

To: Patrick Child, Acting Director General, European Commission DG Environment

Object: “RENURE” Nitrates Directive

References: Your reply of 16th June 2025, ref.: ENV D.1/TRF to our letter of 26th May 2025.

Brussels, 14th August 2025

Dear Mr Child,,

Thankyou for your reply of 16th June concerning the proposed ‘RENURE’ amendment of the Nitrates Directive.

We note that you confirm the intention to ensure that any recycled manure nutrient material authorised under this amendment should “*adhere to strict quality criteria that truly are close to chemical fertilisers*”.

We fully support this principle. However, we would like to clarify our concerns that the proposed amendment text (public consultation text of April 2024):

1. On the principal: **does not achieve this intention** that the recycled minerals be close to “chemical” fertilisers,
2. On the wording: **causes confusion by using vocabulary which is not clearly defined and not coherent** with the EU Fertilising Products Regulation 2009/1009.

On the principal:

The text refers in Annex c(i) (1, 2 and 3) to ammonium scrubbing salt, mineral concentrate and “a nitrogen-rich phosphate salt (struvite)”. Even considering the additional specifications of (c) (ii) – (iii) and (iv), this appears to allow materials which have no resemblance to “chemical” fertilisers, for example:

- a struvite-containing organic slurry, with maybe 20 – 30% organic matter (would probably respect the (c) (ii) criteria: >90%N inorganic, C_{org} < 3x N_{total}).
- ammonium salt solution or “mineral concentrate”: the criteria do not exclude highly dilute solutions, with very low N/tonne.

The text thus fails to achieve the stated intention, as set out in Recital (9) “*Quality criteria for RENURE fertilisers and conditions for their use should be set out so they can replace 'chemical fertilisers'*”.

Such materials do not have a market logic as products, and are not and will not in the future be industrially produced as commercial fertilisers (it would make not sense to do so). Furthermore, such materials are not economically transportable (not stable, low nutrient content) so will only be used locally, thus not addressing problems of livestock nutrient hot-spots (transport to crop-producing regions needing nutrients is not feasible).

On the wording:

Concerning the vocabulary, the proposed amendment text refers six times to “chemical fertilizers”. We suggest that this be replaced by “Mineral” fertilisers as defined in the EU Fertilising Products Regulation 2019/1009. This would ensure regulatory coherence and would avoid the confusion caused by interpretation of the term “chemical” fertiliser (which is used in the Nitrates Directive but is not clearly defined, see note below).

In particular, the proposed amendment Recital (7) refers to “*substitution of chemical fertilisers by organic fertilisers*” which appears to contradict the meaning of “chemical” fertilisers in the Nitrates Directive (which appears to cover commercial organic fertilisers, see note below).

Also on wording, the proposed specifications for the three materials (c)(i) 1-3 are ambiguous. Does “ammonium salt” mean it must be a dry solid, or can it be a solution ? What is a “mineral concentrate”, many reverse osmosis materials are highly “dilute” ? What is a “nitrogen-rich phosphate salt (struvite) –

must it be struvite or a mixture of e.g. struvite and calcium phosphate or a different compound and how much N is “nitrogen-rich” ? Such “open to interpretation” wordings pose risks of legal challenges, difficulties for Member States implementation and prevent operator and investor confidence to implement nutrient recycling.

On the other hand, the **EU Fertilising Products Regulation (FPR) offers clear definitions, for “Mineral” fertiliser and for the three proposed materials** (precipitated phosphates (CMC12), recovered ammonium salt (CMC15), mineral concentrate (PFC 1(C)(I)(b)(ii)). These definitions are recent and recognised by industry.

We suggest that reference to these FPR definitions would

- ensure the quality objectives of Recital (9),
- avoid differing interpretations by Member States, so contributing to an EU market both for RENURE products and for RENURE processing technologies, and also facilitating transport of RENURE products from livestock manure hotspots to crop-growing regions where fertilisers are needed,
- ensure regulatory coherence,
- avoid uncertainties in interpretation which will pose obstacles to implementation by farmers and fertiliser producers/distributors and to funding of recycling installations, and will create difficulties of implementation for Member States.

We hope that this further clarification will usefully contribute to your work in finalising the RENURE amendment of the Nitrates Directive and so to the nutrient circular economy. We would be happy to discuss the points we raise with your services if you consider that we can usefully provide further input.

Yours sincerely

Robert Van Spingelen, President



NOTE on wordings: What is a “chemical” fertiliser ?

The Nitrates Directive definitions (art.2(f)) state “*chemical fertilizer*”: *means any fertilizer which is manufactured by an industrial process*”. However, it is unclear what this means.

The term “chemical” fertiliser is then used in only three places in the Nitrates Directive:

- in Annex V: stating that measurement of nitrogen in “chemical” fertilisers shall use the methods defined in 77/535/EEC modified by 89/519/EEC. Neither of these cited Directives are today in force, since 2003, because they were repealed by the ‘old’ Fertilisers Directive 2003/2003, which is now replaced by the FPR 1999/2009,
- in Annex II (A) which refers to “*both chemical fertilizer and livestock manure*”,
- in Annex III 1.3 which refers to “*additions of nitrogen compounds from livestock manure, additions of nitrogen compounds from chemical and other fertilizers*”.

Thus, although the definition of “chemical fertilizer” in art.2(f) appears to cover “livestock manure ... even in a processed form” if the manure is processed industrially, the wording in Annexes II and III suggests that “chemical” fertiliser and (processed) manure are exclusive. It is unclear why Annex III refers also to “other” fertilisers whereas Annex II does not, but nonetheless it seems that these two wordings together suggest that “chemical” fertiliser in the Nitrates Directive means any commercially manufactured organic, organo-mineral or inorganic fertiliser and that the “other” fertiliser (Annex III) presumably means unprocessed fertilising materials such as sewage sludge, crop by-products ...

We note that this contradicts the wording of the proposed RENURE amendment Recital (7).