

# Making available on the market of CE marked fertilising products

2016/0084(COD) - 24/10/2017 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 298 votes to 234, with 135 abstentions, amendments to 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.

The matter has been referred back to the committee responsible for interinstitutional negotiations.

As a reminder, the proposal for a Regulation on fertilisers in the context of the circular economy package aims to harmonise European rules for organic waste products and by-products. It modernises conformity assessment and market surveillance in accordance with the new legislative framework for product legislation.

The main amendments adopted in plenary are as follows:

**Definitions:** it is proposed to replace the term fertilising product with plant nutrition product, while clarifying this definition, as well as the definition of substance.

**Recycled or organic materials:** Members seek to promote increased use of recycled nutrients in order to further contribute to the development of the circular economy while reducing the Unions dependence on nutrients imported from third countries.

In this context, farmers should use those products which follow the spirit of "responsible agriculture", favouring local distribution channels. The preferential use of fertilisers produced on-site and in neighbouring agricultural undertakings should be encouraged.

**Facilitating market access for innovative organic fertilisers:** Members suggest facilitating compliance of phosphate fertilising products with the requirements of this Regulation and boosting innovation by providing incentives for the development of relevant technologies, in particular decadmiation and the management of cadmium-rich hazardous wastes through the financial resources available under the Horizon 2020 programme, the LIFE programmes and the Circular Economy Platform through the European Investment Bank (EIB) or other financial instruments. The Commission shall report annually to the European Parliament and the Council on the incentives and the Union funding provided for decadmiation.

To take advantage of technical developments and unlock the potential to make more use of nutrients from animal by-products such as animal manure, the setting of processing methods and recovery rules for animal by-products for which an end-point in the manufacturing chain has been determined (the point beyond which they no longer represent a risk to public and animal health) should start immediately after the entry into force of the Regulation.

**Provide limits for contaminants:** the traceability of products which are sensitive to organic pollution from certain potentially problematic sources (or perceived as such) should be ensured back to the source of the organic material. This is necessary in order to secure consumer confidence and to limit damage if local contamination occurs.

**Cadmium limits:** contaminants in CE marked fertilising products, if the latter are not used correctly, such as cadmium, can potentially pose a risk to human and animal health and the environment as they accumulate in the environment and enter the food chain. According to the amended text, the cadmium limits would be reduced from 60 mg/kg to 40 mg/kg after six years (instead of the three years proposed by the European Commission), and to 20 mg/kg after sixteen years, to allow producers to adapt to these requirements.

**Obligations of economic operators:** in order to protect the health and safety of consumers and the environment, manufacturers shall carry out sample testing of fertilising products made available on the market and inform distributors and market surveillance authorities of any such monitoring. Manufacturers shall keep the technical documentation and the EU declaration of conformity for five years after the CE marked fertilising product covered by those documents has been placed on the market.

Only compliant CE marked fertiliser can be imported into the Union and placed on the Union market.

Importers shall indicate the third country manufacturers on the packaging of the CE marked fertilising product. Distributors shall verify that the required information is provided in a document accompanying the fertiliser.

Members considered it important that the labelling is clear and comprehensive and that it includes all the information on the available nutrients and their solubility. The Commission shall publish a guidance document giving details and examples to manufacturers and market surveillance authorities about the appearance of the label.

The CE marking should be affixed in a visible, legible and indelible manner on the package

Parliament stated that the Regulation does not prevent Member States from maintaining or adopting provisions which are in compliance with the Treaties, concerning the use of CE marked fertilising products for the purpose of protecting human health and the environment, provided that those provisions do not require modification of CE marked fertilising products which are in compliance with this Regulation and do not influence the conditions for making them available on the market.

**Assessment and report:** Members introduced a review clause requiring the European Commission to assess (42 months after the date of application of the Regulation):

- the functioning of the internal market for fertilisers, including the conformity assessment and market surveillance effectiveness;
- the application of restrictions of contaminant levels as set out in Annex I to this Regulation and any new relevant scientific information on the toxicity and carcinogenicity of contaminants;
- developments in decadmiation technologies;
- trade impacts on the sourcing of raw materials, including the availability of phosphate rock classified by the Commission as a critical

raw material;

One year after the date of entry into force of the Regulation, the Commission shall present an evaluation of the scientific data used to establish the agronomic and environmental criteria to define end-of-livestock manure criteria in order to qualify the performance of products containing or consisting of processed livestock manure.

Lastly, five years after the date of entry into force of the Regulation at the latest, the Commission shall review the conformity assessment procedure of micro-organisms.