



Diagnosis: regulatory barriers hindering the market uptake of circular fertilisers

Lucile Sever, European Biogas Association

sever@europeanbiogas.eu

Objective



Assessing policies and legislations impacting on the **production, application, marketing or promotion/financing** of circular fertilisers.

1. Identify current **regulatory obstacles** hindering the adoption of circular fertilisers by end-users as well as **regulatory drivers** promoting their use.
2. Propose **policy recommendations** to overcome those regulatory obstacles.
3. Propose **new regulatory drivers** that can further stimulate the market of circular fertilisers.

Scope

7 circular fertilisers value chains



3 levels of governance

International level

European level

National level (AT, BE, DK, FR, DE, GR, IT, NL, ES, SE)

Adopted legislation and legislation currently in the process of being adopted

Methodology



Identification of policy experts → 46 policy experts



Interview process + online survey → 24 interviews + 20 answers to the survey



Analysis of interviews and survey responses, supplemented by co-creation tasks and literature review

What is the diagnosis?



European level (& national level)

<p>Circular Economy and Zero Pollution Action Plans <i>Supporting waste prevention, circularity and nutrient recycling</i></p> <p>Farm-to-Fork, EU Biodiversity and EU Soil Strategies <i>Tackling nutrient losses and promoting the use of circular fertilisers</i></p>			
Production	Application	Marketing	Promotion / financing
<ul style="list-style-type: none"> ● Waste Framework Directive ● Animal By-Products Regulation 	<ul style="list-style-type: none"> ● Nitrates Directive ● Sewage Sludge Directive 	<ul style="list-style-type: none"> ● Fertilising Products Regulation ● Organic Farming Regulation 	<ul style="list-style-type: none"> ● Common Agricultural Policy ● Carbon Removal and Carbon Farming Certification Framework ● Soil Monitoring Law ● Urban Wastewater Treatment Directive ● Taxonomy Regulation

- Certain legislative provisions are significantly hindering the adoption of most FER-PLAY circular fertilisers.
- Certain legislative provisions could be refined to better encourage the adoption of most FER-PLAY circular fertilisers.
- The current legislation is either not obstructing or is actually encouraging the adoption of most FER-PLAY circular fertilisers.

The Sewage Sludge Directive

Which FER-PLAY circular fertilisers are governed by the Sewage Sludge Directive?

UWW	IWW	SS	BW	FM	DIG	SMS
✓	✓	✓			✓	



Lack of regulation of problematic contaminants or low standard for sewage sludge.

Excessive strictness at national level, inconsistencies between national laws. General distrust of farmers in struvite, stabilised sludge and digestate from sewage sludge.



The Sewage Sludge Directive must be updated to potentially include stricter concentration limits for heavy metals and set limits for additional pollutants. This revision would increase farmers' trust in circular fertilisers, thereby promoting their use in agriculture.



No revision foreseen

The Fertilising Products Regulation

Which FER-PLAY circular fertilisers are included in the FPR?

UWW	IWW	SS	BW	FM	DIG	SMS
✓	✓		✓		✓	



Certain circular fertilisers not yet included in the FPR (e.g. **feather meal**, **spent mushroom substrate**). Overly stringent requirements for certain PFCs and exclusion of input materials from certain CMCs (e.g. **digestate**, **compost**).

Major discrepancy between the ABPR and the FPR limiting the processing of **compost** and **digestate** into EU fertilising products to only the standard transformation parameter.

Incomplete implementation of the FPR (e.g. lack of published EU-harmonised standards for testing methods by CEN, absence of notified bodies in some countries).

Overly complex legislation and difficult to operationalise.

Unnecessary alignment of the national legislation with the EU Fertilising Products Regulation.



The FPR's requirements must be reviewed to establish achievable standards for producers and to include new materials like sewage sludge and industrial solid waste and sludge from food processing plants.

The inclusion of **feather meal** and **Spent Mushroom Substrate** in CMC 10 must be sped up.

Alternative transformation parameters authorised by national competent authorities under the ABPR must be permitted to treat animal by-products that will be used as input materials for **compost** and **digestate**.

The implementation of the FPR requires the establishment of new notified bodies and the publication of EU-harmonised testing standards through CEN. In the longer term, simplifying procedures and making certification more accessible for smaller companies would be beneficial.

Member States must maintain a separate national legislative framework, setting their own requirements for marketing products as soil improvers or fertilisers.




Technical adaptation of FPR Annexes + Evaluation in 2025

The Organic Farming Regulation

Which FER-PLAY circular fertilisers are included in the OFR?

UWW	IWW	SS	BW	FM	DIG	SMS
✓	✓		✓	✓	✓	✓



Overly strict requirement for **struvite** to meet FPR standards for use in organic farming, especially for small producers.

Lack of definition of the concept of "factory farming" at EU level.
 → Results in varying interpretations among Member States and a lack of harmonisation.




The Regulation must be updated to allow the use of struvite certified under national legislation in organic farming.

The concept of "factory farming" needs to be clearly defined at the EU level, or further guidance should be provided for Member States to establish their own definition.



No revision foreseen but [EGTOP report on 'factory farming'](#)

The Common Agricultural Policy

Which FER-PLAY circular fertilisers are included in the CAP?

UWW	IWW	SS	BW	FM	DIG	SMS
✓	✓	✓	✓	✓	✓	✓



Absence of mandatory measures, under SMRs or GAECs, requiring farmers to produce or use circular fertilisers in the CAP 2023-2027.

Lack of ambition from Member States to introduce additional voluntary measures under eco-schemes and rural development programs to further support the uptake of circular fertilisers.




The CAP must include mandatory measures, under SMRs or GAECs, requiring farmers to produce or use circular fertilisers.

In their CAP Strategic Plans, Member States must introduce additional voluntary measures under eco-schemes and rural development programs to further support the uptake of circular fertilisers.



Vision for Agri today + future CAP proposal

New regulatory drivers at European level

1. Revitalising the Integrated Nutrient Management Action Plan
 2. Establishing a European Nutrients Recycling Target
 3. Implementing fiscal tools for sustainable nutrient management
 4. Considering the integration of agriculture into the Emissions Trading System
 5. Enhancing Research and Innovation in sustainable nutrient management
- 

Thank you for your attention

FertiCovery



This project has received funding from the European Union's Horizon Europe research and innovation programme under grant agreement N° 101060426.