



Plenary sitting

A8-0270/2017

25.7.2017

*****I**
REPORT

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
(COM(2016)0157 – C8-0123/2016 – 2016/0084(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Ildikó Gáll-Pelcz

Rapporteurs for the opinion (*):
Elisabetta Gardini, Committee on the Environment, Public Health and Food Safety
Jan Huitema, Committee on Agriculture and Rural Development

(*) Associated committees – Rule 54 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT 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 (COM(2016)0157 – C8-0123/2016 – 2016/0084(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0157),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0123/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on the Environment, Public Health and Food Safety, the Committee on Agriculture and Rural Development and the Committee on International Trade (A8-0270/2017),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 389, 21.10.2016, p. 80

Amendment 1

Proposal for a regulation Title

Text proposed by the Commission

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

Amendment

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 **plant nutrition** products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009

(This amendment from "fertilising products" to "plant nutrition products" applies throughout the text. Adopting it will necessitate corresponding changes throughout and, consequently, adopted amendments.)

Amendment 2

Proposal for a regulation Recital 1

Text proposed by the Commission

(1) The conditions for making fertilisers available on the internal market have been partially harmonised through Regulation (EC) No 2003/2003 of the European Parliament and of the Council¹⁵, which almost exclusively covers fertilisers from mined or chemically produced, **inorganic** materials. There is also a need to make use of recycled or organic materials for fertilising purposes. Harmonised conditions for making fertilisers made from such recycled or organic materials available on the entire internal market should be established in order to provide an important incentive for their further use.

Amendment

(1) The conditions for making fertilisers available on the internal market have been partially harmonised through Regulation (EC) No 2003/2003 of the European Parliament and of the Council¹⁵, which almost exclusively covers fertilisers from mined or chemically produced, **mineral** materials. There is also a need to make use of recycled or organic materials for fertilising purposes. Harmonised conditions for making fertilisers made from such recycled or organic materials available on the entire internal market should be established in order to provide an important incentive for their further use.

The scope of the harmonisation should therefore be extended in order to include recycled and organic materials.

Promoting increased use of recycled nutrients would further aid in the development of the circular economy and allow a more resource-efficient general use of nutrients, while reducing Union dependency on nutrients from third countries. The scope of the harmonisation should therefore be extended in order to include recycled and organic materials.

¹⁵ Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1).

¹⁵ Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1).

(This amendment also covers a horizontal technical amendment on the term “inorganic” being changed to “mineral”; adopting it will necessitate corresponding changes of this term throughout the text and, consequently, adopted amendments.)

Amendment 3

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Nutrients in food originate from the soil; healthy and nutritious soil results in healthy and nutritious crops and food. Farmers need available a wide range of fertilisers, organic and synthetic, in order to enhance their soil. When soil nutrients are missing, or depleted, plants will be nutrient deficient and may either stop growing or not contain nutritional value for human consumption.

Amendment 4

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) To ensure effective use of animal manure and on-farm compost, farmers should use those products which follow the spirit of "responsible agriculture", favouring local distribution channels, good agronomic and environmental practice and in compliance with the Union environmental law, such as the Nitrates Directive or the Water Framework Directive. The preferential use of fertilisers produced on-site and in neighbouring agricultural undertakings should be encouraged.

Amendment 5

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) A CE marked fertilising product might have more than one of the functions described in the product function categories of this Regulation. Where a claim is made in respect of only one of those functions, it should be sufficient for the product to comply with the requirements of the product function category describing that claimed function. By contrast, where a claim is made in respect of more than one of those functions, the CE marked fertilising product in question should be regarded as a combination of two or more component fertilising products, and compliance should be required for each of the component fertilising products with respect to its function. Therefore, there should be a specific product function category to cover such combinations.

Amendment 6

Proposal for a regulation Recital 6 b (new)

(6b) A manufacturer using one or more CE marked fertilising products that have already been subject to a conformity assessment, carried out by that manufacturer or another manufacturer, might wish to rely on that conformity assessment. For the purpose of reducing the administrative burden to a minimum, the resulting CE marked fertilising product should also be regarded as a combination of two or more component fertilising products, and the additional conformity requirements for the combination should be reduced to the aspects warranted by the mixing.

Amendment 7

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Contaminants in CE marked fertilising products, 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. Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.

Amendment

(8) 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. Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.

Amendment 8

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Member States which already have more stringent national limit values for cadmium in fertilisers should be allowed to maintain those limit values until the rest of the Union reaches an equivalent level of ambition.

Amendment 9

Proposal for a regulation Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) In order to facilitate the compliance of the phosphate fertilising products with the requirements of this Regulation and to boost innovation, it is necessary to provide sufficient incentives for the development of relevant technologies, particularly decadmiation technology, and for the management of cadmium-rich hazardous waste by means of the financial resources available under Horizon 2020, LIFE programmes, the Circular Economy Finance Support Platform, through the European Investment Bank (EIB) and other financial instruments where relevant. The Commission should report annually to the European Parliament and the Council on the incentives and the Union funding provided for decadmiation.

Amendment 10

Proposal for a regulation Recital 9

Text proposed by the Commission

Amendment

(9) Products complying with all the

(9) **CE marked fertilising** products

requirements of this Regulation should be allowed to move freely on the internal market. Where one or more of the component materials *in a CE marked fertilising* product *falls* within the scope of Regulation (EC) No 1069/2009 of the European Parliament and of the Council¹⁸, but *reaches* a point in the manufacturing chain beyond which it no longer poses *any significant* risk to public or animal health (the 'end point in the manufacturing chain'), it would represent an unnecessary administrative burden to continue subjecting the product to the provisions of that Regulation. Such fertilising products should therefore be excluded from the requirements of that Regulation. Regulation (EC) No 1069/2009 should therefore be amended accordingly.

¹⁸ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).

complying with all the requirements of this Regulation should be allowed to move freely on the internal market. Where one or more of the component materials *is a derived* product within the scope of Regulation (EC) No 1069/2009 of the European Parliament and of the Council, but *has reached* a point in the manufacturing chain beyond which it no longer poses a risk to public or animal health (the 'end point in the manufacturing chain'), it would represent an unnecessary administrative burden to continue subjecting the product to the provisions of that Regulation. Such fertilising products should therefore be excluded from the requirements of that Regulation. Regulation (EC) No 1069/2009 should therefore be amended accordingly.

¹⁸ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).

Amendment 11

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The end point in the manufacturing chain should be determined for each relevant component material containing animal by-products in accordance with the procedures laid down in Regulation (EC) No 1069/2009. Where *a* manufacturing process regulated under this Regulation *starts already before that end point has been reached*, the process requirements of both Regulation (EC) No 1069/2009 and

Amendment

(10) *For each component material category which includes derived products within the meaning of Regulation (EC) No 1069/2009*, the end point in the manufacturing chain should be determined for each relevant component material containing animal by-products in accordance with the procedures laid down in *that* Regulation. *To take advantage of technical developments, create more*

this Regulation should apply cumulatively to CE marked fertilising products, which means application of the stricter requirement in case both Regulations regulate the same parameter.

opportunities for producers and businesses, 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 should start immediately after the entry into force of this Regulation. When it concerns fertilising products containing or consisting of processed animal manure end-of-livestock-manure criteria should be defined. In order to expand or add component material categories to include more animal by-products, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. Where such an end point is reached before the CE marked fertilising product is placed on the market but after the manufacturing process regulated under this Regulation has started, the process requirements of both Regulation (EC) No 1069/2009 and this Regulation should apply cumulatively to CE marked fertilising products, which means application of the stricter requirement in case both Regulations regulate the same parameter.

Amendment 12

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) For animal by-products already widely used in Member States for the production of fertilisers the end point should be determined without undue delay, and at the latest one year after the date of entry into force of this Regulation.

Amendment 13

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) *Where one or more of the component materials for a CE marked fertilising product fall within the scope of Regulation (EC) No 1069/2009 and has not reached the end point in the manufacturing chain, it would be misleading to provide for the product's CE marking under this Regulation, since the making available on the market of such a product is subject to the requirements of Regulation (EC) No 1069/2009.*

Therefore, such products should be excluded from the scope of this Regulation.

Amendment

(12) *The making available on the market of an animal by-product or a derived product for which no end point in the manufacturing chain has been defined, or for which the defined end point has not been reached at the time of making available on the market, is subject to the requirements of Regulation (EC) No 1069/2009. Therefore, it would be misleading to provide for the product's CE marking under this Regulation. Any product containing or consisting of such an animal by-product or derived products should therefore be excluded from the scope of this Regulation.*

Amendment 14

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) For certain recovered wastes within the meaning of Directive 2008/98/EC of the European Parliament and of the Council²⁰, a market demand for their use as fertilising products has been identified. Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE marked fertilising products, those requirements should be laid down in this Regulation. Therefore, as of the moment of compliance with all the

Amendment

(13) For certain recovered wastes, *such as struvite, biochar, and ash-based products*, within the meaning of Directive 2008/98/EC of the European Parliament and of the Council²⁰ a market demand for their use as fertilising products has been identified. Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE marked fertilising products, those requirements should be laid down in this Regulation.

requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC.

Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC, *and accordingly it should be possible for products containing or consisting of such recovered waste materials to access the internal market. To ensure legal clarity, take advantage of technical developments, and further stimulate the incentive among producers to make more use of valuable waste streams, the scientific analyses and the setting of recovery requirements at Union level for such products should start immediately after the entry into force of this Regulation. Accordingly, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining, without unnecessary delay, larger or additional categories of component materials eligible for use in the production of CE marked fertilising products.*

²⁰ Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

²⁰ Directive 2008/98/EC of the European Parliament and of the Council *of 19 November 2008* on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Amendment 15

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Certain industry by-products, co-products or recycled products coming from specific industrial processes are currently used by manufacturers as a component of a CE marked fertilising product. For components of CE marked

fertilising products, requirements related to component material categories should be laid down in this Regulation. If applicable, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC.

Amendment 16

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) Certain substances and mixtures, **commonly** referred to as agronomic additives, improve the nutrient release pattern of a nutrient in a fertiliser. Substances and mixtures made available on the market with the intention of them being added to CE marked fertilising products for that purpose should fulfil certain efficacy criteria at the responsibility of the manufacturer of those substances or mixtures, and should therefore as such be considered as CE marked fertilising products under this Regulation. Furthermore, CE marked fertilising products containing such substances or mixtures should be subject to certain efficacy **and** safety criteria. Such substances and mixtures should therefore also be regulated as component materials for CE marked fertilising products.

Amendment

(14) Certain substances and mixtures, referred to as agronomic additives, improve the nutrient release pattern of a nutrient in a fertiliser. Substances and mixtures made available on the market with the intention of them being added to CE marked fertilising products for that purpose should fulfil certain efficacy, **safety and environmental** criteria at the responsibility of the manufacturer of those substances or mixtures, and should therefore as such be considered as CE marked fertilising products under this Regulation. Furthermore, CE marked fertilising products containing such substances or mixtures should be subject to certain efficacy, **safety and environmental** criteria. Such substances and mixtures should therefore also be regulated as component materials for CE marked fertilising products.

Amendment 17

Proposal for a regulation

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) As products made up of substances and mixtures in addition to the fertilising elements are intended to be added to soil and released in to the environment, conformity criteria should apply to all materials in the product, in particular where they are small or break down into small fragments that can be dispersed throughout soil and into water systems and carried to the wider environment. Therefore biodegradability criteria and conformity testing should also be under realistic in-vivo conditions that take into consideration differential rates of decomposition under anaerobic conditions, in aquatic habitats or under water, in waterlogged conditions or in frozen soil.

Amendment 18

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Certain substances, mixtures and micro-organisms, **commonly** referred to as plant biostimulants, are not as such nutrients, but nevertheless stimulate plants' nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, or crop quality traits, they are by nature more similar to fertilising products than to most categories of plant protection products. Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009 of the European Parliament and of the Council²¹. Regulation (EC) No 1107/2009 should therefore be amended accordingly.

Amendment

(15) Certain substances, mixtures and micro-organisms, referred to as plant biostimulants, are not as such **inputs of** nutrients, but nevertheless stimulate plants' **natural** nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, or crop quality traits, **degradation of soil organic compounds, or increasing the availability of nutrients in the rhizosphere**, they are by nature more similar to fertilising products than to most categories of plant protection products. **Therefore, they act in addition to fertilisers, with the aim of optimizing their efficiency and reducing the nutrient application rates.** Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009 of the European Parliament and of the

Council²¹. Regulation (EC) No 1107/2009 should therefore be amended accordingly.

²¹ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

²¹ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

Amendment 19

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) For micro-organisms, component material categories should be expanded or added in order to guarantee and enhance the innovative potential concerning the development and discovery of new microbial plant biostimulant products. In order to stimulate innovation and to create legal certainty for producers concerning the requirements which have to be fulfilled for the use of new micro-organisms as component materials for CE marked fertilising products, harmonized methods for the safety evaluation of new micro-organisms have to be clearly identified. The preparatory work for defining these safety evaluation methods should start immediately after the entry into force of this Regulation. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to define, without any unnecessary delay, the requirements which producers have to comply with when demonstrating the safety of new micro-organisms in order to be used in CE marked fertilising products.

Amendment 20

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) Products with one or more functions, one of which is covered by the scope of Regulation (EC) No 1107/2009, should remain under the control tailored for such products and provided for by that Regulation. Where such products also have the function of a fertilising product, it would be misleading to provide for their CE marking under this Regulation, since the making available on the market of a plant protection product is contingent on a product authorisation valid in the Member State in question. Therefore, such products should be excluded from the scope of this Regulation.

Amendment

(16) Products with one or more functions, one of which is covered by the scope of Regulation (EC) No 1107/2009, ***are plant protection products covered by the scope of that Regulation. Those products*** should remain under the control tailored for such products and provided for by that Regulation. Where such products also have the function ***or the action*** of a fertilising product, it would be misleading to provide for their CE marking under this Regulation, since the making available on the market of a plant protection product is contingent on a product authorisation valid in the Member State in question. Therefore, such products should be excluded from the scope of this Regulation.

Amendment 21

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) This Regulation should not prevent the application of existing Union legislation relating to aspects of protection of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC²², Council Directive 89/391/EEC²³, Regulation (EC) No 1907/2006 of the European Parliament and of the Council²⁴, Regulation (EC) No 1272/2008 of the European Parliament and of the Council²⁵, Commission Regulation (EC) No 1881/2006²⁶, Council Directive

Amendment

(17) ***Regardless the type of the CE marked plant nutrition product***, this Regulation should not prevent the application of existing Union legislation relating to aspects of protection of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC²², Council Directive 89/391/EEC²³, Regulation (EC) No 1907/2006 of the European Parliament and of the Council²⁴, Regulation (EC) No 1272/2008 of the European Parliament and of the Council²⁵, Commission Regulation

2000/29/EC²⁷, Regulation (EU) No 98/2013 of the European Parliament and of the Council²⁸, and Regulation (EU) No 1143/2014 of the European Parliament *and* of the Council²⁹.

(EC) No 1881/2006²⁶, Council Directive 2000/29/EC²⁷, Regulation (EU) No 98/2013 of the European Parliament and of the Council²⁸, Regulation (EU) No 1143/2014 of the European Parliament and of the Council²⁹, ***Council Directive 91/676/EEC^{29a}, and Directive 2000/60/EC^{29b}***

²² Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6).

²² Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6).

²³ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

²³ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

²⁴ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p. 1).

²⁴ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p. 1).

²⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).

²⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).

²⁶ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

²⁶ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

²⁷ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

²⁷ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

²⁸ Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).

²⁸ Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).

²⁹ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

²⁹ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

^{29a} *Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p.1).*

^{29b} *Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1)*

Amendment 22

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) The traceability of products which are vulnerable 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. As a result, businesses which use fertiliser products containing organic material from these sources may be identified. This should be compulsory for products containing material from waste or from by-products which have not undergone any processing that destroys organic pollutants, pathogens and genetic material. The aim is not only to reduce risks to health and the environment but also to reassure public opinion and cater for the concerns of farmers regarding pathogens, organic pollutants and genetic material. In order

to protect land owners against pollution for which they themselves are not to blame, Member States are called upon to establish appropriate liability rules.

Amendment 23

Proposal for a regulation Recital 17 b (new)

Text proposed by the Commission

Amendment

(17b) Untreated by-products of animal production should not be subject to this Regulation.

Amendment 24

Proposal for a regulation Recital 19a (new)

Text proposed by the Commission

Amendment

(19a) In line with the circular economy, certain industry by-products or co-products from specific industrial processes are already used by manufacturers as components of CE marked fertilising products. Requirements related to such component material categories should be laid down in Annex II.

Amendment 25

Proposal for a regulation Recital 20

Text proposed by the Commission

Amendment

(20) A blend of different CE marked fertilising products, each of which has been subject to a successful assessment of conformity with the applicable requirements for that material, can itself be

(20) A combination of products from different product function categories, each of which has been subject to a successful assessment of conformity with the applicable requirements for that material,

expected to be suitable for use as a CE marked fertilising product, subject only to certain additional requirements warranted by the *blending*. Therefore, in order to avoid an unnecessary administrative burden, such *blends* should belong to a separate category, for which the conformity assessment should be limited to the additional requirements warranted by the *blending*.

can itself be expected to be suitable for use as a CE marked fertilising product, subject only to certain additional requirements warranted by the *mixing*. Therefore, in order to avoid an unnecessary administrative burden, such *combinations* should belong to a separate category, for which the conformity assessment should be limited to the additional requirements warranted by the *mixing*.

(This amendment also covers a horizontal amendment on the term “blend” (in plural or singular) being changed to “combination” (in plural or singular); adopting it will necessitate corresponding changes of these terms throughout the text and, consequently, adopted amendments.)

Amendment 26

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) When placing a CE marked *fertilising* product on the market, the importer should indicate on the packaging of the *fertilising* product his or her name, registered trade name or registered trade mark and the postal address at which he or she can be contacted, in order to enable market surveillance.

Amendment

(25) When placing a CE marked product on the market, the importer should indicate on the packaging of the product his or her name, registered trade name or registered trade mark and the postal address at which he or she can be contacted, *as well as the third-country manufacturer* in order to enable market surveillance.

Amendment 27

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) Where harmonised standards have not been adopted, or do not with sufficient detail cover all elements of the quality and safety requirements laid down in this

Amendment

(31) Where harmonised standards have not been adopted, or do not with sufficient detail cover all elements of the quality and safety requirements laid down in this

Regulation, *uniform conditions for implementing* those requirements may be needed. The Commission should therefore be empowered to adopt implementing acts setting out those conditions in common specifications. For reasons of legal certainty, it should be clarified that CE marked fertilising products must comply with such specifications even if they are considered to be in conformity with harmonised standards.

Regulation, *and where there are undue delays in the process of adopting or updating standards to reflect* those requirements, *interim measures* may be needed *to lay down uniform conditions for implementing those requirements*. The Commission should therefore be empowered to adopt implementing acts setting out those conditions in common specifications. For reasons of legal certainty, it should be clarified that CE marked fertilising products must comply with such specifications even if they are considered to be in conformity with harmonised standards.

Amendment 28

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) CE-marked fertilising products should be placed on the market only if they are sufficiently effective and do not present *unacceptable risks* to human, animal or plant health, to safety or to the environment when properly stored and used for their intended purpose, and under conditions of use which can be reasonably foreseen, that is when such use could result from lawful and readily predictable human behaviour. Therefore, requirements for safety and quality, as well as appropriate control mechanisms, should be established. *Furthermore, the intended use of CE marked fertilising products should not lead to food or feed becoming unsafe.*

Amendment

(47) CE-marked fertilising products should be placed on the market only if they are sufficiently effective and do not present *a risk* to human, animal or plant health, to safety or to the environment when properly stored and used for their intended purpose, and under conditions of use which can be reasonably foreseen, that is when such use could result from lawful and readily predictable human behaviour. Therefore, requirements for safety and quality, as well as appropriate control mechanisms, should be established.

Amendment 29

Proposal for a regulation

Recital 49

Text proposed by the Commission

Amendment

(49) The existing system should be supplemented by a procedure under which interested parties are informed of measures intended to be taken with regard to CE marked fertilising products presenting **an unacceptable** risk to human, animal or plant health, to safety or to the environment. It should also allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an early stage in respect of such fertilising products.

Amendment 30

Proposal for a regulation Recital 55

Text proposed by the Commission

(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, **and** fertilising product production from animal by-products, such as biochar. It should be possible for products containing or consisting of such materials to access the internal market without unnecessary delay when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of **defining larger or additional categories of CE marked fertilising products or component materials eligible** for use in **the** production **of such** products. **For** animal by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009, **since animal by-products**

(49) The existing system should be supplemented by a procedure under which **all** interested parties, **including health and consumers stakeholders**, are informed of measures intended to be taken with regard to CE marked fertilising products presenting **a** risk to human, animal or plant health, to safety or to the environment. It should also allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an early stage in respect of such fertilising products.

Amendment

(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, **such as struvite**, fertilising product production from animal by-products, such as biochar, **and phosphorus recovery after incineration, such as ash-based products**. It should be possible for products containing or consisting of such materials to access the internal market without unnecessary delay when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of **the eligibility of such** materials for use in production. **For** products **derived from** animal by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC)

for which no such end point has been determined are in any event excluded from the scope of this Regulation.

No 1069/2009.

Amendment 31

Proposal for a regulation Recital 55 a (new)

Text proposed by the Commission

Amendment

(55a) A CE marked fertilising product may contain other polymers than nutrient polymers, however this should be limited to the cases where the purpose of the polymer is that of controlling the release of nutrients or increasing the water retention capacity of the CE marked fertilising product. It should be possible for innovative products containing such polymers to access the internal market. In order to minimize risks to human health, to safety or to the environment that may be posed by other polymers than nutrient polymers, the criteria for their biodegradation so that they are capable of undergoing physical and biological decomposition should be established. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining the criteria of the conversion of polymeric carbon to be converted into carbon dioxide (CO₂) and a respective testing method for biodegradation.

Amendment 32

Proposal for a regulation Recital 56

Text proposed by the Commission

Amendment

(56) Furthermore, it should be possible

(56) Furthermore, it should be possible

to react immediately to new findings regarding the conditions for CE marked fertilising products to be sufficiently effective and to new risk assessments regarding human, animal or plant health, safety or the environment. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the requirements applicable to various categories of CE marked fertilising products.

to react immediately to new findings regarding the conditions for CE marked fertilising products to be sufficiently effective and to new risk assessments regarding human, animal or plant health, safety or the environment, ***taking into account assessments made by or in cooperation with authorities in the Member States***. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the requirements applicable to various categories of CE marked fertilising products.

Amendment 33

Proposal for a regulation Recital 57

Text proposed by the Commission

(57) ***In exercising those powers***, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. ***The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.***

Amendment

(57) ***When adopting delegated acts provided for in this Regulation***, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, ***and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.***

Amendment 34

Proposal for a regulation Recital 59 a (new)

Text proposed by the Commission

Amendment

(59a) Due to the high level of dependency on phosphate rock imports in the Union, the Commission has classified that material as a critical raw material. It is therefore necessary to monitor the impact of this Regulation on access to raw material supplies in general, on the availability of phosphate rock in particular, and, in both cases, on prices. After such evaluation, and in the case of negative impact, the Commission should take any measures that it deems to be appropriate in order to remedy those disturbances to trade.

Amendment 35

Proposal for a regulation Article 1 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) animal by-products which are subject to the requirements of Regulation (EC) No 1069/2009,

(a) animal by-products ***or derived products*** which are ***made available on the market*** subject to the requirements of Regulation (EC) No 1069/2009,

Amendment 36

Proposal for a regulation Article 1 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Directive 91/676/EEC;

Amendment 37

Proposal for a regulation Article 1 – paragraph 2 – point b b (new)

(bb) Directive 2000/60/EC;

Amendment 38

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) **'fertilising product'** means a substance, mixture, micro-organism or any other material, applied or intended to be applied, either on its own or mixed with another material, on plants or **their** rhizosphere for the purpose of providing plants with nutrient or improving their **nutrition efficiency**;

Amendment

(1) **'plant nutrition product'** means a substance, mixture, micro-organism or any other material, applied or intended to be applied, either on its own or mixed with another material, **on fungi or their mycosphere or** on plants **at any growth stage, including seeds, and/or rhizosphere**, for the purpose of providing plants **or fungi** with nutrients or **of** improving their **physical or biological growth conditions or their general vigour, yields and quality, including by increasing the ability of the plant to take up nutrients from the phyllosphere (with the exception of plant protection products covered by Regulation (EC) No 1107/2009).**

Amendment 39

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

(3) 'substance' means a **substance within the meaning of Article 3(1) of Regulation (EC) No 1907/2006;**

Amendment

(3) 'substance' means a **chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.**

Amendment 40

Proposal for a regulation Article 2 – paragraph 1 – point 13

Text proposed by the Commission

(13) 'technical specification' means a document that prescribes technical requirements to be fulfilled by a CE marked fertilising product;

Amendment

(13) 'technical specification' means a document that prescribes technical requirements to be fulfilled by a CE marked fertilising product ***or by its production process***;

Amendment 41

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

Member States shall not impede the making available on the market of CE marked fertilising products which comply with this Regulation.

Amendment

Member States shall not impede, ***for the aspects and risks covered by this Regulation***, the making available on the market of CE marked fertilising products which comply with this Regulation.

Amendment 42

Proposal for a regulation Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

This 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.

Amendment 43

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. For any aspects not covered by Annex I or II, CE marked fertilising products shall meet the requirement that their use, as specified in the use instructions, does not lead to food or feed of plant origin becoming unsafe within the meaning of Articles 14 and 15 of Regulation (EC) No 178/2002, respectively.

deleted

Amendment 44

Proposal for a regulation Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Commission shall simultaneously with the publication of this Regulation in the Official Journal of the European Union publish a guidance document giving clarity and examples to manufacturers and market surveillance authorities about how the label should look like. This guidance document shall also specify other relevant information as referred to in point (d) of paragraph 2 of Part I of Annex III.

Amendment 45

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. Manufacturers shall keep the technical documentation and the EU declaration of conformity for **10** years after the CE marked fertilising product covered by those documents has been placed on the market.

Amendment

3. 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.

(This is a horizontal amendment on the term for keeping all the technical documentation; adopting it will necessitate corresponding changes throughout the text and, consequently, adopted amendments)

Amendment 46

Proposal for a regulation

Article 6 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Manufacturers shall ensure that procedures are in place for CE marked fertilising products that are part of a series production to remain in conformity with this Regulation. Changes in **production method** *or* characteristics of those fertilising products and changes in the harmonised standards, common specifications referred to in Article 13 or other technical specifications by reference to which conformity of a CE marked fertilising product is declared shall be adequately taken into account.

Amendment

Manufacturers shall ensure that procedures are in place for CE marked fertilising products that are part of a series production to remain in conformity with this Regulation. Changes in **the** characteristics of those fertilising products and changes in the harmonised standards, common specifications referred to in Article 13 or other technical specifications by reference to which conformity of a CE marked fertilising product is declared shall be adequately taken into account.

Amendment 47

Proposal for a regulation

Article 6 – paragraph 4 – subparagraph 2

Text proposed by the Commission

When deemed appropriate with regard to the performance of, or the risks presented

Amendment

When deemed appropriate with regard to the performance of, or the risks presented

by, a CE marked fertilising product, manufacturers shall carry out sample testing of such fertilising products made available on the market, investigate, and, *if necessary*, keep a register of complaints, of non-conforming CE marked fertilising products and recalls of such products, and shall keep distributors informed of any such monitoring.

by, a CE marked fertilising product, manufacturers shall, *to protect the health and safety of consumers and the environment*, carry out sample testing of such fertilising products made available on the market, investigate, and keep a register of complaints, of non-conforming CE marked fertilising products and recalls of such products, and shall keep distributors *and market surveillance authorities* informed of any such monitoring.

Amendment 48

Proposal for a regulation Article 6 – paragraph 6

Text proposed by the Commission

6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted on the packaging of the CE marked fertilising product or, where the fertilising product is supplied without packaging, in a document accompanying the fertilising product. The postal address shall indicate a single point at which the manufacturer can be contacted. The *contact details* shall be in a language easily understood by end-users and market surveillance authorities.

Amendment

6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted on the packaging of the CE marked fertilising product or, where the fertilising product is supplied without packaging, in a document accompanying the fertilising product. The postal address shall indicate a single point at which the manufacturer can be contacted. The *above mentioned information* shall be in a language easily understood by end-users and market surveillance authorities *as determined by the Member State concerned, and shall be clear, understandable and legible.*

Amendment 49

Proposal for a regulation Article 6 – paragraph 7

Text proposed by the Commission

7. Manufacturers shall ensure that CE marked fertilising products *are* labelled in

Amendment

7. Manufacturers shall ensure that CE marked fertilising product *is* labelled in

accordance with Annex III, or where the fertilising product is supplied *without packaging, that the labelling statements are* provided in a *document* accompanying the *fertilising product and accessible for inspection purposes when the* product is *placed on the market. The labelling statement* shall be in a language which can be easily understood by end-users, as determined by the Member State concerned, and shall be clear, understandable and intelligible.

accordance with Annex III, or where *the package is too small for the label to contain all the information, or where the CE marked fertilising product is supplied without packaging, that the required information is provided in a document accompanying the CE marked fertilising product. The information required in accordance with Annex III* shall be in a language which can be easily understood by end-users, as determined by the Member State concerned, and shall be clear, understandable and intelligible.

Amendment 50

Proposal for a regulation

Article 6 – paragraph 10 – introductory part

Text proposed by the Commission

10. The manufacturer shall submit to the competent authority of the Member State of destination a report of the detonation resistance test prescribed in Annex IV *for* the following CE marked fertilising products:

Amendment

10. The manufacturer shall submit to the competent authority of the Member State of destination a report of the detonation resistance test prescribed in Annex IV, *and guarantee that* the following CE marked fertilising products *are capable of passing that test:*

Amendment 51

Proposal for a regulation

Article 6 – paragraph 10 – subparagraph 1 – point b

Text proposed by the Commission

(b) *fertilising* product *blends*, as specified in product function category 7 in Annex I, containing a fertiliser referred to in point (a).

Amendment

(b) *combinations from different* product *function categories*, as specified in product function category 7 in Annex I, containing a fertiliser referred to in point (a).

Amendment 52

Proposal for a regulation

Article 6 – paragraph 10 – subparagraph 2

Text proposed by the Commission

The report shall be submitted at least five days in advance of placing those products on the market.

Amendment

The report shall be submitted at least five **working** days in advance of placing those products on the market. **List of competent authorities of Member States shall be provided by the Commission on its website.**

Amendment 53

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. **Importers shall place** only compliant CE marked **fertilising products** on the market.

Amendment

1. Only compliant CE marked **fertilizer can be imported into the Union and placed** on the **Union** market.

Amendment 54

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

2. Before placing a CE marked fertilising product on the market importers shall ensure that the appropriate conformity assessment procedure referred to in Article 14 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the CE marked fertilising product is accompanied by the EU declaration of conformity and the required documents, and that the manufacturer has complied with the requirements set out in Article 6(5) and (6). Where an importer considers or has reason to believe that a CE marked fertilising product is not in conformity with the

Amendment

2. Before placing a CE marked fertilising product on the market importers shall ensure that the appropriate conformity assessment procedure referred to in Article 14 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the CE marked fertilising product is accompanied by the EU declaration of conformity and the required documents, and that the manufacturer has complied with the requirements set out in Article 6(5) and (6). Where an importer considers or has reason to believe that a CE marked fertilising product is not in conformity with the

applicable requirements *set out in Annex I, Annex II or Annex III*, he or she shall not place the fertilising product on the market until it has been brought into conformity. Furthermore, where the CE marked fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

applicable requirements *of this Regulation*, he or she shall not place the fertilising product on the market until it has been brought into conformity. Furthermore, where the CE marked fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

Amendment 55

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

3. Importers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted on the packaging of the CE marked fertilising product or, where the CE marked fertilising product is supplied without packaging, in a document accompanying the fertilising product. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

Amendment

3. Importers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted *as well as the third-country manufacturers* on the packaging of the CE marked fertilising product or, where the CE marked fertilising product is supplied without packaging, in a document accompanying the fertilising product. The contact details shall be in a language easily understood by end-users and market surveillance authorities.

Amendment 56

Proposal for a regulation Article 8 – paragraph 4

Text proposed by the Commission

4. Importers shall ensure that the CE marked fertilising product is labelled in accordance with Annex III in a language which can be easily understood by end-users, as determined by the Member State

Amendment

4. Importers shall ensure that the CE-marked fertilising product is labelled in accordance with Annex III, *or where the package is too small for the label to contain all the information, or where the CE marked fertilising product is supplied*

concerned.

without packaging, that the required information is provided in a document accompanying the CE marked fertilising product. The information required in accordance with Annex III shall be in a language which can be easily understood by end-users, as determined by the Member State concerned.

Amendment 57

Proposal for a regulation Article 8 – paragraph 6

Text proposed by the Commission

6. When deemed appropriate with regard to the performance of or the risks presented by a CE marked fertilising product, importers shall carry out sample testing of such fertilising products made available on the market, investigate, and, *if necessary*, keep a register of complaints, of non-conforming CE marked fertilising products and recalls of such products, and shall keep distributors informed of any such monitoring.

Amendment

6. When deemed appropriate with regard to the performance of or the risks presented by a CE marked fertilising product, importers shall, ***to protect the health and safety of consumers and the environment***, carry out sample testing of such fertilising products made available on the market, investigate, and keep a register of complaints, of non-conforming CE marked fertilising products and recalls of such products, and shall keep distributors informed of any such monitoring.

Amendment 58

Proposal for a regulation Article 8 – paragraph 8

Text proposed by the Commission

8. Importers shall, for **10** years after the CE marked fertilising product has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.

Amendment

8. Importers shall, for **five** years after the CE marked fertilising product has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request. ***On request, importers shall make a copy of the EU declaration of conformity***

available to other economic operators concerned.

Amendment 59

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Before making a CE marked fertilising product available on the market distributors shall verify that it is accompanied by the ***EU declaration of conformity and by the*** required documents, that it is labelled in accordance with Annex III in a language which can be easily understood by end-users in the Member State in which the CE marked fertilising product is to be made available on the market, and that the manufacturer and the importer have complied with the requirements set out in Article 6(5) and (6) and Article 8(3) respectively.

Amendment

Before making a CE marked fertilising product available on the market distributors shall verify that it is accompanied by the required documents, that it is labelled in accordance with Annex III in a language which can be easily understood by end-users in the Member State in which the CE marked fertilising product is to be made available on the market, and that the manufacturer and the importer have complied with the requirements set out in Article 6(5) and (6) and Article 8(3) respectively. ***Where the package is too small for the label to contain all the information, or where the CE marked fertilising product is supplied without packaging, market distributors shall verify that the required information is provided in a document accompanying the CE marked fertilising product.***

Amendment 60

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where a distributor considers or has reason to believe that a CE marked fertilising product is not in conformity with the applicable requirements ***set out in Annex I, Annex II or Annex III***, he or she shall not make the fertilising product available on the market until it has been brought into conformity. Furthermore, where the CE

Amendment

Where a distributor considers or has reason to believe that a CE marked fertilising product is not in conformity with the applicable requirements ***of this Regulation***, he or she shall not make the fertilising product available on the market until it has been brought into conformity. Furthermore, where the CE marked

marked fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance authorities.

fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance authorities.

Amendment 61

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

Without prejudice to the common specifications referred to in Article 13, CE marked fertilising products which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements set out in Annexes I, II and III covered by those standards or parts thereof.

Amendment

CE marked fertilising products which are ***in conformity with, or have been tested*** in conformity with harmonised standards or parts thereof the references of which have been published in the *Official Journal of the European Union* shall be presumed to be in conformity with the ***respective*** requirements set out in Annexes I, II and III covered by those standards or parts thereof.

Amendment 62

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

The Commission may adopt implementing acts laying down common specifications, the compliance with which shall ensure conformity with the requirements set out in Annexes I, II and III covered by those specifications or parts thereof. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(3).

Amendment

Where a requirement set out in Annexes I, II or III is not covered by harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, and where following a request to one or several European standardisation organisations to draft harmonised standards for that requirement the Commission observes undue delays in the adoption of that standard, the Commission may adopt implementing acts laying down common specifications for that requirement. Those implementing acts

shall be adopted in accordance with the examination procedure referred to in Article 41(3).

Amendment 63

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

1. The CE marking shall be affixed visibly, legibly and indelibly to the ***accompanying documents and***, where the CE marked fertilising product is supplied ***in a packaged form***, to the ***packaging***.

Amendment

1. The CE marking shall be affixed visibly, legibly and indelibly to the ***packaging of the CE marked fertilising product or***, where the CE marked fertilising product is supplied ***without packaging***, to the ***documents accompanying the CE marked fertilising product***.

Amendment 64

Proposal for a regulation Article 17 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The CE marking shall be followed by the identification number of the notified body ***involved in the conformity assessment referred to in Annex IV, Module D1***.

Amendment

The CE marking shall be followed by the identification number of the notified body, ***where required by Annex IV***.

Amendment 65

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

A CE marked fertilising product that has undergone a recovery operation and ***complies with the requirements laid down in this Regulation*** shall be considered to comply with the conditions laid down in

Amendment

Where a material that was waste has undergone a recovery operation and ***a CE marked fertilising product compliant with this Regulation contains or consists of that material, the material*** shall be

Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste.

considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste ***from the moment the EU declaration of conformity is drawn up.***

Amendment 66

Proposal for a regulation Article 30 – paragraph 2

Text proposed by the Commission

2. The notifying ***Member State*** shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.

Amendment

2. The notifying ***authorities*** shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.

Amendment 67

Proposal for a regulation Article 31 – paragraph 3

Text proposed by the Commission

3. Where a notified body finds that the requirements set out in Annex I, Annex II or Annex III, or corresponding harmonised standards, common specifications referred to in Article 13 ***or other technical specifications***, have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall not issue a certificate.

Amendment

3. Where a notified body finds that the requirements set out in Annex I, Annex II or Annex III, or corresponding harmonised standards, ***or*** common specifications referred to in Article 13, have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall not issue a ***conformity*** certificate ***or approval decision***.

Amendment 68

Proposal for a regulation Article 31 – paragraph 4

Text proposed by the Commission

4. Where, in the course of the

Amendment

4. Where, in the course of the

monitoring of conformity following the issue of a certificate, a notified body finds that a CE marked fertilising product no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate if necessary.

monitoring of conformity following the issue of a certificate **or approval decision**, a notified body finds that a CE marked fertilising product no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate **or approval decision** if necessary.

Amendment 69

Proposal for a regulation

Article 31 – paragraph 5

Text proposed by the Commission

5. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates, as appropriate.

Amendment

5. Where corrective measures are not taken or do not have the required effect **and a CE marked fertilising product thus remains non-compliant with the requirements of this Regulation**, the notified body shall restrict, suspend or withdraw any certificates **or approval decisions**, as appropriate.

Amendment 70

Proposal for a regulation

Article 33 – paragraph 1 – point a

Text proposed by the Commission

(a) any refusal, restriction, suspension or withdrawal of a certificate;

Amendment

(a) any refusal, restriction, suspension or withdrawal of a certificate **or approval decision**;

Amendment 71

Proposal for a regulation

Article 37 – title

Text proposed by the Commission

Procedure for dealing with CE marked fertilising products presenting a risk **at**

Amendment

Procedure **at national level** for dealing with CE marked fertilising products

national level

presenting a risk

Amendment 72

Proposal for a regulation

Article 37 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where the market surveillance authorities of one Member State have sufficient reason to believe that a CE marked fertilising product presents ***an unacceptable*** risk to human, animal or plant health, to safety or to the environment, they shall carry out an evaluation in relation to the fertilising product concerned covering the requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.

Amendment

Where the market surveillance authorities of one Member State have sufficient reason to believe that a CE marked fertilising product presents ***a*** risk to human, animal or plant health, to safety or to the environment ***or to other aspects of public interest protection covered by this Regulation***, they shall carry out an evaluation in relation to the fertilising product concerned covering ***all*** the requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.

(This amendment also covers a horizontal amendment on the term “unacceptable risk” (in plural or singular) being changed to “risk” (in singular); adopting it will necessitate corresponding changes of these terms throughout the text and, consequently, adopted amendments.)

Amendment 73

Proposal for a regulation

Article 37 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where, in the course of the evaluation, the market surveillance authorities find that the CE market fertilising product does not comply with the requirements laid down in this Regulation, they shall without delay require the economic operator to take all appropriate corrective actions ***within a***

Amendment

Where, in the course of the evaluation, the market surveillance authorities find that the CE market fertilising product does not comply with the requirements laid down in this Regulation, they shall without delay require the economic operator to take all appropriate corrective actions to bring the

reasonable period to bring the fertilising product into compliance with those requirements, to withdraw the fertilising product from the market, to recall it, ***or*** to remove the CE marking.

fertilising product into compliance with those requirements, to withdraw the fertilising product from the market ***or*** to recall it ***within a reasonable period, commensurate with the nature of the risk, as they may prescribe, and*** to remove the CE marking.

Amendment 74

Proposal for a regulation

Article 37 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the CE marked fertilising product being made available on their national market, to withdraw the fertilising product from that market or to recall it.

Amendment

Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the CE marked fertilising product being made available on their national market, to withdraw the fertilising product from that market or to recall it. ***Market surveillance authorities' obligations in this respect shall be without prejudice to Member States' possibility to regulate fertilising products which are not CE marked when made available on the market.***

Amendment 75

Proposal for a regulation

Article 37 – paragraph 5 – point b

Text proposed by the Commission

(b) shortcomings in the harmonised standards referred to in Article 12 ***conferring a presumption of conformity.***

Amendment

(b) shortcomings in the harmonised standards referred to in Article 12;

Amendment 76

Proposal for a regulation

Article 37 – paragraph 5 – point b a (new)

(ba) shortcomings in the common specifications referred to in Article 13.

Amendment 77

Proposal for a regulation

Article 38 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the national measure is considered to be justified and the non-compliance of the CE marked fertilising product is attributed to shortcomings in the common specifications referred to in point (c) of Article 37(5), the Commission shall, without delay, adopt implementing acts amending or repealing the common specification concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(3).

Amendment 78

Proposal for a regulation

Article 39 – paragraph 1

Text proposed by the Commission

Amendment

1. Where, having carried out an evaluation under Article 37(1), a Member State finds that although a CE marked fertilising product is in compliance with this Regulation it presents ***an unacceptable*** risk to human, animal or plant health, to safety or to the environment, it shall require the relevant economic operator to take all appropriate measures ***within a reasonable period*** to ensure that the fertilising product concerned, when ***placed*** on the market, no longer presents that risk, to withdraw the fertilising product from the

1. Where, having carried out an evaluation under Article 37(1), a Member State finds that although a CE marked fertilising product is in compliance with this Regulation it presents ***a*** risk to human, animal or plant health, to safety or to the environment ***or to other aspects of public interest protection covered by this Regulation***, it shall ***without delay*** require the relevant economic operator to take all appropriate measures, ***within a reasonable period prescribed by the market surveillance authority and commensurate with the nature of the risk***, to ensure that

market or to recall it.

the fertilising product concerned, when ***made available*** on the market, no longer presents that risk, to withdraw the fertilising product from the market or to recall it.

Amendment 79

Proposal for a regulation Article 40 – paragraph 1 – point c

Text proposed by the Commission

(c) the EU declaration of conformity ***does not accompany the CE marked fertilising product;***

Amendment

(c) the EU declaration of conformity ***has not been drawn up;***

Amendment 80

Proposal for a regulation Article 42 – paragraph 1

Text proposed by the Commission

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV for the purposes of adapting them to technical progress and facilitating internal market access and free movement for CE marked fertilising products.

(a) which ***are likely*** to be subject of significant trade on the internal market, and

(b) for which there is scientific evidence that they do not present ***an unacceptable*** risk to human, animal or plant health, to safety or to the environment, and that they are sufficiently

Amendment

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV for the purposes of adapting them to technical progress, ***taking into account products and materials already authorised in Member States, and in particular in the fields of fertilising product production from animal by-products and waste recovery, and for the purpose of*** facilitating internal market access and free movement for CE marked fertilising products:

(a) which ***have potential*** to be subject of significant trade on the internal market, and

(b) for which there is scientific evidence that they do not present ***a*** risk to human, animal or plant health, to safety or to the environment, and that they are

effective.

sufficiently effective.

Amendment 81

Proposal for a regulation

Article 42 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without undue delay after ... [date of the entry into force of this Regulation], the Commission shall adopt a delegated act, in accordance with paragraph 1, to amend the component material categories set out in Annex II to add in particular animal by-products for which the end-point has been determined, struvite, biochar and ash-based products to those component material categories, as well as to lay down the requirements for the inclusion of those products in those categories. When adopting those delegated acts, the Commission shall specifically take into account technological progress in the recovery of nutrients.

Amendment 82

Proposal for a regulation

Article 42 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Where the Commission amends Annex II in order to add new micro-organisms to the component material category for such organisms ***pursuant to paragraph 1***, it shall do so on the basis of the following data:

2. Where the Commission amends Annex II in order to add new ***strains of*** micro-organisms to the component material category for such organisms, it shall do so, ***after verifying that all concerned strains of the additional microorganism comply with the requirements in point (b) of paragraph 1 of this Article***, on the basis of the following data:

Amendment 83

Proposal for a regulation Article 42 – paragraph 2 – point a

Text proposed by the Commission

(a) name of the micro-organism;

Amendment

(a) name of the micro-organism ***at strain level***;

Amendment 84

Proposal for a regulation Article 42 – paragraph 2 – point c

Text proposed by the Commission

(c) ***historical data of*** safe production and use of the micro-organism

Amendment

(c) ***scientific literature reporting about*** safe production and use of the micro-organism

Amendment 85

Proposal for a regulation Article 42 – paragraph 2 – point d

Text proposed by the Commission

(d) taxonomic relation to micro-organism species fulfilling the requirements for a Qualified Presumption of Safety as established by the European Food Safety ***Agency***;

Amendment

(d) taxonomic relation to micro-organism species fulfilling the requirements for a Qualified Presumption of Safety as established by the European Food Safety ***Authority, or reference of declared conformity to the relevant harmonised standards on safety of micro-organisms used which have been published in the Official Journal of the European Union, or conformity with the requirements for the safety evaluation of new micro-organisms as adopted by the Commission if such harmonised standards are not in place***;

Amendment 86

Proposal for a regulation

Article 42 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

To reflect the rapid technological progress in that field, the Commission shall, by ... [one year after the date of entry into force of this Regulation], adopt delegated acts in accordance with Article 43 to define criteria for the evaluation of new micro-organisms that may be used in plant nutrition products without being inscribed nominally in a positive list.

Amendment 87

Proposal for a regulation

Article 42 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By ... [six months after the date of entry into force of this Regulation], the Commission shall amend Annex II in order to insert the end-points in the manufacturing chain that have been determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009, with regard to the animal by-products listed in CMC 11 of Annex II.

Amendment 88

Proposal for a regulation

Article 42 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. When adopting delegated acts pursuant to paragraph 1, the Commission shall amend the component material category setting the requirement for

polymers other than nutrient polymers set out in Annex II in order to reflect the latest scientific evidence and technological development, and by ... [three years after the date of application of this Regulation] shall define the criteria of the conversion of polymeric carbon to be converted into carbon dioxide (CO₂) and a respective testing method for biodegradation.

Amendment 89

Proposal for a regulation Article 42 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. *When adopting delegated acts pursuant to paragraph 1, the Commission shall amend the component material category setting the criteria for other industry by-products set out in Annex II in order to reflect the present product manufacturing practices, technological development and the latest scientific evidence, and by ... [one year after the date of entry into force of this Regulation] shall define the criteria for industrial by-products for their inclusion to the component material category.*

Amendment 90

Proposal for a regulation Article 42 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *With regard to Part II of Annex I, the empowerment to adopt delegated acts in accordance with paragraphs 1 and 4 of this Article shall not cover adaptations to the contaminant limits specified therein, unless new contaminant limits are necessary as a consequence of adding*

new component materials under Annex II. When new contaminant limits are set, those limits shall only apply to the new component materials added.

Amendment 91

Proposal for a regulation Article 43 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.*

Amendment 92

Proposal for a regulation Article 44 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them. ***Member States shall take all measures necessary to ensure that their rules on penalties are enforced.***

Amendment 93

Proposal for a regulation

Article 45 – paragraph 1 – point 1 a (new)

Regulation (EC) No 1069/2009

Article 5 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) in paragraph 2, the following subparagraph is inserted after the first subparagraph:

“For derived products falling under the scope of Article 32 that are already widely used in Member States for the production of fertilisers, the Commission shall determine such an end-point by ... [six months after the date of entry into force of the Fertilisers Regulation]”.

Amendment 94

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) 1107/2009

Article 3 – point 34 – introductory part

Text proposed by the Commission

Amendment

(3) "34. "plant biostimulant" means a product stimulating plant nutrition processes independently of **the product's** nutrient content with the sole aim of improving one or more of the following characteristics of the plant:

“34. "plant biostimulant" means a product containing any substance or micro-organism stimulating plant nutrition processes independently of its nutrient content, or any combination of such substances and/or micro-organisms, with the sole aim of improving one or more of the following characteristics of the plant or the plant rhizosphere:

Amendment 95

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) 1107/2009

Article 3 – point 34 – point c

Text proposed by the Commission

Amendment

(c) crop quality *traits*.

(c) crop quality.

Amendment 96

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) 1107/2009

Article 3 – point 34 – point c a (new)

Text proposed by the Commission

Amendment

(ca) availability of confined nutrients in soil, rhizosphere or phyllosphere;

Amendment 97

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) 1107/2009

Article 3 – point 34 – point c b (new)

Text proposed by the Commission

Amendment

(cb) degradation of organic compounds in the soil

Amendment 98

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) 1107/2009

Article 3 – point 34 – point c c (new)

Text proposed by the Commission

Amendment

(cc) humification;

Amendment 99

Proposal for a regulation

Article 48 – title

Text proposed by the Commission

Amendment

Transitional provisions

Transitional provisions, ***review and reporting***

Amendment 100

Proposal for a regulation Article 48 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall not impede the making available on the market of products which were placed on the market as fertilisers designated "EC fertiliser" in conformity with Regulation (EC) No 2003/2003 before [***Publications office, please insert*** the date of application of this Regulation]. However, Chapter 5 shall apply mutatis mutandis to such products.

Member States shall not impede the making available on the market of products which were placed on the market as fertilisers designated "EC fertiliser" in conformity with Regulation (EC) No 2003/2003 before ... [***twelve months after*** the date of application of this Regulation]. However, Chapter 5 shall apply mutatis mutandis to such products.

Amendment 101

Proposal for a regulation Article 48 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States which have already implemented a lower limit for cadmium (Cd) content in organo-mineral fertilisers and inorganic fertilisers, set out in PFC 1 (B)(3)(a) and PFC 1 (C)(I)(2)(a) of Part II of Annex I may maintain that stricter limit until the limit established according to this Regulation is equal or lower. Member States shall notify such existing national measures to the Commission by ... [six months after the date of entry into force of this Regulation].

Amendment 102

Proposal for a regulation Article 48 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. By ... [42 months after the date of application of this Regulation], the Commission shall submit to the European Parliament and to the Council a report assessing the application of this Regulation and its overall impact as to the attainment of its objectives, including the impact on SMEs. That report shall in particular include:

(a) an assessment of the functioning of the internal market for fertilising products, including the conformity assessment and market surveillance effectiveness, an analysis of the effects of partial harmonization on production, use patterns and trade flows of CE marked fertilising products and fertilising products placed on the market under national rules;

(b) an assessment of application of restrictions on levels of contaminants as laid out in Annex I of this Regulation, any new relevant scientific information as regards the toxicity and carcinogenicity of contaminants if it becomes available, including the risks from uranium contamination in fertilising products;

(c) an assessment of the developments in decadmiation technologies and their impact, scale and costs across the value chain, as well as related cadmium waste management; and

(d) an assessment of the impacts on trade in raw material sourcing, including the availability of phosphate rock.

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

necessary, by a legislative proposal by ... [five years after the date of application of this Regulation].

By ...[12 months after the entry into force of this Regulation] the Commission shall submit an evaluation of the scientific data to set the agronomic and environmental criteria to define end-of-livestock-manure criteria in order to qualify the performance of products that contain or consist of processed livestock manure;

Amendment 103

Proposal for a regulation

Article 48 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

Ic. By ... [five years after the date of entry into force of this Regulation], the Commission shall carry out a review of the conformity assessment procedure of micro-organisms

Amendment 104

Proposal for a regulation

Article 49 – paragraph 2

Text proposed by the Commission

Amendment

It shall apply from **1 January 2018**.

It shall apply from ... [two years after the date of entry into force of this Regulation], with the exception of Articles 19 to 35, which shall apply from ... [one year after the date of entry into force of this Regulation] and Articles 13, 41, 42, 43 and 45, which shall apply from ... [the date of entry into force of this Regulation].

Amendment 105

Proposal for a regulation

Annex I – part I – point 1 – point C a (new)

Text proposed by the Commission

Amendment

Ca. Low carbon fertiliser

Amendment 106

Proposal for a regulation

Annex I – part I – point 5 – point A – point I a (new)

Text proposed by the Commission

Amendment

Ia. Denitrification inhibitor

Amendment 107

Proposal for a regulation

Annex I – part II – point 4

Text proposed by the Commission

Amendment

4. Where the CE marked fertilising product contains a substance for which maximum residue limits for food and feed have been established in accordance with

deleted

(a) Council Regulation (EEC) No 315/93³²,

(b) Regulation (EC) No 396/2005 of the European Parliament and of the Council³³,

(c) Regulation (EC) No 470/2009 of the European Parliament and of the Council³⁴ or

(d) Directive 2002/32/EC of the European Parliament and of the Council³⁵,

the use of the CE marked fertilising product as specified in the use instructions must not lead to the exceedance of those limits in food or feed.

³² Council Regulation (EEC) No 315/93 of 8 February 1993 laying down

Community procedures for contaminants in food (OJ L 37, 13.2.1993, p. 1).

³³ *Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).*

³⁴ *Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council (OJ L 152, 16.6.2009, p. 11).*

³⁵ *Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed (OJ L 140, 30.5.2002, p. 10).*

Amendment 108

Proposal for a regulation

Annex I – part II – point 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Ingredients submitted for approval or re-approval under Regulation (EC) No 1107/2009 but not included in Implementing Regulation (EU) No 540/2011 shall not be used in fertilising products when non-inclusion is justified by paragraph 4 of Article 1 of Regulation (EC) No 1107/2009.

Amendment 109

Proposal for a regulation
Annex I – part II – PFC 1(A) – point 1

Text proposed by the Commission

1. An organic fertiliser shall contain

- carbon (C) and
- nutrients

of solely biological origin, excluding **material** which *is* fossilized or embedded in geological formations.

Amendment

1. An organic fertiliser shall contain

- **organic** carbon (**Corg**) and
- nutrients

of solely biological origin, **such as peat, including leonardite, lignite and substances obtained from those materials, but** excluding **other materials** which *are* fossilized or embedded in geological formations.

Amendment 110

Proposal for a regulation
Annex I – part II – PFC 1(A) – point 2 – indent 1

Text proposed by the Commission

- Cadmium (Cd) **1,5** mg/kg dry matter,

Amendment

- Cadmium (Cd) **1,0** mg/kg dry matter,

Amendment 111

Proposal for a regulation
Annex I – part II – PFC 1(A) – point 2 – indent 5

Text proposed by the Commission

- Lead (Pb) **120** mg/kg dry matter, and

Amendment

- Lead (Pb) **20** mg/kg dry matter, and

Amendment 112

Proposal for a regulation
Annex I – part II – PFC 1(A) – point 2 – indent 6

Text proposed by the Commission

- Biuret (C₂H₅N₃O₂) **12 g/kg dry matter.**

Amendment

- Biuret (C₂H₅N₃O₂) **under detection limit.**

Amendment 113

Proposal for a regulation

Annex I – part II – PFC 1(A) – point 3

Text proposed by the Commission

3. *Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.*

Amendment

3. *Pathogens must not be present in the organic fertiliser in a concentration of more than the respective limits outlined in the table below:*

<i>Micro-organism to be tested</i>	<i>Sampling plans</i>			<i>Limit</i>
	<i>n</i>	<i>c</i>	<i>m</i>	<i>M</i>
<i>Salmonella spp</i>	5	0	0	<i>Absence in 25g or 25ml</i>
<i>Escherichia coli or Enterococcaceae</i>	5	5	0	<i>1000 in 1g or 1ml</i>

where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100g or 100ml of the organic fertiliser.

Amendment 114

Proposal for a regulation

Annex I – part II – PFC 1(A) (I) – point1 a (new)

Text proposed by the Commission

Amendment

1a. The CE marked fertilising product shall contain at least one of the following declared nutrients: nitrogen (N), phosphorus pentoxide (P₂O₅) or potassium oxide (K₂O).

Amendment 115

Proposal for a regulation

Annex I – part II – PFC 1 (A) (I) – point 2 a (new)

Text proposed by the Commission

Amendment

2a. *Where the CE marked fertilising product contains more than one nutrient the product shall contain the primary declared nutrients in the minimum quantities stated below: □*

2,5 % by mass of total nitrogen (N), or 2 % by mass of total phosphorus pentoxide (P₂O₅), or 2 % by mass of total potassium oxide (K₂O), and

6,5 % by mass of total sum of nutrients.

Amendment 116

Proposal for a regulation

Annex I – part II – PFC 1(A) (II) – point 1 a (new)

Text proposed by the Commission

Amendment

1a. *The CE marked fertilising product shall contain at least one of the following declared nutrients: nitrogen (N), phosphorus pentoxide (P₂O₅) or potassium oxide (K₂O).*

Amendment 117

Proposal for a regulation

Annex I – part II – PFC 1(A)(II) – point 2 – introductory part

Text proposed by the Commission

Amendment

2. The CE marked fertilising product shall contain at least one of the following declared nutrients in the minimum quantities stated:

2. The CE marked fertilising product shall contain at least one of the following declared **primary** nutrients in the minimum quantities stated:

Amendment 118

Proposal for a regulation

Annex I – part II – PFC 1(A) (II) – point 2 – indent 1

Text proposed by the Commission

- 2% by mass of total nitrogen (N),

Amendment

- 1% by mass of total nitrogen (N),
and/or

Amendment 119

Proposal for a regulation

Annex I – part II – PFC 1 (A) (II) – point 2 – indent 2

Text proposed by the Commission

– 1% by mass of total phosphorus pentoxide (P₂O₅), or

Amendment

– 2 % by mass of total phosphorus pentoxide (P₂O₅), or

Amendment 120

Proposal for a regulation

Annex I – part II – PFC 1 (A) (II) – point 2 – indent 3

Text proposed by the Commission

– 2% by mass of total potassium oxide (K₂O).

Amendment

– 1 % (*one percent*) by mass of total potassium oxide (K₂O) *and*

Amendment 121

Proposal for a regulation

Annex I – part II – PFC 1 (A) (II) – point 2 – indent 3 a (new)

Text proposed by the Commission

Amendment

– 6,5 % by mass of total sum of
nutrients.

Amendment 122

Proposal for a regulation

Annex I – part II – PFC 1 (A) (II) – point 2 a (new)

2a. Where the CE marked fertilising product contains more than one nutrient the product shall contain the primary declared nutrients in the minimum quantities stated below: □

2 % by mass of total nitrogen (N), or 1 % by mass of total phosphorus pentoxide (P₂O₅), or 2 % by mass of total potassium oxide (K₂O), and

5 % by mass of total sum of primary nutrients.

Amendment 123

Proposal for a regulation
Annex I – part II – PFC 1(B) – point 1

Text proposed by the Commission

Amendment

1. An organo-mineral fertiliser shall be a co-formulation of
- one or more *inorganic* fertilisers, as specified in PFC 1(C) below, and
 - *a material* containing organic carbon (C) and
 - nutrients of solely biological origin, excluding *material* which *is* fossilized or embedded in geological formations.

1. An organo-mineral fertiliser shall be a co-formulation of
- one or more *mineral* fertilisers, as specified in PFC 1(C) below, and
 - *one or more materials* containing organic carbon (*Corg*) and
 - nutrients of solely biological origin, *such as peat, including leonardite, lignite and substances obtained from those materials, but* excluding *other materials* which *are* fossilized or embedded in geological formations.

Amendment 124

Proposal for a regulation
Annex I – part II – PFC 1(B) – point 3 – point a – point 2 – indent 3

Text proposed by the Commission

Amendment

- As of [*Publications office, please insert the date occurring twelve* years after the date of application of this Regulation]: 20 mg/kg phosphorus pentoxide (P₂O₅),

- As of ... [*nine* years after the date of application of this Regulation]: 20 mg/kg phosphorus pentoxide (P₂O₅),

Amendment 125

Proposal for a regulation

Annex I – part II – PFC 1(B) – point 3 – point e

Text proposed by the Commission

Amendment

(e) Lead (Pb) **120** mg/kg dry matter.

(e) Lead (Pb) **20** mg/kg dry matter.

Amendment 126

Proposal for a regulation

Annex I – part II – PFC 1(B) – point 4

Text proposed by the Commission

4. *Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.*

Amendment

4. *Pathogens must not be present in the organo-mineral fertiliser in a concentration of more than the respective limits outlined in the table below:*

<i>Micro-organism to be tested</i>	<i>Sampling plans</i>			<i>Limit</i>
	<i>n</i>	<i>c</i>	<i>m</i>	<i>M</i>
<i>Salmonella spp</i>	5	0	0	<i>Absence in 25g or 25ml</i>
<i>Escherichia coli or Enterococcaceae</i>	5	5	0	<i>1000 in 1g or 1ml</i>

where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100g or 100ml of the organo-mineral fertiliser.

Amendment 127

Proposal for a regulation

Annex I – part II – PFC 1(B)(I) – point 2 – indent 2

Text proposed by the Commission

- 2 % by mass of **total** phosphorus pentoxide (P₂O₅), or

Amendment

- 1 % by mass of Phosphorus pentoxide (P₂O₅) **soluble in neutral ammonium citrate and water**, or

Amendment 128

Proposal for a regulation

Annex I – part II – PFC 1 (B) (I) – point 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the CE marked fertilising product contains more than one nutrient the product shall contain the primary declared nutrients in the minimum quantities stated below:

2,5 % by mass of total nitrogen (N), out of which 1% by mass of the CE marked fertilising product shall be organic nitrogen (N), or 2 % by mass of total phosphorus pentoxide (P₂O₅), or 2 % by mass of total potassium oxide (K₂O), and 6,5 % by mass of total sum of primary nutrients.

Amendment 129

Proposal for a regulation

Annex I – part II – PFC 1(B)(I) – point 4

Text proposed by the Commission

4. In the CE marked fertilising product, each unit shall contain **the** organic **matter and** the nutrients in their declared content.

Amendment

4. In the CE marked fertilising product, each unit shall contain organic **carbon and all** the nutrients in their declared content. **A unit refers to one of the component pieces of product such as granules, pellets, etc.**

Amendment 130

Proposal for a regulation

Annex I – part II – PFC 1(B)(II) – point 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the product contains more than one nutrient, the following minimum quantities shall be present:

- **1 % by mass of total nitrogen (N),**
or
- **1 % by mass of total phosphorus pentoxide (P₂O₅), or**
- **1 % by mass of total potassium oxide (K₂O),**

and where the sum of the nutrients is minimum 4 %.

Amendment 131

**Proposal for a regulation
Annex I – part II – PFC 1(B) (II) – point 3**

Text proposed by the Commission

Amendment

3. Organic carbon (C) shall be present in the CE marked fertilising product by at least **3 %** by mass.

3. Organic carbon (C) shall be present in the CE marked fertilising product by at least **1 %** by mass.

Amendment 132

**Proposal for a regulation
Annex I – part II – PFC 1(C) – point 1**

Text proposed by the Commission

Amendment

1. **An inorganic** fertiliser shall be a fertiliser **other than an organic or organo-mineral fertiliser.**

1. **A mineral** fertiliser shall be a **fertiliser containing nutrients in a mineral form, or processed into a mineral form from animal or plant origin. Organic carbon (C_{org}) in the CE marked fertilising product shall not exceed 1 % by mass. That excludes carbon which comes from coatings complying with the requirements of CMC 9 and 10 and agronomic additives complying with the requirements of PFC 5 and CMC 8.**

Amendment 133

Proposal for a regulation

Annex I – part II – PFC 1(C) - point 1 a (new)

Text proposed by the Commission

Amendment

1a. Phosphorus fertilisers have to fulfil at least one of the following minimum solubility levels to be plant-available, otherwise they cannot be declared as phosphorus fertiliser:

- Water solubility: minimum level 40% of total P, or***
- Solubility in neutral ammonium citrate: minimum level 75 % of total P, or***
- Solubility in formic acid (only for soft rock phosphate): minimum level 55 % of total P.***

Amendment 134

Proposal for a regulation

Annex I – part II – PFC 1(C) - point 1 b (new)

Text proposed by the Commission

Amendment

1b. The total declarable nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from methylene-urea, N from isobutylidene diurea, N from crotonylidene diurea. The declarable phosphorus content is given by the phosphatic P form. New forms can be added after a scientific examination in accordance with Article 42(1).

Amendment 135

Proposal for a regulation

Annex I – part II – PFC 1 (C) (I) – point 1

Text proposed by the Commission

1. An **inorganic** macronutrient fertiliser shall be aimed at providing plants with one or more of the following macronutrients: nitrogen (N), phosphorus (P), potassium (K), magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na).

Amendment

1. An **mineral** macronutrient fertiliser shall be aimed at providing plants with one or more of the following macronutrients:

(a) **Primary:** nitrogen (N), phosphorus (P), **and** potassium (K).

(b) **Secondary:** magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na).

Amendment 136

Proposal for a regulation

Annex I – part II – PFC 1(C) I – point 2 – point a – point 2 – indent 3

Text proposed by the Commission

- As of [**Publications office, please insert the date occurring twelve** years after the date of application of this Regulation]: 20 mg/kg phosphorus pentoxide (P₂O₅),

Amendment

- As of... [**nine** years after the date of application of this Regulation]: 20 mg/kg phosphorus pentoxide (P₂O₅),

Amendment 137

Proposal for a regulation

Annex I – part II – PFC 1(C)(I) – point 2 – point e

Text proposed by the Commission

(e) Lead (Pb) **150** mg/kg dry matter,

Amendment

(e) Lead (Pb) **20** mg/kg dry matter,

Amendment 138

Proposal for a regulation

Annex I – part II- PFC 1 (C) (I) – point 2 – point f

Text proposed by the Commission

(f) Arsenic (As) **60** mg/kg dry matter,

Amendment

(f) Arsenic (As) **20** mg/kg dry matter,

Amendment 139

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(a)(i) – point 1

Text proposed by the Commission

1. A straight solid ***inorganic*** macronutrient fertiliser shall have a declared content of not more than one nutrient.

Amendment

1. A straight solid ***mineral*** macronutrient fertiliser shall have a declared content of:

(a) not more than one ***primary*** nutrient (***nitrogen (N), phosphorus (P), and potassium (K)***), or

Amendment 140

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(a)(i) – point 1 – point b (new)

Text proposed by the Commission

Amendment

(b) ***not more than one secondary nutrient (Magnesium (Mg), Calcium (Ca), sulphur (S) and sodium (Na)).***

Amendment 141

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(a)(i) – point 1 a (new)

Text proposed by the Commission

Amendment

Ia. A straight solid mineral macronutrient fertiliser with a declared content of not more than one primary nutrient, can contain one or more secondary nutrients.

Amendment 142

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(a)(i) – point 2 – introductory part

Text proposed by the Commission

Amendment

2. The CE marked fertilising product shall contain ***one of the following*** declared nutrients in the minimum quantity stated:

2. The CE marked fertilising product shall contain ***primary and/or secondary*** declared nutrients in the minimum quantity stated:

Amendment 143

Proposal for a regulation

Annex I – part 2 – PFC 1 (C) (I) (a) (i) – point 2 – indent 2

Text proposed by the Commission

Amendment

– 12% by mass of total phosphorus pentoxide (P₂O₅),

– 12 % by mass of phosphorus pentoxide (P₂O₅) ***soluble in neutral ammonium citrate and water,***

Amendment 144

Proposal for a regulation

Annex I – part 2 – PFC 1 (C) (I) (a) (i) – point 2 – indent 7

Text proposed by the Commission

Amendment

– ***1%*** by mass of total sodium oxide (Na₂O).

– ***3 %*** by mass of total sodium oxide (Na₂O),

Amendment 145

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(a)(ii) – point 1

Text proposed by the Commission

Amendment

1. A compound solid ***inorganic*** macronutrient fertiliser shall have a declared content of more than one nutrient.

1. A compound solid ***mineral*** macronutrient fertiliser shall have a declared content of more than one ***primary and/or secondary*** nutrient.

Amendment 146

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(a)(ii) – point 2 – introductory part

Text proposed by the Commission

Amendment

2. The CE marked fertilising product shall contain more than one of the **following** declared nutrients in the minimum quantities stated:

2. The CE marked fertilising product shall contain more than one of the **primary and/or secondary** declared nutrients in the minimum quantities stated:

Amendment 147

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(a)(ii) – point 2 – indent 2

Text proposed by the Commission

Amendment

– 3% by mass of total phosphorus pentoxide (P₂O₅),

– 5 % by mass of total phosphorus pentoxide (P₂O₅) **soluble in neutral ammonium citrate and water**,

Amendment 148

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(a)(ii) – point 2 – indent 3

Text proposed by the Commission

Amendment

– 3% by mass of total potassium oxide (K₂O),

– 5 % by mass of total potassium oxide (K₂O),

Amendment 149

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(a)(ii) – point 2 – indent 4

Text proposed by the Commission

Amendment

– 1,5% by mass of total magnesium oxide (MgO),

– 2 % by mass of total magnesium oxide (MgO),

Amendment 150

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(a)(ii) – point 2 – indent 5

Text proposed by the Commission

Amendment

– 1,5% by mass of total calcium oxide (CaO),

– 2 % by mass of total calcium oxide (CaO),

Amendment 151

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(a)(ii) – point 2 – indent 6

Text proposed by the Commission

Amendment

– 1,5% by mass of total sulphur trioxide (SO₃), *or*

– 5 % by mass of total sulphur trioxide (SO₃),

Amendment 152

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(a)(ii) – point 2 – indent 7

Text proposed by the Commission

Amendment

– 1% by mass of total sodium oxide (Na₂O).

– 3 % by mass of total sodium oxide (Na₂O).

Amendment 153

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(a)(i-ii)(A) – point 5 – indent 1

Text proposed by the Commission

Amendment

- following five thermal cycles as described under Heading 4.2 in Module A1 in Annex IV,

- following five thermal cycles as described under Heading 4.2 in Module A1 in Annex IV, *for testing before placing on the market,*

Amendment 154

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(b)(i) – point 1

Text proposed by the Commission

1. A straight liquid ***inorganic*** macronutrient fertiliser shall have a declared content of ***not more than*** one nutrient.

Amendment

1. A straight liquid ***mineral*** macronutrient fertiliser shall have a declared content of:

(a) ***not more than*** one ***primary*** nutrient

Amendment 155

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(b)(i) – point 1 – point b (new)

Text proposed by the Commission

Amendment

(b) ***not more than one secondary nutrient.***

Amendment 156

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(b)(i) – point 1 a (new)

Text proposed by the Commission

Amendment

1a. straight liquid mineral macronutrient fertiliser with a declared content of not more than one primary nutrient, can contain one or more secondary nutrient.

Amendment 157

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(b)(i) – point 2 – introductory part

Text proposed by the Commission

Amendment

2. The CE marked fertilising product shall contain ***one of the following*** declared nutrients in the minimum quantity stated:

2. The CE marked fertilising product shall contain one of the ***primary and/or secondary*** declared nutrients in the minimum quantity stated:

Amendment 158

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (i) – point 2 – indent 2

Text proposed by the Commission

– 5% by mass of total phosphorus pentoxide (P₂O₅),

Amendment

– 5 % by mass of total phosphorus pentoxide (P₂O₅) ***soluble in neutral ammonium citrate and water,***

Amendment 159

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (i) – point 2 – indent 6

Text proposed by the Commission

– 5% by mass of total sulphur trioxide (SO₃), ***or***

Amendment

– 5 % by mass of total sulphur trioxide (SO₃),

Amendment 160

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (i) – point 2 – indent 7

Text proposed by the Commission

– ***1%*** by mass of total sodium oxide (Na₂O).

Amendment

– ***from 0,5 % to 5 %*** by mass of total sodium oxide (Na₂O).

Amendment 161

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(b)(ii) – point 1

Text proposed by the Commission

1. A compound liquid ***inorganic*** macronutrient fertiliser shall have a declared content of more than one nutrient.

Amendment

1. A compound liquid ***mineral*** macronutrient fertiliser shall have a declared content of more than one ***primary and/or secondary*** nutrient.

Amendment 162

Proposal for a regulation

Annex I – part II – PFC 1(C) (I)(b)(ii) – point 2 – introductory part

Text proposed by the Commission

Amendment

2. The CE marked fertilising product shall contain more than one of the **following** declared nutrients in the minimum quantities stated:

2. The CE marked fertilising product shall contain more than one of the **primary and/or secondary** declared nutrients in the minimum quantities stated:

Amendment 163

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(b)(ii) – point 2 – indent 1

Text proposed by the Commission

Amendment

- 1,5% by mass of total nitrogen (N),

- 3 % by mass of total nitrogen (N),
or

Amendment 164

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (ii) – point 2 – indent 2

Text proposed by the Commission

Amendment

– 1,5% by mass of total phosphorus pentoxide (P₂O₅),

– 1,5 % by mass of total phosphorus pentoxide (P₂O₅) **soluble in neutral ammonium citrate and water**,

Amendment 165

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (ii) – point 2 – indent 3

Text proposed by the Commission

Amendment

– 1,5% by mass of total potassium oxide (K₂O),

– 3 % by mass of total potassium oxide (K₂O), **or**

Amendment 166

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (ii) – point 2 – indent 4

Text proposed by the Commission

Amendment

– **0,75%** by mass of total magnesium oxide (MgO),

– **1,5 %** by mass of total magnesium oxide (MgO), **or**

Amendment 167

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (ii) – point 2 – indent 5

Text proposed by the Commission

Amendment

– **0,75%** by mass of total calcium oxide (CaO),

– **1,5 %** by mass of total calcium oxide (CaO), **or**

Amendment 168

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (ii) – point 2 – indent 6

Text proposed by the Commission

Amendment

– **0,75%** by mass of total sulphur trioxide (SO₃), or

– **1,5 %** by mass of total sulphur trioxide (SO₃), or

Amendment 169

Proposal for a regulation

Annex I – part II – PFC 1 (C) (II) – point 1

Text proposed by the Commission

Amendment

1. An inorganic micronutrient fertiliser shall be an inorganic fertiliser other than a macronutrient fertiliser aimed at providing one or more of the following nutrients: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) or zinc (Zn).

1. An inorganic micronutrient fertiliser shall be an inorganic fertiliser other than a macronutrient fertiliser aimed at providing one or more of the following nutrients: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo), **selenium (Se), silicon (Si)** or zinc (Zn).

Amendment 170

Proposal for a regulation

Annex I – part II – PFC 1(C) a (new)

Text proposed by the Commission

Amendment

**PFC1(C) a: LOW CARBON
FERTILISER**

1. *A CE marked fertilising product shall be termed low carbon fertilizer if it contains more than 1 % organic carbon (C_{org}) and up to 15 % organic carbon (C_{org}).*
2. *Carbon present in calcium cyanamide and in urea and its condensation and association products will not be included in organic carbon for the purpose of that definition.*
3. *The specifications of solid/liquid, straight/compound, macronutrient/micronutrient fertilisers of PFC1(C) will apply for the purpose of this category.*
4. *Products sold under PFC1(C)a shall comply with contaminant levels as specified in Annex I defined for organic or organo-mineral fertilisers in any case where PFC1(C) does not contain any limit values for those contaminants.*

Amendment 171

**Proposal for a regulation
Annex I – part II – PFC 2 – point 1**

Text proposed by the Commission

1. A liming material shall be a CE marked fertilising product aimed at correcting soil acidity, and containing oxides, hydroxides, carbonates *or* silicates of the nutrients calcium (Ca) or magnesium (Mg).

Amendment

1. A liming material shall be a CE marked fertilising product aimed at correcting soil acidity, and containing oxides, hydroxides, carbonates *or/and* silicates of the nutrients calcium (Ca) or magnesium (Mg).

Amendment 172

**Proposal for a regulation
Annex I – part II – PFC 2 – point 2 – indent 1**

Text proposed by the Commission

- Cadmium (Cd) **3** mg/kg dry matter,

Amendment

- Cadmium (Cd) **1** mg/kg dry matter,

Amendment 173

Proposal for a regulation

Annex I – part II – PFC 2 – point 2 – indent 5

Text proposed by the Commission

- Lead (Pb) **200** mg/kg dry matter,
and

Amendment

- Lead (Pb) **20** mg/kg dry matter, and

Amendment 174

Proposal for a regulation

Annex I – part II – PFC 2 – point 2 – indent 6

Text proposed by the Commission

- Arsenic (As) **120** mg/kg dry matter.

Amendment

- Arsenic (As) **20** mg/kg dry matter.

Amendment 175

Proposal for a regulation

Annex I – part II – PFC 3

Text proposed by the Commission

A soil improver shall be a ***CE marked fertilising product aimed at being*** added to ***the soil for the purpose of maintaining, improving or protecting the*** physical or ***chemical properties, the structure or the*** biological ***activity of soil.***

Amendment

A soil improver shall be a ***material, including mulch,*** added to ***soil in situ primarily to maintain or improve its*** physical ***properties, and which may*** improve its ***chemical and/or*** biological ***properties or activity.***

Amendment 176

Proposal for a regulation

Annex I – part II – PFC 3 – point 1a (new)

Text proposed by the Commission

Amendment

1a. The CE marked fertilising product shall contain 15 % or more material of biological origin.

Amendment 177

Proposal for a regulation

Annex I – part II – PFC 3(A) – point 1

Text proposed by the Commission

Amendment

1. An organic soil improver shall consist exclusively of material of solely biological origin, excluding **material** which **is** fossilized or embedded in geological formations.

1. An organic soil improver shall consist exclusively of material of solely biological origin, **including peat, leonardite, lignite and humic substances obtained from them, but** excluding **other materials** which **are** fossilized or embedded in geological formations.

Amendment 178

Proposal for a regulation

Annex I – part II – PFC 3(A) – point 2 – indent 1

Text proposed by the Commission

Amendment

- Cadmium (Cd) 3 mg/kg dry matter,

- Cadmium (Cd) **1,5** mg/kg dry matter,

Amendment 179

Proposal for a regulation

Annex I – part II – PFC 3(A) – point 2 – indent 2

Text proposed by the Commission

Amendment

- Hexavalent chromium (Cr VI) 2 mg/kg dry matter,

- Hexavalent chromium (Cr VI) **1** mg/kg dry matter,

Amendment 180

Proposal for a regulation

Annex I – part II – PFC 3(A) – point 2 – indent 5

Text proposed by the Commission

- Lead (Pb) **120** mg/kg dry matter.

Amendment

- Lead (Pb) **20** mg/kg dry matter.

Amendment 181

Proposal for a regulation

Annex I – part II – PFC 3(A) – point 3 – point a

Text proposed by the Commission

(a) *Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.*

Amendment

(a) *Pathogens must not be present in the organic soil improver in a concentration of more than the respective limits outlined in the table below:*

<i>Micro-organism to be tested</i>	<i>Sampling plans</i>			<i>Limit</i>
	<i>n</i>	<i>c</i>	<i>m</i>	<i>M</i>
<i>Salmonella spp</i>	5	0	0	<i>Absence in 25g or 25ml</i>
<i>Escherichia coli or Enterococcaceae</i>	5	5	0	<i>1000 in 1g or 1ml</i>

where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100g or 100ml of the organic soil improver.

Amendment 182

Proposal for a regulation

Annex I – part II – PFC 3(B) – point 1

Text proposed by the Commission

1. An inorganic soil improver shall be a soil improver other than an organic soil

Amendment

1. An inorganic soil improver shall be a soil improver other than an organic soil

improver.

improver, *and shall include mulch films. A biodegradable mulch film shall be a biodegradable polymer film complying in particular with the requirements of points 2a and 3 of CMC 10 in Annex II and intended to be placed on the soil in situ to protect its structure, suppress weed growth, reduce soil moisture loss, or prevent erosion.*

Amendment 183

Proposal for a regulation

Annex I – part II – PFC 3(B) – point 2 – indent 5

Text proposed by the Commission

- Lead (Pb) **150** mg/kg dry matter.

Amendment

- Lead (Pb) **20** mg/kg dry matter.

Amendment 184

Proposal for a regulation

Annex I – part II – PFC 4 – point 1

Text proposed by the Commission

1. A growing medium shall be a material other than soil *intended for use as a substrate for root development*.

Amendment

1. A growing medium shall be a material other than soil *in situ in which plants and mushrooms are grown*.

Amendment 185

Proposal for a regulation

Annex I – part II – PFC 4 – point 2 – indent 1

Text proposed by the Commission

- Cadmium (Cd) **3** mg/kg dry matter,

Amendment

- Cadmium (Cd) **1,5** mg/kg dry matter,

Amendment 186

Proposal for a regulation

Annex I – part II – PFC 4 – point 2 – indent 5

Text proposed by the Commission

Amendment

- Lead (Pb) **150** mg/kg dry matter.

- Lead (Pb) **20** mg/kg dry matter.

Amendment 187

Proposal for a regulation

Annex I – part II – PFC 4 – point 3

Text proposed by the Commission

3. *Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.*

Amendment

3. *Pathogens must not be present in the growing medium in a concentration of more than the respective limits outlined in the table below:*

<i>Micro-organism to be tested</i>	<i>Sampling plans</i>			<i>Limit</i>
	<i>n</i>	<i>c</i>	<i>m</i>	<i>M</i>
<i>Salmonella spp</i>	5	0	0	Absence in 25g or 25ml
<i>Escherichia coli or Enterococcaceae</i>	5	5	0	1000 in 1g or 1ml

where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100g or 100ml of the growing medium.

Amendment 188

Proposal for a regulation

Annex I – part II – PFC 5 – point 1

Text proposed by the Commission

Amendment

An agronomic additive shall be a CE marked fertilising product intended to be added to a product ***providing plants with***

An agronomic additive shall be a CE marked fertilising product, intended to be added to a product, ***which has a proven***

nutrient, with the intention to improve that *product's* nutrient *release patterns*.

effect on the transformation or plant-availability of different forms of mineral or mineralized nutrients, or both, or which is to be added to the soil with the intention to improve that *nutrient uptake by plants or to reduce nutrient losses*.

Amendment 189

Proposal for a regulation

Annex I – part II – PFC 5(A) – point 2 – introductory part

Text proposed by the Commission

Each substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁶ in *a dossier containing*

Amendment

Each substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁶ *unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of that Regulation or in Annex IV or Annex V thereto.*

³⁶ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

³⁶ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Amendment 190

Proposal for a regulation

Annex I – part II – PFC 5(A) – point 2 – point a

Text proposed by the Commission

(a) *the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and*

Amendment

deleted

Amendment 191

Proposal for a regulation

Annex I – part II – PFC 5(A) – point 2 – point b

Text proposed by the Commission

Amendment

(b) a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product, *deleted*

Amendment 192

Proposal for a regulation

Annex I – part II – PFC 5(A) – point 2 – subparagraph 2

Text proposed by the Commission

Amendment

unless explicitly covered by one of the registration obligation exemptions provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation. *deleted*

Amendment 193

Proposal for a regulation

Annex I – part II – PFC 5(A)(I a) (new)

Text proposed by the Commission

Amendment

PFC 5(A)(Ia): Denitrification inhibitor

1. A denitrification inhibitor shall be an inhibitor that reduces the formation of nitrous oxide (N₂O) by slowing down or blocking the conversion of nitrate (NO₃⁻) to dinitrogen (N₂) without influencing the nitrification process as described in PFC 5(A)(I). It shall contribute to increase the availability of nitrate to the plant and to reduce N₂O emissions.

2. The effectiveness of this method can be assessed by measuring nitrous oxide emissions in gas samples collected in a suitable measuring device and

measuring the amount of N₂O of that sample in a gas chromatograph. The assessment shall also record the water content of the soil.

Amendment 194

Proposal for a regulation

Annex I – part II – PFC 5(B) – point 2 – introductory part

Text proposed by the Commission

2. The substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁷ *in a dossier containing*

³⁷ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Amendment

2. The substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁷ *unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of that Regulation or in Annex IV or Annex V thereto.*

³⁷ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Amendment 195

Proposal for a regulation

Annex I – part II – PFC 5(B) – point 2 – point a

Text proposed by the Commission

(a) the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and

Amendment

deleted

Amendment 196

Proposal for a regulation

Annex I – part II – PFC 5(B) – point 2 – point b

Text proposed by the Commission

Amendment

(b) a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product, **deleted**

Amendment 197

Proposal for a regulation

Annex I – part II – PFC 5(B) – point 2 – subparagraph 2

Text proposed by the Commission

Amendment

unless explicitly covered by one of the registration obligation exemptions provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation. **deleted**

Amendment 198

Proposal for a regulation

Annex I – part II – PFC 5(C) – point 2 – introductory part

Text proposed by the Commission

Amendment

2. The substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁸ **in a dossier containing**

2. The substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁸ **unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of that Regulation or in Annex IV or Annex V thereto.**

³⁸ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a

³⁸ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a

substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Amendment 199

Proposal for a regulation

Annex I – part II – PFC 5(C) – point 2 – point a

Text proposed by the Commission

Amendment

(a) the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and **deleted**

Amendment 200

Proposal for a regulation

Annex I – part II – PFC 5(C) – point 2 – point b

Text proposed by the Commission

Amendment

(b) a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product, **deleted**

Amendment 201

Proposal for a regulation

Annex I – part II – PFC 5(C) – point 2 – subparagraph 2

Text proposed by the Commission

Amendment

unless explicitly covered by one of the registration obligation exemptions provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation. **deleted**

Amendment 202

Proposal for a regulation

Annex I – part II – PFC 6 – point 1 – introductory part

Text proposed by the Commission

1. A plant biostimulant shall be a CE marked fertilising product stimulating plant nutrition processes independently of the product's nutrient content with the sole aim of improving one or more of the following characteristics of the plant:

Amendment

1. A plant biostimulant shall be a CE marked fertilising product stimulating plant nutrition processes independently of the product's nutrient content with the sole aim of improving one or more of the following characteristics of the plant ***and the plant rhizosphere or phyllosphere:***

Amendment 203

Proposal for a regulation

Annex I – part II – PFC 6 – point 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) availability of confined nutrients in the soil and rhizosphere.

Amendment 204

Proposal for a regulation

Annex I – part II – PFC 6 – point 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) humification

Amendment 205

Proposal for a regulation

Annex I – part II – PFC 6 – point 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) degradation of organic compounds in the soil, or

Amendment 206

Proposal for a regulation

Annex I – part II – PFC 6 – point 2 – indent 1

Text proposed by the Commission

- Cadmium (Cd) 3 mg/kg dry matter,

Amendment

- Cadmium (Cd) **1,5** mg/kg dry matter,

Amendment 207

Proposal for a regulation

Annex I – part II – PFC 6 – point 3

Text proposed by the Commission

3. The plant biostimulant shall have the effects that are claimed on the label for the **crops** specified thereon.

Amendment

3. The plant biostimulant shall have the effects that are claimed on the label for the **plant** specified thereon. **Where the plant biostimulant contains one or more ingredients that have been approved under Regulation (EC) No 1107/2009, the information provided during conformity assessment will provide compelling empirical evidence of the biostimulant effect, taking into account relevant parameters, e.g. relative concentrations of components, application rate, timing, plant growth stage, target crop, etc.**

Amendment 208

Proposal for a regulation

Annex I – part II – PFC 6(A) – point 1

Text proposed by the Commission

1. A microbial plant biostimulant shall consist **solely of a micro-organism or a consortium of micro-organisms referred to in Component Material Category 7 of Annex II.**

Amendment

1. A microbial plant biostimulant shall consist:
 - (a) of a micro-organism or a consortium of microorganisms referred to in Component Material Category 7 of

Annex II;

(b) of microorganisms or a consortium of microorganisms different from those provided under point (a). They can be used as component material categories as long as they comply with the requirements set out in the Component Material Category 7 of Annex II.

Amendment 209

Proposal for a regulation Annex I – part II – PFC 6 (A) – point 3

Text proposed by the Commission

3. *Salmonella spp. shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.*

Amendment

3. *Pathogens must not be present in the microbial plant biostimulant in a concentration of more than the respective limits outlined in the table below:*

<i>Micro-organisms/their toxins, metabolites</i>	<i>Sampling plans</i>		<i>Limit</i>
	<i>n</i>	<i>c</i>	
<i>Salmonella spp</i>	5	0	<i>Absence in 25g or 25 ml</i>
<i>Escherichia coli</i>	5	0	<i>Absence in 1g or 1ml</i>
<i>Listeria monocytogenes</i>	5	0	<i>Absence in 25g or 25 ml</i>
<i>Vibrio spp</i>	5	0	<i>Absence in 25g or 25 ml</i>
<i>Shigella spp</i>	5	0	<i>Absence in 25g or 25 ml</i>
<i>Staphylococcus aureus</i>	5	0	<i>Absence in 25g or 25 ml</i>
<i>Enterococcaceae</i>	5	2	<i>10 CFU/g</i>
<i>Anaerobic plate count unless the microbial biostimulant is an aerobic bacterium</i>	5	2	<i>10⁵ CFU/g or ml</i>
<i>Yeast and mould count unless the microbial biostimulant is a fungus</i>	5	2	<i>1000 CFU/g or ml</i>

where n= number of units comprising the sample; c= number of sample units giving values

over the defined limit.

Amendment 210

Proposal for a regulation

Annex I – part II – PFC 6 (A) – point 4

Text proposed by the Commission

Amendment

4. *Escherichia coli shall be absent in a 1 g or 1 ml sample of the CE marked fertilising product.* *deleted*

Amendment 211

Proposal for a regulation

Annex I – part II – PFC 6 (A) – point 5

Text proposed by the Commission

Amendment

5. *Enterococcaceae must not be present in the CE marked fertilising product by more than 10 CFU/g fresh mass.* *deleted*

Amendment 212

Proposal for a regulation

Annex I – part II – PFC 6 (A) – point 6

Text proposed by the Commission

Amendment

6. *Listeria monocytogenes shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.* *deleted*

Amendment 213

Proposal for a regulation

Annex I – part II – PFC 6 (A) – point 7

Text proposed by the Commission

Amendment

7. *Vibrio spp shall be absent in a 25 g or 25 ml sample of the CE marked* *deleted*

fertilising product.

Amendment 214

Proposal for a regulation
Annex I – part II – PFC 6 (A) – point 8

Text proposed by the Commission

Amendment

8. *Shigella spp shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.* *deleted*

Amendment 215

Proposal for a regulation
Annex I – part II – PFC 6 (A) – point 9

Text proposed by the Commission

Amendment

9. *Staphylococcus aureus shall be absent in a 1 g or 1 ml sample of the CE marked fertilising product.* *deleted*

Amendment 216

Proposal for a regulation
Annex I – part II – PFC 6 (A) – point 10

Text proposed by the Commission

Amendment

10. *Aerobic plate count shall not exceed 10⁵ CFU/g or ml sample of the CE marked fertilising product, unless the microbial biostimulant is an aerobic bacterium.* *deleted*

Amendment 217

Proposal for a regulation
Annex I – part II – PFC 6(A) – point 12 – subparagraph 2

Text proposed by the Commission

Amendment

the plant biostimulant shall have a pH superior or equal to 4.

deleted

Amendment 218

Proposal for a regulation

Annex I – part II – PFC 6(A) – point 13

Text proposed by the Commission

Amendment

13. The shelf-life of the microbial plant biostimulant shall be at least 6 months under the storage conditions specified on the label.

deleted

Amendment 219

Proposal for a regulation

Annex I – part II – PFC 7 – point 3 – introductory part

Text proposed by the Commission

Amendment

3. The blending shall not change the *nature* of each component fertilising product

3. The blending shall not change the *function* of each component fertilising product

Amendment 220

Proposal for a regulation

Annex II – part I – CMC 11 a (new)

Text proposed by the Commission

Amendment

CMC 11a: Other industry by-products

Amendment 221

Proposal for a regulation

Annex II – part II – CMC 1 – point 1 – introductory part

Text proposed by the Commission

Amendment

1. A CE marked fertilising product

1. A CE marked fertilising product

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may contain substances and mixtures, other than³⁹

³⁹ The exclusion of a material from CMC 1 does not prevent it from being an eligible component material by virtue of another CMC stipulating different requirements. See, for instance, CMC 11 on animal by-products, CMCs 9 and 10 on polymers, and CMC 8 on agronomic additives.

may contain substances and mixtures, **including technical additives**, other than³⁹

³⁹ The exclusion of a material from CMC 1 does not prevent it from being an eligible component material by virtue of another CMC stipulating different requirements. See, for instance, CMC 11 on animal by-products, CMCs 9 and 10 on polymers, and CMC 8 on agronomic additives.

Amendment 222

Proposal for a regulation

Annex II – part II – CMC 1 – point 1 – point b

Text proposed by the Commission

(b) by-products within the meaning of Directive 2008/98/EC,

Amendment

(b) by-products within the meaning of Directive 2008/98/EC, **except by-products registered pursuant to Regulation (EC) No 1907/2006 other than those covered by one of the registration obligation exemptions provided for by point 5 of Annex V to that Regulation,**

Amendment 223

Proposal for a regulation

Annex II – part II – CMC 1 - point 1 – point e

Text proposed by the Commission

(e) polymers, or

Amendment

(e) polymers **with the exception of those used in growing media not in contact with the soil,** or

Amendment 224

Proposal for a regulation

Annex II – part II – CMC 1 – point 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

All the substances incorporated into the CE marked fertilising product, in their own or in a mixture, shall have been registered pursuant to Regulation (EC) No 1907/2006, in a dossier containing

Unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of Regulation (EC) No 1907/2006 or by Annexes IV or V to that Regulation, all the substances incorporated into the CE marked fertilising product, in their own or in a mixture, shall have been registered pursuant to Regulation (EC) No 1907/2006, in a dossier containing

Amendment 225

Proposal for a regulation

Annex II – part II – CMC 1 – point 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and

deleted

Amendment 226

Proposal for a regulation

Annex II – part II – CMC 1 – point 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product,

deleted

Amendment 227

Proposal for a regulation

Annex II – part II – CMC 1 – point 2 – subparagraph 2

Text proposed by the Commission

Amendment

unless explicitly covered by one of the registration obligation exemptions

deleted

provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation.

Amendment 228

Proposal for a regulation Annex II – part II – CMC 2 – point 1

Text proposed by the Commission

1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone no other processing than cutting, grinding, centrifugation, pressing, drying, freeze-drying *or* extraction with water.

Amendment

1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone no other processing than cutting, grinding, centrifugation, *sieving, milling*, pressing, drying, freeze-drying, *buffering, extrusion, radiation, frost-treatment, sanitation by using heat*, extraction with water *or any other preparation/processing that does not render the final substance subject to registration under Regulation (EC) No. 1907/2006.*

Amendment 229

Proposal for a regulation Annex II – part II – CMC 2 – point 2

Text proposed by the Commission

2. For the purpose of paragraph 1, plants are understood to include algae and exclude blue-green algae.

Amendment

2. For the purpose of paragraph 1, plants are understood to include algae *except for* blue-green algae *that produce cyanotoxins classified as hazardous in accordance with Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.*

Amendment 230

Proposal for a regulation Annex II – part II – CMC 3 – point 1

Text proposed by the Commission

1. A CE marked **fertilising** product may contain compost obtained through aerobic composting of exclusively one or more of the following input materials:

Amendment

1. A CE marked **plant nutrition** product may contain compost, **a liquid or non-liquid microbial or non-microbial extract made out of compost**, obtained through aerobic composting, **and the possible ensuing multiplication of the naturally occurring microbials** of exclusively one or more of the following input materials:

Amendment 231

Proposal for a regulation

Annex II – part II – CMC 3 – point 1 – point b

Text proposed by the Commission

(b) Animal by-products **of categories 2 and 3 according to** Regulation (EC) No 1069/2009;

Amendment

(b) **Products derived from** animal by-products **referred to in Article 32 of** Regulation (EC) No 1069/2009 **for which the end point in the manufacturing chain has been reached in accordance with Article 5 of that Regulation;**

Amendment 232

Proposal for a regulation

Annex II – part II – CMC 3 – point 1 – point c – introductory part

Text proposed by the Commission

(c) Living or dead organisms or parts thereof, which are unprocessed or processed only by manual, mechanical or gravitational means, by dissolution in water, by flotation, by extraction with water, **by steam distillation or by heating solely to remove water, or which are extracted from air by any means**, except

Amendment

(c) Living or dead organisms or parts thereof, which are unprocessed or processed only by manual, mechanical or gravitational means, by dissolution in water, by flotation, by extraction with water, except

Amendment 233

Proposal for a regulation

Annex II – part II – CMC 3 – point 1 – point c – indent 2

Text proposed by the Commission

– sewage sludge, industrial sludge or dredging sludge, and

Amendment

– sewage sludge, industrial sludge (*apart for non-consumable food residues, fodder and plantations linked to agrofuels*) or dredging sludge, and

Amendment 234

Proposal for a regulation

Annex II – part II – CMC 3 – point 1 – point d – point 1 – indent 1

Text proposed by the Commission

– the additive is registered pursuant to Regulation (EC) No 1907/2006⁴⁰, in *a dossier containing*

Amendment

– the additive is registered pursuant to Regulation (EC) No 1907/2006⁴⁰, *unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of that Regulation or in Annex IV or Annex V thereto.*

⁴⁰ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

⁴⁰ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Amendment 235

Proposal for a regulation

Annex II – part II – CMC 3 – point 1 – point d – point 1 – indent 2

Text proposed by the Commission

– *the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and*

Amendment

deleted

Amendment 236

Proposal for a regulation

Annex II – part II – CMC 3 – point 1 – point d – point 1 – indent 3

Text proposed by the Commission

Amendment

– *a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product,* *deleted*

Amendment 237

Proposal for a regulation

Annex II – part II – CMC 3 – point 1 – point d – point 2

Text proposed by the Commission

Amendment

unless explicitly covered by one of the registration obligation exemptions provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation, and *deleted*
– *the total concentration of all additives does not exceed 5 % of the total input material weight; or*

Amendment 238

Proposal for a regulation

Annex II – part II – CMC 3 – point 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) Unprocessed and mechanically processed residues from food production industries, except from industries using animal by-products according to Regulation (EC) No 1069/2009.

Amendment 239

Proposal for a regulation

Annex II – part II – CMC 3 – point 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) Materials that conform to CMC 2, CMC 3, CMC 4, CMC 5, CMC 6 and CMC 11.

Amendment 240

Proposal for a regulation

Annex II – part II – CMC 3 – point 2 – indent 1

Text proposed by the Commission

Amendment

– which **only processes** input materials referred to in paragraph 1 above, and

– **in** which **production lines for the processing of** input materials referred to in paragraph 1 above **are clearly separated from production lines for the processing of input materials other than referred to in paragraph 1**, and

Amendment 241

Proposal for a regulation

Annex II – part II – CMC 3 – point 6 – point a – indent 2

Text proposed by the Commission

Amendment

- Criterion: maximum **25** mmol O₂/kg organic matter/h; or

- Criterion: maximum **50** mmol O₂/kg organic matter/h; or

Amendment 242

Proposal for a regulation

Annex II – part II – CMC 4 – title

Text proposed by the Commission

Amendment

CMC 4: Energy crop digestate

CMC 4: Energy crop digestate **and plant-based bio-waste**

Amendment 243

Proposal for a regulation

Annex II – part II – CMC 4 – point 1 – point b – point 1 – introductory part

Text proposed by the Commission

– the additive is registered pursuant to Regulation (EC) No 1907/2006⁴³, in *a dossier containing*

⁴³ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Amendment

– the additive is registered pursuant to Regulation (EC) No 1907/2006⁴³, ***unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of that Regulation or in Annex IV or Annex V thereto.***

⁴³ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Amendment 244

Proposal for a regulation

Annex II – part II – CMC 4 – point 1 – point b – point 1 – indent 1

Text proposed by the Commission

– *the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and*

Amendment

deleted

Amendment 245

Proposal for a regulation

Annex II – part II – CMC 4 – point 1 – point b – point 1 – indent 2

Text proposed by the Commission

Amendment

- *a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product,* **deleted**

Amendment 246

Proposal for a regulation

Annex II – part II – CMC 4 – point 1 – point b – point 2

Text proposed by the Commission

Amendment

- unless explicitly covered by one of the registration obligation exemptions provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation, and* **deleted**
- *the total concentration of all additives does not exceed 5 % of the total input material weight; or*

Amendment 247

Proposal for a regulation

Annex II – part II – CMC 4 – point 1 – point c

Text proposed by the Commission

Amendment

- (c) Any material referred to in points (a)-(b) that has previously been digested.
- (c) Any material referred to in points (a)-(b) that has previously been digested ***without any traces of aflatoxins.***

Amendment 248

Proposal for a regulation

Annex II – part II – CMC 4 – point 2 – indent 1

Text proposed by the Commission

Amendment

- which ***only processes*** input materials referred to in ***paragraph*** 1 above,
- ***in*** which ***production lines for the processing of*** input materials referred to in ***point 1*** above ***are clearly separated from***

and

production lines for the processing of input materials other than referred to in point I, and

Amendment 249

Proposal for a regulation

Annex II – part II – CMC 4 – point 3 – point b

Text proposed by the Commission

(b) Thermophilic anaerobic digestion at 55°C with a treatment process including *a* pasteurisation *step (70°C – 1h)*;

Amendment

(b) Thermophilic anaerobic digestion at 55°C with a treatment process including pasteurisation *as described in point 1 of section 1 of Chapter I of Annex V to Commission Regulation (EU) No 142/2011^{1a}*;

^{1a} *Commission Regulation ((EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive ((OJ L 054 26.2.2011, p. 1).*

Amendment 250

Proposal for a regulation

Annex II – part II – CMC 4 – point 3 – point d

Text proposed by the Commission

(d) Mesophilic anaerobic digestion at 37-40°C with a treatment process including *a* pasteurisation *step (70°C – 1h)*; or

Amendment

(d) Mesophilic anaerobic digestion at 37-40°C with a treatment process including pasteurisation *as described in point 1 of section 1 of Chapter I of Annex V to Regulation (EU) No 142/2011*; or

Amendment 251

Proposal for a regulation

Annex II – part II – CMC 5 – point 1 – point c – indent 2

Text proposed by the Commission

– sewage sludge, industrial sludge or dredging sludge,

Amendment

– sewage sludge, industrial sludge ***other than those specified in point (ea)*** or dredging sludge, ***and***

Amendment 252

Proposal for a regulation

Annex II – part II – CMC 5 – point 1 – point d – point 1 – introductory part

Text proposed by the Commission

– the additive is registered pursuant to Regulation (EC) No 1907/2006⁴⁴, in ***a dossier containing***

Amendment

– the additive is registered pursuant to Regulation (EC) No 1907/2006⁴⁴, ***unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of that Regulation or in Annex IV or Annex V thereto.***

⁴⁴ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

⁴⁴ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Amendment 253

Proposal for a regulation

Annex II – part II – CMC 5 – point 1 – point d – point 1 – indent 1

Text proposed by the Commission

– ***the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and***

Amendment

deleted

Amendment 254

Proposal for a regulation

Annex II – part II – CMC 5 – point 1 – point d – point 1 – indent 2

Text proposed by the Commission

Amendment

- *a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product,*
- unless it is covered by the registration obligation exemption provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation, and*
- *the total concentration of all additives does not exceed 5 % of the total input material weight; or*
- deleted*

Amendment 255

Proposal for a regulation

Annex II – part II – CMC 5 – point 1 – point e – introductory part

Text proposed by the Commission

Amendment

- (e) Any material listed in points (a)-(d) that
- (e) Any material *without aflatoxins* listed in points (a)-(d) that

Amendment 256

Proposal for a regulation

Annex II – part II – CMC 5 – point 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) Unprocessed and mechanically processed residues from food production industries, except from industries using animal by-products in accordance with Regulation (EC) No 1069/2009.

Amendment 257

Proposal for a regulation

Annex II – part II – CMC 5 – point 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) Materials that conform to CMC 2, CMC 3, CMC 4, CMC5 , CMC 6 and CMC 11.

Amendment 258

Proposal for a regulation

Annex II – part II – CMC 5 – point 2 – indent 1

Text proposed by the Commission

Amendment

– which **only processes** input materials referred to in **paragraph** 1 above, and

– **in** which **production lines for the processing of** input materials referred to in **point** 1 above **are clearly separated from production lines for the processing of input materials other than referred to in point 1**, and

Amendment 259

Proposal for a regulation

Annex II – part II – CMC 5 – point 3 – point a

Text proposed by the Commission

Amendment

(a) Thermophilic anaerobic digestion at 55°C during at least 24h and a hydraulic retention time of at least 20 days;

(a) Thermophilic anaerobic digestion at 55°C during at least 24h and a hydraulic retention time of at least 20 days, **followed by an analysis to verify that the digestion process successfully destroyed the pathogens**;

Amendment 260

Proposal for a regulation

Annex II – part II – CMC 5 – point 3 – point b

Text proposed by the Commission

Amendment

(b) Thermophilic anaerobic digestion at 55°C with a treatment process including **a** pasteurisation **step (70°C – 1h)**;

(b) Thermophilic anaerobic digestion at 55°C with a treatment process including pasteurisation **as described in point 1 of section 1 of Chapter I of Annex V to**

Amendment 261

Proposal for a regulation

Annex II – part II – CMC 5 – point 3 – point d

Text proposed by the Commission

(d) Mesophilic anaerobic digestion at 37-40°C with a treatment process including a pasteurisation *step* (70°C – 1h); or

Amendment

(d) Mesophilic anaerobic digestion at 37-40°C with a treatment process including pasteurisation *as described in point 1 of section 1 of Chapter I of Annex V to Regulation (EU) No 142/2011*; or

Amendment 262

Proposal for a regulation

Annex II – part II – CMC 6 – point 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) *olive pomace, i.e. a viscous by-product of olive milling obtained by treating the wet pomace with organic solvents in two (2-phase pomace) or three phases (3-phase pomace).*

Amendment 263

Proposal for a regulation

Annex II – part II – CMC 6 – point 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) *by-products of the feed industry which are listed in the catalogue of individual feed materials in Regulation (EU) No 68/2013,*

Amendment 264

Proposal for a regulation

Annex II – part II – CMC 6 – point 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) any other material or substance that has been approved for incorporation in food or animal feed.

Amendment 265

Proposal for a regulation

Annex II – part II – CMC 6 – point 2 – introductory part

Text proposed by the Commission

Amendment

The substance shall have been registered pursuant to Regulation (EC) No 1907/2006⁴⁷, in **a dossier containing**

The substance shall have been registered pursuant to Regulation (EC) No 1907/2006⁴⁷, **unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of that Regulation or in Annex IV or Annex V thereto.**

⁴⁷ In the case of a substance recovered in the European Union, this condition is fulfilled if the substance is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

⁴⁷ In the case of a substance recovered in the European Union, this condition is fulfilled if the substance is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Amendment 266

Proposal for a regulation

Annex II – part II – CMC 6 – point 2 – point a

Text proposed by the Commission

Amendment

(a) the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and

deleted

Amendment 267

Proposal for a regulation
Annex II – part II – CMC 6 – point 2 – point b

Text proposed by the Commission

Amendment

(b) a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product, *deleted*

Amendment 268

Proposal for a regulation
Annex II – part II – CMC 6 – point 2 – subparagraph 2

Text proposed by the Commission

Amendment

unless explicitly covered by one of the registration obligation exemptions provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation. *deleted*

Amendment 269

Proposal for a regulation
Annex II – part II – CMC 6 – point 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

All substances shall contain aflatoxins under the detection limit.

Amendment 270

Proposal for a regulation
Annex II – part II – CMC 7 – point 1 – indent 1

Text proposed by the Commission

Amendment

– have undergone no other processing than drying or freeze-drying and *deleted*

Amendment 271

Proposal for a regulation Annex II – part II – CMC 8 – point 1

Text proposed by the Commission

1. A CE marked fertilising product may contain a substance or a mixture intended to improve the fertilising product's nutrient release patterns, only if that substance's or mixture's compliance with the requirements of this Regulation for a product in PFC 5 of Annex I has been demonstrated in accordance with the conformity assessment procedure applicable to such an agronomic additive.

Amendment

1. A CE marked fertilising product may contain a substance or a mixture ***(including technological additives, for example: anti-caking agents, defoaming agents, anti-dust agents, dyes and rheological agents)*** intended to improve the fertilising product's nutrient release patterns, only if that substance's or mixture's compliance with the requirements of this Regulation for a product in PFC 5 of Annex I has been demonstrated in accordance with the conformity assessment procedure applicable to such an agronomic additive.

Amendment 272

Proposal for a regulation Annex II – part II – CMC 8 – point 3 a (new)

Text proposed by the Commission

Amendment

3a. A CE marked fertilising product may contain a compliant denitrification inhibitor as referred to in PFC 5(A)(Ia) of Annex I, only if it contains nitrogen in some form.

Amendment 273

Proposal for a regulation Annex II – part II – CMC 8 – point 4

Text proposed by the Commission

Amendment

4. A CE marked fertilising product may contain a compliant urease inhibitor, as referred to in PFC 5(A)(II) of Annex I, only if at least 50% of the total nitrogen (N) content of the fertilising product

4. A CE marked fertilising product may contain a compliant urease inhibitor, as referred to in PFC 5(A)(II) of Annex I, only if at least 50% of the total nitrogen (N) content of the fertilising product

consists of the nitrogen (N) form urea (CH₄N₂O).

consists of the nitrogen (N) form **ammonium (NH₄⁺) or ammonium (NH₄⁺) and** urea (CH₄N₂O).

Amendment 274

Proposal for a regulation Annex II – part II – CMC 9 – point 3

Text proposed by the Commission

3. The polymers shall **not** contain formaldehyde.

Amendment

3. The polymers shall contain **a maximum of 600 ppm free** formaldehyde.

Amendment 275

Proposal for a regulation Annex II – part II – CMC 10 – point 1

Text proposed by the Commission

1. A CE marked fertilising product may contain other polymers than nutrient polymers only in cases where the purpose of the polymer is that of

(a) controlling the water penetration into nutrient particles and thus the release of nutrients (in which case the polymer is commonly referred to as a 'coating agent'), or

(b) increasing the water retention capacity of the CE marked fertilising product.

Amendment

1. A CE marked fertilising product may contain other polymers than nutrient polymers only in cases where the purpose of the polymer is that of

(a) controlling the water penetration into nutrient particles and thus the release of nutrients (in which case the polymer is commonly referred to as a 'coating agent'), or

(b) increasing the water retention capacity of the CE marked fertilising product, **or**

(ba) improving the soil as a biodegradable mulch film, which complies in particular with the requirements of points 2a and 3 of CMC 10, or

(bb) binding components of the fertilising product, without any contact with the soil, or

(bc) improving the stability of the CE marked fertilising products, or

(bd) improving water penetration into soil.

Amendment 276

Proposal for a regulation

Annex II – part II – CMC 10 – point 2

Text proposed by the Commission

2. As of [**Publications office, please insert the date occurring three** years after the date of application of this Regulation], the following criterion shall be complied with: The polymer shall be capable of undergoing physical, biological decomposition, such that most of it ultimately decomposes into carbon dioxide (CO₂), biomass and water. It shall have at least 90 % of the organic carbon converted into CO₂ in maximum **24** months, **in a biodegradability test as specified points (a)-(c) below.**

(a) **The test shall be conducted at 25°C ± 2°C.**

(b) **The test shall be conducted in accordance with a method for determining the ultimate aerobic biodegradability of plastic materials in soils by measuring oxygen demand or the amount of carbon dioxide evolved.**

(c) **A micro-crystalline cellulose powder with the same dimension as the test material shall be used as a reference material in the test.**

(d) **Prior to the test, the test material shall not be subject to conditions or procedures designed to accelerate the degradation of the film, such as exposure to heat or light.**

Amendment

2. As of ... [**five** years after the date of application of this Regulation], the following criterion shall be complied with: The polymer shall be capable of undergoing physical, biological decomposition, such that most of it ultimately decomposes into carbon dioxide (CO₂), biomass and water. It shall have at least 90 % of the organic carbon converted into CO₂ in maximum **48** months **after the end of the claimed functionality period of the fertilising product indicated on the label, and as compared to an appropriate standard in the biodegradation test. The biodegradability criteria, and the development of an appropriate testing method for biodegradation shall be evaluated in the light of the latest scientific evidence and set in delegated acts adopted pursuant to Article 42 of this Regulation.**

Amendment 277

Proposal for a regulation

Annex II – part II – CMC 10 – point 2 a (new)

Text proposed by the Commission

Amendment

2a. The biodegradable mulch films referred to in PFC 3 (B), shall comply with the following criterion:

The polymer shall be capable of undergoing physical, biological decomposition, such that it ultimately decomposes into carbon dioxide (CO₂), biomass and water and it shall have at least 90 %, absolute or relative to the reference material, of the organic carbon converted into CO₂ in a maximum of 24 months, in a biodegradability test in accordance with Union standards for biodegradation of polymers in soil.

Amendment 278

Proposal for a regulation

Annex II – part II – CMC 10 – point 3 a (new)

Text proposed by the Commission

Amendment

3a. As the product is intended to be added to soil and released in to the environment, these criteria shall apply to all materials in the product.

Amendment 279

Proposal for a regulation

Annex II – part II – CMC 10 – point 3 b (new)

Text proposed by the Commission

Amendment

3b. A CE marked product containing polymers other than nutrient polymers shall be exempted from the requirements

set out in points 1, 2 and 3 under the condition that the polymers are solely used as binding material for the fertilising product and they are not in contact with the soil.

Amendment 280

Proposal for a regulation Annex II – part II – CMC 11

Text proposed by the Commission

A CE marked fertilising product may contain animal by-products within the meaning of Regulation (EC) No 1069/2009 having reached the end point in the manufacturing chain as determined in accordance with that Regulation, which are listed in the table below and as specified therein:

Amendment

Subject to the adoption by the Commission of the delegated acts pursuant to Article 42, a CE marked fertilising product may contain animal by-products within the meaning of Regulation (EC) No 1069/2009 having reached the end point in the manufacturing chain as determined in accordance with that Regulation, which are listed in the table below and as specified therein

	<i>Derived product</i>	<i>Processing standards to reach the end point in the manufacturing chain</i>
<i>1</i>	<i>Meat meal</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
<i>2</i>	<i>Bone meal</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
<i>3</i>	<i>Meat-and-bone meal</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
<i>4</i>	<i>Blood of animals</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
<i>5</i>	<i>Hydrolysed proteins of Category III – according to Regulation 1069/2009</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
<i>6</i>	<i>Processed manure</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
<i>7</i>	<i>Compost (1)</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>

8	<i>Biogas digestion residues⁽¹⁾</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
9	<i>Feather meal</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
10	<i>Hides and skins</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
11	<i>Hoofs and horns</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
12	<i>Guano of bats</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
13	<i>Wool and hair</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
14	<i>Feather and downs</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
15	<i>Pig bristles</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
16	<i>Glycerine and other products of Category 2 and 3 materials derived from the biodiesel and renewable fuels production</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
17	<i>Petfood and dog chews that have been refused for commercial reasons or technical failures</i>	<i>Determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009</i>
<i>⁽¹⁾ derived from Category 2 and 3 materials other than Meat-and-bone meal and Processed animal protein</i>		

Amendment 281

Proposal for a regulation Annex II – part II – CMC 11 a (new)

Text proposed by the Commission

Amendment

CMC 11a: Other industry by-products

1. A CE marked fertilising product may contain other industry by-products such as ammonium sulfate from caprolactam production, sulfuric acid from refining natural gas and oils as well as other materials coming from specific

industrial processes, which are excluded from CMC 1 and are listed in the table below, under the conditions specified therein:

2. From ... [one year after the date of entry into force of this Regulation], the criteria for industrial by-products that have been used in compliance with Regulation 2003/2003 as components of EC fertilising products, for their inclusion to the component material category shall be established in the light of the latest scientific evidence and set in delegated acts adopted pursuant to Article 42 of this Regulation.

Amendment 282

Proposal for a regulation Annex III – part 1 – point 2 – point e

Text proposed by the Commission

(e) A description of all components above **5%** by product weight in descending order of magnitude by dry weight, including an indication of the relevant component material categories ('CMC') as referred to in Annex II.

Amendment

(e) A description of all components above **1%** by product weight in descending order of magnitude by dry weight, including an indication of the relevant component material categories ('CMC') as referred to in Annex II **and including the content as percentage by the dry matter;**

Amendment 283

Proposal for a regulation Annex III – part 1 – point 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) In the case of any product containing material originating from organic wastes or by-products, which has not been through a process which has destroyed all organic materials, the label shall specify which wastes and by-products have been used and a batch number or production time series number.

That number shall refer to the traceability data held by the producer and which identifies the individual sources (farms, factories, etc.) of each organic waste/by-product used in the batch/time series. The Commission shall publish, after a public consultation and by ... [two years after the date of entry into force of this Regulation], specifications for the implementation of this provision, which will enter into force by ... [three years after the publication of the specifications]. In order to minimise the administrative burden for operators and for market surveillance authorities, the Commission specifications shall take into account both the requirements of paragraphs 5 to 7 of Article 6 and Article 11 and existing traceability systems (e.g. for animal by-products or industry systems) as well as Union waste classification codes.

Amendment 284

Proposal for a regulation Annex III – part 1 – point 2 a (new)

Text proposed by the Commission

Amendment

2a. *Short instructions for intended use, including intended application rate and timing, intended target plants and storage shall be made available by the manufacturers.*

Amendment 285

Proposal for a regulation Annex III – part 1 – point 7 a (new)

Text proposed by the Commission

Amendment

7a. *No product can make claims related to another PFC without meeting the full requirements of that additional PFC, nor are any direct or implied claims*

of plant protection effects allowed.

Amendment 286

Proposal for a regulation

Annex III – part 2 – PFC 1 – point 2 – point b

Text proposed by the Commission

(b) The nitrification inhibitor content shall be expressed as a percentage by mass of the total nitrogen (N) present as ammonium nitrogen (NH₄⁺) and urea nitrogen (CH₄N₂O).

Amendment

(b) The nitrification inhibitor content shall be expressed as a percentage by mass of the total nitrogen (N) present as ammonium nitrogen (NH₄⁺) **or ammonium nitrogen (NH₄⁺)** and urea nitrogen (CH₄N₂O).

Amendment 287

Proposal for a regulation

Annex III – part 2 – PFC 1(A) – point 1 – point a

Text proposed by the Commission

(a) the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), by their chemical symbols in the order N-P-K;

Amendment

(a) the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), by their chemical symbols in the order N-P-K; **the declared nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from urea formaldehyde, N from isobutylidene diurea, N from crotonylidene diurea and N from cyanamide.**

Phosphorus fertilisers must fulfil the following minimum solubility levels to be plant-available, otherwise they cannot be declared as phosphorus fertilisers:

- **water solubility: minimum level 25 % of total P,**
- **solubility in neutral ammonium citrate: minimum level 30 % of total P,**
- **solubility in formic acid (only for soft rock phosphate): minimum level 35 % of total P.**

Amendment 288

Proposal for a regulation

Annex III – part 2 – PFC1 (A) – point 1 – point b

Text proposed by the Commission

(b) the declared nutrients **magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na)**, by their chemical symbols in the order **Mg-Ca-S-Na**;

Amendment

(b) the declared nutrients **calcium (Ca), magnesium (Mg), sodium (Na) or sulphur (S)** by their chemical symbols in the order **Ca- Mg - Na - S**;

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Amendment 289

Proposal for a regulation

Annex III – part 2 – PFC 1(A) – point 1 – point c

Text proposed by the Commission

(c) numbers indicating the **total** content of the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), followed by numbers in brackets indicating the total content of magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na),

Amendment

(c) numbers indicating the **average** content of the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), followed by numbers in brackets indicating the total content of magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na),

Amendment 290

Proposal for a regulation

Annex III – part 2 – PFC 1(A) – point 1 – point d – indent 6

Text proposed by the Commission

- Organic carbon (C); and

Amendment

- Organic carbon (C) and **C/N ratio**;

Amendment 291

Proposal for a regulation

Annex III – part 2 – PFC 1(A) – point 1 – point d – indent 7 a (new)

Text proposed by the Commission

Amendment

- ***In a form such as powder or pellets.***

Amendment 292

Proposal for a regulation

Annex III – part 2 – PFC 1(B) – point 1 – point d – indent 2

Text proposed by the Commission

Amendment

- ***Total*** Phosphorus pentoxide (P₂O₅).
- Phosphorus pentoxide (P₂O₅) ***soluble in neutral ammonium citrate and water.***

Amendment 293

Proposal for a regulation

Annex III – part 2 – PFC 1(B) – point 1 – point d – indent 2 – subindent 3

Text proposed by the Commission

Amendment

- ***where soft ground phosphate is present,*** phosphorous pentoxide (P₂O₅) soluble in ***formic acid***
- Phosphorus pentoxide (P₂O₅) ***only*** soluble in ***mineral acids***

Amendment 294

Proposal for a regulation

Annex III – part 2 – PFC 1(B) – point 1 a (new)

Text proposed by the Commission

Amendment

- 1a. The total declared nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from methylene-urea, N from isobutylidene diurea, N from crotonylidene diurea and N from cyanamide.***

Amendment 295

Proposal for a regulation

Annex III – part 2 – PFC1 (C) (I) – point 1 – point d – indent 2

Text proposed by the Commission

Amendment

- **Total** Phosphorus pentoxide (P₂O₅);

- Phosphorus pentoxide (P₂O₅)
soluble in neutral ammonium citrate and water

Amendment 296

Proposal for a regulation

Annex III – part 2 – PFC1 (C) (I) – point 1 – point d – indent 2 – indent 3

Text proposed by the Commission

Amendment

- ***Where soft ground phosphate is present***, phosphorous pentoxide (P₂O₅) soluble in ***formic acid***;

- Phosphorus pentoxide (P₂O₅) ***only*** soluble in ***mineral acids***;

Amendment 297

Proposal for a regulation

Annex III – part 2 – PFC1 (C) (I) – point 1 – point d – indent 4 – indent 1 a (new)

Text proposed by the Commission

Amendment

- ***in a form such as powder or pellets***;

Amendment 298

Proposal for a regulation

Annex III – part 2 – PFC 1(C)(I) – point 1 – point d a (new)

Text proposed by the Commission

Amendment

- (da) ***pH***

Amendment 299

Proposal for a regulation

Annex III – part 2 – PFC 1(C)(I) – point 1 a (new)

Text proposed by the Commission

Amendment

- 1a. Fertilising products that contain less than 5ppm of cadmium, arsenic, lead, chromium VI and mercury, respectively,***

shall be eligible to use a visible “Green Label” in their packaging and label. The Commission shall be empowered to adopt delegated acts in accordance with Article 43, supplementing this Regulation to set the technical standards of such labels.

Amendment 300

Proposal for a regulation

Annex III – part 2 – PFC 1(C)(I)(a) – point 3 – point c

Text proposed by the Commission

Amendment

(c) powder, where at least 90% of the product can pass through a sieve with a mesh of *10* mm, or

(c) powder, where at least 90 % of the product can pass through a sieve with a mesh of *1* mm, or

Amendment 301

Proposal for a regulation

Annex III – part 2 – PFC 1(C)(I)(a) – point 4 a (new)

Text proposed by the Commission

Amendment

4a. For CE marked products referred to in point (bb) of point 1 of CMC 10 of Annex II where polymers are solely used as binding material, the following marking shall be present: “The fertilising product is not intended to be in contact with the soil.”

Amendment 302

Proposal for a regulation

Annex III – part 2 – PFC 1(C) (II) – point 1

Text proposed by the Commission

Amendment

1. The declared micronutrients in the CE marked fertilising product shall be listed by their names and chemical symbols in the following order: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) and zinc (Zn),

1. The declared micronutrients in the CE marked fertilising product shall be listed by their names and chemical symbols in the following order: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo), *selenium (Se)*,

followed by the name(s) of their counter-ion(s),

silicon (Si) and zinc (Zn), followed by the name(s) of their counter-ion(s),

Amendment 303

Proposal for a regulation Annex III – part 2 – PFC 1(C) a (new)

Text proposed by the Commission

Amendment

PFC 1(C) a: Low carbon fertiliser

1. The following information elements relating to macronutrients shall be present:

(a) the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), by their chemical symbols in the order N-P-K;

(b) the declared nutrients magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na), by their chemical symbols in the order Mg-Ca-S-Na;

(c) numbers indicating the total content of the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), followed by numbers in brackets indicating the total content of magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na);

(d) the content of the following declared nutrients, in the following order and as a percentage of the fertiliser by mass:

▪ ***Total Nitrogen (N)***
minimum amount of organic nitrogen (N), followed by a description of the origin of the organic matter used;

Nitrogen (N) in the form of nitric nitrogen;

Nitrogen (N) in the form of ammoniacal nitrogen;

Nitrogen (N) in the form of urea

nitrogen;

▪ *Total phosphorus pentoxide (P₂O₅);*

Water-soluble phosphorus pentoxide (P₂O₅);

phosphorus pentoxide (P₂O₅) soluble in neutral ammonium citrate;

where soft ground phosphate is present, phosphorus pentoxide (P₂O₅) soluble in formic acid;

▪ *Total potassium oxide (K₂O);*

Water soluble potassium oxide (K₂O);

▪ *magnesium oxide (MgO), calcium oxide (CaO), sulphur trioxide (SO₃) and sodium oxide (Na₂O), expressed*

– *where those nutrients are totally soluble in water, only as the content soluble in water;*

– *where the soluble content of those nutrients is at least a quarter of the total content of those nutrients, the total content and the content soluble in water;*

– *in other cases, as the total content.*

(e) *where urea (CH₄N₂O) is present, information about the possible air quality impacts of the release of ammonia from the fertiliser use, and an invitation to users to apply appropriate remediation measures.*

2. *The following other elements shall be indicated as a percentage by mass of the CE marked fertilising product:*

– *Organic carbon (C) content; and*

– *Dry matter content.*

3. *Where one or more of the micronutrients boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) and zinc (Zn), are present in the minimum content indicated as a percentage by mass in the table below, they*

– shall be declared if they are intentionally added to the CE marked fertilising product, and

– may be declared in other cases:

<i>Micronutrient</i>	<i>Percentage by mass</i>
<i>Boron (B)</i>	<i>0,01</i>
<i>Cobalt (Co)</i>	<i>0,002</i>
<i>Copper (Cu)</i>	<i>0,002</i>
<i>Manganese (Mn)</i>	<i>0,01</i>
<i>Molybdenum (Mo)</i>	<i>0,001</i>
<i>Zinc</i>	<i>0,002</i>

They shall be declared after the information on macronutrients. The following information elements shall be present:

(a) indication of the names and chemical symbols of the declared micronutrients, listed in the following order: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) and zinc (Zn), followed by the name(s) of their counter-ion(s);

(b) The total micronutrient content expressed as a percentage of the fertiliser by mass

where those nutrients are totally soluble in water, only as the content soluble in water;

where the soluble content of those nutrients is at least a quarter of the total content of those nutrients, the total content and the content soluble in water; and

in other cases, as the total content;

(c) Where the declared micronutrient(s) are chelated by chelating agent(s), the following qualifier after the name and the chemical identifier of the micronutrient:

'chelated by...' name of the chelating agent or its abbreviation, and the amount of chelated micronutrient as a percentage of the CE marked fertilising product by mass;

(d) Where the CE marked fertilising product contains micronutrient(s) complexed by complexing agent(s):

the following qualifier after the name and the chemical identifier of the micronutrient: 'complexed by ...', and the amount of complexed micronutrient as a percentage of the CE marked fertilising product by mass; and

the name of the complexing agent or its abbreviation.

(e) The following statement: 'To be used only where there is a recognised need. Do not exceed the appropriate rate'.

Amendment 304

Proposal for a regulation

Annex III – part 2 – PFC 3 – point 1 – indent 3

Text proposed by the Commission

Amendment

– *Total nitrogen (N) content;* *deleted*

Amendment 305

Proposal for a regulation

Annex III – part 2 – PFC 3 – point 1 – indent 4

Text proposed by the Commission

Amendment

– *Total phosphorus pentoxide (P₂O₅) content;* *deleted*

Amendment 306

Proposal for a regulation

Annex III – part 2 – PFC 3 – point 1 – indent 5

Text proposed by the Commission

Amendment

– **Total potassium oxide (K₂O) content;** **deleted**

Amendment 307

Proposal for a regulation Annex III – part 2 – PFC 6 – point e

Text proposed by the Commission

Amendment

(e) dose, timing (plant development stage) and frequency of application;

(e) dose, timing (plant development stage), **placement** and frequency of application (***in line with the empirical evidence justifying the biostimulant claim(s)***);

Amendment 308

Proposal for a regulation Annex III – part 2 – PFC 6 – point f a (new)

Text proposed by the Commission

Amendment

(fa) statement that the product is not a plant protection product;

Amendment 309

Proposal for a regulation Annex III – part 3 – PFC 1(A)

Text proposed by the Commission

Amendment

	Permissible tolerance for the declared nutrient content and other declared parameter		Permissible tolerance for the declared nutrient content and other declared parameter
Organic carbon (C)	± 20 % relative deviation of the declared value up to a maximum of	Organic carbon (C)	± 15 % relative deviation of the declared value up to a maximum of

	2,0 percentage point in absolute terms		2,0 percentage point in absolute terms
Dry matter content	± 5,0 percentage point in absolute terms	Dry matter content	± 5,0 percentage point in absolute terms
Total nitrogen (N)	± 50 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms	Total nitrogen (N)	± 15 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Organic nitrogen (N)	± 50 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms	Organic nitrogen (N)	± 15 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Total phosphorus pentoxide (P ₂ O ₅)	± 50 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms	Total phosphorus pentoxide (P ₂ O ₅)	± 15 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Total potassium oxide (K ₂ O)	± 50 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms	Total potassium oxide (K ₂ O)	± 15 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Total and water-soluble magnesium oxide, calcium oxide, sulphur trioxide or sodium oxide	± 25% of the declared content of those nutrients up to a maximum of 1,5 percentage points in absolute terms.	Total and water-soluble magnesium oxide, calcium oxide, sulphur trioxide or sodium oxide	± 25% of the declared content of those nutrients up to a maximum of 1,5 percentage points in absolute terms.
Total copper (Cu)	± 50 % relative deviation of the declared value up to a maximum of	Total copper (Cu)	± 50 % relative deviation of the declared value up to a maximum of

	2,5 percentage points in absolute terms		2,5 percentage points in absolute terms
Total zinc (Zn)	± 50 % relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms	Total zinc (Zn)	± 50 % relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms
Quantity	- 5 % relative deviation of the declared value	Quantity	- 5 % relative deviation of the declared value
	<i>Declared forms of nitrogen, phosphorus and potassium</i>		<i>Binaries: maximum tolerance, in absolute terms, of 1,1 N and 0,5 organic N, 1,1 P₂O₅, 1,1 K₂O and 1,5 for the sum of two nutrients.</i>
			<i>Ternaries: maximum tolerance, in absolute terms, of 1,1 N and 0,5 organic N, 1,1 P₂O₅, 1,1 K₂O and 1,9 for the sum of three nutrients.</i>
			<i>± 10 % of the total declared content of each nutrient up to a maximum of 2 percentage points in absolute terms.</i>

Amendment 310

Proposal for a regulation

Annex III – part 3 – PFC 1(B) – table 1

Text proposed by the Commission

Permissible tolerance for the declared content of forms of inorganic macronutrient

N	P ₂ O ₅	K ₂ O	MgO	CaO	SO ₃	Na ₂ O
± 25 % of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms			± 25 % of the declared content of those nutrients up to a maximum of 1,5 percentage points in absolute terms.			± 25 % of the declared content up to a maximum of 0,9 percentage points in absolute terms

Amendment

Permissible tolerance for the declared content of forms of inorganic macronutrient

N	P ₂ O ₅	K ₂ O	MgO	CaO	SO ₃	Na ₂ O
± 25 % of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms <i>for each nutrient separately and for the sum of nutrients</i>			-50 % and +100 % of the declared content of those nutrients up to a maximum of -2 and +4 percentage points in absolute terms.			± 25 % of the declared content up to a maximum of 0.9 percentage points in absolute terms
<i>P₂O₅ tolerances refer to phosphorus pentoxide (P₂O₅) soluble in neutral ammonium citrate and water.</i>						

Amendment 311

**Proposal for a regulation
Annex III – part 3 –PFC 1(B)**

Text proposed by the Commission

Organic carbon: ± **20 %** relative deviation of the declared value up to a maximum of 2,0 percentage point in absolute terms

Organic nitrogen: ± **50 %** relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms

Total copper (Cu) ± **50 %** relative deviation of the declared value up to a maximum of 2,5 percentage points in absolute terms

Amendment

Organic carbon: ± **15 %** relative deviation of the declared value up to a maximum of 2,0 percentage point in absolute terms

Organic nitrogen: ± **15 %** relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms

Total copper (Cu) ± **15 %** relative deviation of the declared value up to a maximum of 2,5 percentage points in absolute terms

Total zinc (Zn) ± 50 % relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms

Total zinc (Zn) ± 15 % relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms

Amendment 312

Proposal for a regulation Annex III – part 3 - PFC 1(C)(I)

Text proposed by the Commission

Permissible tolerance for the declared content of forms of inorganic macronutrient

N	P ₂ O ₅	K ₂ O	MgO	CaO	SO ₃	Na ₂ O
± 25 % of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms			± 25 % of the declared content of those nutrients up to a maximum of 1,5 percentage points in absolute terms.			± 25 % of the declared content up to a maximum of 0,9 percentage points in absolute terms

Granulometry: ± 10 % relative deviation applicable to the declared percentage of material passing a specific sieve

Quantity: ± 5 % relative deviation of the declared value

Amendment

Permissible tolerance for the declared content of forms of inorganic macronutrient

N	P ₂ O ₅	K ₂ O	MgO	CaO	SO ₃	Na ₂ O
± 25 % of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms for each nutrient separately and for the sum of nutrients			-50 % and +100 % of the declared content of those nutrients up to a maximum of -2 and +4 percentage points in absolute terms.			-50 % and +100 % of the declared content up to a maximum of -2 and +4 percentage points in absolute terms

The above tolerance values apply also for the N-forms and for the solubilities.

Granulometry: ± 20 % relative deviation applicable to the declared percentage of material passing a specific sieve

Quantity: ± 3 % relative deviation of the declared value

Amendment 313

Proposal for a regulation Annex III – part 3 – PFC 3

Text proposed by the Commission

Forms of the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
pH	± 0,7 at the time of manufacture ± 1,0 at any time in the distribution chain
Organic carbon (C)	± 10% relative deviation of the declared value up to a maximum of 1,0 percentage points in absolute terms
Total nitrogen (N)	± 20% relative deviation up to a maximum of 1,0 percentage point in absolute terms
Total phosphorus pentoxide (P ₂ O ₅)	± 20% relative deviation up to a maximum of 1,0 percentage point in absolute terms
Total potassium oxide (K ₂ O)	± 20% relative deviation up to a maximum of 1,0 percentage point in absolute terms
Dry matter	± 10% relative deviation of the declared value
Quantity	- 5% relative deviation of the declared value at the time of manufacture - 25% relative deviation of the declared value at any time in the distribution chain
Carbon (C) org /Nitrogen (N) org	± 20% relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms
Granulometry	± 10 % relative deviation applicable to the declared percentage of material passing a specific sieve.

Amendment

Forms of the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
pH	± 0,7 at the time of manufacture ± 0,9 at any time in the distribution chain
Organic carbon (C)	± 10% relative deviation of the declared value up to a maximum of 1,0 percentage points in absolute terms
Total nitrogen (N)	± 20% relative deviation up to a maximum of 1,0 percentage point in absolute terms
Total phosphorus pentoxide (P ₂ O ₅)	± 20% relative deviation up to a maximum

	of 1,0 percentage point in absolute terms
Total potassium oxide (K ₂ O)	± 20% relative deviation up to a maximum of 1,0 percentage point in absolute terms
Dry matter	± 10% relative deviation of the declared value
Quantity	- 5% relative deviation of the declared value at the time of manufacture - 15% relative deviation of the declared value at any time in the distribution chain
Carbon (C) org /Nitrogen (N) org	± 20% relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms
Granulometry	± 10 % relative deviation applicable to the declared percentage of material passing a specific sieve.

Amendment 314

Proposal for a regulation Annex III – part 3 – PFC 4

Text proposed by the Commission

Forms of the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
Electric conductivity	± 50% relative deviation at the time of manufacture ± 75% relative deviation at any time in the distribution chain
pH	± 0,7 at the time of manufacture ± 1,0 at any time in the distribution chain
Quantity by volume (litres or m ³)	- 5% relative deviation at the time of manufacture - 25% relative deviation at any time in the distribution chain
Quantity (volume) determination of materials with particle size greater than 60 mm	- 5% relative deviation at the time of manufacture - 25% relative deviation at any time in the distribution chain
Quantity (volume) determination of pre-	- 5% relative deviation at the time of

shaped GM	manufacture - 25% relative deviation at any time in the distribution chain
Water-soluble nitrogen (N)	± 50% relative deviation at the time of manufacture ± 75% relative deviation at any time in the distribution chain
Water-soluble phosphorus pentoxide (P ₂ O ₅)	± 50% relative deviation at the time of manufacture ± 75% relative deviation at any time in the distribution chain
Water-soluble potassium oxide (K ₂ O)	± 50% relative deviation at the time of manufacture ± 75% relative deviation at any time in the distribution chain
<i>Amendment</i>	
Forms of the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
Electric conductivity	± 50% relative deviation at the time of manufacture ± 60% relative deviation at any time in the distribution chain
pH	± 0,7 at the time of manufacture ± 0,9 at any time in the distribution chain
Quantity by volume (litres or m ³)	- 5% relative deviation at the time of manufacture - 15% relative deviation at any time in the distribution chain
Quantity (volume) determination of materials with particle size greater than 60 mm	- 5% relative deviation at the time of manufacture - 15% relative deviation at any time in the distribution chain
Quantity (volume) determination of pre-shaped GM	- 5% relative deviation at the time of manufacture - 15% relative deviation at any time in the distribution chain
Water-soluble nitrogen (N)	± 50% relative deviation at the time of manufacture

	± 60% relative deviation at any time in the distribution chain
Water-soluble phosphorus pentoxide (P ₂ O ₅)	± 50% relative deviation at the time of manufacture ± 60% relative deviation at any time in the distribution chain
Water-soluble potassium oxide (K ₂ O)	± 50% relative deviation at the time of manufacture ± 60% relative deviation at any time in the distribution chain

Amendment 315

Proposal for a regulation

Annex IV – part 1 – point 1 – point 1 – point b

Text proposed by the Commission

(b) energy crop digestates as specified in CMC 4,

Amendment

(b) energy crop digestates **and plant-based bio-waste** as specified in CMC 4,

Amendment 316

Proposal for a regulation

Annex IV – part 1 – point 1 – point 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) non-processed or mechanically processed plants, plant parts or plant extracts as specified in CMC 2.

Amendment 317

Proposal for a regulation

Annex IV – part 1 – point 1 – point 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) a denitrification inhibitor as specified in PFC 5(A)(Ia),

Amendment 318

Proposal for a regulation

Annex IV – part 1 – point 3 – point 2 – point a (new)

Text proposed by the Commission

Amendment

(aa) a denitrification inhibitor as specified in PFC (A)(Ia),

Amendment 319

Proposal for a regulation

Annex IV – part 2 – module A – point 2.2 – point b

Text proposed by the Commission

Amendment

(b) conceptual design and manufacturing drawings and schemes,

deleted

Amendment 320

Proposal for a regulation

Annex IV – part 2 – module A – point 2.2 – point c

Text proposed by the Commission

Amendment

(c) descriptions and explanations necessary for the understanding of those drawings and schemes and the use of the CE marked fertilising product,

deleted

Amendment 321

Proposal for a regulation

Annex IV – part 2 – module A1 – point 4 – paragraph 1

Text proposed by the Commission

Amendment

The cycles and test referred to under Headings 4.1-4.3 below shall be carried out on a representative sample of the product at least every 3 months on behalf of the manufacturer, in order to verify conformity with

The cycles and test referred to under Headings 4.1-4.3 below shall be carried out on a representative sample of the product at least every *six* months *in the case of continuous operation of the plant or every year for the periodic production* on behalf of the manufacturer, in order to verify

conformity with

Amendment 322

Proposal for a regulation

Annex IV – part 2 – module A1 – point 4.3.5 a (new)

Text proposed by the Commission

Amendment

4.3.5a. The manufacturer shall keep the test reports together with the technical documentation.

Amendment 323

Proposal for a regulation

Annex IV – part 2 – module B – point 3.2 – point c – indent 6

Text proposed by the Commission

Amendment

– test reports, and

– test reports, ***including studies on agronomic efficiency***, and

Amendment 324

Proposal for a regulation

Annex IV – part 2 – module D1 – point 2 – point b

Text proposed by the Commission

Amendment

(b) ***conceptual design and manufacturing drawings and schemes, including*** a written description and a diagram of the production process, ***where each treatment, storage vessel and area is clearly identified,***

(b) a written description and a diagram of the production process;

EXPLANATORY STATEMENT

Introduction

On 17th of March 2016 the European Commission adopted a proposal for a draft Regulation laying down rules on the making available on the market of CE marked fertilising products.

Currently, the legislative framework regarding the conditions for making fertilisers available on the internal market, Regulation (EC) No 2003/2003 of the European Parliament and of the Council, almost exclusively covers fertilisers from mined or chemically produced inorganic materials. The draft proposal will replace this legislation and will encompass a greater range of fertilising products, opening up the Single Market for free circulation of fertilising products from organic or secondary raw materials. Therefore, the proposal aligns the rules on fertilising products with the New Legislative Framework for product legislation and its sole legal base is Article 114 of TFEU.

The proposal by the Commission aims to help EU industry become more sustainable and competitive, foster sustainable economic growth and generate new jobs. The proposed Regulation seeks to harmonise EU rules for products derived from waste organic materials and by-products.

Preparation of the proposal

The proposal is based on extensive consultations with stakeholders and an impact assessment. The evaluation of the existing Fertilisers Regulation carried out in 2010 concluded that the Fertilisers Regulation could be more effective in promoting innovative fertilisers, and that reforms would also be needed to strengthening the internal market. It also showed that neither economic operators, nor national authorities considered that mutual recognition was sufficient for ensuring free movement of organic fertilisers, since fertilisers are products for which strict rules are needed to ensure product quality, protection of the environment and health.

All interested stakeholders were consulted during the preparation phase, including as part of the public consultation on Circular economy published in May 2015. Stakeholders were also invited to give feedback to the Roadmap for the revision of the Fertilisers Regulation published in October 2015.

The proposal is supported by an impact assessment, which showed that the reform would lead to administrative simplification and ensure flexibility needed on the market, while at the same time ensuring protection of health and environment.

General comments

The Rapporteur welcomes the proposal of the 'Fertilising Products Regulation' as part of the Circular Economy Package. The proposal modernises the conformity assessment and market surveillance in line with 'the new legislative framework' for product legislation, covers a wider range of fertilising products (including those manufactured from secondary raw materials), and set limits for the presence of heavy metals and contaminants in fertilising products in order to protect public interests.

1. Optional harmonisation

The initiative aims at reaching a critical mass through internal market for such products. Mutual recognition of non-harmonised fertilisers has proven extremely difficult in the past, whereas product harmonisation legislation has been an effective way of securing internal market access for inorganic fertilisers. It is therefore concluded that product harmonisation legislation for fertilisers from organic or secondary raw materials does not go beyond what is necessary for providing the regulatory certainty required to incentivise large scale investment in the circular economy.

The regulatory technique chosen in this proposal leaves economic operators a maximum of flexibility to put new products in the internal market without compromising on safety and quality. Furthermore, it leaves Member States free to allow non-harmonised fertilisers to the national market, without depriving those economic operators seeking cross-border trade for larger markets of the possibility to opt for the benefits of the harmonised regulatory framework.

The Rapporteur believes that existing barriers to free movement of innovative fertilisers, in the form of diverging, national regulatory frameworks, cannot be successfully removed through Member States' unilateral actions. EU actions could encourage free movement of such organic fertilisers in the internal market by establishing harmonised and ambitious quality, safety and environmental criteria. Besides, a European regulatory framework will raise Member States' attention to the economic and environmental potential of innovative fertilisers, put organic fertilisers on an equal footing with mineral-based fertilisers and incentivise innovation.

The Rapporteur highlights that companies opting for the harmonised route would benefit from facilitated access to the entire internal market. The administrative costs would also decrease, as there would be less need to register individual products according to diverging national rules. Producers not subject to third party certification procedures would be less affected compared to those supporting the costs of third party certification (e.g. SMEs). Those costs would be mitigated by the reduction of the frequency of controls according to the volume of production and the reduction of the number of external samplings after the recognition year. In this sense optional harmonisation would facilitate the smooth transition to the new regulatory framework leaving producers the choice to market product either for the local or for the EU markets.

2. New requirements and range of the Regulation

One aim of the Regulation is to improve safety standards of fertilising products as well lower limits for heavy metals, especially cadmium, for each product function category (PFC). This might improve food and consumer safety, along with soil protection. In accordance with new safety standards, maximum limits for impurities, such as organic or microbial contaminants, are defined. Furthermore, a new minimum nutrient content for each individual PFC is set, to ensure quality of CE-marked fertilising products.

The limits of cadmium allowed in phosphate fertilisers raise a lot of debate in relation to the right balance between public interest objectives and proportionate means to achieve them, as well as to the scientific base and availability of necessary technologies to date. At Committee level, the Committee for Environment, Public Health and Food Safety of the Parliament has

been granted exclusive competence to set the allowed cadmium limits in Annex I of the proposal.

3. Clear distinction between fertilizers

The current definition of fertilizing products incorporated in the proposal may cause confusion to the farmers, as it includes various kinds of products, with different functions and characteristics. Therefore, there should be a very clear distinction between fertilizers (products that provide nutrients for the growth of the plants) and other types of products (soil improvers, growing medium, agronomic additives or biostimulants), which have different functions, such as stimulating certain functions of plants, have effects on the soil, etc.

4. Reduction of administrative burden

The proposal sets a number of requirements for economic operators in order to achieve the Single Market that safeguards relevant public interests, such as safety, protection of public health and environment, etc. However, these objectives should be met with least burdensome measures so that innovation and job creation in the sector is not hindered. Therefore, the Rapporteur considers it important to adjust the proposal so that obligations of economic operators are proportionate to the objectives of this Regulation without going beyond what is necessary.

5. Labelling

The Rapporteur finds it important that labelling must be clear and comprehensive, and it should include all the information on the available nutrients and their solubility's. This is essential for farmers in order to assess properly the agronomic efficacy of the products and to choose the most appropriate product for the needs of their crops and the conditions and characteristics of soil and climate. It also improves efficiency and it is favourable for the environment.

Conclusions

The Rapporteur believes that this proposal will lead to simplification and reduction of the administrative burden for producers of fertilising products seeking access to more than one national territory on the internal market, since such access will no longer depend on mutual recognition. At the same time, it will avoid banning or restricting market access for producers that do not aim at compliance with EU-level rules, by keeping open the possibility to access national markets subject to any national rules, or opt for mutual recognition in the cross-border activities.

The Rapporteur also finds that the new approach taken by the Commission could lead to a variety of unprecedented rules for the fertiliser sector. In addition, there are number of inconsistencies, uncertainties and missing definitions in the proposal, which are needed to be clarified. From this perspective, an entry into force of the new Regulation on 1 January 2018 seems to be overambitious.

In the review clause the Commission is requested to report in 2023 about the functioning of the internal market to assess the impacts of the partial harmonization, to verify whether this

Regulation contributes to the foreseen administrative simplification and to assess the restrictions on levels of contaminants as laid out in Annex I. The foreseen date of the report respectively depends on any changes that might be introduced to the application timeline foreseen in Article 49.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPOREUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report:

Entity and/or person
Fertilizers Europe
European Biostimulant Industry Council (EBIC)
European Consortium of the Organic-Based Fertilizer Industry (ECOFI)
Alliance Européenne des Engrais Phosphatés
The European Sustainable Phosphorus Platform
Copa - Cogeca
Chemicals Legislation European Enforcement Network (CLEEN)
Fertisac
Phosagro
Stockholm University Baltic Sea Centre (Baltic Eye project)
GRODAN
SOBAC
Veolia
SUEZ Group
Office Chérifien des Phosphates (OCP)
BAYER

2.6.2017

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on the Internal Market and Consumer Protection

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 (COM(2016)0157 – C8-0123/2016 – 2016/0084(COD))

Rapporteur: Elisabetta Gardini

(*) Associated committee – Rule 54 of the Rules of Procedure

SHORT JUSTIFICATION

Context

Fertilising products are used to feed plants and improve plant growth, mainly in agriculture. They can be grouped into two broad groups: fertilisers, which provide nutrients to plants, and other products, whose primary objective is to promote plant growth through other means. As the world population keeps increasing, fertilisers deliver key benefits thanks in particular to increased crop yields. However, some challenges in terms of the environment, public health and food safety are associated with fertiliser use.

According to Commission estimates, the fertilising products sector has an annual turnover ranging from €20 to €25 billion and accounts for about 100 000 jobs; SMEs represent 90% of companies. An in house study published in 2015 also highlighted that in most EU Member States, fertilisers account for about 10% of farmers' costs, although the figure can be as high as 20% in Ireland and as low as 3.6% in Malta.

Current legal framework

The 2003 Fertilisers Regulation (Regulation (EC) No 2003/2003) defines different types of fertilisers, which have been approved as 'EC fertilisers' and can circulate freely on the EU market. Although the current regulation covers various types of fertilisers, current 'EC fertilisers' are essentially conventional and mineral fertilisers sourced from primary raw materials, some of which require energy and CO₂-intensive production processes. In addition, the Regulation does not include limits to the content of heavy metals and other contaminants, such as pathogens and physical impurities.

In March 2016, the Commission put forward a legislative proposal on fertilising products, as part of the Circular Economy package. The proposal covers a wider range of fertilising products (including those manufactured from secondary raw materials), and also sets limits on heavy metals and contaminants present in fertilising products.

Position of the rapporteur

The rapporteur welcomes the proposal put forward by the Commission as it will allow all fertilisers to access the internal market and put into practice the principles of the Circular Economy. The rapporteur also considers that covering all types of fertilising products - and not only the mineral ones - in EU legislation is an extremely positive step forward. It will contribute to creating a more complete internal market and it will help and strengthen SMEs' investments in the Circular Economy.

However, it is also of crucial importance, to set realistic and achievable targets, to ensure that the limits and requirements can be complied with. Priority should be given to the protection of human and animal health and of the environment, but this should be balanced with the socio-economic impacts these measures might have. In addition, it is important to safeguard food security and ensure that the food supply can still meet the demands of a constantly growing population. The new rules should have a strong scientific basis and be based on robust risk assessments, rather than only on the precautionary principle, which would lead to unjustified restrictions and unfairly ban some products from the internal market. Unless there is robust scientific data concluding that there are risks posed to the environment or human and animal health, technically unrealistic requirements should not be set. This approach has been adopted by the rapporteur on the proposal and in particular on the issue of contaminants.

Among contaminants, the issue of cadmium (Cd) is of particular importance. Cadmium, present mostly in mineral phosphate fertilisers, raises particular concerns as it can accumulate in soils, transfer to foodstuffs and potentially lead to adverse effects on health, soil biodiversity and groundwater quality - without bringing any benefit to plants. Cadmium content in phosphate fertilisers depends on the phosphate rock used, as it is present in the rock and is not released, even after the production process. Cadmium content in phosphate rocks varies from under 10 mg Cd/kg phosphorus (P_2O_5) to 200 mg/kg, depending on where it is mined. The Commission proposal introduces a gradual reduction of the maximum level of metal impurity from 60 mg Cd/kg P_2O_5 to 40 mg Cd/kg after three years, and to 20 mg Cd/kg after 12 years. These would be the most restrictive limits in the world: Japan, Australia, California and New Zealand have higher Cd limits - whereas currently there are no limits in the EU.

Fertiliser products in the EU are produced using a wide variety of long-established methods, many of which are fully in line with the Circular Economy principles. It is therefore important to ensure that these production methods can be maintained and that rules that run counter to them are not established.

In addition, the rapporteur is committed to ensuring the harmonisation between the rules applicable to different fertiliser categories to ensure that high quality products and many more choices are available to the farmers.

Some fertilisers, defined as "dual use" products, are made of the same chemical compounds as crop protection products. In the Commission proposal, there is no reference to these products

and this should be corrected to ensure a clear distinction between the two categories, which have different characteristics.

The Commission also proposes to exclude organic organo-mineral fertilisers and biostimulants made from animal by-products (ABPs) from the scope of the Regulation. In addition, the only ABPs that could be commercialised as CE marked are those that have reached the so-called "end-point" to avoid the fraudulent use of ABPs as animal feed. However, ABPs that have not reached the end-point have to comply with very strict requirements and therefore it should also be possible for these ABPs to be commercialised at EU level.

In addition to these issues, several terms and definitions should be improved in order to better reflect technological progress and in particular in relation to innovative products, such as biostimulants.

There is also a need to ensure that clearer information is provided to farmers and consumers. This should be done by specifying the nutrients available in a given mineral fertiliser and by improving the general labelling requirements specified in Annex III. This would allow farmers and consumers to optimise the use of the fertilisers, and thus reduce the environmental impact of these products.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Title 1

Text proposed by the Commission

Amendment

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

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, (EC) No 1107/2009 *and*
Directive 91/676/EEC

Justification

It is essential to make a link between the trade in fertilisers and their use, in other words between this regulation and the nitrates directive. If trading and use are kept totally separate, this regulation risks not achieving its objective, because in that case it would be possible for Member States or regions, using the rules on the use of fertilisers, to prevent certain fertilisers, such as compost from organic waste, being used in practice.

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The conditions for making fertilisers available on the internal market have been partially harmonised through Regulation (EC) No 2003/2003 of the European Parliament and of the Council¹⁵, which almost exclusively covers fertilisers from mined or chemically produced, inorganic materials. There is also a need to make use of recycled or organic materials for fertilising purposes. Harmonised conditions for making fertilisers made from such recycled or organic materials available on the entire internal market should be established in order to provide an important incentive for their further use. The scope of the harmonisation should therefore be extended in order to include recycled and organic materials.

¹⁵ Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1).

Amendment

(1) The conditions for making fertilisers available on the internal market have been partially harmonised through Regulation (EC) No 2003/2003 of the European Parliament and of the Council¹⁵, which almost exclusively covers fertilisers from mined or chemically produced, inorganic materials. There is also a need to make use of recycled or organic materials for fertilising purposes. Harmonised conditions for making fertilisers made from such recycled or organic materials available on the entire internal market should be established in order to provide an important incentive for their further use. ***Promoting increased use of recycled nutrients would further contribute to the circular economy and allow a more resource-efficient overall use of nutrients, while lowering Union dependency on nutrients from third countries.*** The scope of the harmonisation should therefore be extended in order to include recycled and organic materials.

¹⁵ Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1).

Amendment 3

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) This Regulation should foster the goals of the circular economy, provided it ensures at the same time that farmers have a secure supply of highly efficient fertilisers. The Commission should present the European Parliament and the Council with a report that takes stock of the application of this Regulation by ... [OJ please insert the date: five years after its entry into force].

Amendment 4

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) Contaminants in CE marked fertilising products, 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. Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.

(8) Contaminants in CE marked fertilising products, such as cadmium, pose a risk to human and animal health and the environment as they accumulate in the environment and enter the food chain. ***Several Member States already impose contaminant levels for cadmium due to the risk cadmium poses to human and animal health and to the environment.*** Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.

Amendment 5

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Member States which already have more stringent national limit values for cadmium in fertilisers should be allowed to maintain those limit values until the rest of the Union reaches an equivalent level of ambition.

Amendment 6

Proposal for a regulation Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) A cadmium content labelling requirement for CE marked fertilising products, to show the actual cadmium (Cd) content in mg/kg phosphorus pentoxide (P₂O₅), should be introduced throughout the Union. That requirement could take the form of a clearly visible colour-coded label on the product so that users can immediately tell whether they are using a product with higher or lower cadmium content. It should be possible to introduce special indications for fertilising products with an actual cadmium content equal to or lower than 20 mg/kg phosphorus pentoxide (P₂O₅).

Amendment 7

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) In order to take advantage of technical progress concerning the potential use of animal by-products, the

relevant component material category should be further expanded without undue delay by including more animal by-products. That expanded component material category could help create more opportunities and legal certainty for producers and businesses by unlocking the potential to make better use of nutrients from animal by-products such as animal manure. Consequently, the power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the addition, without undue delay, of certain animal by-products to specific component material categories.

Amendment 8

Proposal for a regulation Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) For animal by-products already widely used in Member States for the production of fertilisers, such as processed animal manure, the end point should be determined without undue delay, and at the latest by ... [OJ please insert the date: six months after the date of entry into force of this Regulation].

Amendment 9

Proposal for a regulation Recital 13

Text proposed by the Commission

Amendment

(13) For certain recovered wastes within the meaning of Directive 2008/98/EC of the European Parliament and of the Council²⁰, a market demand for their use as fertilising products has been identified.

(13) For certain recovered wastes, **such as struvite, biochar and ash-based products**, within the meaning of Directive 2008/98/EC of the European Parliament and of the Council²⁰, a market demand for

Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE marked fertilising products, those requirements should be laid down in this Regulation. Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC.

their use as fertilising products has been identified. Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE marked fertilising products, those requirements should be laid down in this Regulation. Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC. ***In order to take advantage of the technical developments and to further incentivise innovation in the recovery of valuable waste streams, the Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) to add or expand the relevant component material categories, so as to include more recovered waste eligible for use in the production of CE-marked fertilising products, such as struvite, biochar and ash-based products. The proper assessment and setting of processing requirements should start immediately after the entry into force of this Regulation.***

²⁰ Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

²⁰ Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Amendment 10

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) Certain substances, ***mixtures and micro-organisms***, commonly referred to as plant biostimulants, are not as such ***nutrients***, but nevertheless stimulate plants' nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, ***or crop*** quality traits, they are by nature more similar to fertilising products than to most categories of plant protection products. Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009 of the European Parliament and of the Council²¹ Regulation (EC) No 1107/2009 should therefore be amended accordingly.

²¹ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

Amendment 11

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) This Regulation should not prevent

Amendment

(15) Certain substances, ***micro-organisms and mixtures thereof***, commonly referred to as plant biostimulants, are not ***necessarily nutrients***, but nevertheless stimulate plants' ***general vigour and*** nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, ***nutrient availability*** tolerance to abiotic stress, ***plant*** quality traits, ***degradation of soil organic matter, or at increasing the availability of confined nutrients in the soil or the rhizosphere, or yield***, they are by nature more similar to fertilising products than to most categories of plant protection products. Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009 of the European Parliament and of the Council²¹. Regulation (EC) No 1107/2009 should therefore be amended accordingly.

²¹ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

Amendment

(17) This Regulation should not prevent

the application of existing Union legislation relating to aspects of protection of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC²², Council Directive 89/391/EEC²³, Regulation (EC) No 1907/2006 of the European Parliament and of the Council²⁴, Regulation (EC) No 1272/2008 of the European Parliament and of the Council²⁵, Commission Regulation (EC) No 1881/2006²⁶, Council Directive 2000/29/EC²⁷, Regulation (EU) No 98/2013 of the European Parliament and of the Council²⁸, and Regulation (EU) No 1143/2014 of the European Parliament and of the Council²⁹.

²² Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6).

²³ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

²⁴ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and

the application of existing Union legislation relating to aspects of protection of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC²², Council Directive **91/676/EEC^{22a}, Council Directive 2000/60/EC^{22b}, Council Directive** 89/391/EEC²³, Regulation (EC) No 1907/2006 of the European Parliament and of the Council²⁴, Regulation (EC) No 1272/2008 of the European Parliament and of the Council²⁵, Commission Regulation (EC) No 1881/2006²⁶, Council Directive 2000/29/EC²⁷, Regulation (EU) No 98/2013 of the European Parliament and of the Council²⁸, and Regulation (EU) No 1143/2014 of the European Parliament and of the Council²⁹ **and Council Regulation (EC) No 834/2007^{29a}**.

²² Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6).

^{22a} **Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).**

^{22b} **Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22/12/2000, p. 1).**

²³ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

²⁴ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and

Restriction of Chemicals (REACH)
(OJ L 396, 30.12.2006, p. 1).

²⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).

²⁶ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

²⁷ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

²⁸ Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).

²⁹ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

Restriction of Chemicals (REACH)
(OJ L 396, 30.12.2006, p. 1).

²⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).

²⁶ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

²⁷ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

²⁸ Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).

²⁹ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

^{29a} ***Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products (OJ L 189, 20.7.2007, p. 1).***

Justification

The scope of the fertilising regulation is solely to guarantee the functioning of the internal market and to partially harmonise the conditions for placing in the market of CE marked fertilising products that can be traded in the internal market. The Nitrate Directive, the Water Framework Directive (2000/60/EC) and the Council Regulation (EC) on organic production and labelling of organic products (No 834/2007) should fall outside the scope of placing in the market of the fertilising regulation.

Amendment 12

Proposal for a regulation

Recital 55

Text proposed by the Commission

(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, **and** fertilising product production from animal by-products, such as biochar. It should be possible for products containing or consisting of such materials to access the internal market without **unnecessary** delay when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt acts in accordance with Article 290 **of the Treaty on the Functioning of the European Union** should be delegated to the Commission in respect of defining larger or additional categories of CE marked fertilising products or component materials eligible for use in the production of such products. For animal by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009, **since animal by-products for which no such end point has been determined are in any event excluded from the scope of this Regulation.**

Amendment

(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, **in particular struvite**, fertilising product production from animal by-products, such as biochar **and phosphorus recovery after incineration, in particular from ash-based products, and considering that such products are already authorised in several Member States under national law.** It should be possible for products containing or consisting of such materials to access the internal market without **undue** delay when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt acts in accordance with Article 290 **TFEU** should be delegated to the Commission in respect of defining larger or additional categories of CE marked fertilising products or component materials eligible for use in the production of such products. **In particular, a delegated act adding struvite, biochar and ash-based products to the categories of component materials should be adopted without undue delay after the entry into force of this Regulation.** For animal by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009.

Amendment 13

Proposal for a regulation

Recital 56

Text proposed by the Commission

(56) Furthermore, it should be possible to react immediately to new findings regarding the conditions for CE marked fertilising products to be sufficiently effective and to new risk assessments regarding human, animal or plant health, safety or the environment. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the requirements applicable to various categories of CE marked fertilising products.

Amendment

(56) Furthermore, it should be possible to react immediately to new findings regarding the conditions for CE marked fertilising products to be sufficiently effective and to new risk assessments regarding human, animal or plant health, safety or the environment, ***taking into account assessments made by or in cooperation with authorities in the Member States***. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the requirements applicable to various categories of CE marked fertilising products.

Amendment 14

**Proposal for a regulation
Recital 59 a (new)**

Text proposed by the Commission

Amendment

(59a) Provisions should be adopted to permit the continued use of products placed on the market in the context of mutual recognition under Regulation EC No 764/2008 of the European Parliament and of the Council^{1a}.

^{1a} ***Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC (OJ L 218, 13.8.2008, p. 21).***

Amendment 15

Proposal for a regulation

Article 1 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Directive 91/676/EEC;

Justification

The scope of the fertilising regulation is solely to guarantee the functioning of the internal market and to partially harmonise the conditions for placing in the market of CE marked fertilising products that can be traded in the internal market. Whereas the scope of the nitrates directive is the protection of water from agricultural pollution through certain restrictions of use of nutrients harmonised at EU level in already polluted areas. Amending the restriction on use in polluted areas included in the nitrates directive should fall outside of the scope of placing in the market of the fertilising regulation.

Amendment 16

Proposal for a regulation

Article 1 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) Directive 2000/60/EC;

Justification

The scope of the fertilising regulation is solely to guarantee the functioning of the internal market and to partially harmonise the conditions for placing in the market of CE marked fertilising products that can be traded in the internal market. The water framework directive on good quality water in Europe (2000/60/EC) should fall outside of the scope of placing in the market of the fertilising regulation.

Amendment 17

Proposal for a regulation

Article 1 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) Regulation (EC) No 834/2007.

Justification

Important to recognize organic agriculture and its particularities in the scope of fertiliser regulation.

Amendment 18

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘fertilising product’ means a substance, mixture, micro-organism or any other material, applied or intended to be applied, either on its own or mixed with another material, on plants or their ***rhizosphere*** for the purpose of ***providing*** plants ***with nutrient or*** improving their nutrition efficiency;

Amendment

(1) ‘fertilising product’ means a substance, mixture, micro-organism or any other material applied or intended to be applied, either on its own or mixed with another material, ***on fungi or their mycosphere or*** on plants ***at any growth stage, including seeds, and/or rhizosphere,*** for the purpose of ***providing plants or fungi with nutrients or of improving their physical or biological growth conditions or their general vigour, yields and quality by enhancing*** their nutrition efficiency, ***including by increasing the ability of the plant to take up nutrients from the phyllosphere (with the exception of plant protection products covered by Regulation (EC) No 1107/2009).***

Amendment 19

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Member States shall not impede the making available on the market of CE marked fertilising products which comply with this Regulation.

Amendment

Member States shall not impede the making available on the market of CE marked fertilising products which comply with this Regulation ***for reasons of composition, labelling or other provisions of this Regulation. Concerning the use of CE marked fertilising products, Member States may maintain or adopt national provisions for the purpose of protecting human health and the environment.***

However, those provisions shall not require modification of CE marked fertilising products which are in compliance with this Regulation. Also, those provisions shall not influence the conditions for making them available on the market.

Amendment 20

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall simultaneously with the publication of this Regulation in the Official Journal of the European Union publish a guidance document giving clarity and examples to manufacturers and market surveillance authorities about the appearance of the label. This guidance document shall also specify other relevant information as referred to in point d of paragraph 2 of part I of Annex III.

Justification

In order to provide a clear information to the farmers and to avoid incorrect fertiliser applications with negative consequences for the environment, concrete requirements and visual aspects of labels for mineral fertilisers should be provided by the European Commission in a guidance document.

Amendment 21

Proposal for a regulation

Article 6 – paragraph 9

Text proposed by the Commission

Amendment

9. Manufacturers shall, further to a **reasoned** request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the CE marked fertilising product with this Regulation, in a language

9. Manufacturers shall, further to a request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the CE marked fertilising product with this Regulation, in a language

which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by CE marked fertilising products which they have placed on the market.

which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by CE marked fertilising products which they have placed on the market.

Amendment 22

Proposal for a regulation

Article 6 – paragraph 10 – subparagraph 1 – point a

Text proposed by the Commission

(a) straight or compound solid ***inorganic*** macronutrient ammonium nitrate fertilisers of high nitrogen content, as specified in product function category 1(C)(I)(a)(i-ii)(A) in Annex I;

Amendment

(a) straight or compound solid ***mineral*** macronutrient ammonium nitrate fertilisers of high nitrogen content, as specified in product function category 1(C)(I)(a)(i-ii)(A) in Annex I;

(This amendment from "inorganic fertiliser" to "mineral fertiliser" applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Amendment 23

Proposal for a regulation

Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) further to a ***reasoned*** request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a CE marked fertilising product;

Amendment

(b) further to a request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a CE marked fertilising product;

Amendment 24

Proposal for a regulation

Article 9 – paragraph 5

Text proposed by the Commission

5. Distributors shall, further to a **reasoned** request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the CE marked fertilising product. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by CE marked fertilising products which they have made available on the market.

Amendment

5. Distributors shall, further to a request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the CE marked fertilising product. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by CE marked fertilising products which they have made available on the market.

Amendment 25

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

(1) ***A CE marked fertilising product that*** has undergone a recovery operation ***and complies with the requirements laid down in*** this Regulation shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste.

Amendment

(1) ***Where a material that was waste has*** undergone a recovery operation ***in accordance with*** this Regulation ***and a compliant CE marked fertilising product contains or consists of that material, the material*** shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste ***from the moment the Union declaration of conformity is drawn up.***

Amendment 26

Proposal for a regulation
Article 23 – paragraph 3 – subparagraph 2

Text proposed by the Commission

A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, or use of CE marked fertilising products which it assesses, may, ***on condition that its***

Amendment

A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, or use of CE marked fertilising products which it assesses, may ***not*** be considered such a

independence and the absence of any conflict of interest are demonstrated, be considered such a body.

body.

Amendment 27

Proposal for a regulation

Article 23 – paragraph 8 – subparagraph 1

Text proposed by the Commission

The impartiality of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.

Amendment

The impartiality of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.
Appropriate protection shall be ensured for employees who report breaches committed within conformity assessment bodies against, at a minimum, retaliation, discrimination or any other type of unfair treatment.

Amendment 28

Proposal for a regulation

Article 33 – paragraph 2

Text proposed by the Commission

2. Notified bodies shall provide the other bodies notified under this Regulation carrying out similar conformity assessment activities covering the same CE marked fertilising products with relevant information on issues relating to negative and, on request, positive conformity assessment results.

Amendment

2. ***Without prejudice to existing Union rules on data protection and confidentiality of business information and the protection of tests and studies submitted for conformity assessment***, notified bodies shall provide the other bodies notified under this Regulation carrying out similar conformity assessment activities covering the same CE marked fertilising products with relevant information on issues relating to negative and, on request, positive conformity assessment results.

Justification

Without this addition, Article 33 (2) implies that Notified Bodies may share applicants' data

among themselves without restriction, which could impair data protection.

Amendment 29

Proposal for a regulation

Article 42 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV for the purposes of adapting them to technical progress and facilitating internal market access and free movement for CE marked fertilising products.

Amendment

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend ***Annexes I to IV*** for the purposes of adapting them to technical progress, ***in particular as regards the production of fertilisers from animal by-products and waste recovery products or which are used by manufacturers as by-products from or co-products of other industrial and/or agricultural processes, as well as recycled products, taking into account products and materials that have already been authorised in Member States, and for the facilitation of*** internal market access and free movement for CE marked fertilising products:

Amendment 30

Proposal for a regulation

Article 42 – paragraph 1 – point a

Text proposed by the Commission

(a) which ***are likely*** to be subject of significant trade on the internal market, and

Amendment

(a) which ***have potential*** to be subject of significant trade on the internal market, and

Amendment 31

Proposal for a regulation

Article 42 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without undue delay after the

entry into force of this Regulation, the Commission shall adopt a delegated act, in accordance with paragraph 1, to amend the component material categories set out in Annex II to add in particular animal by-products, struvite, biochar and ash-based products to those component material categories, as well as to lay down the requirements for the inclusion of those products in those categories. The Commission shall specifically take into account technological progress in the recovery of nutrients.

Amendment 32

Proposal for a regulation Article 42 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. By [OJ please insert the date: six months after the date of publication of this Regulation], the Commission shall adopt a delegated act in accordance with paragraph 1 to amend Annex II in order to insert the end-points in the manufacturing chain that have been determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009, with regard to the animal by-products listed in CMC11 of this Regulation.

Amendment 33

Proposal for a regulation Article 42 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) name of the micro-organism;

(a) name of the micro-organism, *to the strain level*;

Justification

Different strains of the same species may have extremely different properties.

Amendment 34

Proposal for a regulation

Article 42 – paragraph 2 – point d

Text proposed by the Commission

(d) taxonomic relation to micro-organism species fulfilling the requirements for a Qualified Presumption of Safety as established by the European Food Safety *Agency*;

Amendment

(d) taxonomic relation to micro-organism species fulfilling the requirements for a Qualified Presumption of Safety as established by the European Food Safety *Authority*;

Amendment 35

Proposal for a regulation

Article 42 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 with regard to setting out requirements for the safety evaluation of new micro-organisms for the purpose of paragraph 2. The first of those delegated acts shall be presented to the European Parliament and to the Council no later than ... [OJ please insert the date: one year after the entry into force of this Regulation].

Justification

There is much innovation and development possible for the use of micro-organisms in fertilising products. Therefore it is important to ensure that this Regulation, as much as possible, enables development and innovation in this field. Facilitating the inclusion of more micro-organisms in this Regulation is one important step in this regard.

Amendment 36

Proposal for a regulation Article 42 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *With regard to Part II of Annex I, the empowerment to adopt delegated acts in accordance with paragraphs 1 and 4 excludes adaptations to the contaminant limits specified therein, unless new contaminant limits are necessary as a consequence of adding new component materials under Annex II. When new contaminant limits are set, those limits shall only apply to the new component materials added.*

Amendment 37

Proposal for a regulation Article 42 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. *The Commission shall review Part II of Annex I by ... [OJ please insert the date: ten years after the entry into force of this Regulation] or in case there is any new relevant scientific information available as regards the toxicity and carcinogenicity of relevant contaminants or any new technological progress and innovation in the field of production and use of fertilising products.*

Justification

Requirements related to contaminant of product function categories shall be exempted from the powers delegated to the European Commission and reviewed via the ordinary legislative procedure given that one of the objectives of the new regulation is to address environmental concerns arising from contamination by EC-fertilisers of soil, inland waters, sea waters and ultimately food, thus making it a primary concern for human health.

Amendment 38

Proposal for a regulation

Article 45 – paragraph 1 – point 1 a (new)

Regulation (EC) No 1069/2009

Article 5 – paragraph 2 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) in paragraph 2, the following subparagraph is added after the first subparagraph:

“For derived products falling under the scope of Article 32 that are already widely used in Member States for the production of fertilisers, the Commission shall determine such an end-point by [Publications office, please insert the date occurring six months after the date of publication of the Fertilisers Regulation]”.

Amendment 39

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) 1107/2009

Article 3 – point 34 – introductory part

Text proposed by the Commission

Amendment

(3) "34."plant biostimulant" means *a product* stimulating plant nutrition processes independently of *the product's* nutrient content with the sole aim of improving one or more of the following characteristics of the plant:

(3) "34."plant biostimulant" means a product *containing any substance or micro-organism* stimulating plant nutrition processes independently of *its* nutrient content, *or any combination of such substances and/or micro-organisms*, with the sole aim of improving one or more of the following characteristics of the plant *or the plant rhizosphere*:

Amendment 40

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) 1107/2009
Article 3 – point 34 – point c a (new)

Text proposed by the Commission

Amendment

(ca) degradation of organic matter in the soil;

Amendment 41

Proposal for a regulation
Article 46 – paragraph 1 – point 2
Regulation (EC) 1107/2009
Article 3 – point 34 – point c b (new)

Text proposed by the Commission

Amendment

(cb) increase the availability of nutrients confined in the soil or the rhizosphere.

Amendment 42

Proposal for a regulation
Article 46 a (new)
Directive 91/676/EEC
Article 2 – point g

Text proposed by the Commission

Amendment

Article 46a

Amendment of Directive 91/676/EEC

In Directive 91/676/EEC point (g) of Article 2 is replaced by the following:

"(g) 'livestock manure': means waste products excreted by livestock or a mixture of litter and waste products excreted by livestock, even in processed form, unless these products have undergone a processing in accordance with Regulation (EC) No 1069/2009 and have reached a nitrate fertiliser replacement value of at least 90%."

Justification

It is important to provide a link between this regulation and the Nitrates Directive.

Amendment 43

Proposal for a regulation

Article 46 b (new)

Regulation (EC) No 1907/2006

Annex V – point 12

Text proposed by the Commission

Amendment

Article 46b

**Amendment to Regulation (EC) No
1907/2006**

***Point 12 in Annex V is replaced by the
following:***

"12. Compost, biogas and digestate"

Justification

In order to support innovation and development in the circular economy regulatory certainty is essential. The following suggested amendment consolidate the wide spread implementation practice of Regulation (EC) No 1907/2006 (REACH) that digestates are not subject to registration under that Regulation.

Amendment 44

Proposal for a regulation

Article 48 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States which have already implemented a lower limit for cadmium (Cd) content in organo-mineral fertilisers and inorganic fertilisers, set out in PFC 1 (B)(3)(a) and PFC 1 (C)(I)(2)(a) of Part II of Annex I may maintain that stricter limit until the limit established according to this Regulation is equal or lower. Member States shall notify such existing national measures to the Commission by ... [[OJ please insert the date: six months

after the date of entry into force of this Regulation].

Amendment 45
Proposal for a regulation
Article 49 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *By way of derogation from paragraph 2 of this Article, Articles 42 and 45 shall apply from ... [OJ please insert the date: the date of entry into force of the Regulation].*

Amendment 46

Proposal for a regulation
Annex I – part I – point 5 – point A – point I a (new)

Text proposed by the Commission

Amendment

Ia. *Denitrification inhibitor*

Justification

It is necessary to add the denitrification inhibitor in the “Agronomic additive category”. Denitrification inhibitors are fundamental substances which aim to prevent atmospheric pollution by reducing the formation of dinitrogen from products such as livestock manure and bio-digestate.

Amendment 47

Proposal for a regulation
Annex I – part II – PFC 1(A) – paragraph 1

Text proposed by the Commission

Amendment

An organic fertiliser shall contain

- carbon (C) and
- nutrients

of solely biological origin, excluding *material* which *is* fossilized or embedded

An organic fertiliser shall contain

- ***organic*** carbon (***Corg***) and
- nutrients

of solely biological origin, ***such as peat, including leonardite, lignite and substances obtained from those materials,***

in geological formations.

but excluding *other materials* which *are* fossilized or embedded in geological formations.

Amendment 48

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 2 – indent 1

Text proposed by the Commission

Amendment

- Cadmium (Cd) **1,5** mg/kg dry matter,

- Cadmium (Cd) **1.0** mg/kg dry matter

Justification

Given the fact that one of the intentions of the current regulation is to reduce the usage of organo-mineral and inorganic fertilisers and increase the usage of organic fertilisers in the EU market, it is of utmost importance that we aim to reduce as much as possible the accumulation in EU arable soil of carcinogenic substances like Cadmium. Cadmium is, since 2014 on the Candidate List given its known carcinogenic classification as CIA (known carcinogen in humans) under the REACH Regulation.

Amendment 49

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 2 – indent 5

Text proposed by the Commission

Amendment

- Lead (Pb) **120** mg/kg dry matter, and

- Lead (Pb) **20** mg/kg dry matter, and

Justification

The French Food Security Agency (ANSES) has concluded in a 2016 report that levels for Lead found in baby and child food are of extreme risk and non-acceptable and should immediately be lowered. Similarly, the European Commission's study of the Joint Research Centre and the Institute for Reference Materials and Measurements in which the total lead in baby food in Europe was determined, Lead was found as very problematic substance for babies' intake. Given the fact that presence of lead in fertilisers easily contaminates crops for human consumption, as it was confirmed by EFSA's study on Lead dietary exposure in the European population, maximum limits for this toxic contaminant in contaminants should drastically be lowered for all fertilisers, including organic ones

Amendment 50

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 2 – indent 6

Text proposed by the Commission

- Biuret (C₂H₅N₃O₂) **12 g/kg dry matter.**

Amendment

- Biuret (C₂H₅N₃O₂) ***under detection limit.***

Justification

It is necessary to fix a low limit for biuret (chemical complex present in urea) in order to avoid fraudulent uses of urea that, thanks to its low price, could be used as substitute for organic matter.

Amendment 51

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 3

Text proposed by the Commission

3. *Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.*

Amendment

3. *Pathogens must not be present in the organic fertiliser in a concentration of more than the respective limits outlined in the table below:*

<i>Micro-organism to be tested</i>	<i>Sampling plans</i>			<i>Limit</i>
	<i>n</i>	<i>c</i>	<i>m</i>	
				<i>M</i>
<i>Salmonella spp</i>	5	0	0	<i>Absence in 25g or 25ml</i>
<i>Escherichia coli or Enterococcaceae</i>	5	5	0	<i>1000 in 1g or 1ml</i>

where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100g or 100ml of the organic fertiliser.

Amendment 52

Proposal for a regulation

Annex I – part II – PFC 1(A) (I) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The CE marked fertilising product shall contain at least one of the following declared nutrients: nitrogen (N), phosphorus pentoxide (P₂O₅) or potassium oxide (K₂O).

Amendment 53

Proposal for a regulation

Annex I – part II – PFC 1(A) (II) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The CE marked fertilising product shall contain at least one of the following declared nutrients: nitrogen (N), phosphorus pentoxide (P₂O₅) or potassium oxide (K₂O).

Amendment 54

Proposal for a regulation

Annex I – part II – PFC 1(A) (II) – paragraph 2 – indent 1

Text proposed by the Commission

Amendment

- 2% by mass of total nitrogen (N),

- 1% by mass of total nitrogen (N),
and/or

Amendment 55

Proposal for a regulation

Annex I – part II – PFC 1(A) (II) – paragraph 2 – indent 2

Text proposed by the Commission

Amendment

- 1% by mass of total phosphorus

- 0,5% by mass of total phosphorus

pentoxide (P₂O₅), or

pentoxide (P₂O₅), *and/or*

Amendment 56

Proposal for a regulation

Annex I – part II – PFC 1(B) – paragraph 1

Text proposed by the Commission

1. An organo-mineral fertiliser shall be a co-formulation of
 - one or more *inorganic* fertilisers, as specified in PFC 1(C) below, and
 - *a material* containing organic carbon (*C*) and
 - nutrients of solely biological origin, excluding *material* which *is* fossilized or embedded in geological formations.

Amendment

1. An organo-mineral fertiliser shall be a co-formulation of
 - one or more *mineral* fertilisers, as specified in PFC 1(C) below, and
 - *one or more materials* containing organic carbon (*Corg*) and
 - nutrients of solely biological origin, *such as peat, including leonardite, lignite and substances obtained from those materials, but* excluding *other materials* which *are* fossilized or embedded in geological formations.

Amendment 57

Proposal for a regulation

Annex I – part II – PFC 1(B) – paragraph 3 – point a

Text proposed by the Commission

- (1) Where the CE marked fertilising product has a total phosphorus (P) content of less than 5 % phosphorus pentoxide (P₂O₅)-equivalent by mass: 3 mg/kg dry matter, or
- (2) Where the CE marked fertilising product has a total phosphorus (P) content of 5 % phosphorus pentoxide (P₂O₅)-equivalent or more by mass ('phosphate fertiliser'):
 - As of [Publications office, please insert the date of application of this Regulation]: 60 mg/kg phosphorus pentoxide (P₂O₅),
 - As of [Publications office, please

Amendment

- (1) Where the CE marked fertilising product has a total phosphorus (P) content of less than 5 % phosphorus pentoxide (P₂O₅)-equivalent by mass: 3 mg/kg dry matter, or
- (2) Where the CE marked fertilising product has a total phosphorus (P) content of 5 % phosphorus pentoxide (P₂O₅)-equivalent or more by mass ('phosphate fertiliser'):
 - As of [Publications office, please insert the date of application of this Regulation]: 60 mg/kg phosphorus pentoxide (P₂O₅),
 - As of [Publications office, please

insert the date occurring three years after the date of application of this Regulation]:
40 mg/kg phosphorus pentoxide (P₂O₅),
and

- As of [Publications office, please insert the date occurring *twelve* years after the date of application of this Regulation]:
20 mg/kg phosphorus pentoxide (P₂O₅),

insert the date occurring three years after the date of application of this Regulation]:
40 mg/kg phosphorus pentoxide (P₂O₅),
and

- As of [Publications office, please insert the date occurring *nine* years after the date of application of this Regulation]:
20 mg/kg phosphorus pentoxide (P₂O₅),

Amendment 58

Proposal for a regulation

Annex I – part II – PFC 1(B) – paragraph 3 – point e

Text proposed by the Commission

(e) Lead (Pb) **120** mg/kg dry matter.

Amendment

(e) Lead (Pb) **20** mg/kg dry matter.

Justification

Lead accumulates in the body and most seriously affects the developing central nervous system in infants, children and the foetus of pregnant women. There is no recommended tolerable intake level as there is no evidence of thresholds for a number of critical health effects. In light of the particular concern for lead exposure in children, it is important to strictly regulate major dietary sources of lead.

Amendment 59

Proposal for a regulation

Annex I – part II – PFC 1(B) – paragraph 4

Text proposed by the Commission

4. *Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.*

Amendment

4. *Pathogens must not be present in the organo-mineral fertiliser in a concentration of more than the respective limits outlined in the table below:*

<i>Micro-organism to be tested</i>	<i>Sampling plans</i>			<i>Limit</i>
	<i>n</i>	<i>c</i>	<i>m</i>	<i>M</i>
<i>Salmonella spp</i>	5	0	0	<i>Absence in 25g or 25ml</i>
<i>Escherichia coli or</i>	5	5	0	<i>1000 in 1g or 1ml</i>

<i>Enterococcaceae</i>				
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where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100g or 100ml of the organo-mineral fertiliser.

Amendment 60

Proposal for a regulation

Annex I – part II – PFC 1(B) (I) – paragraph 3

Text proposed by the Commission

3. Organic carbon (C) shall be present in the CE marked fertilising product by at least **3** % by mass.

Amendment

3. Organic carbon (C) shall be present in the CE marked fertilising product by at least **1** % by mass.

Amendment 61

Proposal for a regulation

Annex I – part II – PFC 1(B) (I) – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In cases where a CE marked fertilising product contains more than one nutrient, that product shall contain the following declared nutrients in the minimum quantities stated below:

- **1,0% by mass of total nitrogen, out of which 0,5% by mass of the CE marked fertilising product shall be organic (N), or**
- **1,0% by mass of total phosphorus pentoxide (P₂O₅), or**
- **1,0% by mass of total potassium oxide (K₂O), and**
- **3,0% by mass of total sum of nutrients.**

Amendment 62

Proposal for a regulation

Annex I – part II – PFC 1(C) – paragraph 1

Text proposed by the Commission

An inorganic fertiliser shall be a fertiliser other than an organic or organo-mineral fertiliser.

Amendment

A mineral fertiliser shall be a fertiliser containing nutrients in a mineral form or processed into a mineral form. Calcium cyanamide, urea and its condensation and association products shall be considered as containing nutrients in a mineral form.

Amendment 63

Proposal for a regulation

Annex I – part II – PFC 1(C) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The total declarable nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from methylene-urea, N from isobutylidene diurea, N from crotonylidene diurea. The declarable phosphorus content is given by the phosphatic P form. New forms may be added after a scientific examination in accordance with Article 42.

Justification

The EU Commission proposes that the total declarable nutrient content includes by default all forms of nutrients, even those that will not be available to the plants. Only plant available nutrients should be declared and labelled because other forms of nitrogen and phosphorus have no proven contribution to plant nutrition. Otherwise farmers would not bring to their crops the nutrient quantity they were expecting to apply according to the proposal, and thus would be misled by the declaration of the total nutrient content.

Amendment 64

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *In order to be plant available, phosphorus (P) fertilisers under this Regulation shall fulfil at least one of the following minimum solubility levels:*

- *water solubility: minimum level 40% of total P, or*
- *solubility in neutral ammonium citrate: minimum level 75% of total P, or*
- *solubility in formic acid (only for soft rock phosphate): minimum level 55% of total P.*

Amendment 65

Proposal for a regulation

Annex I – part II – PFC 1(C)(I) – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. *The total declared nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from methylene-urea, N from isobutylidene diurea, N from crotonylidene diurea and N from cyanamide.*

Justification

The EU Commission proposes that the total declarable nutrient content includes by default all forms of nutrients, even those that will not be available to the plants. Only plant available nutrients should be declared and labelled because other forms of nitrogen and phosphorus have no proven contribution to plant nutrition. Otherwise farmers would not bring to their crops the nutrient quantity they were expecting to apply according to the proposal, and thus would be misled by the declaration of the total nutrient content.

Amendment 66

Proposal for a regulation

Annex I – part II – PFC 1(C) I – paragraph 2 – point a – point 2 – indent 3

Text proposed by the Commission

Amendment

- As of [Publications office, please insert the date occurring *twelve* years after the date of application of this Regulation]:
20 mg/kg phosphorus pentoxide (P₂O₅),

- As of [Publications office, please insert the date occurring *nine* years after the date of application of this Regulation]:
20 mg/kg phosphorus pentoxide (P₂O₅),

Amendment 67

Proposal for a regulation

Annex I – part II – PFC 1(C)(I) – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) Lead (Pb) **150** mg/kg dry matter,

(e) Lead (Pb) **20** mg/kg dry matter,

Justification

Lead accumulates in the body and most seriously affects the developing central nervous system in infants, children and the foetus of pregnant women. There is no recommended tolerable intake level as there is no evidence of thresholds for a number of critical health effects. In light of the particular concern for lead exposure in children, it is important to strictly regulate major dietary sources of lead.

Amendment 68

Proposal for a regulation

Annex I – Part II- PFC 1 (C) (I) – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) Arsenic (As) **60** mg/kg dry matter,

(f) Arsenic (As) **20** mg/kg dry matter,

Amendment 69

Proposal for a regulation

Annex I – part II – PFC 1 (C)(II) – paragraph 1

Text proposed by the Commission

Amendment

1. An inorganic micronutrient

1. An inorganic micronutrient

fertiliser shall be an inorganic fertiliser other than a macronutrient fertiliser aimed at providing one or more of the following nutrients: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) or zinc (Zn).

fertiliser shall be an inorganic fertiliser other than a macronutrient fertiliser aimed at providing one or more of the following nutrients: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo), *selenium (Se)*, *Silicon (Si)* or zinc (Zn).

Justification

Selenium is used on grass to improve the nutrition of livestock. Silicon is used to feed plants.

Amendment 70

Proposal for a regulation

Annex I – part II – PFC 2 – paragraph 2 – indent 1

Text proposed by the Commission

- Cadmium (Cd) **3** mg/kg dry matter,

Amendment

- Cadmium (Cd) **1** mg/kg dry matter,

Amendment 71

Proposal for a regulation

Annex I – part II – PFC 2 – paragraph 2 – indent 5

Text proposed by the Commission

- Lead (Pb) **200** mg/kg dry matter,
and

Amendment

- Lead (Pb) **20** mg/kg dry matter, and

Justification

Lead accumulates in the body and most seriously affects the developing central nervous system in infants, children and the foetus of pregnant women. There is no recommended tolerable intake level as there is no evidence of thresholds for a number of critical health effects. In light of the particular concern for lead exposure in children, it is important to strictly regulate major dietary sources of lead.

Amendment 72

Proposal for a regulation

Annex I – part II – PFC 2 – paragraph 2 – indent 6

Text proposed by the Commission

- Arsenic (As) **120** mg/kg dry matter.

Amendment

- Arsenic (As) **20** mg/kg dry matter.

Amendment 73

Proposal for a regulation Annex I – part II – PFC 3

Text proposed by the Commission

A soil improver shall be a ***CE marked fertilising product aimed at being added to the soil for the purpose of maintaining, improving or protecting the physical or chemical properties, the structure or the biological activity of soil.***

Amendment

A soil improver shall be a ***material (including mulch) added to soil in situ primarily to maintain or improve its physical properties, and which may improve its chemical and/or biological properties or activity.***

Amendment 74

Proposal for a regulation Annex I – part II – PFC 3(A) – paragraph 1

Text proposed by the Commission

1. An organic soil improver shall consist exclusively of material of solely biological origin, excluding ***material*** which ***is*** fossilized or embedded in geological formations.

Amendment

1. An organic soil improver shall consist exclusively of material of solely biological origin, ***such as peat, including leonardite, lignite and substances obtained from those materials, but*** excluding ***other materials*** which ***are*** fossilized or embedded in geological formations.

Amendment 75

Proposal for a regulation Annex I – part II – PFC 3(A) – paragraph 2 – indent 1

Text proposed by the Commission

- Cadmium (Cd) **3** mg/kg dry matter,

Amendment

- Cadmium (Cd) **1,5** mg/kg dry matter,

Justification

With the aim to align the contaminants' limits between organic soil improvers, liming materials, growing mediums and plant biostimulants, the cadmium limit in all abovementioned categories should be changed from 3 to 1,5 mg/kg.

Amendment 76

Proposal for a regulation

Annex I – part II – PFC 3(A) – paragraph 2 – indent 2

Text proposed by the Commission

Amendment

- Hexavalent chromium (Cr VI) 2 mg/kg dry matter,

- Hexavalent chromium (Cr VI) 1 mg/kg dry matter,

Amendment 77

Proposal for a regulation

Annex I – part II – PFC 3(A) – paragraph 2 – indent 5

Text proposed by the Commission

Amendment

- Lead (Pb) 120 mg/kg dry matter.

- Lead (Pb) 20 mg/kg dry matter.

Amendment 78

Proposal for a regulation

Annex I – part 2 – PFC 3(A) – paragraph 3 – point a

Text proposed by the Commission

(a) *Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.*

Amendment

(a) *Pathogens must not be present in the organic soil improver in a concentration of more than the respective limits outlined in the table below:*

<i>Micro-organism to be tested</i>	<i>Sampling plans</i>			<i>Limit</i>
	<i>n</i>	<i>c</i>	<i>m</i>	<i>M</i>
<i>Salmonella spp</i>	5	0	0	<i>Absence in 25g or 25ml</i>
<i>Escherichia coli or Enterococcaceae</i>	5	5	0	<i>1000 in 1g or 1ml</i>

where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100g or 100ml of the organic soil improver.

Amendment 79

Proposal for a regulation

Annex I – part II – PFC 3(B) – paragraph 1

Text proposed by the Commission

1. An inorganic soil improver shall be a soil improver other than an organic soil improver.

Amendment

1. An inorganic soil improver shall be a soil improver other than an organic soil improver, **and shall include mulch films. A biodegradable mulch film shall be a biodegradable polymer film complying in particular with the requirements of points 2a and 3 of CMC 10 in Annex II and intended to be placed on the soil in situ to protect its structure, suppress weed growth, reduce soil moisture loss, or prevent erosion.**

Amendment 80

Proposal for a regulation

Annex I – part II – PFC 3(B) – paragraph 2 – indent 5

Text proposed by the Commission

- Lead (Pb) **150** mg/kg dry matter.

Amendment

- Lead (Pb) **20** mg/kg dry matter.

Amendment 81

Proposal for a regulation

Annex I – part II – PFC 4 – paragraph 1

Text proposed by the Commission

Amendment

1. A growing medium shall be a material other than soil *intended for use as a substrate for root development*.

1. A growing medium shall be a material other than soil *in situ for plants and mushrooms to grow in*.

Amendment 82

Proposal for a regulation

Annex I – part II – PFC 4 – paragraph 2 – indent 1

Text proposed by the Commission

Amendment

- Cadmium (Cd) **3** mg/kg dry matter,

- Cadmium (Cd) **1,5** mg/kg dry matter,

Justification

With the aim to align the contaminants' limits between organic soil improvers, liming materials, growing mediums and plant biostimulants, the cadmium limit in all abovementioned categories should be changed from 3 to 1,5 mg/kg.

Amendment 83

Proposal for a regulation

Annex I – part II – PFC 4 – paragraph 2 – indent 5

Text proposed by the Commission

Amendment

- Lead (Pb) **150** mg/kg dry matter.

- Lead (Pb) **20** mg/kg dry matter.

Justification

Lead accumulates in the body and most seriously affects the developing central nervous system in infants, children and the foetus of pregnant women. There is no recommended tolerable intake level as there is no evidence of thresholds for a number of critical health effects. In light of the particular concern for lead exposure in children, it is important to strictly regulate major dietary sources of lead.

Amendment 84

Proposal for a regulation

Annex I – part II – PFC 4 – paragraph 3

Text proposed by the Commission

3. *Salmonella spp. shall be absent in a 25 g sample of the CE marked fertilising product.*

Amendment

3. *Pathogens must not be present in the growing medium in a concentration of more than the respective limits outlined in the table below:*

<i>Micro-organism to be tested</i>	<i>Sampling plans</i>			<i>Limit</i>
	<i>n</i>	<i>c</i>	<i>m</i>	<i>M</i>
<i>Salmonella spp</i>	5	0	0	<i>Absence in 25g or 25ml</i>
<i>Escherichia coli or Enterococcaceae</i>	5	5	0	<i>1000 in 1g or 1ml</i>

where n = number of samples to be tested

c = number of samples where the number of bacteria expressed in CFU may be between m and M

m = threshold value for the number of bacteria expressed in CFU that is considered satisfactory

M = maximum value of the number of bacteria expressed in CFU

Parasites Ascaris spp. and Toxocara spp. in all stages of their development must not be present in 100g or 100ml of the growing medium.

Amendment 85

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 1

Text proposed by the Commission

1. A plant biostimulant shall be a CE marked fertilising product stimulating plant nutrition processes independently of the product's nutrient content with the sole aim of improving one or more of the following characteristics of the plant:

Amendment

1. A plant biostimulant shall be a CE marked fertilising product ***containing any substances or micro-organisms*** stimulating plant nutrition processes independently of the product's nutrient content, ***or any combination of such substances and/or micro-organisms***, with

the sole aim of improving one or more of the following characteristics of the plant *or the plant rhizosphere*:

Amendment 86

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) degradation of organic matter in the soil; or

Amendment 87

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) increase the availability of nutrients confined in the soil or the rhizosphere.

Amendment 88

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 2 – indent 1

Text proposed by the Commission

Amendment

- Cadmium (Cd) 3 mg/kg dry matter,

- Cadmium (Cd) 1,5 mg/kg dry matter,

Justification

With the aim to align the contaminants' limits between organic soil improvers, liming materials, growing mediums and plant biostimulants, the cadmium limit in all abovementioned categories should be changed from 3 to 1,5 mg/kg.

Amendment 89

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 3

Text proposed by the Commission

Amendment

3. The plant biostimulant shall have the effects that are claimed on the label for the ***crops*** specified thereon.

3. The plant biostimulant shall have the effects that are claimed on the label for the ***plant*** specified thereon.

Amendment 90

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 3

Text proposed by the Commission

3. ***Salmonella spp. shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.***

Amendment

3. ***Pathogens must not be present in the microbial plant biostimulant in a concentration of more than the respective limits outlined in the table below:***

<i>Micro-organisms/their toxins, metabolites</i>	<i>Sampling plans</i>		<i>Limit</i>
	<i>n</i>	<i>c</i>	
<i>Salmonella spp</i>	<i>5</i>	<i>0</i>	<i>Absence in 25g or 25 ml</i>
<i>Escherichia coli</i>	<i>5</i>	<i>0</i>	<i>Absence in 1g or 1ml</i>
<i>Listeria monocytogenes</i>	<i>5</i>	<i>0</i>	<i>Absence in 25g or 25 ml</i>
<i>Vibrio spp</i>	<i>5</i>	<i>0</i>	<i>Absence in 25g or 25 ml</i>
<i>Shigella spp</i>	<i>5</i>	<i>0</i>	<i>Absence in 25g or 25 ml</i>
<i>Staphylococcus aureus</i>	<i>5</i>	<i>0</i>	<i>Absence in 25g or 25 ml</i>
<i>Enterococcaceae</i>	<i>5</i>	<i>2</i>	<i>10 CFU/g</i>
<i>Anaerobic plate count unless the microbial biostimulant is an aerobic bacterium</i>	<i>5</i>	<i>2</i>	<i>10⁵ CFU/g or ml</i>
<i>Yeast and mould count unless the microbial biostimulant is a fungus</i>	<i>5</i>	<i>2</i>	<i>1000 CFU/g or ml</i>

where n= number of units comprising the sample; c= number of sample units giving values over the defined limit.

Amendment 91

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 4

Text proposed by the Commission

Amendment

- 4. *Escherichia coli shall be absent in a 1 g or 1 ml sample of the CE marked fertilising product.*** ***deleted***

Amendment 92

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 5

Text proposed by the Commission

Amendment

- 5. *Enterococcaceae must not be present in the CE marked fertilising product by more than 10 CFU/g fresh mass.*** ***deleted***

Amendment 93

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 6

Text proposed by the Commission

Amendment

- 6. *Listeria monocytogenes shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.*** ***deleted***

Amendment 94

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 7

Text proposed by the Commission

Amendment

- 7. *Vibrio spp shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.*** ***deleted***

Amendment 95

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 8

Text proposed by the Commission

Amendment

8. *Shigella spp shall be absent in a 25 g or 25 ml sample of the CE marked fertilising product.* *deleted*

Amendment 96

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 9

Text proposed by the Commission

Amendment

9. *Staphylococcus aureus shall be absent in a 1 g or 1 ml sample of the CE marked fertilising product.* *deleted*

Amendment 97

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 10

Text proposed by the Commission

Amendment

10. *Aerobic plate count shall not exceed 10⁵ CFU/g or ml sample of the CE marked fertilising product, unless the microbial biostimulant is an aerobic bacterium.* *deleted*

Amendment 98

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 12 – subparagraph 2

Text proposed by the Commission

Amendment

the plant biostimulant shall have a pH superior or equal to 4. *deleted*

Amendment 99

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 13

Text proposed by the Commission

Amendment

- 13. The shelf-life of the microbial plant biostimulant shall be at least 6 months under the storage conditions specified on the label.** **deleted**

Justification

The Commission's proposal to make it mandatory for the shelf life of the microbial plant biostimulant to be six month would risk excluding well-functioning products with a shorter shelf life. The duration of a product's shelf life is not important to regulate here as long as the consumer if the relevant products is duly informed. Therefore a labelling requirement should be put in place instead.

Amendment 100

Proposal for a regulation

Annex II– part II – CMC 2 – paragraph 1

Text proposed by the Commission

Amendment

1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone no other processing than cutting, grinding, centrifugation, pressing, drying, freeze-drying **or** extraction with water.

1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone no other processing than cutting, grinding, centrifugation, **sieving, milling**, pressing, drying, freeze-drying, **buffering, extrusion, radiation, frost-treatment, sanitation by using heat**, extraction with water **or any other preparation or processing that does not render the final substance subject to registration under Regulation (EC) No 1907/2006.**

Amendment 101

Proposal for a regulation Annex II – part II – CMC 2 – paragraph 2

Text proposed by the Commission

2. For the purpose of paragraph 1, plants are understood to include algae and exclude blue-green algae.

Amendment

2. For the purpose of paragraph 1, plants are understood to include algae ***except for*** blue-green algae ***that produce cyanotoxins classified as hazardous in accordance with Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.***

Amendment 102

Proposal for a regulation Annex II – part II – CMC 3 – paragraph 2 – indent 1

Text proposed by the Commission

- which only processes input materials referred to in paragraph 1 above, and

Amendment

- which only processes input materials referred to in paragraph 1 above, ***in productions lines that are clearly separated from production lines processing input materials other than those referred to in paragraph 1,*** and

Amendment 103

Proposal for a regulation Annex II – part II – CMC 3 – paragraph 5

Text proposed by the Commission

5. As of [Publications office: Please insert the date occurring **5** years after the date of application of this Regulation], the compost shall contain no more than 2,5 g/kg dry matter of macroscopic impurities in the form of plastics above 2 mm. By [Publications office: Please insert the date occurring **8** years after the date of application of this Regulation] the limit-

Amendment

5. As of [Publications office: Please insert the date occurring **two** years after the date of application of this Regulation], the compost shall contain no more than 2,5 g/kg dry matter of macroscopic impurities in the form of plastics above 2 mm. By [Publications office: Please insert the date occurring **5** years after the date of application of this Regulation] the limit-

value of 2,5 g/kg dry matter shall be re-assessed in order to take into account the progress made with regards to separate collection of bio-waste.

value of 2,5 g/kg dry matter shall be re-assessed in order to take into account the progress made with regards to separate collection of bio-waste.

Justification

There is no reason to allow up to 5 g/kg of plastic in compost for five years. The level of 2,5 g/kg should be applicable two years after the date of application, and it should be reassessed after 5 years.

Amendment 104

Proposal for a regulation
Annex II – part II – CMC 4 – heading

Text proposed by the Commission

Amendment

CMC 4: Energy crop digestate

CMC 4: Energy crop digestate ***and plant-based bio-waste***

Amendment 105

Proposal for a regulation
Annex II – part II – CMC 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) Any material referred to in points (a)-(b) that has previously been digested.

(c) Any material referred to in points (a)-(b) that has previously been digested ***without any traces of aflatoxins.***

Justification

Aflatoxins are chemical substances produced by fungi and they are very dangerous for human and animal health.

Amendment 106

Proposal for a regulation
Annex II – part II – CMC 4 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) Thermophilic anaerobic digestion at 55°C with a treatment process including ***a***

(b) Thermophilic anaerobic digestion at 55°C with a treatment process including

pasteurisation *step* (70°C – 1h);

pasteurisation *as described in point 1 of section 1 of Chapter I of Annex V to Commission Regulation (EU) No 142/2011*^{1a};

^{1a} *Commission Regulation ((EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive ((OJ L 054 26.2.2011, p. 1).*

Amendment 107

Proposal for a regulation

Annex II – part II – CMC 4 – paragraph 3 – point d

Text proposed by the Commission

(d) Mesophilic anaerobic digestion at 37-40°C with a treatment process including *a* pasteurisation *step* (70°C – 1h); or

Amendment

(d) Mesophilic anaerobic digestion at 37-40°C with a treatment process including pasteurisation *as described in point 1 of section 1 of Chapter I of Annex V to Regulation (EU) No 142/2011*; or

Amendment 108

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 1 – point e – introductory part

Text proposed by the Commission

(e) Any material listed in points (a)-(d) that

Amendment

(e) Any material *without aflatoxins* listed in points (a)-(d) that

Justification

Aflatoxins are chemical substances produced by fungi and they are very dangerous for human and animal health.

Amendment 109

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 3 – point b

Text proposed by the Commission

(b) Thermophilic anaerobic digestion at 55°C with a treatment process including *a* pasteurisation *step (70°C – 1h)*;

Amendment

(b) Thermophilic anaerobic digestion at 55°C with a treatment process including pasteurisation *as described in point 1 of section 1 of Chapter I of Annex V to Regulation (EU) No 142/2011*;

Amendment 110

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 3 – point d

Text proposed by the Commission

(d) Mesophilic anaerobic digestion at 37-40°C with a treatment process including *a* pasteurisation *step (70°C – 1h)*; or

Amendment

(d) Mesophilic anaerobic digestion at 37-40°C with a treatment process including pasteurisation *as described in point 1 of section 1 of Chapter I of Annex V to Regulation (EU) No 142/2011*; or

Amendment 111

Proposal for a regulation

Annex II – part II – CMC 6 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

All substances shall contain aflatoxins under the detection limit.

Justification

Aflatoxins are chemical substances produced by fungi and they are very dangerous for human and animals health.

Amendment 112

Proposal for a regulation

Annex II – part II – CMC 7 – indent 2

Text proposed by the Commission

Amendment

- *are listed in the table below:*

deleted

Azotobacter spp.

Mycorrhizal fungi

Rhizobium spp.

Azospirillum spp.

Amendment 113

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 1

Text proposed by the Commission

Amendment

1. A CE marked fertilising product may contain other polymers than nutrient polymers only in cases where the purpose of the polymer is that of

(a) controlling the water penetration into nutrient particles and thus the release of nutrients (in which case the polymer is commonly referred to as a 'coating agent'), or

(b) increasing the water retention capacity of the CE marked fertilising product.

1. A CE marked fertilising product may contain other polymers than nutrient polymers only in cases where the purpose of the polymer is that of

(a) controlling the water penetration into nutrient particles and thus the release of nutrients (in which case the polymer is commonly referred to as a 'coating agent'), or

(b) increasing the water retention capacity of the CE marked fertilising product, *or*

(ba) improving the soil as a biodegradable mulch film, which complies in particular with the requirements of points 2a and 3 of CMC10, or

(bb) improving the stability of the CE marked fertilising products.

Amendment 114

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 2

Text proposed by the Commission

Amendment

2. As of [Publications office, please

2. As of [Publications office, please

insert the date occurring three years after the date of application of this Regulation], ***the following criterion shall be complied with: The polymer shall be capable of undergoing physical, biological decomposition, such that most of it ultimately decomposes into carbon dioxide (CO₂), biomass and water. It shall have at least 90 % of the organic carbon converted into CO₂ in maximum 24 months, in a biodegradability test as specified points (a)-(c) below.***

(a) ***The test shall be conducted at 25°C ± 2°C.***

(b) ***The test shall be conducted in accordance with a method for determining the ultimate aerobic biodegradability of plastic materials in soils by measuring oxygen demand or the amount of carbon dioxide evolved.***

(c) ***A micro-crystalline cellulose powder with the same dimension as the test material shall be used as a reference material in the test.***

(d) ***Prior to the test, the test material shall not be subject to conditions or procedures designed to accelerate the degradation of the film, such as exposure to heat or light.***

insert the date occurring ***five*** years after the date of application of this Regulation], ***the Commission shall adopt delegated acts, pursuant to Article 42(1) of this Regulation, introducing:***

(a) ***a standard for the biodegradability by setting a timeframe in which at least 90 % of the organic carbon is converted into CO₂, after the claimed release time of the polymer has been fulfilled, and***

(b) ***a biodegradability test that complies with the following criterion: the polymer is capable of undergoing physical, biological decomposition, such that most of it ultimately decomposes into carbon dioxide (CO₂), biomass and water.***

Amendment 115

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The biodegradable mulch films referred to in PFC 3 (B), shall be comply with the following criterion:

The polymer shall be capable of undergoing physical, biological decomposition, such that it ultimately

decomposes into carbon dioxide (CO₂), biomass and water and it shall have at least 90 %, absolute or relative to the reference material, of the organic carbon converted into CO₂ in a maximum of 24 months, in a biodegradability test in accordance with Union standards for biodegradation of polymers in soil.

Amendment 116

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Polymers that are solely used as binding material in a CE marked fertilising product and that are not in contact with the soil shall be exempted from the requirements set out in paragraphs 1, 2 and 3.

Amendment 117

Proposal for a regulation

Annex II – part II – CMC 11

Text proposed by the Commission

A CE marked fertilising product may contain animal by-products within the meaning of Regulation (EC) No 1069/2009 having reached the end point in the manufacturing chain as determined in accordance with that Regulation, which are listed in the table below and as specified therein:

Amendment

Subject to the adoption by the Commission of the delegated acts pursuant to Article 42, a CE marked fertilising product may contain animal by-products within the meaning of Regulation (EC) No 1069/2009 having reached the end point in the manufacturing chain as determined in accordance with that Regulation, which are listed in the table below and as specified therein

	<i>Derived product</i>	<i>Processing standards to reach the end point in the manufacturing chain</i>
<i>1</i>	<i>Meat meal</i>	<i>Determined in accordance with Article 5(2), [new second]</i>

		<i>subparagraph of Regulation (EC) No 1069/2009</i>
2	<i>Bone meal</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
3	<i>Meat-and-bone meal</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
4	<i>Blood of animals</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
5	<i>Hydrolysed proteins of Category III – according to Regulation 1069/2009</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
6	<i>Processed manure</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
7	<i>Compost (1)</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
8	<i>Biogas digestion residues(1)</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
9	<i>Feather meal</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
10	<i>Hides and skins</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
11	<i>Hoofs and horns</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
12	<i>Guano of bats</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
13	<i>Wool and hair</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
14	<i>Feather and downs</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
15	<i>Pig bristles</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
16	<i>Glycerine and other products of Category 2 and 3 materials derived from the biodiesel and renewable fuels production</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
17	<i>Petfood and dog chews that have been refused for commercial reasons or technical failures</i>	<i>Determined in accordance with Article 5(2), [new second] subparagraph of Regulation (EC) No 1069/2009</i>
<i>(1) derived from Category 2 and 3 materials other than Meat-and-bone meal and Processed</i>		

Amendment 118

Proposal for a regulation

Annex II – part II – CMC 11 a (new) – heading

Text proposed by the Commission

Amendment

CMC 11a: Other industry by-products

Amendment 119

Proposal for a regulation

Annex II – part II – CMC 11 a (new)

Text proposed by the Commission

Amendment

A CE marked fertilising product may contain other industry by-products coming from specific industrial processes, which are excluded from CMC 1 and are listed in the table below and as specified therein:

Justification

Table contents to be determined by the Commission. See amendment to industry by-products - Article 42 – paragraph 1 – point c (new).

Amendment 120

Proposal for a regulation

Annex III – part I – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) in the case of any product containing material originating from organic wastes or by-products, which has not been through a process which has destroyed all organic materials, the label shall specify which wastes and by-products have been used and a batch number or production time series number. That number shall refer to the traceability

data held by the producer and which identifies the individual sources (farms, factories, etc.) of each organic waste/by-product used in the batch/time series. The Commission shall publish, after a public consultation and within two years of ... [OJ please insert the date of entry into force of this Regulation], specifications for the implementation of this provision, which will enter into force within three years of the publication of the specifications. In order to minimise the administrative burden for operators and for market surveillance authorities, the Commission specifications shall take into account both the requirements of paragraphs 5 to 7 of Article 6 and Article 11 and existing traceability systems (e.g. for animal by-products or industry systems) as well as Union waste classification codes.

Justification

Phosphorous is a limited substance, therefore to recycle this very important nutrient and apply the circular economy approach for the production of fertilisers should be supported. In order to establish trust and ensure confidence and safety for fertiliser products susceptible to contain organic materials, a traceability system from input material source to field for organic fertiliser products based on the existing system used for animal by-products is highly recommended. Because the Fertilisers Regulation effectively results in “end of waste” status for animal by-products which become EU fertilisers, and because CMC11 (category of certain animal by-products) is currently a blank box, it should be made explicit that the current traceability for animal by-products (e.g. manures, slaughter house by-products) is maintained. This traceability should also be extended to all organic materials, e.g. fertilisers made out of sludge, food waste, food industry by-products.

Amendment 121

Proposal for a regulation Annex III – part I – paragraph 5

Text proposed by the Commission

5. Where the CE marked fertilising product contains a substance for which maximum residue limits for food and feed have been established in accordance with Regulation (EEC) No 315/93, Regulation

Amendment

5. Where the CE marked fertilising product contains a substance for which maximum residue limits for food and feed have been established in accordance with Regulation (EEC) No 315/93, Regulation

(EC) No 396/2005, Regulation (EC) No 470/2009 or Directive 2002/32/EC, the instructions referred to in paragraph 2(c) shall ensure that the intended use of the CE marked fertilising product does not lead to the exceedance of those limits in food or feed.

(EC) No 396/2005, Regulation (EC) No 470/2009 or Directive 2002/32/EC, the instructions referred to in paragraph 2(c) shall ensure that the intended use of the CE marked fertilising product does not lead to the exceedance of those limits in food or feed. *Where the CE marked fertilising product is permitted for use in organic agriculture under Regulation (EC) No 889/2008^{1a}, it shall carry the phrase "allowed in organic farming in accordance with Regulation (EC) No 889/2008".*

^{1a} *Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1).*

Justification

In order to improve the information for the final user, it is necessary to label appropriately the products allowed for organic farming.

Amendment 122

Proposal for a regulation Annex III – part I – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. *Where the CE marked fertilising product is permitted for use in organic agriculture under Regulation (EC) 834/2007, it shall be specified on the label as “allowed in organic farming with regard to (EC) No 834/2007.”*

CE fertiliser products not suitable for organic agriculture with regard to Regulation (EC) 834/2007, that have a commercial name recalling terms referred to in Article 23 of Regulation (EC) No 834/2007 that may mislead the final user

about its use in organic agriculture shall specify on the label as “not allowed in organic farming with regard to Regulation (EC) No 834/2007.”

Amendment 123

Proposal for a regulation

Annex III – part II – PFC 1(B) – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the CE marked fertilising product has a total phosphorus (P) content of 5 % phosphorus pentoxide (P₂O₅) equivalent or more by mass ('phosphate fertiliser')

(a) the actual cadmium (Cd) content in mg/kg phosphorus pentoxide (P₂O₅) shall be clearly declared, and

(b) the phrase 'low cadmium content' or similar, or a logo with that message, may only appear if the content of cadmium (Cd) is equal to or lower than 20 mg/kg phosphorus pentoxide (P₂O₅).

Amendment 124

Proposal for a regulation

Annex III – part II – PFC 1(C)(I) – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) pH

Justification

Fertiliser pH is an important indicator for farmers to adapt their production based on soil type and crops used.

Amendment 125

Proposal for a regulation

Annex III – part 2 – PFC 1(C)(I) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Fertilising products that contain less than 5ppm of cadmium, arsenic, lead, chromium VI and mercury, respectively, shall be eligible to use a visible “Green Label” in their packaging and label. The Commission shall be empowered to adopt delegated acts in accordance with Article 43, supplementing this Regulation to set the technical standards of such labels.

Justification

The European Union should ensure transparency for farmers and consumers and promote the use of greener, non-contaminated products in fertilising practices. In order to foster the usage of non-contaminated products in arable soil, we must increase visibility of those products in the market. The introduction of a “green label” in exceptionally low-contaminants products will facilitate the choice of farmers for these products, ensure their full knowledge on the contents of contaminants in their fertilisers, and ultimately encourage a move towards sustainable farming and safer products in the food chain. The introduction of a green label for those fertilisers with a content of below 5ppm of Cadmium, Arsenic, Lead Chromium VI and Mercury (the most toxic and common contaminants in inorganic and organo-mineral fertilisers” will support the transition towards greener fertilisers in the EU market.

Amendment 126

Proposal for a regulation

Annex III– part II – PFC 1(C)(I) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where the CE marked fertilising product has a total phosphorus (P) content of 5 % phosphorus pentoxide (P₂O₅) equivalent or more by mass (‘phosphate fertiliser’)

(a) the actual cadmium (Cd) content in mg/kg phosphorus pentoxide (P₂O₅) shall be clearly declared, and

(b) the phrase ‘low cadmium content’ or similar, or a logo with that message,

may only appear if the content of cadmium (Cd) is equal to or lower than 20 mg/kg phosphorus pentoxide (P₂O₅).

Amendment 127

Proposal for a regulation

Annex III – part III – PFC 1(C) (I) – paragraph 2

Text proposed by the Commission

Amendment

Quantity: ± 5 % relative deviation of the declared value

Quantity: ± 3 % relative deviation of the declared value

Justification

The ± 5 % relative deviation on the declared value for quantity is too high.

Amendment 128

Proposal for a regulation

Annex IV – part I – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) energy crop digestates as specified in CMC 4,

(b) energy crop digestates ***and plant-based bio-waste*** as specified in CMC 4,

Justification

As it is proposed for CMC 4 and CMC 6, internal production controls should be applied to agro-food waste digestates (Annex IV, Module A). This amendment aligns provisions with the changes introduced under Annex II.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Laying down rules on the making available on the market of CE marked fertilising products
References	COM(2016)0157 – C8-0123/2016 – 2016/0084(COD)
Committee responsible Date announced in plenary	IMCO 11.4.2016
Opinion by Date announced in plenary	ENVI 11.4.2016
Associated committees - date announced in plenary	27.10.2016
Rapporteur Date appointed	Elisabetta Gardini 21.9.2016
Discussed in committee	27.2.2017 24.4.2017
Date adopted	30.5.2017
Result of final vote	+: 34 -: 15 0: 17
Members present for the final vote	Marco Affronte, Margrete Auken, Pilar Ayuso, Zoltán Balczó, Catherine Bearder, Ivo Belet, Simona Bonafè, Biljana Borzan, Paul Brannen, Nessa Childers, Birgit Collin-Langen, Mireille D’Ornano, Miriam Dalli, Seb Dance, Angélique Delahaye, Mark Demesmaeker, Stefan Eck, Bas Eickhout, José Inácio Faria, Karl-Heinz Florenz, Francisc Gambús, Elisabetta Gardini, Gerben-Jan Gerbrandy, Arne Gericke, Jens Gieseke, Julie Girling, Françoise Grossetête, Andrzej Grzyb, Jytte Guteland, Anneli Jäätteenmäki, Jean-François Jalkh, Benedek Jávor, Josu Juaristi Abaunz, Karin Kadenbach, Urszula Krupa, Giovanni La Via, Jo Leinen, Peter Liese, Norbert Lins, Valentinas Mazuronis, Susanne Melior, Miroslav Mikolášik, Massimo Paolucci, Gilles Pargneaux, Pavel Poc, Frédérique Ries, Daciana Octavia Sârbu, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Claudiu Ciprian Tănăsescu, Ivica Tolić, Estefanía Torres Martínez, Nils Torvalds, Adina-Ioana Vălean, Jadwiga Wiśniewska, Damiano Zoffoli
Substitutes present for the final vote	Jørn Dohrmann, Eleonora Evi, Robert Jarosław Iwaszkiewicz, Merja Kyllönen, Stefano Maullu, James Nicholson, Christel Schaldemose
Substitutes under Rule 200(2) present for the final vote	Pál Csáky, Siôn Simon

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

34	+
ALDE	Catherine Bearder, Gerben-Jan Gerbrandy, Anneli Jäätteenmäki, Valentinas Mazuronis, Nils Torvalds
EFDD	Eleonora Evi
GUE/NGL	Stefan Eck, Josu Juaristi Abaunz, Merja Kyllönen, Estefanía Torres Martínez
NI	Zoltán Balczó
S&D	Simona Bonafè, Biljana Borzan, Paul Brannen, Nessa Childers, Miriam Dalli, Seb Dance, Jytte Guteland, Karin Kadenbach, Jo Leinen, Susanne Melior, Massimo Paolucci, Gilles Pargneaux, Pavel Poc, Christel Schaldemose, Siôn Simon, Daciana Octavia Sârbu, Claudiu Ciprian Tănăsescu, Damiano Zoffoli
VERTS/ALE	Marco Affronte, Margrete Auken, Bas Eickhout, Benedek Jávor, Davor Škrlec

15	-
ECR	Jørn Dohrmann, Arne Gericke, Julie Girling, Urszula Krupa, James Nicholson, Jadwiga Wiśniewska
EFDD	Robert Jarosław Iwaszkiewicz
ENF	Mireille D'Ornano, Jean-François Jalkh
PPE	Angélique Delahaye, Jens Gieseke, Françoise Grossetête, Andrzej Grzyb, Annie Schreijer-Pierik, Renate Sommer

17	0
ALDE	Frédérique Ries
ECR	Mark Demesmaeker
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Key to symbols:

+ : in favour

- : against

0 : abstention

9.6.2017

OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

for the Committee on the Internal Market and Consumer Protection

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 (COM(2016)0157 – C8-0123/2016 – 2016/0084(COD))

Rapporteur (*): Jan Huitema

(*) Associated committee – Rule 54 of the Rules of Procedure

SHORT JUSTIFICATION

Fertilisers are essential for agricultural production. Fertilising products ensure farmers that their crops receive the necessary nutrients. The need to produce more with less becomes more and more important in order to meet demands for food and preserve our environment. Fertilisers play an important role in this challenge.

Approximately 50% of the fertilisers which are currently on the market are excluded from the scope of the existing regulation, especially fertilising products which contain or consist of recycled organic materials. Estimates show that almost 30% of the inorganic fertilisers could be replaced by organic fertilisers if bio-waste would be more exploited and the potential for recycling used. This could contribute to the circular economy by reducing waste and by closing the mineral loop and would also help to address concerns about the dependence of the European Union on the import of raw materials from third countries and the energy intensive processes involved in the production of inorganic fertilisers.

Therefore, the rapporteur welcomes the revision of the existing fertiliser regulation in order to provide the opportunity for organic fertilising products to enter the internal market providing more freedom of choice for farmers. Moreover, the expansion of the scope and increased harmonisation will stimulate entrepreneurship and enhance the innovative potential of the agro-food sector, especially with regards to the development of techniques which recover valuable nutrients from organic waste streams and use them for the production of fertilising products.

The opportunities for recycling organic waste streams are enormous and the agricultural sector plays an indispensable role. For example, with the recovery of nutrients from animal manure. Manure is the most common fertiliser on farm land in the European Union,

accounting for approximately half of the nutrients applied to EU farm land. With innovative techniques that recover nutrients from animal manure into highly efficient mineral concentrates (nitrogen + potassium), farmers are offered the opportunity to recycle nutrients in a more sustainable way.

However, the incentive to use fertilising products containing or consisting of processed animal manure is obstructed by the implementing rules for application of fertilisers as described in the Nitrates Directive, as the use of processed manure is bound to the same rules as unprocessed manure.

The rapporteur does not question the objectives of the Nitrates Directive nor wants to change the limit for nitrogen from animal manure that is allowed to be applied on agricultural lands. However, it is unjustified that fertilising products containing or consisting of processed animal manure that equal the agronomic efficiency of inorganic fertilisers and which do not pose a threat to the environmental objectives of the Nitrates Directive are subjected to the same rules as unprocessed manure and thus limited in their use. The recovery of nutrients from animal manure does not only have environmental benefits by closing the mineral loop but also saves costs for the farmers as they will be less dependent on buying inorganic fertilisers.

The rapporteur, therefore, proposes an amendment to adjust the definition of “livestock manure” in the Nitrates Directive in order to make sure that fertilising products containing or consisting of processed animal manure, which fulfil the requirements of the fertilisers Regulation and have proven to possess sufficient agronomic capacities, are not unduly discriminated. Notwithstanding that, clear and stringent requirements are necessary to control the efficiency and quality of the products in order to safeguard the environmental objectives of the Nitrates Directive.

Another promising product with high potential for agriculture is the category of the biostimulants. The rapporteur is of the opinion that the use of biostimulants could play an important role in increasing the efficiency and therefore the use of fertilisers as they enhance the uptake of nutrients by the crop. Next to that, they can also have multiple other beneficial effects that indirectly make the plant more resilient against external influences like pests.

However, the current proposal is not entirely reconciled with the rapid developments as regards new biostimulants, especially microbial plant biostimulants. It should be prevented that promising beneficial products are being left out of the scope of the fertilisers Regulation. Therefore, there should be clear requirements which producers of microbial plant biostimulants have to comply with, as there are currently no clear requirements for the safety evaluation to assess if newly discovered micro-organisms are safe to be used in CE marked fertilising products. This delays product innovation whereas producers need clarity.

The same holds for the biodegradability requirements for controlled release fertilisers. The rapporteur agrees that we need to prevent, as much as possible, the pollution of our soils with plastic polymers. However, a timespan of 24 months does not safeguard the function of a biodegradable polymer since some products need to retain their function of releasing nutrients over a longer period of time. Moreover, it is unlikely that, with current day knowledge and available technology, the 90% biodegradability will be feasible in 24 months. Therefore, the time-period after the polymer starts to degrade has to be initiated after the claimed release time has passed. Next to that, the industry should be provided with more time to set a feasible

timespan after which the polymer reaches a biodegradability of 90%. Accordingly, appropriate biodegradability tests need to be developed.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Title

Text proposed by the Commission

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

(Text with EEA relevance)

Amendment

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 *fertilisers and
improving nutrition efficiency* products
(*INEP*) and amending Regulations (EC)
No 1069/2009, (EC) No 1107/2009 *and
(EC) No 1907/2006*

(Text with EEA relevance)

*("fertiliser" should be removed throughout
the text for those products intended to
improve nutrition efficiency of plants.)*

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The conditions for making
fertilisers available on the internal market
have been partially harmonised through
Regulation (EC) No 2003/2003 of the
European Parliament and of the Council¹⁵,
which almost exclusively covers fertilisers
from mined or chemically produced,

Amendment

(1) *This Regulation should aim to
foster the goals of the circular economy
and to ensure that farmers have a secure
and sustainable supply of highly efficient
fertilisers.* The conditions for making
fertilisers available on the internal market
have been partially harmonised through

inorganic materials. There is also a need to make use of recycled or organic materials for fertilising purposes. Harmonised conditions for making fertilisers made from such recycled or organic materials available on the entire internal market should be established in order to provide an important incentive *for* their further use. The scope of the harmonisation should therefore be extended in order to include recycled and organic materials.

Regulation (EC) No 2003/2003 of the European Parliament and of the Council¹⁵, which almost exclusively covers fertilisers from mined or chemically produced, inorganic materials. There is also a need to make use of recycled or organic materials for fertilising purposes. Harmonised conditions for making fertilisers made from such recycled or organic materials available on the entire internal market should be established in order to provide an important incentive *to promote* their further use. ***This is vital in order to decrease the dependence of the Union on imports of nutrients from third countries and contribute to the circular economy.*** The scope of the harmonisation should therefore be extended in order to include recycled and organic materials. ***There should be clarity in the use of the term organic and a clear distinction made between organic as defined in Council Regulation (EC) No 834/2007^{15a} and organic as category of fertiliser which contains mainly organic material, not mineral components. The Commission should present the European Parliament and the Council with a report taking stock of the application of this Regulation five years after its entry into force.***

¹⁵ Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1).

¹⁵ Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1).

^{15a} ***Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products (OJ L 189, 20.7.2007, p.20).***

Amendment 3

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Nutrients in food originate from the soil; healthy and nutritious soil results in healthy and nutritious crops and food. Farmers need available a wide range of fertilisers, organic and synthetic, in order to enhance their soil. When soil nutrients are missing, or depleted, plants will be nutrient deficient and may either stop growing or not contain nutritional value for human consumption.

Amendment 4

Proposal for a regulation

Recital 8

Text proposed by the Commission

Amendment

(8) Contaminants in CE marked fertilising products, 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. Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.

(8) Contaminants in CE marked fertilising products, such as cadmium, ***if not used correctly***, can potentially pose a risk to human and animal health and the environment as they accumulate in the environment and enter the food chain. Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.

Amendment 5

Proposal for a regulation

Recital 10

Text proposed by the Commission

Amendment

(10) The end point in the manufacturing chain should be determined for each relevant component material containing

(10) The end point in the manufacturing chain should be determined for each relevant component material containing

animal by-products in accordance with the procedures laid down in Regulation (EC) No 1069/2009. Where a manufacturing process regulated under this Regulation starts already before that end point has been reached, the process requirements of both Regulation (EC) No 1069/2009 and this Regulation should apply cumulatively to CE marked fertilising products, which means application of the stricter requirement in case both Regulations regulate the same parameter.

animal by-products in accordance with the procedures laid down in Regulation (EC) No 1069/2009. ***The setting of processing methods and recovery rules for animal by-products for which an end point in the manufacturing chain has been determined should start immediately after the entry into force of this Regulation. Accordingly, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of expanding or adding, without unnecessary delay, certain animal by-products to the specific component material categories in order to create more opportunities and legal certainty for producers and businesses by unlocking the potential to make more use of nutrients from animal by-products such as animal manure.*** Where a manufacturing process regulated under this Regulation starts already before that end point has been reached, the process requirements of both Regulation (EC) No 1069/2009 and this Regulation should apply cumulatively to CE marked fertilising products, which means application of the stricter requirement in case both Regulations regulate the same parameter.

Amendment 6

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) In the event of risks to **public** or animal health from CE marked fertilising products derived from animal by-products, recourse to safeguard measures in accordance with Regulation (EC) No 178/2002 of the European Parliament and of the Council¹⁹ should be possible, as is the case for other categories of products derived from animal by-products.

Amendment

(11) In the event of **proportionate** risks to **human** or animal health from CE marked fertilising products derived from animal by-products, recourse to safeguard measures in accordance with Regulation (EC) No 178/2002 of the European Parliament and of the Council¹⁹ should be possible, as is the case for other categories of products derived from animal by-

¹⁹ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

products.

¹⁹ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

Amendment 7

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) For certain recovered wastes within the meaning of Directive 2008/98/EC of the European Parliament and of the Council²⁰, a market demand for their use as fertilising products has been identified. Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE marked fertilising products, those requirements should be laid down in this Regulation. Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC.

Amendment

(13) For certain recovered wastes ***such as struvite, biochar and ash-based products*** within the meaning of Directive 2008/98/EC of the European Parliament and of the Council²⁰, a market demand for their use as fertilising products has been identified. Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE marked fertilising products, those requirements should be laid down in this Regulation. Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste, within the meaning of Directive 2008/98/EC, ***and accordingly it should be possible for products containing or consisting of such recovered waste materials to access the internal market. To ensure legal clarity and to further stimulate the incentive among producers to make more use of valuable waste streams, the scientific***

analyses and the setting of process requirements on Union level for such products should start immediately after the entry into force of this Regulation. Accordingly, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of defining, without unnecessary delay, larger or additional categories of component materials eligible for the use in the production of CE marked fertilising products such as struvite, biochar and ash-based products.

²⁰ Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

²⁰ Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Amendment 8

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Manufacturers of Fertilizers and Improving Nutrition Efficiency Products (INEP) should prove their efficiency before placing them on the market in order to guarantee a high level of quality to consumers.

Amendment 9

Proposal for a regulation Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) Certain industry by-products, co-products or recycled products coming from specific industrial processes are currently used by manufacturers as a component of a CE marked fertilising product. For components of CE marked

fertilising products, requirements related to component material categories should be laid down in this Regulation. If applicable, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC.

Amendment 10

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) Certain substances and mixtures, commonly referred to as agronomic additives, improve the nutrient release pattern of a nutrient in a fertiliser. Substances and mixtures made available on the market with the intention of them being added to CE marked fertilising products for that purpose should fulfil certain efficacy criteria at the responsibility of the manufacturer of those substances or mixtures, and should therefore as such be considered as CE marked fertilising products under this Regulation. Furthermore, CE marked fertilising products containing such substances or mixtures should be subject to certain efficacy *and* safety criteria. Such substances and mixtures should therefore also be regulated as component materials for CE marked fertilising products.

Amendment

(14) Certain substances and mixtures, commonly referred to as agronomic additives, improve the nutrient release pattern of a nutrient in a fertiliser. Substances and mixtures made available on the market with the intention of them being added to CE marked fertilising *or organic farm based fertilising* products for that purpose should fulfil certain efficacy, *safety and environmental* criteria at the responsibility of the manufacturer of those substances or mixtures, and should therefore as such be considered as CE marked fertilising products under this Regulation. Furthermore, CE marked fertilising products containing such substances or mixtures should be subject to certain efficacy, *safety and environmental* criteria. Such substances and mixtures should therefore also be regulated as component materials for CE marked fertilising products.

Amendment 11

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Certain substances, mixtures and micro-organisms, commonly referred to as plant biostimulants, are not as such nutrients, but nevertheless stimulate plants' nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, **or** crop quality traits, they are by nature more similar to fertilising products than to most categories of plant protection products. Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009 of the European Parliament and of the Council²¹. Regulation (EC) No 1107/2009 should therefore be amended accordingly.

²¹ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

Amendment 12

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15) Certain substances, mixtures and micro-organisms, commonly referred to as plant biostimulants, are not as such nutrients, but nevertheless stimulate plants' nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, crop quality traits, **humification, or increasing the availability of confined nutrients in soil**, they are by nature more similar to fertilising products than to most categories of plant protection products. ***They therefore can act as a complement to fertilisers, with a view to optimising the efficiency of fertilisers and reducing the amounts required. In addition to boosting production capacity, these products can help support ecosystem services and make crops more resistant to the effects of climate change.*** Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009 of the European Parliament and of the Council²¹. Regulation (EC) No 1107/2009 should therefore be amended accordingly.

²¹ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

Amendment

(15 a) For micro-organisms, component material categories should be expanded or

added in order to guarantee and enhance the innovative potential concerning the development and discovery of new microbial plant biostimulant products. In order to stimulate innovation and to create legal certainty for producers concerning the requirements which have to be fulfilled for the registration of new micro-organisms as an ingredient for CE marked fertilising products, harmonised methods for the safety evaluation of new micro-organisms have to be clearly identified. The preparatory work for defining these safety evaluation methods should start immediately after the entry into force of this Regulation. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to define, without any unnecessary delay, the requirements which producers have to comply with when demonstrating the safety of new micro-organisms in order to be registered for the use in CE marked fertilising products.

Amendment 13

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) Products with one or more functions, one of which is covered by the scope of Regulation (EC) No 1107/2009, should remain under the control tailored for such products and provided for by that Regulation. Where such products also have the function of a fertilising product, it would be misleading to provide for their CE marking under this Regulation, since the making available on the market of a plant protection product is contingent on a product authorisation valid in the Member State in question. Therefore, such products

Amendment

(16) Products ***placed on the market which have an intended use*** for one or more functions, ***at least*** one of which is covered by the scope of Regulation (EC) No 1107/2009, ***are plant protection products and*** remain under the control tailored for such products and provided for by that Regulation. Where such products also have the function of a fertilising product, it would be misleading to provide for their CE marking under this Regulation, since the making available on the market of a plant protection product is contingent on

should be excluded from the scope of this Regulation.

a product authorisation valid in the Member State in question. Therefore, such products should be excluded from the scope of this Regulation. **Products containing components registered under Regulation (EC) No 1107/2009 can have one or more fertilising functions and therefore be covered by the scope of this Regulation.**

Justification

This amendment would make the critical distinction between products and isolated components, a confusion which is rampant and is critical to get the balance right between providing clear boundaries while allowing for innovation and avoiding that the plant protection regulation prevents the use of any substance registered under Regulation (EC) 1107/2009 for any other purpose.

Amendment 14

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) This Regulation should not prevent the application of existing Union legislation relating to aspects of protection of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC²², Council Directive 89/391/EEC²³, Regulation (EC) No 1907/2006 of the European Parliament and of the Council²⁴, Regulation (EC) No 1272/2008 of the European Parliament and of the Council²⁵, Commission Regulation (EC) No 1881/2006²⁶, Council Directive 2000/29/EC²⁷, Regulation (EU) No 98/2013 of the European Parliament and of the Council²⁸, and Regulation (EU) No 1143/2014 of the European Parliament and of the Council²⁹.

Amendment

(17) This Regulation should not prevent the application of existing Union legislation relating to aspects of protection of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC²², **Council Directive 91/676/EEC^{22a}, Council Directive 2000/60/EC^{22b}**, Council Directive 89/391/EEC²³, Regulation (EC) No 1907/2006 of the European Parliament and of the Council²⁴, Regulation (EC) No 1272/2008 of the European Parliament and of the Council²⁵, Commission Regulation (EC) No 1881/2006²⁶, Council Directive 2000/29/EC²⁷, Regulation (EU) No 98/2013 of the European Parliament and of the Council²⁸, and Regulation (EU) No 1143/2014 of the European Parliament and of the Council²⁹ **and Council Regulation**

²² Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6).

²² Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6).

^{22a} ***Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375 , 31.12.1991, p. 1).***

^{22b} ***22b Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327 , 22.12.2000, p. 1).***

²³ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

²³ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

²⁴ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p. 1).

²⁴ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p. 1).

²⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).

²⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).

²⁶ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

²⁶ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

²⁷ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

²⁷ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

²⁸ Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).

²⁹ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

²⁸ Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).

²⁹ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).

^{29a} ***Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products (OJ L 189, 20.7.2007, p. 1)***

Amendment 15

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) Fertilising products which are CE marked in accordance with this Regulation should be afforded equal treatment and not unduly discriminated against by rules laid down in other Union legislation. In order to stimulate the incentive to use fertilising products from recycled and organic materials, technologically neutral rules should apply in order to provide legal clarity to producers who invest in the production of innovative fertilising products and to ensure fair competition between the different categories of fertilising products. Provided that fertilising products containing or consisting of processed animal manure are sufficiently agronomically efficient in order to maintain the environmental objectives of Directive 91/676/EEC^{1a} and that this efficiency is proven by technical documentation which is checked by the mechanisms provided for in this Regulation, it would therefore be

unjustified to restrict the application of such fertilising products below the application limits of nitrogen compounds from livestock manure established under Directive 91/676/EEC. Therefore, Directive 91/676/EEC should be amended so as to prevent discrimination of products containing or consisting of processed animal manure.

^{1a} Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375 , 31.12.1991, p. 1).

Amendment 16

Proposal for a regulation Recital 17 b (new)

Text proposed by the Commission

Amendment

(17b) The traceability of products which are vulnerable 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 (a) to secure consumer confidence and (b) to limit damage if local contamination occurs. As a result, businesses which use fertiliser products containing organic material from these sources may be identified. This should be compulsory for products containing material from waste or from by-products which have not undergone any processing that destroys organic pollutants, pathogens and genetic material. The aim is not only to reduce risks to health and the environment but also to reassure public opinion and cater for the concerns of farmers regarding pathogens, organic pollutants and genetic material. In order to protect land owners against pollution for which they themselves are not to blame, Member

States are called upon to establish appropriate liability rules.

Amendment 17

Proposal for a regulation

Recital 17 c (new)

Text proposed by the Commission

Amendment

(17c) Untreated by-products of animal production should not be subject to this Regulation.

Amendment 18

Proposal for a regulation

Recital 18

Text proposed by the Commission

Amendment

(18) Where a CE marked fertilising product contains a substance or mixture within the meaning of Regulation (EC) No 1907/2006, the safety of its constituent substances for the intended use should be established through registration pursuant to that Regulation. *The information requirements should ensure that the safety of the intended use of the CE marked fertilising product is demonstrated in a manner comparable to that achieved through other regulatory regimes for products intended for use on arable soil or crops, notably Member States' national fertiliser legislation and Regulation (EC) No 1107/2009. Therefore, where the actual quantities placed on the market are lower than 10 tonnes per company per year, the information requirements determined by Regulation (EC) No 1907/2006 for the registration of substances in quantities of 10 to 100 tonnes should exceptionally apply as a condition for making available pursuant to this Regulation.*

(18) Where a CE marked fertilising product contains a substance or mixture within the meaning of Regulation (EC) No 1907/2006, the safety of its constituent substances for the intended use should be established through registration pursuant to that Regulation.

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 19

Proposal for a regulation

Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Although digestate should not be subject to registration pursuant to Regulation (EC) No 1907/2006, this is not entirely clear from the wording of Annex V to that Regulation. A revision of that Annex is therefore needed in order to codify the current implementation practice.

Amendment 20

Proposal for a regulation

Recital 55

Text proposed by the Commission

Amendment

(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, **and** fertilising product production from animal by-products, such as biochar. It should be possible for products containing or consisting of such materials to access the internal market **without unnecessary delay** when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining larger or additional categories of CE marked fertilising products or component materials

(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, **in particular struvite**, fertilising product production from animal by-products, such as biochar, **and phosphorus recovery after incineration, in particular ash-based products. Therefore**, it should be possible for products containing or consisting of such materials to access the internal market when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining larger

eligible for use in the production of such products. For animal by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009, since animal by-products for which no such end point has been determined are in any event excluded from the scope of this Regulation.

or additional categories of CE marked fertilising products or component materials eligible for use in the production of such products. ***The first of those delegated acts should, in particular, add struvite, biochar and ash-based products to the categories of component materials and should be adopted as soon as possible after the entry into force of this Regulation.*** For animal by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009, since animal by-products for which no such end point has been determined are in any event excluded from the scope of this Regulation.

Amendment 21

Proposal for a regulation Recital 55 a (new)

Text proposed by the Commission

Amendment

(55a) Current manufacturing practices using other industry by-products or recycled products as a component of a mineral fertilizer have to be secured through this Regulation, in order to maintain and support their contribution to the circular economy in the Union. It should be possible for those components to be eligible as a component according to the requirements set in this Regulation, without unnecessary delay, once the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining larger or additional component materials eligible for use in

the production of such products.

Amendment 22

Proposal for a regulation Recital 59 a (new)

Text proposed by the Commission

Amendment

(59a) Provision must be made for products to continue to be used which have been placed in circulation under the rules on mutual recognition under Regulation (EC) No 764/2008^{1a}.

^{1a} Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC (OJ L 218, 13.8.2008, p. 21).

Amendment 23

Proposal for a regulation Article 1 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Directive 2000/60/EC;

Amendment 24

Proposal for a regulation Article 1 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing

Justification

Important to recognize organic agriculture and its particularities in the scope of fertiliser regulation.

Amendment 25

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

(1) ‘fertilising product’ means a substance, mixture, micro-organism or any other material, applied or intended to be applied, either on its own or mixed with another material, on plants or their rhizosphere for the purpose of providing plants with nutrient or improving their nutrition efficiency; **deleted**

Justification

As there are two different categories of products, there should be two definitions instead of one.

Amendment 26

Proposal for a regulation

Article 2 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) "Fertiliser" means a substance or a mixture of substances intended to provide nutrients to the plants;

Justification

As there are two different categories of products, there should be two definitions instead of one.

Amendment 27

Proposal for a regulation

Article 2 – paragraph 1 – point 1 b (new)

Text proposed by the Commission

Amendment

(1b) "Improving Nutrition Efficiency Product (INEP)" means a substance or a mixture of substances, micro-organism or any other material to be applied on plants or their rhizosphere for the purpose of improving their nutrition efficiency;

Amendment 28

Proposal for a regulation

Article 2 – paragraph 1 – point 1 c (new)

Text proposed by the Commission

Amendment

(1c) "primary nutrient" means the elements nitrogen, phosphorus, and potassium only;

Amendment 29

Proposal for a regulation

Article 2 – paragraph 1 – point 1 d (new)

Text proposed by the Commission

Amendment

(1d) "secondary nutrient" means the elements calcium, magnesium, sodium and sulphur;

Amendment 30

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall simultaneously with the publication of this Regulation in the Official Journal of

the European Union publish a guidance document giving clarity and examples to manufacturers and market surveillance authorities about how the label should look like. This guidance document shall also specify the kind of relevant information as referred to in Annex III PART 1 paragraph 2(d).

Justification

In order to provide a clear information to the farmers and to avoid incorrect fertiliser applications with negative consequences for the environment, concrete requirements and visual aspects of labels for mineral fertilizers should be provided by the European Commission in a guidance document.

Amendment 31

Proposal for a regulation

Article 6 – paragraph 10 – subparagraph 1 – point b

Text proposed by the Commission

(b) *fertilising* product *blends*, as specified in product function category 7 in Annex I, containing a fertiliser referred to in point (a).

Amendment

(b) *combination of* product *function categories*, as specified in product function category 7 in Annex I, containing a fertiliser referred to in point (a).

(This amendment from “fertilising product blends” to “combination of product function categories” applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Justification

The proposed name of PFC 7 “fertilising product blend” is confusing, and does not correspond to the realities of the global fertilisers market where “blended fertilisers” are obtained by dry mixing of several fertilisers, with no chemical reaction. To ensure clarity, the name of PFC 7 should be modified throughout the entire Regulation.

Amendment 32

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

A CE marked fertilising product that has undergone a recovery operation **and complies with the requirements laid down in this Regulation** shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste.

Amendment

Where a material that was waste has undergone a recovery operation **in accordance with this Regulation and a compliant CE marked product contains or consists of that material, the material** shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste **from the moment the EU declaration of conformity is drawn up.**

Amendment 33

Proposal for a regulation

Article 42 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV for the purposes of adapting them to technical progress **and** facilitating internal market access and free movement for CE marked fertilising products

Amendment

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV for the purposes of adapting them to technical **and scientific** progress, **in particular as regards the production of fertilisers from animal by-products and waste recovery products and for** facilitating internal market access and free movement for CE marked fertilising products

Amendment 34

Proposal for a regulation

Article 42 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) which are currently used by manufacturers as by-products from or co-products of other industrial and/or agricultural processes, as well as recycled products.

Amendment 35

Proposal for a regulation

Article 42 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By ... [one year after the entry into force of this Regulation], the Commission shall adopt a delegated act, in accordance with the first subparagraph, to amend, for the first time, the component material categories set out in Annex II, in particular to add animal by-products, struvite, ash-based products and biochar to those component material categories. In adopting that delegated act, the Commission shall specifically focus on the technological progress which is being made in the recovery of nutrients.

Amendment 36

Proposal for a regulation

Article 42 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) name of the micro-organism;

(a) name of the micro-organism **by strain level**;

Amendment 37

Proposal for a regulation

Article 42 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) taxonomic relation to micro-organism species fulfilling the requirements for a Qualified Presumption of Safety as established by the European Food Safety Agency;

(d) taxonomic relation to micro-organism species fulfilling the requirements for a Qualified Presumption of Safety as established by the European Food Safety Agency, **or reference of declared conformity to the relevant**

harmonised standards on safety of micro-organisms used which have been published in the Official Journal of the European Union, or conformity with the requirements for the safety evaluation of new micro-organisms as adopted by the Commission if such harmonised standards are not in place;

Amendment 38

Proposal for a regulation

Article 42 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. For the purposes of paragraph 2 of this Article, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 in respect of defining the requirements for the safety evaluation of new micro-organisms. The first of those delegated acts shall be adopted by ... [one year after the entry into force of this Regulation].

Amendment 39

Proposal for a regulation

Article 42 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall also be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV *in the light of* new scientific evidence. The Commission shall use this empowerment where, based on a risk assessment, an amendment proves necessary to ensure that any CE marked fertilising product complying with the requirements of this Regulation does not, under *normal conditions of use*, present an unacceptable risk to human, animal, or plant health, to safety or to the

4. The Commission shall also be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV *after having examined* new scientific evidence. The Commission shall use this empowerment where, based on a risk assessment, an amendment proves necessary to ensure that any CE marked fertilising product complying with the requirements of this Regulation does not, under *correct usage*, present an unacceptable risk to human, animal, or plant health, to safety or to the

environment.

environment.

Amendment 40

Proposal for a regulation

Article 42 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. For the purposes of CMC 10 in Annex II, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 to define the requirements for the standard for the biodegradability criteria and the development of an appropriate testing method for biodegradation. These requirements and testing method shall be evaluated towards latest scientific evidence and shall be set out as of ... [five years after the date of application of this Regulation].

Justification

This amendment refers to a delegated act in order to create a biodegradation standard and test method for Controlled Release Fertilisers. A corresponding amendment of Annex II CMC 10 takes up this point.

Amendment 41

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) No 1107/2009

Article 3 – point 34 – point c

Text proposed by the Commission

Amendment

(c) crop quality **traits**.

(c) crop quality.

Amendment 42

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) 1107/2009

Article 3 – point 34 – point c a (new)

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Text proposed by the Commission

Amendment

(c a) humification;

Amendment 43

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) No 1107/2009

Article 3 – point 34 – point c b (new)

Text proposed by the Commission

Amendment

(cb) increase the availability of confined nutrients in soil and rhizosphere.

Amendment 44

Proposal for a regulation

Article 46 a (new)

Text proposed by the Commission

Amendment

Article 46 a

Amendment to Regulation (EC) No 1907/2006

In Annex V, point 12 is replaced by the following:

"12. Compost, biogas and digestate."

Amendment 45

Proposal for a regulation

Article 48 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall not impede the making available on the market of products which were placed on the market as fertilisers designated "EC fertiliser" in conformity with Regulation (EC) No 2003/2003 before [Publications office,

Member States shall not impede the making available on the market of products which were placed on the market as fertilisers designated "EC fertiliser" in conformity with Regulation (EC) No 2003/2003 before [Publications office,

please insert the date of application of this Regulation]. However, Chapter 5 shall apply mutatis mutandis to such products.

please insert the date: ***twelve months after the date*** of application of this Regulation]. However, Chapter 5 shall apply mutatis mutandis to such products.

Justification

The time foreseen in Article 48 for the transitional period seems unrealistic. Twelve months after the date of application would be more realistic.

Amendment 46

Proposal for a regulation

Annex I – part I – paragraph 1 – point C – introductory part

Text proposed by the Commission

Amendment

C. ***Inorganic*** fertiliser

C. ***Mineral*** fertiliser

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout)

Amendment 47

Proposal for a regulation

Annex I – part I – paragraph 1 – point C a (new)

Text proposed by the Commission

Amendment

Ca. Low carbon fertiliser

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout)

Amendment 48

Proposal for a regulation

Annex I – part II – point 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Ingredients submitted for approval or re-

approval under Regulation (EC) No 1107/2009 but not included in Implementing Regulation (EU) N° 540/2011 shall not be used in fertilising products when non-inclusion is justified by Article 1, point 4 of Regulation (EC) N° 1107/2009.

Justification

Where components have been refused approval as components under Regulation (EC) No 1107/2009 for reasons of safety, it would not be appropriate for them to be allowed in fertilising products.

Amendment 49

Proposal for a regulation

Annex I – part II – PFC 1(A) – point 1 – indent 1

Text proposed by the Commission

Amendment

- carbon (C) and

- **organic** carbon (**Corg**) and

Amendment 50

Proposal for a regulation

Annex I – part II – PFC 1(A) – point 1 – subparagraph 2

Text proposed by the Commission

Amendment

of solely biological origin, excluding material which is fossilized or embedded in geological formations.

of solely biological origin, excluding material which is fossilized or embedded in geological formations, **with the exemption of leonardite, lignite and peat.**

Amendment 51

Proposal for a regulation

Annex I – part II – PFC 1(A)(II) – point 2 – introductory part

Text proposed by the Commission

Amendment

2. The CE marked fertilising product shall contain at least one of the following declared nutrients in the minimum

2. The CE marked fertilising product shall contain at least one of the following declared **primary** nutrients in the minimum

quantities stated:

quantities stated:

Amendment 52

Proposal for a regulation

Annex I – part II – PFC 1(A)(II) – point 2 – indent 1

Text proposed by the Commission

- 2% by mass of total nitrogen (N),

Amendment

- 1% by mass of total nitrogen (N),

Amendment 53

Proposal for a regulation

Annex I – part II – PFC 1(A)(II) – point 2 – indent 3

Text proposed by the Commission

- 2% by mass of total potassium oxide (K₂O).

Amendment

- 1% by mass of total potassium oxide (K₂O).

Amendment 54

Proposal for a regulation

Annex I – part II – PFC 1(A)(II) – point 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the product contains more than one nutrient, the following minimum quantities shall be present:

– 1% by mass of total nitrogen (N),

– 1% by mass of total phosphorus pentoxide (P₂O₅),

– 1% by mass of total potassium oxide (K₂O),

where the sum of the nutrients is minimum 4%.

Amendment 55

Proposal for a regulation

Annex I – part II – PFC 1(B) – point 1 – subparagraph 2

Text proposed by the Commission

of solely biological origin, excluding material which is fossilized or embedded in geological formations.

Amendment

of solely biological origin, excluding material which is fossilized or embedded in geological formations, ***with the exemption of leonardite, lignite and peat.***

Amendment 56

Proposal for a regulation

Annex I – part II – PFC 1(B)(I) – point 2 – indent 2

Text proposed by the Commission

- 2 % by mass of ***total*** phosphorus pentoxide (P₂O₅), or

Amendment

- 1 % by mass of Phosphorus pentoxide (P₂O₅) ***soluble in neutral ammonium citrate and water,*** or

Justification

“Total” is not valid from the agronomic point of view, especially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 57

Proposal for a regulation

Annex I – part II – PFC 1(B)(I) – point 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the product contains more than one nutrient, the following minimum quantities shall be present:

- ***1% by mass of total nitrogen (N),***
- ***1% by mass of total phosphorus pentoxide (P₂O₅),***
- ***1% by mass of total potassium oxide (K₂O),***

where the sum of the nutrients is

minimum 4%.

Amendment 58

Proposal for a regulation

Annex I – part II – PFC 1(B)(I) – point 4

Text proposed by the Commission

4. In the CE marked fertilising product, each unit shall contain **the** organic **matter and** the nutrients in their declared content.

Amendment

4. In the CE marked fertilising product, each unit shall contain organic **carbon and all** the nutrients in their declared content. ***A unit refers to one of the component pieces of product such as granules, pellets, etc.***

Justification

It is impossible to guarantee the exact proportions of the contents in each unit of the product.

Amendment 59

Proposal for a regulation

Annex I – part II – PFC 1(B)(II) – point 2 – indent 1

Text proposed by the Commission

- 2 % by mass of total nitrogen (N), out of which 0,5 % by mass of the CE marked fertilising product shall be organic nitrogen (N), or

Amendment

- 1 % by mass of total nitrogen (N), out of which 0,5 % by mass of the CE marked fertilising product shall be organic nitrogen (N), or

Amendment 60

Proposal for a regulation

Annex I – part II – PFC 1(B)(II) – point 2 – indent 2

Text proposed by the Commission

- 2 % by mass of **total** phosphorus pentoxide (P₂O₅), or

Amendment

- 1 % by mass of phosphorus pentoxide (P₂O₅) ***soluble in neutral ammonium citrate and water***, or

Justification

“Total” is not valid from the agronomic point of view, especially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants

Amendment 61

Proposal for a regulation

Annex I – part II – PFC 1(B)(II) – point 2 – indent 3

Text proposed by the Commission

- 2 % by mass of total potassium oxide (K₂O).

Amendment

- 1 % by mass of total potassium oxide (K₂O).

Amendment 62

Proposal for a regulation

Annex I – part II – PFC 1(B)(II) – point 2 a (new)

Text proposed by the Commission

2a. Where the product contains more than one nutrient, the following minimum quantities shall be present:

- 1.5% by mass of total nitrogen (N),
- 1.5% by mass of total phosphorus pentoxide (P₂O₅),
- 1.5% by mass of total potassium oxide (K₂O),

where the sum of the nutrients is minimum 4%.

Amendment 63

Proposal for a regulation

Annex I – part II – PFC 1(B)(II) – point 3

Text proposed by the Commission

3. Organic carbon (C) shall be present

Amendment

3. Organic carbon (C) shall be present

in the CE marked fertilising product by at least **3** % by mass.

in the CE marked fertilising product by at least **1** % by mass.

Amendment 64

Proposal for a regulation

Annex I – part II – PFC 1(C) – paragraph 1

Text proposed by the Commission

An inorganic fertiliser shall be a fertiliser other than an organic or organo-mineral fertiliser.

Amendment

A mineral fertiliser shall be a fertiliser containing nutrients in a mineral form, or processed into a mineral form, from animal or plant origin. Calcium cyanamide, urea and its condensation and association products shall be considered as containing nutrients in a mineral form. Organic carbon (Corg) in the CE marked fertilising product shall not exceed 1% by mass. That excludes, by convention, carbon which comes from coatings and technical agents.

Amendment 65

Proposal for a regulation

Annex I – part II – PFC 1(C) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Phosphorus fertilisers have to fulfil at least one of the following minimum solubility levels to be plant-available, otherwise they cannot be declared as phosphorus fertiliser:

- Water solubility: minimum level 40% of total P, or*
- Solubility in neutral ammonium citrate: minimum level 75% of total P, or*
- Solubility in formic acid (only for soft rock phosphate): minimum level 55% of total P.*

Amendment 66

Proposal for a regulation

Annex I – part II – PFC 1(C) – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The total declarable nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from methylene-urea, N from isobutylidene diurea, N from crotonylidene diurea. The declarable phosphorus content is given by the phosphatic P form. New forms can be added after a scientific examination in accordance with Article 42 (1).

Amendment 67

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(a)(i) – point 1

Text proposed by the Commission

Amendment

1. A straight solid inorganic macronutrient fertiliser shall have a declared content of not more than one nutrient.

1. A straight solid inorganic macronutrient fertiliser shall have a declared content of not more than one ***primary or secondary*** nutrient. ***Straight solid mineral primary nutrients can have also secondary nutrients.***

Justification

According to the definition of the Commission proposal, "CAN 27 with S" would become part of the group "PFC 1 (C) (I) (a) (ii) Compound solid inorganic macronutrient fertiliser. This goes against tradition and against what is correct from the agronomic point of view. It also goes against what is understood in the scientific, technical and agricultural worlds. □

Amendment 68

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(a)(i) – point 2 – introductory part

Text proposed by the Commission

Amendment

2. The CE marked fertilising product shall contain more than one of the

2. The CE marked fertilising product shall contain more than one of the ***primary***

following declared nutrients in the minimum quantities stated:

declared nutrients in the minimum quantities stated:

Amendment 69

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(a)(i) – point 2 – indent 2

Text proposed by the Commission

Amendment

- 12% by mass of **total** phosphorus pentoxide (P₂O₅),

- 12% by mass of phosphorus pentoxide (P₂O₅) **soluble in neutral ammonium citrate and water**,

Justification

“Total” is not valid from the agronomic point of view especially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 70

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(a)(ii) – point 2 – indent 2

Text proposed by the Commission

Amendment

- 3% by mass of **total** phosphorus pentoxide (P₂O₅),

- 5% by mass of phosphorus pentoxide (P₂O₅) **soluble in neutral ammonium citrate and water**,

Justification

“Total” is not valid from the agronomic point of view especially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 71

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(a)(ii) – point 2 – indent 3

Text proposed by the Commission

Amendment

- 3% by mass of total potassium

- 5% by mass of total potassium

oxide (K₂O),

oxide (K₂O),

Amendment 72

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(a)(ii) – point 2 – indent 3 a (new)

Text proposed by the Commission

Amendment

– *and can contain one or more secondary nutrients in the minimum quantity stated:*

Amendment 73

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(a)(ii) – point 2 – indent 4

Text proposed by the Commission

Amendment

- *1,5%* by mass of total magnesium oxide (MgO),

- *2%* by mass of total magnesium oxide (MgO),

Amendment 74

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(a)(ii) – point 2 – indent 5

Text proposed by the Commission

Amendment

- *1,5%* by mass of total calcium oxide (CaO),

- *2%* by mass of total calcium oxide (CaO),

Amendment 75

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(a)(ii) – point 2 – indent 6

Text proposed by the Commission

Amendment

- *1,5%* by mass of total sulphur trioxide (SO₃), *or*

- *5%* by mass of total sulphur trioxide (SO₃),

Amendment 76

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(b)(i) – point 1

Text proposed by the Commission

1. A straight liquid inorganic macronutrient fertiliser shall have a declared content of not more than one nutrient.

Amendment

1. A straight liquid inorganic macronutrient fertiliser shall have a declared content of not more than one **primary or secondary** nutrient. ***Straight liquid mineral primary nutrients can have also secondary nutrients.***

Amendment 77

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(b)(i) – point 2 – introductory part

Text proposed by the Commission

2. The CE marked fertilising product shall contain one of the **following** declared nutrients in the minimum quantity stated:

Amendment

2. The CE marked fertilising product shall contain one of the **primary** declared nutrients in the minimum quantity stated:

Amendment 78

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(b)(i) – point 2 – indent 2

Text proposed by the Commission

- 5% by mass of **total** phosphorus pentoxide (P₂O₅),

Amendment

- 5% by mass of phosphorus pentoxide (P₂O₅) **soluble in neutral ammonium citrate and water**,

Justification

“Total” is not valid from the agronomic point of view specially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 79

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(b)(i) – point 2 – indent 3 a (new)

Text proposed by the Commission

Amendment

- ***and can contain one or more secondary nutrients in the minimum quantity stated:***

Amendment 80

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(b)(i) – point 2 – indent 6

Text proposed by the Commission

Amendment

- 5% by mass of total sulphur trioxide (SO₃), ***or***

- 5% by mass of total sulphur trioxide (SO₃),

Amendment 81

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(b)(i) – point 2 – indent 7

Text proposed by the Commission

Amendment

- 1% by mass of total sodium oxide (Na₂O).

- ***from 0,5% to 5%*** by mass of total sodium oxide (Na₂O).

Justification

Primary nutrients N, P₂O₅, and K₂O are main elements required for efficient plant growing, while secondary nutrients MgO, CaO, SO₃, and Na₂O only support functions of primary elements. Eliminating the division between the two nutrient groups would confuse the farmer. Formula for compound solid macronutrient fertilisers should, thus, consist of more than one primary nutrient and possibly one or more secondary nutrients. Provisions for labelling indirectly recognize division between primary and secondary nutrients by requiring primary nutrient information to be provided first.

Amendment 82

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(b)(ii) – point 1

Text proposed by the Commission

Amendment

1. A compound liquid inorganic

1. A compound liquid inorganic

macronutrient fertiliser shall have a declared content of more than one nutrient.

macronutrient fertiliser shall have a declared content of more than one *primary* nutrient.

Amendment 83

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(b)(ii) – point 2 – indent 1

Text proposed by the Commission

Amendment

- 1,5% by mass of total nitrogen (N),

- 3% by mass of total nitrogen (N),
or

Justification

Mineral fertilisers, and especially compound liquid mineral macronutrient fertilisers, need to contain a minimum level of nutrients in order to be efficient in agronomic terms and help farmers to boost crop yields. Fertilising products with a very low content of nutrients would not be efficient. Farmers would have to apply large amounts of products to accomplish the needs of the crops, which would make the transportation, the storage and the application more expensive and less resource-efficient.

Amendment 84

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(b)(ii) – point 2 – indent 2

Text proposed by the Commission

Amendment

- 1,5% by mass of *total* phosphorus pentoxide (P₂O₅),

- 1,5% by mass of phosphorus pentoxide (P₂O₅) *soluble in neutral ammonium citrate and water*,

Justification

“Total” is not valid from the agronomic point of view specially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 85

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(b)(ii) – point 2 – indent 3

Text proposed by the Commission

Amendment

- **1,5%** by mass of total potassium oxide (K₂O),

- **3%** by mass of total potassium oxide (K₂O), **or**

Justification

Mineral fertilisers, and especially compound liquid mineral macronutrient fertilisers, need to contain a minimum level of nutrients in order to be efficient in agronomic terms and help farmers to boost crop yields. Fertilising products with a very low content of nutrients would not be efficient. Farmers would have to apply large amounts of products to accomplish the needs of the crops, which would make the transportation, the storage and the application more expensive and less resource-efficient.

Amendment 86

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(b)(ii) – point 2 – indent 4

Text proposed by the Commission

Amendment

- **0,75%** by mass of total magnesium oxide (MgO),

- **1,5%** by mass of total magnesium oxide (MgO), **or**

Justification

Mineral fertilisers, and especially compound liquid mineral macronutrient fertilisers, need to contain a minimum level of nutrients in order to be efficient in agronomic terms and help farmers to boost crop yields. Fertilising products with a very low content of nutrients would not be efficient. Farmers would have to apply large amounts of products to accomplish the needs of the crops, which would make the transportation, the storage and the application more expensive and less resource-efficient.

Amendment 87

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(b)(ii) – point 2 – indent 5

Text proposed by the Commission

Amendment

- **0,75%** by mass of total calcium oxide (CaO),

- **1,5%** by mass of total calcium oxide (CaO), **or**

Justification

Mineral fertilisers, and especially compound liquid mineral macronutrient fertilisers, need to contain a minimum level of nutrients in order to be efficient in agronomic terms and help farmers to boost crop yields. Fertilising products with a very low content of nutrients would not be efficient. Farmers would have to apply large amounts of products to accomplish the needs of the crops, which would make the transportation, the storage and the application more expensive and less resource-efficient.

Amendment 88

Proposal for a regulation

Annex I – part II – PFC 1(C)(I)(b)(ii) – point 2 – indent 6

Text proposed by the Commission

- **0,75%** by mass of total sulphur trioxide (SO₃), or

Amendment

- **1,5%** by mass of total sulphur trioxide (SO₃), or

Justification

Mineral fertilisers, and especially compound liquid mineral macronutrient fertilisers, need to contain a minimum level of nutrients in order to be efficient in agronomic terms and help farmers to boost crop yields. Fertilising products with a very low content of nutrients would not be efficient. Farmers would have to apply large amounts of products to accomplish the needs of the crops, which would make the transportation, the storage and the application more expensive and less resource-efficient.

Amendment 89

Proposal for a regulation

Annex I – part II – PFC 1(Ca) (new)

Text proposed by the Commission

Amendment

PFC 1(Ca): Low Carbon Fertiliser

1. A CE marked fertilising product, other than those falling under PFC1(A), PFC1(B), PFC 1(C) or PFC 7 shall be termed low carbon fertilizer if it contains more than 1 % organic carbon (Corg) and up to 7.5%” organic carbon (Corg).

2. Carbon present in calcium cyanamide and in urea and its condensation and association products will not be included in organic carbon for

the purpose of that definition.

3. The specifications of solid/liquid, straight/compound, macronutrient/micronutrient fertilisers of PFC1(C) will apply for the purpose of this category.

4. Products sold under PFC1(Ca) shall comply with contaminant levels as specified in Annex I for organic or organo-mineral fertilisers in any case where PFC1(C) does not contain any limit values for those contaminants.

Amendment 90

Proposal for a regulation

Annex I – part II – PFC 2 – paragraph 1

Text proposed by the Commission

1. A liming material shall be a CE marked **fertilising** product aimed at correcting soil acidity, and containing oxides, hydroxides, carbonates or silicates of the nutrients calcium (Ca) or magnesium (Mg).

Amendment

1. A liming material shall be a CE marked product aimed at correcting soil acidity, and containing oxides, hydroxides, carbonates or silicates of the nutrients calcium (Ca) or magnesium (Mg).

Justification

It is necessary to distinguish products that improve the nutritional efficiency of fertilisers from fertilisers themselves (which add nutrients). This amendment should be made for all products included in this Regulation, whose function is to improve the nutritional efficiency of plants.

Amendment 91

Proposal for a regulation

Annex I – part II – PFC 3 – paragraph 1

Text proposed by the Commission

A soil improver shall be a **CE marked fertilising product aimed at being** added to **the soil for the purpose of maintaining, improving or protecting the** physical or

Amendment

A soil improver shall be a **material (including mulch)** added to **soil in situ primarily to maintain or improve its physical properties, and which may**

chemical properties, the structure or the biological activity of soil.

improve its chemical and/or biological properties or activity.

Justification

Soil improvers are also added on the top of the soil (as mulches) to reduce evaporation, reduce weeds and increase biological activity in the sublayers. Unless the definition is changed, these soil improvers would not be covered by the legislation.

Amendment 92

Proposal for a regulation

Annex I – part II – PFC 3 – paragraph 1a (new)

Text proposed by the Commission

Amendment

The CE marked fertilising product shall contain 15% or more material of biological origin.

Amendment 93

Proposal for a regulation

Annex I – part II – PFC 3(A) – point 1

Text proposed by the Commission

Amendment

1. An organic soil improver shall consist exclusively of material of solely biological origin, excluding material which is fossilized or embedded in geological formations.

1. An organic soil improver shall consist exclusively of material of solely biological origin, excluding material which is fossilized or embedded in geological formations, ***with the exemption of leonardite, lignite and peat.***

Amendment 94

Proposal for a regulation

Annex I – part II – PFC 3(A) – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Contaminants must not be present in the CE marked ***fertilising product*** by more than the following quantities:

2. Contaminants must not be present in the CE marked ***organic soil improver*** by more than the following quantities:

Justification

It is necessary to distinguish between products that improve the nutritional efficiency (liming) than those that add nutrients (fertilizers)

Amendment 95

Proposal for a regulation Annex I – part II – PFC 3(A) – paragraph 4

Text proposed by the Commission

Amendment

4. The CE marked fertilising product shall contain **40%** or more dry matter.

4. The CE marked fertilising product shall contain **20%** or more dry matter.

Amendment 96

Proposal for a regulation Annex I – part II – PFC 3(B) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. A biodegradable mulch film shall be a biodegradable polymer film complying with the requirements of points 2a and 3 of CMC 10 in Annex II and intended to be placed on the soil in situ to protect its structure, suppress weed growth, reduce soil moisture loss, or prevent erosion.

Justification

This amendment establishes a sub-category for mulch films made from biodegradable polymers and its relative function to protect the soil's structure, suppress weed growth, reduce soil moisture loss, or prevent erosion.

Amendment 97

Proposal for a regulation Annex I – part II – PFC 4 – paragraph 1

Text proposed by the Commission

Amendment

1. A growing medium shall be a

1. A growing medium shall be a

material other than soil *intended for use as a substrate for root development*.

material other than soil *in situ in which plants and mushrooms are grown*.

Amendment 98

Proposal for a regulation

Annex I – part II – PFC 5 – paragraph 1

Text proposed by the Commission

An agronomic additive shall be a CE marked fertilising product intended to be added to a product *providing plants with nutrient*, with the intention to improve that *product's nutrient release patterns*.

Amendment

An agronomic additive shall be a CE marked fertilising product intended to be added to a product, *which has a proven effect on the transformation and/or plant-availability of different forms of mineral or mineralized nutrients, or to be added to the soil* with the intention to improve that *nutrient uptake by plants or to reduce nutrient losses*.

Justification

Agronomic additives contribute to increasing efficiently crop nutrition and to minimising environmental impacts of fertilisation. The definition foreseen both in Annex I Part II PFC 5 should be improved in order to reflect current products on the market as well as future potential of innovative products.

Amendment 99

Proposal for a regulation

Annex I – part II – PFC 5(A) – paragraph 2 – introductory part

Text proposed by the Commission

Each substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁶ *in a dossier containing*

Amendment

Each substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁶ *unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of that Regulation or in Annex IV or Annex V thereto.*

³⁶ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within

³⁶ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within

the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 100

Proposal for a regulation

Annex I – part II – PFC 5(A) – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and **deleted**

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 101

Proposal for a regulation

Annex I – part II – PFC 5(A) – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product, **deleted**

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 102

Proposal for a regulation

Annex I – part II – PFC 5(A) – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

unless explicitly covered by one of the registration obligation exemptions provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation.

deleted

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 103

Proposal for a regulation

Annex I – part II – PFC 5(B) – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁷ in *a dossier containing*

2. The substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁷ *unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of that Regulation or in Annex IV or Annex V thereto.*

³⁷ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

³⁷ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 104

Proposal for a regulation

Annex I – part II – PFC 5(B) – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and **deleted**

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 105

Proposal for a regulation

Annex I – part II – PFC 5(B) – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product, **deleted**

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 106

Proposal for a regulation

Annex I – part II – PFC 5(B) – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

unless explicitly covered by one of the registration obligation exemptions provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation. **deleted**

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 107

Proposal for a regulation

Annex I – part II – PFC 5(C) – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁸ **in a dossier containing**

2. The substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁸ **unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of that Regulation or in Annex IV or Annex V thereto.**

³⁸ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

³⁸ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 108

Proposal for a regulation

Annex I – part II – PFC 5(C) – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and

deleted

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 109

Proposal for a regulation

Annex I – part II – PFC 5(C) – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product, **deleted**

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 110

Proposal for a regulation

Annex I – part II – PFC 5(C) – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

unless explicitly covered by one of the registration obligation exemptions provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation. **deleted**

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 111

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) humification

Amendment 112

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) increase the availability of confined nutrients in the soil and rhizosphere.

Amendment 113

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 3

Text proposed by the Commission

Amendment

3. The plant biostimulant shall have the effects that are claimed on the label for the crops specified thereon.

3. The plant biostimulant shall have the effects that are claimed on the label for the crops specified thereon. **Where the plant biostimulant contains one or more ingredients that have been approved under Regulation (EC) No 1107/2009, the information provided during conformity assessment will provide compelling empirical evidence of the biostimulant effect, taking into account relevant parameters, e.g. relative concentrations of components, application rate, timing, plant growth stage, target crop, etc.**

Justification

While the conformity assessment process is expected to look for empirical evidence of the justified biostimulant claim in any case, specifying its importance in case the case of the product containing a component registered under Regulation (EC) 1107/2009, should help prevent abuse of people attempting to circumvent appropriate authorization as a plant protection product while preventing the presence of such a component from being an obstacle to recognizing legitimate biostimulant products.

Amendment 114

Proposal for a regulation

Annex I – part II – PFC 6(A) – paragraph 1

Text proposed by the Commission

1. A microbial plant biostimulant shall consist *solely of a micro-organism or a consortium of micro-organisms referred to in Component Material Category 7 of Annex II.*

Amendment

1. A microbial plant biostimulant shall consist:

(a) *of a micro-organism or a consortium of microorganisms referred to in Component Material Category 7 of Annex II;*

(b) *of microorganisms or a consortium of microorganisms different from those provided under point (a). They can be used as component material categories as long as they comply with the requirements set out in the Component Material Category 7 of Annex II.*

Amendment 115

Proposal for a regulation

Annex I – part II – PFC 6(A) – paragraph 2 – introductory part

Text proposed by the Commission

2. Contaminants must not be present in the CE marked **fertilising** product by more than the following quantities:

Amendment

2. Contaminants must not be present in the CE marked **liming** product by more than the following quantities:

Justification

It is necessary to distinguish between products that improve the nutritional efficiency (liming) than those that add nutrients (fertilisers).

Amendment 116

Proposal for a regulation

Annex I – part II – PFC 6(A) – paragraph 12 – subparagraph 2

Text proposed by the Commission

Amendment

the plant biostimulant shall have a pH superior or equal to 4.

deleted

Amendment 117

Proposal for a regulation

Annex I – part II – PFC 6(B)(II) – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Contaminants must not be present in the CE marked ***fertilising*** product by more than the following quantities:

2. Contaminants must not be present in the CE marked ***liming*** product by more than the following quantities:

Justification

It is necessary to distinguish between products that improve the nutritional efficiency (liming) than those that add nutrients (fertilisers).

Amendment 118

Proposal for a regulation

Annex I – part II – PFC 7 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The blending shall not change the ***nature*** of each component fertilising product

3. The blending shall not change the ***function*** of each component fertilising product ***and shall not have an adverse effect on human, animal or plant health, on safety, or on the environment, under reasonably foreseeable conditions of storage or use of the CE marked fertilising product blend.***

Justification

The aim of this amendment is to ensure that the blending carefully preserves the functionality of the product.

Amendment 119

Proposal for a regulation

Annex I – part II – PFC 7 – paragraph 3 – indent 1

Text proposed by the Commission

Amendment

- *in a manner having an adverse effect on human, animal or plant health, on safety, or on the environment, under reasonably foreseeable conditions of storage or use of the CE marked fertilising product blend, or* **deleted**

Amendment 120

Proposal for a regulation

Annex I – part II – PFC 7 – paragraph 3 – indent 2

Text proposed by the Commission

Amendment

- *in any other significant manner.* **deleted**

Amendment 121

Proposal for a regulation

Annex II – part II – CMC 1 – paragraph 1 – point b

Text proposed by the Commission

Amendment

- (b) by-products within the meaning of Directive 2008/98/EC,
- (b) by-products within the meaning of Directive 2008/98/EC, **except by-products registered pursuant to Regulation (EC) No 1907/2006 other than those covered by one of the registration obligation exemptions provided for by point 5 of Annex V to that Regulation,**

Justification

To make products and by-products subject to the same safety standards, while permitting the use of by-products that are available on the market.

Amendment 122

Proposal for a regulation

Annex II – part II – CMC 1 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) polymers, or

(e) polymers ***with the exception of those used in growing media not in contact with the soil***, or

Justification

The proposal should foresee an explicit possibility for growing media which do not come into contact with the soil to use polymers as binders. These polymers do not present a risk for animal health, human health, plant health or the environment.

Amendment 123

Proposal for a regulation

Annex II – part II – CMC 1 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

All the substances incorporated into the CE marked fertilising product, in their own or in a mixture, shall have been registered pursuant to Regulation (EC) No 1907/2006, in a dossier containing

Unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of Regulation (EC) No 1907/2006 or by Annexes IV or V to that Regulation, all the substances incorporated into the CE marked fertilising product, in their own or in a mixture, shall have been registered pursuant to Regulation (EC) No 1907/2006, in a dossier containing

Amendment 124

Proposal for a regulation

Annex II – part II – CMC 1 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) ***the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and***

deleted

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 125

Proposal for a regulation

Annex II – part II – CMC 1 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product, *deleted*

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 126

Proposal for a regulation

Annex II – part II – CMC 1 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

unless explicitly covered by one of the registration obligation exemptions provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation. *deleted*

Amendment 127

Proposal for a regulation

Annex II – part II – CMC 2 – paragraph 1

Text proposed by the Commission

Amendment

1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone *no other* processing than cutting, grinding, centrifugation, pressing, drying, freeze-drying or extraction with water.

1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone *only physical or mechanical* processing *such as* cutting, grinding, centrifugation, *sieving, milling*, pressing, drying, freeze-drying, *granulating, chopping, buffering, extrusion, frost-treatment, sanitation by*

using heat, or extraction with water.

Amendment 128

Proposal for a regulation

Annex II – part II – CMC 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. A CE marked fertilising product may contain compost obtained through aerobic composting of exclusively one or more of the following input materials:

Amendment

1. A CE marked fertilising product may contain compost ***and liquid and non-liquid extracts from compost***, obtained through aerobic composting ***and the ensuing multiplication of the naturally occurring microbials*** of exclusively one or more of the following input materials:

Amendment 129

Proposal for a regulation

Annex II – part II – CMC 3 – paragraph 1 – point b

Text proposed by the Commission

(b) Animal by-products ***of categories 2 and 3 according to*** Regulation (EC) No 1069/2009;

Amendment

(b) ***Products derived from*** animal by-products ***referred to in Article 32 of*** Regulation (EC) No 1069/2009 ***for which the end point in the manufacturing chain has been reached in accordance with Article 5 of that Regulation;***

Justification

The formulation proposed by the Commission does not guarantee that composts from animal by-products in categories 2 and 3 obtained in the free environment, by derogation from Regulation 1069/2009, will be considered to be fertilising materials and growth media and therefore in conformity with the future regulation. Composts must be considered to be fertilising materials and growth media on the basis of both a control system and a validated method enabling rising temperatures to be controlled and hygiene criteria to be verified so that these products can be put back in the ground.

Amendment 130

Proposal for a regulation

Annex II – part II – CMC 3 – paragraph 1 – point c

Text proposed by the Commission

Amendment

c) Living or dead organisms or parts thereof, which are unprocessed or processed only by manual, mechanical or gravitational means, by dissolution in water, by flotation, by extraction with water, by steam distillation or by heating solely to remove water, or which are extracted from air by any means, except

(c) Living or dead organisms or parts thereof, which are unprocessed or processed only by manual, mechanical or gravitational means, by dissolution in water, by flotation, by extraction with water, by steam distillation or by heating solely to remove water, or which are extracted from air by any means, ***food and feed waste that does not contain pollutants and is not fit for consumption and waste from plantations used for agrofuels not containing pollutants***, except

Amendment 131

Proposal for a regulation

Annex II – part II – CMC 3 – paragraph 1 – point d – point 1 – indent 1

Text proposed by the Commission

Amendment

– the additive is registered pursuant to Regulation (EC) No 1907/2006⁴⁰, in ***a dossier containing***

– the additive is registered pursuant to Regulation (EC) No 1907/2006⁴⁰, ***unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of that Regulation or in Annex IV or Annex V thereto.***

⁴⁰ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

⁴⁰ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 132

Proposal for a regulation

Annex II – part II – CMC 3 – paragraph 1 – point d – point 1 – indent 2

Text proposed by the Commission

Amendment

– *the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and* **deleted**

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 133

Proposal for a regulation

Annex II – part II – CMC 3 – paragraph 1 – point d – point 1 – indent 3

Text proposed by the Commission

Amendment

– *a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product,* **deleted**

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 134

Proposal for a regulation

Annex II – part II – CMC 3 – paragraph 1 – point d – point 2

Text proposed by the Commission

Amendment

unless explicitly covered by one of the registration obligation exemptions provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation, and **deleted**

– *the total concentration of all additives does not exceed 5 % of the total input*

material weight; or

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 135

Proposal for a regulation

Annex II – part II – CMC 3 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) Unprocessed and mechanically processed residues from food production industries, except from industries using animal by-products according to Regulation (EC) No 1069/2009.

Justification

At present CMC 3 and CMC 5 exclude “industrial sludges” from inputs. It is not clearly defined what is an “industrial sludge”. Many sludges from the agro-food industry (e.g. from fruit processing, dairy / cheese production ...) are a completely clean organic materials and appropriate, safe inputs to compost and digestate processes.

Amendment 136

Proposal for a regulation

Annex II – part II – CMC 3 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) Materials conform to CMC 2, CMC 3, CMC 4, CMC 5, CMC 6 and CMC 11.

Amendment 137

Proposal for a regulation

Annex II – part II – CMC 3 – paragraph 2 – indent 1

Text proposed by the Commission

Amendment

- which ***only processes*** input

- ***in*** which ***production lines for the***

materials referred to in paragraph 1 above,
and

processing of input materials referred to in
paragraph 1 above **are clearly separated
from production lines for the processing
of input materials other than referred to
in paragraph 1**, and

Amendment 138

Proposal for a regulation

Annex II – part II – CMC 3 – paragraph 6 – point a – indent 2

Text proposed by the Commission

Amendment

- Criterion: maximum **25** mmol
O₂/kg organic matter/h; or

- Criterion: maximum **50** mmol
O₂/kg organic matter/h; or

Justification

It is not clear why the value is different here than for CMC 5, so the proposal is to align the values at 50.

Amendment 139

Proposal for a regulation

Annex II – part II – CMC 4 – paragraph 1 – point b – point 1 – introductory sentence

Text proposed by the Commission

Amendment

– the additive is registered pursuant
to Regulation (EC) No 1907/2006⁴³, in **a
dossier containing**

– the additive is registered pursuant
to Regulation (EC) No 1907/2006⁴³, **unless
explicitly covered by one of the
registration obligation exemptions
provided for in Article 6 of that
Regulation or in Annex IV or Annex V
thereto.**

⁴³ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC)

⁴³ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC)

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 140

Proposal for a regulation

Annex II – part II – CMC 4 – paragraph 1 – point b – point 1 – indent 1

Text proposed by the Commission

Amendment

– *the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and* *deleted*

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 141

Proposal for a regulation

Annex II – part II – CMC 4 – paragraph 1 – point b – point 1 – indent 2

Text proposed by the Commission

Amendment

– *a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product,* *deleted*

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 142

Proposal for a regulation

Annex II – part II – CMC 4 – paragraph 1 – point b – point 2

Text proposed by the Commission

Amendment

unless explicitly covered by one of the registration obligation exemptions *deleted*

provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation, and

- *the total concentration of all additives does not exceed 5 % of the total input material weight; or*

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 143

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 1 – point c – indent 2

Text proposed by the Commission

- sewage sludge, industrial sludge or dredging sludge,

Amendment

- sewage sludge, industrial sludge ***other than those specified in point (ea)*** or dredging sludge, ***and***

Justification

At present CMC3 and CMC5 exclude “industrial sludges” from inputs. It is not clearly defined what is an “industrial sludge”. Many sludges from the agro-food industry (e.g. from fruit processing, dairy / cheese production ...) are a completely clean organic materials and appropriate, safe inputs to compost and digestate processes.

Amendment 144

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 1 – point d – point 1 – introductory sentence

Text proposed by the Commission

- the additive is registered pursuant to Regulation (EC) No 1907/2006⁴⁴, ***in a dossier containing***

Amendment

- the additive is registered pursuant to Regulation (EC) No 1907/2006⁴⁴, ***unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of that Regulation or in Annex IV or Annex V thereto.***

⁴⁴ In the case of an additive recovered in the European Union, this condition is

⁴⁴ In the case of an additive recovered in the European Union, this condition is

fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 145

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 1 – point d – point 1 – indent 1

Text proposed by the Commission

Amendment

– *the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and* *deleted*

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 146

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 1 – point d – point 1 – indent 2

Text proposed by the Commission

Amendment

– *a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product,* *deleted*

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 147

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) Unprocessed and mechanically processed residues from food production industries, except from industries using animal by-products according to Regulation (EC) No 1069/2009.

Justification

At present CMC3 and CMC5 exclude “industrial sludges” from inputs. It is not clearly defined what is an “industrial sludge”. Many sludges from the agro-food industry (e.g. from fruit processing, dairy / cheese production ...) are a completely clean organic materials and appropriate, safe inputs to compost and digestate processes.

Amendment 148

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) Materials conform to CMC2, CMC3, CMC4, CMC5, CMC6 and CMC11.

Amendment 149

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) Thermophilic anaerobic digestion at 55°C during at least 24h and a hydraulic retention time of at least 20 days;

(a) Thermophilic anaerobic digestion at 55°C during at least 24h and a hydraulic retention time of at least 20 days, ***followed by an analysis to verify that the digestion process successfully destroyed the pathogens;***

Justification

At this low temperature for such a short digestion period, it is possible for some pathogens to survive and to subsequently multiply during the retention period. It is critical to verify the absence of pathogens at the end of the retention period.

Amendment 150

Proposal for a regulation

Annex II – part II – CMC 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) olive pomace, i.e. a viscous by-product of olive milling obtained by treating the wet pomace with organic solvents in two (2-phase pomace) or three phases (3-phase pomace).

Justification

A definition of olive pomace should be included, since no definition is given in any of the previous paragraphs, and bearing in mind that the organic solvents are almost entirely eliminated from the final product.

Amendment 151

Proposal for a regulation

Annex II – part II – CMC 6 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) any other material or substance that has been approved for incorporation in food or animal feed.

Amendment 152

Proposal for a regulation

Annex II – part II – CMC 6 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

The substance shall have been registered pursuant to Regulation (EC) No 1907/2006⁴⁷, in ***a dossier containing***

The substance shall have been registered pursuant to Regulation (EC) No 1907/2006⁴⁷, ***unless explicitly***

covered by one of the registration obligation exemptions provided for in Article 6 of that Regulation or in Annex IV or Annex V thereto.

⁴⁷ In the case of a substance recovered in the European Union, this condition is fulfilled if the substance is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

⁴⁷ In the case of a substance recovered in the European Union, this condition is fulfilled if the substance is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 153

Proposal for a regulation

Annex II – part II – CMC 6 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and **deleted**

Amendment 154

Proposal for a regulation

Annex II – part II – CMC 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product, **deleted**

Amendment 155

Proposal for a regulation

Annex II – part II – CMC 6 – paragraph 2 – last sentence

Text proposed by the Commission

Amendment

unless explicitly covered by one of the registration obligation exemptions provided for by Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation.

deleted

Amendment 156

Proposal for a regulation

Annex II – part II – CMC 7 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

A CE marked fertilising product may contain micro-organisms, including dead or empty-cell micro-organisms and non-harmful residual elements of the media on which they were produced, which

Micro-organisms, including dead or empty-cell micro-organisms and non-harmful residual elements of the media on which they were produced *may be presumed to be safe for incorporation into a CE-marked fertilizing product if they fall into one of the following three cases:*

Amendment 157

Proposal for a regulation

Annex II – part 2 – CMC 7 – paragraph 1 – indent 1

Text proposed by the Commission

Amendment

– *have undergone no other processing than drying or freeze-drying and*

(a) *are one of the following micro-organisms:*

- *Azotobacter spp.*
- *Mycorrhizal fungi*
- *Rhizobia*
- *Azospirillum spp.*

Amendment 158

Proposal for a regulation

Annex II – part II – CMC 7 – indent 2

Text proposed by the Commission

– *are listed in the table below:*

Azotobacter spp.

Mycorrhizal fungi

Rhizobium spp.

Azospirillum spp.

Amendment

(b) subject to appropriate data protection and data licensing requirements, any micro-organism (or consortium of micro-organisms) that is allowed for any of the following uses:

– *incorporation into a 'foodstuff' as defined in Article 2 of Regulation (EC) No 178/2002 or is allowed to be used in the processing of any such foodstuff, including cultures that are considered to be 'traditional food ingredients' within the meaning of Regulation (EC) No 178/2002 ;*

– *use as a feed additive as indicated by inclusion in the European Union Register of Feed Additives pursuant to Regulation (EC) No 1831/2003;*

– *use as a plant protection active ingredient under Regulation (EC) No 1107/2009 or as a biocide under Regulation (EU) No 528/2012.*

(c) any micro-organism (or consortium of microorganisms) that has been evaluated as being safe for use as a biostimulant using relevant common specifications or harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 that detail acceptable thresholds and analytical methods for safety criteria including those outlined in Article 42 of this Regulation.

Amendment 159

Proposal for a regulation

Annex II – part II – CMC 8 – paragraph 3

Text proposed by the Commission

3. A CE marked fertilising product may contain a compliant nitrification inhibitor, as referred to in PFC 5(A)(I) of Annex I, only if at least 50% of the total nitrogen (N) content of the fertilising product consists of the nitrogen (N) forms ammonium (NH₄⁺) and urea (CH₄N₂O).

Amendment

3. A CE marked fertilising product may contain a compliant nitrification inhibitor, as referred to in PFC 5(A)(I) of Annex I, only if at least 50% of the total nitrogen (N) content of the fertilising product consists of the nitrogen (N) forms ammonium (NH₄⁺) **or ammonium (NH₄⁺)** and urea (CH₄N₂O).

Justification

It is important to clarify that N content can be met either by ammonia alone or ammonia and urea together.

Amendment 160

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) improving the soil as a biodegradable mulch film, complying with the requirements of points 2a and 3 of CMC10.

Amendment 161

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) improving the stability of the CE marked fertilising products.

Amendment 162

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 2

Text proposed by the Commission

2. As of [Publications office, please insert the date occurring **three** years after the date of application of this Regulation], ***the following criterion shall be complied with: The polymer shall be capable of undergoing physical, biological decomposition, such that most of it ultimately decomposes into carbon dioxide (CO₂), biomass and water. It shall have at least 90 % of the organic carbon converted into CO₂ in maximum 24 months, in a biodegradability test as specified points (a)-(c) below.***

(a) ***The test shall be conducted at 25°C ± 2°C.***

(b) ***The test shall be conducted in accordance with a method for determining the ultimate aerobic biodegradability of plastic materials in soils by measuring oxygen demand or the amount of carbon dioxide evolved.***

(c) ***A micro-crystalline cellulose powder with the same dimension as the test material shall be used as a reference material in the test.***

(d) ***Prior to the test, the test material shall not be subject to conditions or procedures designed to accelerate the degradation of the film, such as exposure to heat or light.***

Amendment

2. As of [Publications office, please insert the date occurring **five** years after the date of application of this Regulation], ***the Commission shall adopt delegated acts, pursuant to Article 42(1) of this Regulation, setting out the following requirements:***

(a) ***A standard for the biodegradability of the polymer by setting a timeframe in which at least 90%, absolute or relative to the reference material, of the organic carbon is converted into CO₂, after the claimed release time of the polymer has been fulfilled, and***

(b) ***A biodegradability test that complies with the following criterion: the polymer is capable of undergoing physical, biological decomposition, such that most of it ultimately decomposes into carbon dioxide (CO₂), biomass and water.***

Amendment 163

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 2a (new)

Text proposed by the Commission

Amendment

2a. The biodegradable mulch film shall comply with the following criterion: The polymer shall be capable of undergoing physical, biological decomposition, such that it ultimately decomposes into carbon dioxide (CO₂), biomass and water. At least 90%, absolute or relative to the reference material, shall be converted into CO₂, biomass and water in maximum 24 months in a biodegradability test according to European standards for biodegradation of polymers in soil.

Amendment 164

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. A CE marked product containing polymers other than nutrient polymers shall be exempted from the requirements set out in paragraphs 1, 2 and 3 under the condition that the polymers are solely used as binding material for the fertilising product and they are not in contact with the soil.

Amendment 165

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. As the product is intended to be added to soil and released in to the environment, these criteria shall apply to

all materials in the product.

Amendment 166

Proposal for a regulation

Annex III – part 1 – paragraph 2 – point e

Text proposed by the Commission

(e) A description of all components above **5%** by product weight in descending order of magnitude by dry weight, including an indication of the relevant component material categories ('CMC') as referred to in Annex II.

Amendment

(e) A description of all components above **1%** by product weight in descending order of magnitude by dry weight, including an indication of the relevant component material categories ('CMC') as referred to in Annex II **and including the content as percentage by the dry matter;**

Amendment 167

Proposal for a regulation

Annex III – part 1 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Where the CE marked fertilising product is allowed to be used in organic agriculture according to Regulation (EC) No 834/2007, it shall be specified on the label as "allowed in organic farming with regard to (EC) No 834/2007."

CE fertiliser products not suitable for organic agriculture with regard to Regulation (EC) No 834/2007, that have a commercial name recalling terms referred to in Article 23 of that Regulation that may mislead the final user about its use in organic agriculture, shall be specified on the label as "not allowed in organic farming with regard to Regulation (EC) No 834/2007."

Amendment 168

Proposal for a regulation

Annex III – part 1 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. No product can make claims related to another PFC without meeting the full requirements of that additional PFC, nor are any direct or implied claims of plant protection effects allowed.

Justification

This addition will strengthen the boundary with the plant protection regulation and will also strengthen the boundaries between PFCs, which will help prevent circumvention of any of the requirements of this regulation or Regulation (EC) 1107/2009.

Amendment 169

Proposal for a regulation

Annex III – part 2 – PFC 1 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) The nitrification inhibitor content shall be expressed as a percentage by mass of the total nitrogen (N) present as ammonium nitrogen (NH₄⁺) and urea nitrogen (CH₄N₂O).

(b) The nitrification inhibitor content shall be expressed as a percentage by mass of the total nitrogen (N) present as ammonium nitrogen (NH₄⁺) **or ammonium nitrogen (NH₄⁺)** and urea nitrogen (CH₄N₂O).

Justification

It is important to clarify that N content can be met either by ammonia alone or ammonia and urea together.

Amendment 170

Proposal for a regulation

Annex III – part 2 – PFC 1(A) – point d – indent 12 a (new)

Text proposed by the Commission

Amendment

– **Form such as powder or pellets.**

Justification

Important indicator for farmer to adapt the time and method of fertiliser's application.

Amendment 171

Proposal for a regulation

Annex III – part 2 – PFC 1(B) – paragraph d – subparagraph 2

Text proposed by the Commission

Amendment

– **Total** phosphorus pentoxide (P₂O₅);

– Phosphorus pentoxide (P₂O₅) **soluble in neutral ammonium citrate and water:**

Justification

In order to provide better information for farmers: “Total” is not valid from the agronomic view especially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 172

Proposal for a regulation

Annex III – part 2 – PFC 1(B) – paragraph d – subparagraph 2 – indent 2

Text proposed by the Commission

Amendment

– **where soft ground phosphate is present**, phosphorus pentoxide (P₂O₅) soluble in **formic acid**;

– Phosphorus pentoxide (P₂O₅) **only** soluble in **mineral acids**;

Justification

In order to provide better information for farmers, as included in Regulation 2003/2003. Not immediately available, only available in very low pH soil conditions and high rainfall.

Amendment 173

Proposal for a regulation

Annex III – part 2 – PFC 1(B) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The total declared nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from methylene-urea, N from isobutylidene diurea, N from crotonylidene diurea and N from cyanamide.

Justification

The EU Commission proposes that the total declarable nutrient content includes by default all forms of nutrients, even those that will not be available to the plants. Only plant available nutrients should be declared and labelled because other forms of nitrogen and phosphorus have no proven contribution to plant nutrition. Otherwise farmers would not bring to their crops the nutrient quantity they were expecting to apply according to the proposal, and thus would be misled by the declaration of the total nutrient content.

Amendment 174

Proposal for a regulation

Annex III – part 2 – PFC 1(C)(I) – paragraph 1 – subparagraph d – point 2

Text proposed by the Commission

Amendment

– **Total** phosphorus pentoxide (P2O5);

– Phosphorus pentoxide (P2O5) **soluble in neutral ammonium citrate and water:**

Justification

In order to provide better information for farmers: “Total” is not valid from the agronomic view especially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 175

Proposal for a regulation

Annex III – part 2 – PFC 1(C)(I) – paragraph 1 – subparagraph d – point 2 – indent 3

Text proposed by the Commission

Amendment

– **where soft ground phosphate is present**, phosphorus pentoxide (P2O5) soluble in **formic acid**;

– Phosphorus pentoxide (P2O5) **only** soluble in **mineral acids**;

Justification

In order to provide better information for farmers, as included in Regulation 2003/2003. Not immediately available, only available in very low pH soil conditions and high rainfall.

Amendment 176

Proposal for a regulation

Annex III – part 2 – PFC 1(C)(I)(a) – paragraph 4 a (new)

4a. For CE marked products where polymers are solely used as binding material, the following marking shall be present: “The fertilising product is not intended to be in contact with the soil.”

Amendment 177

Proposal for a directive ANNEX III – part 2 – PFC 1(Ca) (new)

Text proposed by the Commission

<i>Amendment</i>
<i>PFC 1 (Ca): Low carbon fertiliser</i>
<i>1. The following information elements relating to macronutrients shall be present:</i>
<i>a. the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), by their chemical symbols in the order N-P-K;</i>
<i>b. the declared nutrients magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na), by their chemical symbols in the order Mg-Ca-S-Na;</i>
<i>c. numbers indicating the total content of the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), followed by numbers in brackets indicating the total content of magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na);</i>
<i>d. the content of the following declared nutrients, in the following order and as a percentage of the fertiliser by mass:</i>
<i>Total Nitrogen (N)</i>
<i>– minimum amount of organic nitrogen (N), followed by a description of the origin of the organic matter used;</i>
<i>– Nitrogen (N) in the form of nitric nitrogen;</i>
<i>– Nitrogen (N) in the form of ammoniacal nitrogen;</i>
<i>– Nitrogen (N) in the form of urea nitrogen;</i>
<i>Total phosphorus pentoxide (P₂O₅)—Water-soluble phosphorus pentoxide (P₂O₅);</i> <i>5);</i>
<i>– phosphorus pentoxide (P₂O₅) soluble in neutral ammonium citrate;</i>

– where soft ground phosphate is present, phosphorus pentoxide (P ₂ O ₅) soluble in formic acid;	
Total potassium oxide (K ₂ O);	
– Water soluble potassium oxide (K ₂ O);	
magnesium oxide (MgO), calcium oxide (CaO), sulphur trioxide (SO ₃) and sodium oxide (Na ₂ O), expressed	
– where those nutrients are totally soluble in water, only as the content soluble in water;	
– where the soluble content of those nutrients is at least a quarter of the total content of those nutrients, the total content and the content soluble in water;	
– in other cases, as the total content.	
e. where urea (CH ₄ N ₂ O) is present, information about the possible air quality impacts of the release of ammonia from the fertiliser use, and an invitation to users to apply appropriate remediation measures.	
2. The following other elements shall be indicated as a percentage by mass of the CE marked fertilising product:	
– Organic carbon (C) content; and	
– Dry matter content.	
3. Where one or more of the micronutrients boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) and zinc (Zn), are present in the minimum content indicated as a percentage by mass in the table below, they	
– shall be declared if they are intentionally added to the CE marked fertilising product, and	
– may be declared in other cases:	
Micronutrient	Percentage by mass
Boron (B)	0,01
Cobalt (Co)	0,002
Copper (Cu)	0,002
Manganese (Mn)	0,01
Molybdenum (Mo)	0,001
Zinc	0,002
They shall be declared after the information on macronutrients. The following information elements shall be present:	
a. indication of the names and chemical symbols of the declared micronutrients, listed in the following order: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) and zinc (Zn), followed by the name(s) of their counter-ion(s);	
b. The total micronutrient content expressed as a percentage of the fertiliser by mass	

– <i>where those nutrients are totally soluble in water, only as the content soluble in water;</i>
– <i>where the soluble content of those nutrients is at least a quarter of the total content of those nutrients, the total content and the content soluble in water; and</i>
– <i>in other cases, as the total content;</i>
<i>c. Where the declared micronutrient(s) are chelated by chelating agent(s), the following qualifier after the name and the chemical identifier of the micronutrient:</i>
– <i>‘chelated by...’ name of the chelating agent or its abbreviation, and the amount of chelated micronutrient as a percentage of the CE marked fertilising product by mass;</i>
<i>d. Where the CE marked fertilising product contains micronutrient(s) complexed by complexing agent(s):</i>
– <i>the following qualifier after the name and the chemical identifier of the micronutrient: ‘complexed by ...’, and the amount of complexed micronutrient as a percentage of the CE marked fertilising product by mass; and</i>
– <i>the name of the complexing agent or its abbreviation.</i>
<i>e. The following statement: ‘To be used only where there is a recognised need. Do not exceed the appropriate rate’.</i>

Amendment 178

Proposal for a regulation Annex III – part 2 – PFC 3 – indent 3

Text proposed by the Commission

Amendment

- *Total nitrogen (N) content;* **deleted**

Justification

The only purpose of soil improvers is to ameliorate the physical and chemical soil structure and not to release nutrients. Providing the possibility to declare nutrients content could encourage inappropriate uses of these products.

Amendment 179

Proposal for a regulation Annex III – part 2 – PFC 3 – indent 4

Text proposed by the Commission

Amendment

- *Total phosphorus pentoxide* **deleted**

(P2O5) content;

Justification

The only purpose of soil improvers is to ameliorate the physical and chemical soil structure and not to release nutrients. Providing the possibility to declare nutrients content could lead to inappropriate uses of these products.

Amendment 180

**Proposal for a regulation
Annex III – part 2 – PFC 3 – indent 5**

Text proposed by the Commission

Amendment

– **Total potassium oxide (K₂O) content;** **deleted**

Justification

The only purpose of soil improvers is to ameliorate the physical and chemical soil structure and not to release nutrients. Providing the possibility to declare nutrients content could encourage inappropriate uses of these products.

Amendment 181

**Proposal for a regulation
Annex III – part 2 – PFC 6 – point e**

Text proposed by the Commission

Amendment

(e) dose, timing (plant development stage) and frequency of application;

(e) dose, timing (plant development stage), **placement** and frequency of application (***in line with the empirical evidence justifying the biostimulant claim(s)***);

Justification

This language would prevent companies modifying product parameters on labels to promote non-biostimulant effects in usage.

Amendment 182

Proposal for a regulation

Annex III – part 2 – PFC 6 – point f a (new)

Text proposed by the Commission

Amendment

(fa) indication that the product is not a plant protection product;

Justification

A plant biostimulant must be clearly labelled as not being a plant protection product.

Amendment 183

Proposal for a regulation

Annex III – part 3 – PFC 1(A) – table 1

Text proposed by the Commission

PFC 1(A): ORGANIC FERTILISER

	Permissible tolerance for the declared nutrient content and other declared parameter
Organic carbon (C)	± 20 % relative deviation of the declared value up to a maximum of 2,0 percentage point in absolute terms
Dry matter content	± 5,0 percentage point in absolute terms
Total nitrogen (N)	± 50 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Organic nitrogen (N)	± 50 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Total phosphorus pentoxide (P2O5)	± 50 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Total potassium oxide (K2O)	± 50 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Total and water-soluble magnesium oxide, calcium oxide, sulphur trioxide or sodium oxide	± 25% of the declared content of those nutrients up to a maximum of 1,5 percentage points in absolute terms.

Total copper (Cu)	± 50 % relative deviation of the declared value up to a maximum of 2,5 percentage points in absolute terms
Total zinc (Zn)	± 50 % relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms
Quantity	- 5 % relative deviation of the declared value

Amendment

PFC 1(A): ORGANIC FERTILISER

	Permissible tolerance for the declared nutrient content and other declared parameter
Organic carbon (C)	± 15 % relative deviation of the declared value up to a maximum of 2,0 percentage point in absolute terms
Dry matter content	± 5,0 percentage point in absolute terms
Total nitrogen (N)	± 15 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Organic nitrogen (N)	± 15 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Total phosphorus pentoxide (P ₂ O ₅)	± 15 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Total potassium oxide (K ₂ O)	± 15 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms
Total and water-soluble magnesium oxide, calcium oxide, sulphur trioxide or sodium oxide	± 25% of the declared content of those nutrients up to a maximum of 1,5 percentage points in absolute terms.
Total copper (Cu)	± 50 % relative deviation of the declared value up to a maximum of 2,5 percentage points in absolute terms
Total zinc (Zn)	± 50 % relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms
Quantity	- 5 % relative deviation of the declared

	value
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Justification

The Commission's proposal does not guarantee a complete efficiency of products which would be sold to farmers. Nevertheless a reasonable flexibility is needed to take in account the production processes.

Amendment 184

Proposal for a regulation

Annex III – part 3 – PFC 1(B) – table 1 – row 3 – column 1

Text proposed by the Commission

Amendment

± 25% of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms

± 25% of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms

P2O5 tolerances refer to phosphorus pentoxide (P2O5) soluble in neutral ammonium citrate and water.

Justification

Phosphorus pentoxide soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 185

Proposal for a regulation

Annex III – part 3 – PFC 1(B) – paragraph 1

Text proposed by the Commission

Amendment

Organic carbon: **20%** relative deviation of the declared value up to a maximum of 2,0 percentage point in absolute terms

Organic carbon: **15%** relative deviation of the declared value up to a maximum of 2,0 percentage point in absolute terms

Justification

The Commission's proposal does not guarantee the complete efficiency of products which would be sold to farmers. Nevertheless a reasonable flexibility is needed to take in account the production processes.

Amendment 186

Proposal for a regulation

Annex III – part 3 – PFC 1(B) – paragraph 2

Text proposed by the Commission

Organic nitrogen: **50%** relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms

Amendment

Organic nitrogen: **15%** relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms

Justification

The Commission's proposal does not guarantee the complete efficiency of products which would be sold to farmers. Nevertheless a reasonable flexibility is needed to take in account the production processes.

Amendment 187

Proposal for a regulation

Annex III – part 3 – PFC 1(C)(I) – table 1

Text proposed by the Commission

PFC 1(C)(I): Inorganic macronutrient fertiliser

Permissible tolerance for the declared forms of macronutrient

N	P ₂ O ₅	K ₂ O	MgO	CaO	SO ₃	Na ₂ O
± 25% of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms			± 25% of the declared content of those nutrients up to a maximum of 1.5 percentage points in absolute terms.			± 25% of the declared content up to a maximum of 0.9 percentage points in absolute terms

Granulometry: ± **10 %** relative deviation applicable to the declared percentage of material passing a specific sieve

Quantity: ± **5 %** relative deviation of the declared value

Amendment

PFC 1(C)(I): Inorganic macronutrient fertiliser

Permissible tolerance for the declared forms of macronutrient

N	P ₂ O ₅	K ₂ O	MgO	CaO	SO ₃	Na ₂ O
± 25% of the declared content of the nutrient			-50% and +100% of the declared content of those nutrients up to a			± 25% of the declared content

forms present up to a maximum of 2 percentage point in absolute terms *for each nutrient separately and for the sum of nutrients*

maximum of **2 and +4** percentage points in absolute terms.

up to a maximum of 0.9 percentage points in absolute terms

The above tolerance values apply also for the N-forms and for the solubilities

Granulometry: ± 20 % relative deviation applicable to the declared percentage of material passing a specific sieve

Quantity: ± 3 % relative deviation of the declared value

Justification

Tolerances need to be modified to avoid problems on the market. For primary nutrients, it should be clarified that there is a cumulative limit (not 2 % for each). According to the proposal, when producing an NPK, a +/- 6% variation of the total nutrient content is possible; this is too high. For secondary nutrients, higher tolerances are needed since they are often added as fillers. Tolerance values should apply also for the N-forms and for the solubility. The proposed tolerance for granulometry is too strict. The ± 5 % relative deviation on the declared value for quantity is too high.

Amendment 188

Proposal for a regulation

Annex III – part 3 – PFC 1(C)(I) – table 1 – row 3 – column 1

Text proposed by the Commission

$\pm 25\%$ of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms

Amendment

$\pm 25\%$ of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms

P2O5 tolerances refer to phosphorus pentoxide (P2O5) soluble in neutral ammonium citrate and water.

Justification

Phosphorus pentoxide soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 189

Proposal for a regulation

Annex III – part 3 – PFC 1(C)(I) – paragraph 1

Text proposed by the Commission

Amendment

Granulometry: ± 10 % relative deviation applicable to the declared percentage of material passing a specific sieve

Granulometry: ± 20 % relative deviation applicable to the declared percentage of material passing a specific sieve

Justification

More flexibility is needed due to production processes.

Amendment 190

Proposal for a regulation

Annex III – part 3 – PFC 3 – table 1 – row 2 – column 2

Text proposed by the Commission

Amendment

$\pm 0,7$ at the time of manufacture

$\pm 0,7$ at the time of manufacture

$\pm 1,0$ at any time in the distribution chain

± 0.9 at any time in the distribution chain

Justification

We support the Commission proposal that tolerance limits should be imposed both on production and distribution, to ensure the quality of the soil improver for the farmer. However, the tolerance levels proposed by the European Commission for distribution are too lenient, they should be decreased to protect the farmer.

Amendment 191

Proposal for a regulation

Annex III – part 3 – PFC 3 – table 1 – row 8 – column 2

Text proposed by the Commission

Amendment

-25% relative deviation of the declared value at any time in the distribution chain

-15% relative deviation of the declared value at any time in the distribution chain

Justification

We support the Commission proposal that tolerance limits should be imposed both on production and distribution, to ensure the quality of the soil improver for the farmer. However, the tolerance levels proposed by the European Commission for distribution are too lenient, they should be decreased to protect the farmer.

Amendment 192

Proposal for a regulation Annex III – part 3 – PFC 4 – table 1

Text proposed by the Commission

PFC 4: GROWING MEDIUM

Forms for the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
Electric conductivity	± 50% relative deviation at the time of manufacture
	± 75% relative deviation at any time in the distribution chain
pH	± 0,7 at the time of manufacture
	± 1,0 at any time in the distribution chain
Quantity by volume (litres or m ³)	-5% relative deviation at the time of manufacture
	-25% relative deviation at any time in the distribution chain
Quantity (volume) determination of materials with particle size greater than 60 mm	-5% relative deviation at the time of manufacture
	-25% relative deviation at any time in the distribution chain
Quantity (volume) determination of pre-shaped GM	-5% relative deviation at the time of manufacture
	-25% relative deviation at any time in the distribution chain
Water-soluble nitrogen (N)	± 50% relative deviation at the time of manufacture
	± 75% relative deviation at any time in the distribution chain
Water-soluble phosphorus pentoxide (P ₂ O ₅)	± 50% relative deviation at the time of manufacture
	± 75% relative deviation at any time in the distribution chain
Water-soluble potassium oxide (K ₂ O)	± 50% relative deviation at the time of manufacture
	± 75% relative deviation at any time in the distribution chain

Amendment

PFC 4: GROWING MEDIUM

Forms for the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
Electric conductivity	± 50% relative deviation at the time of manufacture
	± 60% relative deviation at any time in the distribution chain
pH	± 0,7 at the time of manufacture
	± 0,9 at any time in the distribution chain
Quantity by volume (litres or m ³)	-5% relative deviation at the time of manufacture
	-15% relative deviation at any time in the distribution chain
Quantity (volume) determination of materials with particle size greater than 60 mm	-5% relative deviation at the time of manufacture
	-15% relative deviation at any time in the distribution chain
Quantity (volume) determination of pre-shaped GM	-5% relative deviation at the time of manufacture
	-15% relative deviation at any time in the distribution chain
Water-soluble nitrogen (N)	± 50% relative deviation at the time of manufacture
	± 60% relative deviation at any time in the distribution chain
Water-soluble phosphorus pentoxide (P ₂ O ₅)	± 50% relative deviation at the time of manufacture
	± 60% relative deviation at any time in the distribution chain
Water-soluble potassium oxide (K ₂ O)	± 50% relative deviation at the time of manufacture
	± 60% relative deviation at any time in the distribution chain

Justification

We support the Commission proposal that tolerance limits should be imposed both on production and distribution, to ensure the quality of the soil improver for the farmer. However, the tolerance levels proposed by the European Commission for distribution are too lenient, they should be decreased to protect the farmer.

Amendment 193

Proposal for a regulation

Annex IV – part 1 – point 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) non-processed or mechanically processed plants, plant parts or plant extracts as specified in CMC 2.

Justification

Module A should also accept the use of CMC2 products which are constituents of growing media. Growing Media Europe believes it is highly inconsistent to allow categories CMC4 “digestates” and CMC 6 “food industry by-products” while excluding materials such as wood fibres to be self-certified. The placing on the market of growing media materials is undertaken in most Member States via self-certification. Including additional approval processes will put a high burden on the industry, which is mainly composed of SMEs.

Amendment 194

Proposal for a regulation

Annex IV – part II – module A – point 4.2

Text proposed by the Commission

Amendment

4.2. The manufacturer shall draw up a written EU declaration of conformity for each CE marked fertilising product lot and keep it together with the technical documentation at the disposal of the national authorities for **10** years after the CE marked fertilising product has been placed on the market. The EU declaration of conformity shall identify the CE marked fertilising product for which it has been drawn up.

4.2. The manufacturer shall draw up a written EU declaration of conformity for each CE marked fertilising product lot and keep it together with the technical documentation at the disposal of the national authorities for **5** years after the CE marked fertilising product has been placed on the market. The EU declaration of conformity shall identify the CE marked fertilising product for which it has been drawn up.

Justification

The proposed length of time keeping for the technical documentation and the EU declaration of conformity is excessive. Along tax requirements, it would make sense to shorten this period to 5 years.

Amendment 195

Proposal for a regulation

Annex IV – part II – module B – point 3.2 – point c – indent 6

Text proposed by the Commission

Amendment

– test reports, and

– test reports, ***including studies on agronomic efficiency***, and

Justification

The agronomic efficacy of new products should be guaranteed. Products of Regulation 2003/2003 have already demonstrated their agronomic efficacy.

Amendment 196

Proposal for a regulation

Annex IV – part II – module B – point 9

Text proposed by the Commission

Amendment

9. The manufacturer shall keep a copy of the EU-type examination certificate, its annexes and additions together with the technical documentation at the disposal of the national authorities for **10** years after the CE marked fertilising product has been placed on the market.

9. The manufacturer shall keep a copy of the EU-type examination certificate, its annexes and additions together with the technical documentation at the disposal of the national authorities for **5** years after the CE marked fertilising product has been placed on the market.

Justification

The proposed length of time is excessive. It should be aligned with tax requirements.

Amendment 197

Proposal for a regulation

Annex IV – part II – module C – point 3.2

Text proposed by the Commission

Amendment

3.2 The manufacturer shall draw up a written EU declaration of conformity for a CE marked fertilising product lot and keep it at the disposal of the national authorities for **10** years after the CE marked fertilising product has been placed on the market. The EU declaration of conformity shall identify the CE marked fertilising product lot for which it has been drawn up.

3.2 The manufacturer shall draw up a written EU declaration of conformity for a CE marked fertilising product lot and keep it at the disposal of the national authorities for **5** years after the CE marked fertilising product has been placed on the market. The EU declaration of conformity shall identify the CE marked fertilising product lot for which it has been drawn up.

Justification

The proposed length of time is excessive. It should be aligned with tax requirements.

Amendment 198

Proposal for a regulation

Annex IV – part II – module D1 – point 2 – point b

Text proposed by the Commission

Amendment

(b) ***conceptual design and manufacturing drawings and schemes, including*** a written description and a diagram of the production process, ***where each treatment, storage vessel and area is clearly identified,***

(b) a written description and a diagram of the production process;

Amendment 199

Proposal for a regulation

Annex IV – part II – module D1 – point 3

Text proposed by the Commission

Amendment

3. The manufacturer shall keep the technical documentation at the disposal of the relevant national authorities for **10** years after the CE marked fertilising product has been placed on the market.

3. The manufacturer shall keep the technical documentation at the disposal of the relevant national authorities for **5** years after the CE marked fertilising product has been placed on the market.

Justification

The proposed length of time is excessive. It should be aligned with tax requirements.

Amendment 200

Proposal for a regulation

Annex IV – part II – module D1 – point 7 – point 7.2.1

Text proposed by the Commission

7.2.1 The manufacturer shall draw up a written EU declaration of conformity for each CE marked fertilising product lot and keep it at the disposal of the national authorities for **10** years after the CE marked fertilising product has been placed on the market. The EU declaration of conformity shall identify the product lot for which it has been drawn up.

Amendment

7.2.1 The manufacturer shall draw up a written EU declaration of conformity for each CE marked fertilising product lot and keep it at the disposal of the national authorities for **5** years after the CE marked fertilising product has been placed on the market. The EU declaration of conformity shall identify the product lot for which it has been drawn up.

Justification

The proposed length of time is excessive. It should be aligned with tax requirements.

Amendment 201

Proposal for a regulation

Annex IV – part II – module D1 – point 8 – introductory part

Text proposed by the Commission

8. The manufacturer shall, for a period ending at least **10** years after the product has been placed on the market, keep at the disposal of the national authorities:

Amendment

8. The manufacturer shall, for a period ending at least **5** years after the product has been placed on the market, keep at the disposal of the national authorities:

Justification

The proposed length of time is excessive. It should be aligned with tax requirements.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Laying down rules on the making available on the market of CE marked fertilising products
References	COM(2016)0157 – C8-0123/2016 – 2016/0084(COD)
Committee responsible Date announced in plenary	IMCO 11.4.2016
Opinion by Date announced in plenary	AGRI 11.4.2016
Associated committees - date announced in plenary	27.10.2016
Rapporteur Date appointed	Jan Huitema 21.6.2016
Date adopted	30.5.2017
Result of final vote	+: 30 –: 6 0: 3
Members present for the final vote	John Stuart Agnew, Clara Eugenia Aguilera García, Eric Andrieu, Daniel Buda, Nicola Caputo, Matt Carthy, Viorica Dăncilă, Michel Dantin, Paolo De Castro, Albert Deß, Jørn Dohrmann, Herbert Dorfmann, Norbert Erdős, Edouard Ferrand, Luke Ming Flanagan, Beata Gosiewska, Martin Häusling, Esther Herranz García, Jan Huitema, Peter Jahr, Ivan Jakovčić, Jarosław Kalinowski, Elisabeth Köstinger, Zbigniew Kuźmiuk, Philippe Loiseau, Ulrike Müller, James Nicholson, Maria Noichl, Marijana Petir, Bronis Ropè, Maria Lidia Senra Rodríguez, Ricardo Serrão Santos, Tibor Szanyi, Marc Tarabella, Marco Zullo
Substitutes present for the final vote	Bas Belder, Franc Bogovič, Paul Brannen, Angélique Delahaye, Gabriel Mato, Hannu Takkula
Substitutes under Rule 200(2) present for the final vote	Margrete Auken

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

30	+
ALDE	Jan Huitema, Ivan Jakovčić, Ulrike Müller, Hannu Takkula
ECR	Bas Belder, James Nicholson
ENF	Edouard Ferrand, Philippe Loiseau
GUE / NGL	Matt Carthy, Luke Ming Flanagan
PPE	Franc Bogovič, Daniel Buda, Michel Dantin, Angélique Delahaye, Albert Deß, Herbert Dorfmann, Esther Herranz García, Peter Jahr, Jarosław Kalinowski, Elisabeth Köstinger, Gabriel Mato, Marijana Petir
S & D	Clara Eugenia Aguilera García, Eric Andrieu, Viorica Dăncilă, Paolo De Castro, Maria Noichl, Ricardo Serrão Santos, Tibor Szanyi, Marc Tarabella

6	-
EFDD	John Stuart Agnew, Marco Zullo
GUE / NGL	Maria Lidia Senra Rodríguez, Estefanía Torres Martínez
VERTZ / ALE	Martin Häusling, Bronis Ropè

3	0
ECR	Beata Gosiewska, Zbigniew Kuźmiuk
PPE	Norbert Erdős

Key to symbols:

+ : in favour

- : against

0 : abstention

4.5.2017

OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE

for the Committee on the Internal Market and Consumer Protection

on the proposal for a regulation of the European Parliament and of the Council laying down rules on making available on the market of CE marked fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 (COM(2016)0157 – C8-0123/2016 – 2016/0084(COD))

Rapporteur: Jarosław Wałęsa

SHORT JUSTIFICATION

While welcoming the stated aims of the Revision of the Fertilisers Regulation, endeavouring to boost resource efficiency, to increase harmonisation, to reduce import dependency and to incentivise fertiliser production in the EU, the rapporteur underscores flaws related to its estimated wider impact. The rules, proposed without a strong scientific footing, can both jeopardise European producers and be challenged by the EU's trading partners. The proposal could also be at odds with the principle of a better regulation, obliging to design EU policies and laws so that they achieve their objectives in the most efficient and effective way possible.

International trade context

The European Union is almost entirely dependent on imports of phosphate rock. The proposal for a revised Fertiliser Regulation, as adopted by the Commission in March 2016, will have a profound impact on international trade. Foremost, the proposed unrealistic cadmium limit could lead to a major disturbance of trade with a number of phosphate rock producing countries and raises serious questions on the WTO compliance.

If adopted in their current form, the revised rules would seriously limit export flows of a number of developing countries. Most countries exporting phosphate rock to the EU would be unable to meet the limits proposed by the Commission. The proposed limits have a potential to heighten bilateral trade tensions and could lead to the WTO dispute settlement proceedings. In addition, they can exacerbate a shortage of phosphate rock usable for production of EC-marked fertilizers, which would have a detrimental impact on EU phosphate fertilizer producers that are completely dependent on imported rock.

In this context, your rapporteur suggests introducing additional measures authorising temporary derogations that would enable the industry to adapt to the changing regulatory environment. A scientifically justified average cadmium limit of 80 mg Cd/kg in phosphate

rock would ensure WTO compliance, thus reducing trade tensions.

Conclusions

The updated rules must not undermine the efforts of the EU companies to break their import dependence, to diversify their import supplies on international markets and to avoid being dependent on a few price-distorting sources of raw material imports. Furthermore, it must not undermine the coherence of the EU policies towards the countries in its Southern neighbourhood.

The rapporteur regrets lack of engagement from the Commission in relation to concerns that proposed measures can gravely distort trade patterns in international raw materials trade. Your rapporteur considers that cadmium limits, put forward without a credible scientific basis, can seriously damage EU credibility vis-à-vis its trading partners, undermine sourcing of raw materials, divert international trade flows and have an irreparable impact on the EU industry.

Specifically, third countries that have monopolized raw material deposits may seek to exploit their privileged position and the limits imposed by the Regulation to further tighten the supply of raw materials and increase their market share of finished fertilising products, making EU dependent imports of finished fertilizer which has food security implications.

Consequently, the Commission should step up monitoring, reporting and action on negative market and trade implications of the envisaged measures in order to safeguard stable and affordable access to raw materials, ensuring effective competition and competitiveness of the EU fertilizer industry. Special attention must be paid to distortions, such as dual pricing, regulated domestic prices, export restrictions, export duties and monopolistic or oligopolistic structures within the raw material industries of third countries. Finally, many of the limited number of the global phosphate rock deposits are not available to EU producers, and the Rapporteur would like the Commission to use the tools at its disposal to increase the fluidity of raw material supplies.

AMENDMENTS

The Committee on International Trade calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 60 a (new)

Text proposed by the Commission

Amendment

(60a) It is necessary to assess and mitigate potential negative economic and social impacts of this Regulation on those

European neighbourhood countries and developing countries that are highly-dependant on phosphate-rock and fertiliser exports. The Commission should take the necessary steps to promote recycling and industrial-scale decadmiation technologies and processes, facilitating compliance with the conditions for CE marking. Funding opportunities should also be provided to introduce cadmium removal processes, in particular through the “Horizon 2020” research programme and European Investment Bank external funding projects.

Amendment 2

Proposal for a regulation Recital 60 b (new)

Text proposed by the Commission

Amendment

(60b) Due to the high level of dependency on phosphate rock imports in the Union, the Commission has classified that material as a critical raw material. It is therefore necessary to monitor the impact of this Regulation on access to raw material supplies in general, on the availability of phosphate rock in particular, and, in both cases, on prices. After such evaluation, and in the case of negative impact, the Commission should take any measures that it deems to be appropriate in order to remedy those disturbances to trade.

Justification

Phosphate rock was listed as a critical Raw Material as it combines a high economic importance to the EU with a high risk associated with their supply. The EC should monitor and report the impact of this regulation on the access, availability and prices of phosphate rock after its entry into force. The EC should also be able to take measures to remedy trade distortions.

Amendment 3

Proposal for a regulation Article 44 a (new)

Text proposed by the Commission

Amendment

Article 44a

Monitoring, reporting and assistance

By [three years after the date of entry into force of this Regulation] and every five years thereafter, the Commission shall present to the European Parliament and the Council a report which contains an assessment of the impact of this Regulation on:

- the security of raw material supplies, on the availability of phosphate rock, on prices and on the Union economic operators, and in particular SMEs, and***
- the economies of the European Neighbourhood countries and developing countries highly-dependant on phosphate-rock and fertiliser exports. This shall integrate the developments of cadmium removal processes and the trends in phosphate imports.***

The Commission shall take any appropriate measures to assist the Union operators, and in particular SMEs, in adjusting to the requirements of this Regulation, including improving the access to EU funding research opportunities.

In order to mitigate possible negative impact and facilitate compliance with the conditions for CE marking, the Commission shall provide European Neighbourhood countries and developing countries with technical and financial assistance, inter alia, in order to promote recycling and industrial-scale decadmiation technologies and processes.

Amendment 4

Proposal for a regulation

Annex I – part 2 – PFC 7 – point 3 – introductory part

Text proposed by the Commission

3. The blending shall not change the ***nature*** of each component fertilising product

Amendment

3. The blending shall not change the ***function*** of each component fertilising product

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Laying down rules on the making available on the market of CE marked fertilising products
References	COM(2016)0157 – C8-0123/2016 – 2016/0084(COD)
Committee responsible Date announced in plenary	IMCO 11.4.2016
Opinion by Date announced in plenary	INTA 12.5.2016
Rapporteur Date appointed	Jarosław Wałęsa 20.4.2016
Discussed in committee	13.7.2016 5.12.2016 27.2.2017
Date adopted	4.5.2017
Result of final vote	+: 31 -: 4 0: 3
Members present for the final vote	Laima Liucija Andrikienė, Maria Arena, Tiziana Beghin, David Borrelli, Daniel Caspary, Salvatore Cicu, Santiago Fisas Aixelà, Heidi Hautala, Yannick Jadot, Bernd Lange, David Martin, Anne-Marie Mineur, Sorin Moisă, Franz Obermayr, Franck Proust, Tokia Saïfi, Marietje Schaake, Helmut Scholz, Joachim Schuster, Joachim Starbatty, Adam Szejnfeld, Hannu Takkula
Substitutes present for the final vote	Eric Andrieu, Bendt Bendtsen, Dita Charanzová, Edouard Ferrand, Danuta Maria Hübner, Agnes Jongerius, Stelios Kouloglou, Sander Loones, Bolesław G. Piecha, Fernando Ruas, José Ignacio Salafranca Sánchez-Neyra, Pedro Silva Pereira, Jarosław Wałęsa
Substitutes under Rule 200(2) present for the final vote	Beatriz Becerra Basterrechea, Edward Czesak, Marco Zanni

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

31	+
ALDE	Becerra Basterrechea Beatriz, Schaake Marietje, Takkula Hannu
ECR	Czesak Edward, Loones Sander, Piecha Bolesław G., Starbatty Joachim
EFDD	Beghin Tiziana, Borrelli David
PPE	Andrikienė Laima Liucija, Bendtsen Bendt, Caspary Daniel, Cicu Salvatore, Fisas Ayxelà Santiago, Hübner Danuta Maria, Proust Franck, Ruas Fernando, Salafranca Sánchez-Neyra José Ignacio, Saïfi Tokia, Szejnfeld Adam, Wałęsa Jarosław
S&D	Andrieu Eric, Arena Maria, Jongerius Agnes, Lange Bernd, Martin David, Moisă Sorin, Schuster Joachim, Silva Pereira Pedro
VERTS/ALE	Hautala Heidi, Jadot Yannick

4	–
ENF	Zanni Marco
GUE/NGL	Kouloglou Stelios, Mineur Anne-Marie, Scholz Helmut

3	0
ALDE	Charanzová Dita
ENF	Ferrand Edouard, Obermayr Franz

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Laying down rules on the making available on the market of CE marked fertilising products			
References	COM(2016)0157 – C8-0123/2016 – 2016/0084(COD)			
Date submitted to Parliament	17.3.2016			
Committee responsible Date announced in plenary	IMCO 11.4.2016			
Committees asked for opinions Date announced in plenary	INTA 12.5.2016	ENVI 11.4.2016	ITRE 11.4.2016	AGRI 11.4.2016
Not delivering opinions Date of decision	ITRE 24.5.2016			
Associated committees Date announced in plenary	AGRI 27.10.2016	ENVI 27.10.2016		
Rapporteurs Date appointed	Ildikó Gáll-Pelcz 20.4.2016			
Discussed in committee	13.7.2016	21.3.2017	11.5.2017	
Date adopted	13.7.2017			
Result of final vote	+: -: 0:	30 3 4		
Members present for the final vote	Carlos Coelho, Daniel Dalton, Nicola Danti, Pascal Durand, John Flack, Ildikó Gáll-Pelcz, Evelyne Gebhardt, Maria Grapini, Sergio Gutiérrez Prieto, Robert Jarosław Iwaszkiewicz, Liisa Jaakonsaari, Morten Løkkegaard, Marlene Mizzi, Virginie Rozière, Christel Schaldemose, Olga Sehnalová, Jasenko Selimovic, Ivan Štefanec, Catherine Stihler, Mylène Troszczynski, Anneleen Van Bossuyt, Marco Zullo			
Substitutes present for the final vote	Jan Philipp Albrecht, Birgit Collin-Langen, Edward Czesak, Dariusz Rosati, Adam Szejnfeld, Marc Tarabella			
Substitutes under Rule 200(2) present for the final vote	Andrea Bocskor, David Coburn, Jan Huitema, Seán Kelly, Andrey Kovatchev, Norbert Lins, Bogdan Brunon Wenta, Marco Zanni, Bogdan Andrzej Zdrojewski			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

30	+
ALDE	Jan Huitema, Morten Løkkegaard, Jasenko Selimovic
ENF	Mylène Troszczynski, Marco Zanni
PPE	Andrea Bocskor, Carlos Coelho, Birgit Collin-Langen, Ildikó Gáll-Pelcz, Seán Kelly, Andrey Kovatchev, Norbert Lins, Dariusz Rosati, Ivan Štefanec, Adam Szejnfeld, Bogdan Brunon Wenta, Bogdan Andrzej Zdrojewski
S&D	Nicola Danti, Evelyne Gebhardt, Maria Grapini, Sergio Gutiérrez Prieto, Liisa Jaakonsaari, Marlene Mizzi, Virginie Rozière, Christel Schaldemose, Olga Sehnalová, Catherine Stihler, Marc Tarabella
VERTS/ALE	Jan Philipp Albrecht, Pascal Durand

3	-
EFDD	David Coburn, Robert Jarosław Iwaszkiewicz, Marco Zullo

4	0
ECR	Edward Czesak, Daniel Dalton, John Flack, Anneleen Van Bossuyt