

Making available on the market of CE marked fertilising products

2016/0084(COD) - 25/06/2019 - Final act

PURPOSE: to ensure the proper functioning of the internal market while ensuring that EU fertilisers on the market comply with the requirements ensuring a high level of protection of animal and plant health, safety and the environment.

LEGISLATIVE ACT: Regulation (EU) 2019/1009 of the European Parliament and of the Council laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003.

CONTENT: The Regulation harmonises standards for fertilisers 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 fertilisers.

The new Regulation, which replaces the previous 2003 fertiliser regulation, includes all types of fertilisers.

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 this Regulation.

A Member State which, on 14 July 2019 benefits from a derogation in relation to cadmium content in fertilisers granted may continue to apply the national limit values for cadmium content in fertilisers which are applicable in that Member State on 14 July 2019 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 on 14 July 2019 are applicable at Union level.

This 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 and do not influence the conditions for making them available on the market.

Requirements

According to the Regulation, CE-marked EU fertilizers shall 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.

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

EU fertilisers shall be labelled in accordance with the labelling requirements set out in Annex III of the Regulation. By 16 July 2020 at the latest, the Commission shall publish a guidance document for

manufacturers and market surveillance authorities containing clear information and examples on the visual appearance of the label.

Packaging and reconditioning

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.

Foster innovation

In order to facilitate the compliance of phosphate fertilisers with the requirements of the Regulation and to stimulate innovation, the text stresses the importance of providing sufficient incentives for the development of relevant technologies, in particular decadmiation technologies, and for the management of cadmium-rich hazardous waste in the form of adequate financial resources, such as those available under the Horizon Europe programme.

Report

By 16 July 2026 at the latest, the Commission shall submit a report assessing the implementation of the Regulation and its overall impact, including its effects on SMEs. This 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.

The Commission may adopt delegated acts with regard to the amendment of the requirements applicable to the various categories of EU fertilisers.

ENTRY INTO FORCE: 15.7.2019.

APPLICATION: from 16.7.2022.