



To Koen Van Dyck, Head of Unit, Unit Food Hygiene, Feed and Fraud, DG SANTE

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**ABPs and nutrient circularity:
follow up of our meeting of 13th November.**

Dear Mr Van Dyck,

Thankyou for our constructive meeting of 13th November.

Sara Stiernström already sent you additional **information concerning the safety risk assessment, process, product quality and specifications of the EasyMining recycled tricalcium phosphate**, recovered from sewage sludge incineration ash and suitable for use in animal feed, replacing consumption of the Critical Raw Material 'Phosphate Rock'.

We hope that the legal analysis by Barry Love is of interest and useful to your services. As we indicated, the objective is not to question interpretation of the ABP Regulations but to **identify points in these regulations which pose obstacles to development of the circular economy**: by blocking certain nutrient recycling routes, because of uncertain interpretation which deters investors and technology development or by incoherence with other EU regulatory texts.

Over coming months, we intend to work with different industry groups, experts and other stakeholders to develop policy and regulatory proposals for the announced EU Circular Economy Act, including possible regulatory changes to Waste, Animal By-Products, Industrial Emissions Directive and other regulations. Any such proposals should ensure the essential principles of safety, and of traceability and producer responsibility for wastes and for animal by-products.

The obstacles and difficulties identified in the legal opinion will provide input to these proposals. Thus, any comments you have on this legal opinion would be very welcome, both points where you see legal omissions or interpretation issues, and comments as to possible interest of addressing or not points raised.

We warmly invite you to the stakeholder workshop to discuss such proposals which we are organising in Brussels, Tuesday 21st January 2024 ([link](#)). You will find via this link a first draft of proposals for discussion at this workshop. Again, your comments are very welcome.



Regarding the specific question of the exclusion from animal feed of sewage sludge and manure irrespective of processing (767/2009, Annex III), we hope that you will agree the interest – for the circular economy – of reconsidering these exclusions for recovered purified mineral nutrient products, on condition that the heat and/or chemical processing ensures removal of organics and contaminants and so guarantees safety. We note and understand that any such material acceptance or refusal should be subject to EFSA assessment.

If you might accept this reconsideration, then we ask to discuss with you how best to approach this: to make a sufficiently well-defined and documented question to EFSA but also to optimise EFSA resources by addressing together the main relevant processes/materials (avoiding coming back with future requests); to make a question to EFSA which corresponds to a feasible rewording of 767/2009 Annex III (subject to assessment of any such proposed rewording by the appropriate Commission consultation and decision process). Options could vary from assessing only the EasyMining process for sewage sludge incineration ash, to assessing various processes recovering mineral nutrients from sewage sludge or manure/ABP ashes or offgases (phosphates and phosphoric acid, potassium salts, recovered ammonium salt solutions).

Depending on how you consider this question could be approached, we can collect relevant information from operators and research projects on relevant processes and products, and available data on risk reduction and safety.

We hope that we can pursue exchanges with the aim of facilitating nutrient circularity whilst ensuring food chain safety.

Yours sincerely

Robert Van Spingelen, President, European Sustainable Phosphorus Platform

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