials and derivatives). However, we suggest that there is a wording issue which should be corrected. We suggest that Should it not read "recovered from waste" and not "from recovered waste".

The current proposal adds the following exclusion to CMC1, point 1 (Annex II): "*(i) precipitated phosphate salts or derivatives from recovered waste or by-products within the meaning of Directive 2008/98/EC*".

We suggest to modify this wording to the following: "*(i) precipitated phosphate salts or derivatives **which are recovered from** waste or **are** by-products within the meaning of Directive 2008/98/EC*"

Note: the repetition of 'are' in our proposed wording is to avoid possible reading as "recovered from by-products" which is not the intention.

To clarify with an operational example: struvite recovered from sewage sludge, more specifically from the filtrate liquid resulting from the solid-liquid separation applied after anaerobic digestion of the sewage sludge (this is the most widespread configuration), is not "from a recovered waste". The filtrate liquid is not recovered, in that it is usually mixed with the sewage works inflow raw wastewater and goes back into the sewage works for "treatment".

The same wording modification is needed for the criteria for "Thermal oxidation materials and derivatives"