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A9-0330/ 001-035

AMENDMENTS 001-035

by the Committee on the Internal Market and Consumer Protection

Report

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A9-0330/2023

Amending Regulation (EU) 2019/1009 as regards the digital labelling of EU fertilising products

Proposal for a regulation (COM(2023)0098 – C9-0030/2023 – 2023/0049(COD))

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The form in which EU fertilising products are labelled in accordance with Regulation (EU) 2019/1009 should be adapted to technological and societal changes in the field of digitalisation.

Amendment

(2) The form in which EU fertilising products are labelled in accordance with Regulation (EU) 2019/1009 should be adapted to technological and societal changes in the field of digitalisation, ***without compromising the quality and accessibility of information aiming at better information provision, while taking account of the impacts on and benefits for economic operators and end-users.***

Amendment 2

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Providing information on a label in a

Amendment

(3) Providing information on a label in a

digital form ('digital label') has clear benefits. Digital labelling can improve the communication of labelling information both by avoiding overcrowded physical labels and by allowing users to rely on various reading options available only for digital formats, such as increased font, automatic search, loud speakers or translation into other languages. In addition, digital labelling of EU fertilising products contributes to the ongoing progress with regard to **digitalisation** of the European agricultural sector **and can facilitate** the reporting obligations of farmers regarding the use of such products. Digital labelling can also lead to a more efficient management of the labelling obligations by economic operators, by facilitating the update of labelling information and permitting a more targeted information to users. In addition, digital labelling can contribute to reducing labelling costs all along the supply chain, given that the labels of EU fertilising products may be changed following a transaction between economic operators, before reaching end-users,

digital form ('digital label') has clear benefits. Digital labelling can improve the communication of labelling information both by avoiding overcrowded physical labels and by allowing users to rely on various reading options available only for digital formats, such as increased font, automatic search, loud speakers or translation into other languages. In addition, digital labelling of EU fertilising products contributes to the ongoing progress with regard to **the digital and green transformation** of the European agricultural sector, **reducing packaging waste and facilitating** the reporting obligations of farmers regarding the use of such products. Digital labelling can also lead to a more efficient management of the labelling obligations by economic operators, by facilitating the update of labelling information and permitting a more targeted information to users. **While the use of digital labels could overcome space limitations compared to physical labels by providing traceability information and could reduce fertiliser prices from lower labelling costs, nonetheless irrelevant or unnecessary information should be avoided, so as to ensure best quality of essential information for users.** In addition, digital labelling can contribute to reducing labelling costs all along the supply chain, given that the labels of EU fertilising products may be changed following a transaction between economic operators, before reaching end-users,

Amendment 3

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) However, digital labelling can also create new challenges for the vulnerable population groups, in particular persons

Amendment

(4) However, digital labelling can also create new challenges, **one of which is the possibility that digital labelling will create**

with no, or insufficient, digital skills or persons with disabilities, and **thus accentuate** the digital divide. Therefore, digital labelling should be introduced in Regulation (EU) 2019/1009, under certain conditions, taking into account the need to ensure a high level of protection of human health and the environment, and the digital readiness.

problems for the vulnerable population groups, in particular persons with no, or insufficient, digital skills or **access to digital devices needed to retrieve the digital labels, and for** persons with disabilities, and **preventing these groups from easily obtaining essential information, such as safety precautions, usage instructions or environmental impact, ultimately accentuating** the digital divide. Therefore, digital labelling should be introduced in Regulation (EU) 2019/1009, under certain conditions **and should be easily understandable and accessible to vulnerable groups and persons with disabilities**, taking into account the need to ensure a high level of protection of human health and the environment, and the digital readiness, **without increasing costs excessively. It is vital that user safety is not compromised in the process of making labelling more user-friendly through digital means and that the possibilities and skills of SMEs to digitalise the labels are taken into account.**

Amendment 4

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) Economic operators should remain free to choose **if** to provide a digital or physical label. This will ensure that **such economic operators** have flexibility to opt for the rules most appropriate to their situation. It is particularly important not to create unjustified costs for small and medium-sized enterprises for which digital labelling might be challenging, given the reduced volumes or types of EU fertilising products.

Amendment

(5) Economic operators should remain free to choose **whether** to provide a digital or physical label. This will ensure that **they** have **the** flexibility to opt for the rules most appropriate to their situation. It is particularly important not to create unjustified costs for small and medium-sized enterprises for which, **given the reduced volumes or types of EU fertilising products**, digital labelling might be challenging. **It is also important to provide support in the form of guidance and training programmes in order to enable such enterprises to develop the adequate**

skills and capabilities to comply with this Regulation.

Amendment 5

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) The choice to provide a digital label lies primarily with manufacturers and importers, who are responsible for fulfilling the labelling requirements set out in Annex III to Regulation (EU) 2019/1009. Nevertheless, to maximise the use of digital labels and thereby improve the communication of information to users, distributors should also have the possibility to digitise the label of EU fertilising products that they make available on the market, based on the information already provided by the manufacturer. The extent of digital labelling should depend on two factors: if the EU fertilising products are made available to economic operators or to end-users and if the products are provided with or without a packaging.

Amendment

(6) The choice to provide a digital label lies primarily with manufacturers and importers, who are responsible for fulfilling the labelling requirements set out in Annex III to Regulation (EU) 2019/1009, ***ensuring they can make informed decisions that are tailored to their product range and intended customers.*** Nevertheless, to maximise the use of digital labels and thereby improve the communication of information to users, distributors should also have the possibility to digitise the label of EU fertilising products that they make available on the market, based on the information already provided by the manufacturer. ***The use of digitalised labels should be seen as part of a collaborative approach that ensures a consistent flow of accurate information throughout the supply chain.*** The extent of digital labelling should depend on two factors: if the EU fertilising products are made available to economic operators or to end-users and if the products are provided with or without a packaging.

Amendment 6

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Economic operators should be allowed to provide all the labelling elements referred to in Annex III of Regulation (EU) 2019/1009 in a digital

Amendment

(7) Economic operators should be allowed to provide all the labelling elements referred to in Annex III of Regulation (EU) 2019/1009 in a digital

label only for the EU fertilising products supplied to other economic operators, with or without a packaging. The use of digital labels in such cases can reduce the labelling costs in the supply chain. Importers or distributors will have the possibility to affix a physical label to the EU fertilising product directly in the official languages needed for their specific situation. In addition, labelling costs can be avoided in case of blending, packaging or re-packaging of EU fertilising products, since the products can be labelled with a physical label only once, before reaching end-users. As products are supplied to economic operators, the communication of information to end-users is not affected. Where the economic operators choose to provide, in addition to a digital label, a physical label, they should be free to decide which labelling elements to include in that physical label.

label only for the EU fertilising products supplied to other economic operators, with or without a packaging. The use of digital labels in such cases can reduce **waste and** the labelling costs in the supply chain. Importers or distributors will have the possibility to affix a physical label to the EU fertilising product directly in the official languages needed for their specific situation. In addition, labelling costs can be avoided in case of blending, packaging or re-packaging of EU fertilising products, since the products can be labelled with a physical label only once, before reaching end-users. As products are supplied to economic operators, the communication of information to end-users is not affected. Where the economic operators choose to provide, in addition to a digital label, a physical label, they should be free to decide which labelling elements to include in that physical label **in accordance with Regulation (EU) 2019/1009**.

Amendment 7

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) Physical labels remain **the** preferred way of obtaining information for end-users as by being affixed to packaging such physical labels offer immediate access to information. In addition, the vast majority of EU fertilising products available on the market are used by professional users, such as farmers. While professional users are well accustomed with fertilising products and often rely on consultancy for their fertilisation plans, they tend to belong to more advanced age groups, with more reduced digital skills.

Amendment

(8) Physical labels remain **a** preferred way of obtaining **key** information **about safety and use of EU fertilising products** for end-users as by being affixed to packaging such physical labels offer immediate **reliable** access to information. In addition, the vast majority of EU fertilising products available on the market are used by professional users, such as farmers **and agricultural contractors**. While professional users are well accustomed with fertilising products and often rely on consultancy for their fertilisation plans, they tend to belong to more advanced age groups, with more reduced digital skills **and might encounter difficulties when accessing the digital**

labels. In addition, less developed rural regions might face fluctuating access to internet in the field or on the farm.

Amendment 8

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) Where economic operators opt for digital labelling of EU fertilising products supplied to end-users in a packaging, they should therefore ensure that a minimum set of information is also available on the physical label. In this context and with regard to other rules specific to products made available in a packaging, a packaging should contain no more than 1000 kg in coherence with Commission Regulation (EU) No 142/2011²⁴. Products supplied in a packaging exceeding this limit should be considered as being supplied without a packaging for the purpose of Regulation (EU) 2019/1009. This will also address the challenges that vulnerable population groups may face. The specific information that economic operators should be allowed to provide only on a digital label should therefore reflect the current state of the digitalisation of the society and the particular situation of the users of EU fertilising products. In order to enable all end-users to make informed choices before buying EU fertilising products and to ensure the safe handling and use of such products by all groups of end-users, labelling information concerning the protection of human health and the environment, as well as minimum information on the agronomic efficiency of the EU fertilising products and on their content and use, should always be provided on the physical label. Regulation (EU) 2019/1009 should clearly indicate which information may be provided only digitally.

Amendment

(9) Where economic operators opt for digital labelling of EU fertilising products supplied to end-users in a packaging, they should therefore ensure that a minimum set of **key information about safety and use of the product** is also available on the physical label. In this context and with regard to other rules specific to products made available in a packaging, a packaging should contain no more than 1000 kg in coherence with Commission Regulation (EU) No 142/2011²⁴ **to ensure that larger quantities, typically used in industrial settings, are treated differently from consumer-oriented packages**. Products supplied in a packaging exceeding this limit should be considered as being supplied without a packaging for the purpose of Regulation (EU) 2019/1009. This will also address the challenges that vulnerable population groups may face. The specific information that economic operators should be allowed to provide only on a digital label should therefore reflect the current state of the digitalisation of the society and the particular situation of the users of EU fertilising products **and acknowledging the diverse user base is crucial**. In order to enable all end-users to make informed choices before buying EU fertilising products and to ensure the safe handling and use of such products by all groups of end-users, labelling information concerning **safety**, the protection of human **and animal** health and the environment **and the impact of the fertiliser, including its production process**, as well as

minimum information on the agronomic **and agro-ecological** efficiency of the EU fertilising products and on their content and use, should always be provided on the physical label. **Digital labels should also include information on greenhouse gas emissions related to the production process. A dual approach to digital and physical labelling ensures that while one moves towards a digital future, one does not leave behind those who rely on traditional means of information.**

Regulation (EU) 2019/1009 should clearly indicate which information may be provided only digitally.

²⁴ 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 54, 26.2.2011, p. 1.

²⁴ 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 54, 26.2.2011, p. 1.

Amendment 9

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) For EU fertilising products supplied without packaging, the economic operators are to provide the labelling elements in a leaflet. The leaflet, contrary to physical labels, has no physical link to the product itself and therefore does not offer immediate access to the information relevant to the product when handling it. Providing the same labelling elements in digital format would imply an adjustment of the way the information is retrieved

Amendment

(10) For EU fertilising products supplied without packaging, the economic operators are to provide the labelling elements in a leaflet **to secure that even without direct packaging, essential information is still accessible to the user, including those lacking basic literacy skills.** The leaflet, contrary to physical labels, has no physical link to the product itself and therefore does not offer immediate access to the information relevant to the product when

without creating significant risks to users. Economic operators should therefore be allowed to provide all the labelling elements referred to in Annex III of Regulation (EU) 2019/1009 in a digital label only for the EU fertilising products supplied without packaging. Where the economic operators choose to provide, in addition to a digital label, a physical label, they should be free to decide which labelling elements to include in that physical label.

handling it, ***but must serve as a bridge between the product and the user, ensuring that vital details are not lost.*** Providing the same labelling elements in digital format would imply an adjustment of the way the information is retrieved ***which is justified once the risks to users are properly addressed and mitigated. The digital format should be flexible, harmonised and updated in real-time, ensuring that users can access the most current information.*** Economic operators should therefore be allowed to provide all the labelling elements referred to in Annex III of Regulation (EU) 2019/1009 in a digital label only for the EU fertilising products supplied without packaging. Where the economic operators choose to provide, in addition to a digital label, a physical label, they should be free to decide which labelling elements to include in that physical label, ***taking into account the need to include a minimum set of relevant information, in accordance with Regulation (EU) 2019/1009.***

Amendment 10

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) To ensure a level playing field among economic operators making available EU fertilising products on the market, and to protect the end-users of such products, requirements for digital labelling should be laid down.

Amendment

(11) To ensure a level playing field among economic operators making available EU fertilising products on the market, and to protect the end-users of such products, ***harmonised*** requirements for digital labelling should be laid down.

Amendment 11

Proposal for a regulation Recital 12

(12) In order to ensure that users receive all the labelling elements on the digital label and will not need to compile the information both from a physical and a digital label, economic operators using a digital label should be required to include all such labelling elements in that label, even if they are also included on the physical label. The digital label should also contain information allowing end-users to identify and contact the manufacturer of the EU fertilising products, as this is an essential information and providing it digitally will facilitate the link between the product and the digital label. In addition, given that fertilising products are also placed on the market as non-harmonised products, it is **important** to include on the digital label the CE-mark and any corresponding reference to a notified body, so that end-users can deduce only from using the digital label that the product is marketed in accordance with Regulation (EU) 2019/1009. However, to facilitate the update of certain information to be provided by the manufacturers, which changes frequently and is not used on a daily basis by end-users (**more precisely**, the batch number and the production date), the manufacturers should have the **choice** to provide the information either physically or digitally.

(12) In order to ensure that users receive all the labelling elements on the digital label and will not need to compile the information both from a physical and a digital label, economic operators using a digital label should be required to include all such labelling elements in that label, even if they are also included on the physical label **to ensure a one-stop source for all necessary information**. The digital label should also contain information allowing end-users to identify and contact the manufacturer of the EU fertilising products **and, where appropriate, the importer and the responsible person in the Union as defined in Regulation (EU) 2023/988**, as this is an essential information **since it is necessary to have a direct communication line to enhance trust and transparency** and providing it digitally will facilitate the link between the product and the digital label **as well as between the manufacturer and the end-user**. In addition, given that fertilising products are also placed on the market as non-harmonised products, it is **crucial** to include on the digital label the CE-mark and any corresponding reference to a notified body, so that end-users can deduce only from using the digital label that the product is marketed in accordance with Regulation (EU) 2019/1009. However, to facilitate the update of certain information to be provided by the manufacturers, which changes frequently and is not used on a daily basis by end-users (**specifically**, the batch number and the production date), the manufacturers should have the **option** to provide the information either physically or digitally **based on flexibility that should lead to more prompt and accurate updates, benefiting both manufacturers and end-users**.

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) Since digital labels, similarly to physical labels, are a means of providing mandatory information on EU fertilising products to users, economic operators should ensure free access to digital labels. In addition, and in order to improve the chances that users will in practice retrieve the information, the information provided on the digital label should be easily accessible. Economic operators should not mix the information required by Regulation (EU) 2019/1009 with other information not requested by Regulation (EU) 2019/1009, such as marketing or commercial statements. Digital space has no space limitations typical for physical labels affixed to the packaging. It is therefore important to keep the labelling elements provided in accordance with Regulation (EU) 2019/1009 concentrated in one place, so that they are not difficult to find among various other information which economic operators might provide. Economic operators should also ensure that digital labels are presented in a way that takes into account the needs of vulnerable population groups, to further reduce the challenges such groups may face.

Amendment

(13) Since digital labels, similarly to physical labels, are a means of providing mandatory information on EU fertilising products to users, economic operators should ensure free access to digital labels ***until the expiry date of the EU fertilising product, or for a period of 10 years for those products that do not have an expiry date, from the moment the EU fertilising product is placed on the market.*** In addition, and in order to improve the chances that users will in practice retrieve the information, the information provided on the digital label should be easily accessible ***to end-users in the Union through widely used digital technologies compatible with all major operating systems and browsers, and ensuring that access to the label does not require any password, registration, nor any specific application and taking into account the needs of vulnerable groups.*** Economic operators should not mix the information required by Regulation (EU) 2019/1009 with other information not requested by Regulation (EU) 2019/1009, such as marketing or commercial statements. Digital space has no space limitations typical for physical labels affixed to the packaging. It is therefore important to keep the labelling elements provided in accordance with Regulation (EU) 2019/1009 concentrated in one place, so that they are not difficult to find among various other information which economic operators might provide. Economic operators should also ensure that digital labels are presented in a way that takes into account the needs of vulnerable population groups, ***in particular persons with disabilities*** to further reduce the challenges such groups may face. ***At the same time, the fact that digital labels do not have***

space limitations also provides an opportunity to provide additional information regarding the use of the EU fertilising product, such as recommendations and best practises to limit nutrient losses. Economic operators should therefore have the possibility to provide this information in the digital label.

Amendment 13

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) Taking into account both the interest of users to have access to information about EU fertilising products with a relatively long shelf life and the interest of economic operators to avoid unnecessary costs, economic operators should ensure that the digital label is available for a period of **5** years from the moment **the** EU fertilising product is placed on the market.

Amendment

(14) Taking into account both the interest of users to have access to information about EU fertilising products with a relatively long shelf life and the interest of economic operators to avoid unnecessary costs, economic operators should ensure that the digital label is available ***until the expiry date of the EU fertilising product, or, if the EU fertilising product does not have an expiry date,*** for a period of **10** years from the moment **that** EU fertilising product is placed on the market.

Amendment 14

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) The requirements for the technical documentation set out in Annex IV to Regulation (EU) 2019/1009 should be adjusted to take into account the introduction of digital labels. In addition, taking into account the possibility to provide only a digital label for EU fertilising products made available to blenders, to facilitate market surveillance, the technical documentation of fertilising

Amendment

(16) The requirements for the technical documentation set out in Annex IV to Regulation (EU) 2019/1009 should be adjusted to take into account the introduction of digital labels. ***Given the evolving nature of digital platforms and the need for consistent accessibility, these adjustments should be periodically reviewed.*** In addition, taking into account the possibility to provide only a digital

products blends should include a specimen of the information provided under Annex III to Regulation (EU) 2019/1009 on the component EU fertilising products.

label for EU fertilising products made available to blenders, to facilitate market surveillance, the technical documentation of fertilising products blends should include a specimen of the information provided under Annex III to Regulation (EU) 2019/1009 on the component EU fertilising products ***to ensure that all stakeholders, ranging all the way from manufacturers to end-users lacking basic literacy, numeracy and digital skills, have a clear understanding of the product's components and their respective origins.***

Amendment 15

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) In order to keep Regulation (EU) 2019/1009 up-to-date to technical progress, new scientific evidence and the evolution of the digitalisation of the society, 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 supplementing the requirements for digital labelling and amending Annex III with regard to which labelling elements economic operators making available on the market EU fertilising products in a packaging to end-users may provide on a digital label only. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations are conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making²⁵. 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

Amendment

(17) In order to keep Regulation (EU) 2019/1009 up-to-date to technical progress, new scientific evidence and the evolution of the digitalisation of the society, 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 supplementing the requirements for digital labelling and amending Annex III with regard to which labelling elements economic operators making available on the market EU fertilising products in a packaging to end-users may provide on a digital label only. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations are conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making²⁵. ***It is also of particular importance that the Commission takes into account the views of all stakeholders during its preparatory work.*** In particular, to ensure equal participation in the preparation of

systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

²⁵ OJ L 123, 12.5.2016, p. 1.

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.

²⁵ OJ L 123, 12.5.2016, p. 1.

Amendment 16

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) When setting out more detailed rules for digital labelling, the Commission should pay particular attention to other Union rules on the provision of information about products or substances and mixtures in a digital format. It should be possible to access all the information requested by various Union rules in one digital space, so that the users have easy access to all the information needed.

Amendment

(18) When setting out more detailed rules for digital labelling, the Commission should pay particular attention to other Union rules on the provision of information about products or substances and mixtures in a digital format. It should be possible to access all the information requested by various Union rules in one digital space, so that the users have easy access to all the information needed.

Ensuring a harmonised approach across different sectors will simplify the user experience and encourage trust in digital information sources. Furthermore, integrating those digital platforms would provide a more comprehensive and user-friendly interface, promoting consumer transparency and informed decision-making.

Amendment 17

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) When deciding which labelling elements may be provided only digitally by

Amendment

(19) When deciding which labelling elements may be provided only digitally by

economic operators making available on the market EU fertilising products in a packaging to end-users, the Commission should take into account the level of digital readiness among users of EU fertilising products and the need to keep the use of such products safe for human health and the environment.

economic operators making available on the market EU fertilising products in a packaging to end-users, the Commission should take into account the level of digital readiness among users of EU fertilising products and the need to keep the use of such products safe for human *and animal* health and the environment, *as well as the need to ensure availability of the digital label until the expiry date of the EU fertilising product, and, for those products that do not have an expiry date, for a period of 10 years from the moment the EU fertilising product is placed on the market. Additionally, consideration should be given to the evolving digital landscape, ensuring that as technology advances, digital labelling remains accessible and user-friendly. It is crucial to continuously assess the feedback from end-user and stakeholders to ensure that the digital labelling system meets their needs and addresses any emerging concerns.*

Amendment 18

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EU) 2019/1009

Article 2 – paragraph 1 – point 16a

Text proposed by the Commission

(16a) “data carrier” means a linear bar code symbol, a two-dimensional symbol or other automatic identification data capture medium that can be read by a device;

Amendment

(16a) “data carrier” means a linear bar code symbol, a two-dimensional symbol or other *externally visible* automatic identification data capture medium that can be read by a device;

Amendment 19

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point c

Regulation (EU) 2019/1009

Article 6 – paragraph 7 – point a

Text proposed by the Commission

(a) in a language which can be easily understood by end-users, **as** determined by the Member State concerned;

Amendment

(a) in a language **and a format** which can be easily understood by end-users, **and in particular persons with disabilities, to be** determined by the Member State concerned;

Amendment 20

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point c

Regulation (EU) 2019/1009

Article 6 – paragraph 7 – point b

Text proposed by the Commission

(b) clear, understandable **and** intelligible;

Amendment

(b) clear, understandable, **accurate**, intelligible **and prominently placed on the packaging**;

Amendment 21

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point c a (new)

Regulation (EU) 2019/1009

Article 6a new

Text proposed by the Commission

Amendment

(ca) The following Article 6a is inserted:
‘In line with relevant requirements set out in Article 6(5), (6) and (7), and Articles 11a, 11b and 11c, the economic operator may provide information required according to Article 31 of Regulation (EU) 1907/2006 in digital form on the packaging or the accompanying document, or both, to meet the information requirements.’

Amendment 22

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) 2019/1009
Article 8 – paragraph 4 – point a

Text proposed by the Commission

(a) in a language which can be easily understood by end-users, **as** determined by the Member State concerned;

Amendment

(a) in a language **and a format** which can be easily understood by end-users, **and in particular persons with disabilities, to be** determined by the Member State concerned;

Amendment 23

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/1009

Article 11b – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The digital label may include recommendations and best practices for the use of the EU fertilising product.

Amendment 24

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/1009

Article 11b – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) easily and directly accessible, without a need to register in advance, to download or install applications or to provide a password; accessible to all potential users in the Union;

(b) easily and directly accessible **through all major operating systems and browsers**, without a need to register in advance, to download or install applications or to provide a password; accessible to all potential users in the Union;

Amendment 25

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/1009

Article 11b – paragraph 3 – subparagraph 1 – point d

Text proposed by the Commission

(d) presented in a way that also addresses the needs of vulnerable groups and supports, as relevant, the necessary adaptations to facilitate access by those groups;

Amendment

(d) presented in a way that also addresses the needs of vulnerable groups and supports, as relevant, the necessary adaptations to facilitate access by those groups, ***in particular those made up of persons with disabilities***;

Amendment 26

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/1009

Article 11b – paragraph 3 – subparagraph 1 – point e

Text proposed by the Commission

(e) available ***for a period of 5 years from the moment*** the EU fertilising product ***is*** placed on the market, including in case of an insolvency, a liquidation or a cessation of activity in the Union of the economic operator that created it.

Amendment

(e) available ***until the expiry date of the EU fertilising product, or, if*** the EU fertilising product ***does not have an expiry date, for a period of 10 years from the moment that EU fertilising product was*** placed on the market, including in case of an insolvency, a liquidation or a cessation of activity in the Union of the economic operator that created it.

Amendment 27

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/1009

Article 11b – paragraph 3 – subparagraph 2

Text proposed by the Commission

Where the digital label is available in more than one language, the choice of languages shall not be dependent on the geographical location.

Amendment

Where the digital label is available in more than one language, the choice of languages shall not be dependent on the geographical location ***only***.

Amendment 28

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/1009

Article 11b – paragraph 4

Text proposed by the Commission

4. A data carrier used for a digital label shall be printed or placed physically on the packaging or, where the EU fertilising products are made available on the market without a packaging, on the accompanying document or leaflet, visibly, legibly and in a way that allows *it* to be processed automatically by digital devices.

Amendment

4. A data carrier used for a digital label shall be printed or placed physically on the packaging or, where the EU fertilising products are made available on the market without a packaging, on the accompanying document or leaflet, visibly, legibly, and in a way that *is easily understandable, that is accessible to vulnerable groups and persons with disabilities and that* allows *that data carrier* to be processed automatically by digital devices.

Amendment 29

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EU) 2019/1009

Article 11c – paragraph 2

Text proposed by the Commission

2. *Upon* request *by the* end-users, or without such request where the digital label is temporarily unavailable at the time of purchase, economic operators making available on the market EU fertilising products to such end-users shall provide the information included on the digital label, by alternative means and free of charge.;

Amendment

2. *At the* request *of* end-users, or without such request where the digital label is temporarily unavailable at the time of purchase, economic operators making available on the market EU fertilising products to such end-users shall provide the information included on the digital label, by alternative means and free of charge *until the expiry date of the EU fertilising product, or, for those products that do not have an expiry date, for a period of 10 years, from the moment the EU fertilising product was placed on the market;*

Amendment 30

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EU) 2019/1009

Article 42 – paragraph 9 – point b

Text proposed by the Commission

(b) encourage innovation;

Amendment

(b) encourage innovation ***and the use of state-of-the-art technology***;

Amendment 31

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EU) 2019/1009

Article 42 – paragraph 9 – point e a (new)

Text proposed by the Commission

Amendment

(ea) take into account the requirement in this Regulation to provide the information until the expiry date of the EU fertilising product, or for those products that do not have an expiry date, for a period of 10 years from the moment the EU fertilising product was placed on the market;

Amendment 32

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EU) 2019/1009

Article 42 – paragraph 9 – point e b (new)

Text proposed by the Commission

Amendment

(eb) take into consideration the enhancement of the free movement of goods in the internal market;

Amendment 33

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EU) 2019/1009

Article 42 – paragraph 9 – point e c (new)

Text proposed by the Commission

Amendment

(ec) take into consideration the needs and the capacity of SMEs to comply with such requirements;

Amendment 34

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EU) 2019/1009

Article 42 – paragraph 10

Text proposed by the Commission

10. The Commission is empowered to adopt delegated acts in accordance with Article 44 to amend Annex III, as regards the labelling information which economic operators **may** provide on a digital label only in accordance with Article 11a(3) **point (b)**, in order to adapt that Annex to technical and scientific progress or to the level of digital readiness among end-users of EU fertilising products. When adopting **the** delegated acts, the Commission shall take into account the need to ensure a high level of protection of human health and the environment.;

Amendment

10. The Commission is empowered to adopt delegated acts in accordance with Article 44 to amend Annex III, as regards the labelling information which economic operators **choose to** provide on a digital label only in accordance with **the derogation in** Article 11a(3), **second subparagraph**, in order to adapt that Annex to technical and scientific progress or to the level of digital readiness among end-users of EU fertilising products. When adopting **those** delegated acts, the Commission shall take into account the need to ensure a high level of protection of **safety**, human **and animal** health and the environment.;

Amendment 35

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EU) 2019/1009

Article 42 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. By ... [5 years from the entry into force of this Regulation], the Commission shall carry out an evaluation of this Regulation and in particular assess:

- its impact on the proper functioning of the internal market, the level of consumer protection and its impact on businesses, particularly on micro, small and medium-sized enterprises;

- the impact of Article 11a and in particular the extent to which economic operators opted for the use of a digital instead of a physical label.

The Commission shall draw up a report on the main findings and submit it to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

The report shall be accompanied, where appropriate, by a legislative proposal.