

Making available on the market of CE marked fertilising products

2016/0084(COD) - 27/03/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 582 votes to 38 with 7 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council laying down rules on the making available on the market of CE marked fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009.

Parliament's position adopted in first reading following the ordinary legislative procedure amended the Commission's proposal as follows:

The Regulation harmonises standards for fertilizers from organic or secondary raw materials, opening up new opportunities for large-scale production. In addition, it sets harmonised limits for a series of contaminants in inorganic fertilizers.

Free movement

Member States shall not impede, for reasons relating to composition, labelling or other aspects covered by this Regulation, the making available on the market of EU fertilising products which comply with the Regulation.

A Member State which benefits from a derogation in relation to cadmium content in fertilisers may continue to apply the national limit values for cadmium content in fertilisers which are applicable in that Member State to EU fertilising products until such time as harmonised limit values for cadmium content in phosphate fertilisers which are equal to or lower than the limit values applicable in the Member State concerned are applicable at Union level.

The Regulation shall not prevent Member States from maintaining or adopting provisions for the purpose of protecting human health and the environment which are in compliance with the Treaties, concerning the use of EU fertilising products, provided that those provisions do not require modification of EU fertilising products which are in compliance with this Regulation.

Requirements

According to the draft regulation, CE-marked EU fertilizers should meet certain requirements in order to move freely within the EU internal market. These requirements include maximum levels of contaminants, the use of defined classes of constituent substances, and labelling.

Whenever appropriate, manufacturers and importers should carry out sample testing of the EU fertilising products that they have made available on the market, in order to protect the health and safety of consumers and the environment. Tests for verifying the conformity of EU fertilising products with the requirements set out in Annexes I, II and III shall be performed in a reliable and reproducible manner.

Labelling

Manufacturers shall ensure that EU fertilising products are accompanied by the information required under Annex III. Where an EU fertilising product is supplied in a package, the information shall appear on a label that is affixed to that package. Where the package is too small to contain all the information, the

information that cannot be provided on the label shall be provided in a separate leaflet accompanying that package.

No later than one year after the date of entry into force of the Regulation, the Commission should publish a guidance document for manufacturers and market surveillance authorities, which contains clear information and examples regarding the visual appearance of the label.

Packaging or repackaging

Economic operators who only package or repackage EU fertilising products already placed on the market by other economic operators should be able to prove that compliance with the requirements of this Regulation has not been affected, by indicating their identity on the package and by keeping a copy of the original labelling information.

Delegated acts

The Commission may adopt delegated acts to supplement the Regulation as regards:

- defining, without unnecessary delay, larger or additional categories of component materials eligible for use in the production of EU fertilising products;
- defining and introducing additional component materials eligible for use in the production of EU fertilising products and corresponding contaminant limit values in such products;
- defining the criteria for the conversion of polymeric carbon into carbon dioxide and a related testing method. Polymers that do not comply with those criteria should be prohibited after a transitional period.

Report

Seven years after the date of entry into force of the Regulation, the Commission shall submit a report assessing the application of the Regulation and its overall impact as to the attainment of its objectives, including the impact on small and medium-sized enterprises. That report shall include:

- an assessment of the functioning of the internal market for fertilising products, including conformity assessment and market surveillance effectiveness and an analysis of the effects of optional harmonisation on production, market shares and trade flows of EU fertilising products and fertilising products placed on the market under national rules;
- a review of the limit values for cadmium content in phosphate fertilisers, with a view to assessing the feasibility of reducing these limit values to a lower appropriate level on the basis of available technologies and scientific evidence on cadmium exposure and accumulation in the environment;
- an assessment of the application of restrictions on levels of contaminants set out in Annex I and an assessment of any new relevant scientific information as regards the toxicity and carcinogenicity of contaminants that becomes available, including the risks from uranium contamination in fertilising products.

The report shall take due account of technological progress and innovation as well as standardisation processes affecting production and use of fertilising products. It shall be accompanied, if appropriate, by a legislative proposal.