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*Plenary sitting*

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**A9-0330/2023**

1.11.2023

**\*\*\*I**

## **REPORT**

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2019/1009 as regards the digital labelling of EU fertilising products  
(COM(2023)0098 – C9-0030/2023 – 2023/0049(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Maria Grapini

### ***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 amending Regulation (EU) 2019/1009 as regards the digital labelling of EU fertilising products**

**(COM(2023)0098 – C9-0030/2023 – 2023/0049(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0098),
  - 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 (C9-0030/2023),
  - 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 Committee of 14 June 2023,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the letter of the Committee on Agriculture and Rural Development,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0330/2023),
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.

## 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 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

##### *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 ***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

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,

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 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.

###### *Amendment*

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

*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*



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.

***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 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

##### *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 ***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.

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

#### *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***

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 142/2011<sup>24</sup>. 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.

*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 142/2011<sup>24</sup> ***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.

<sup>24</sup> 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.

<sup>24</sup> 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 ***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.

#### *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 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

#### *Text proposed by the Commission*

(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

#### *Amendment*

(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)***

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.

**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**.

## Amendment 12

### 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,

#### *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



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.

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

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*Amendment*

(14) Taking into account both the

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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.

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

#### *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 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-Making<sup>25</sup>. 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.

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<sup>25</sup> OJ L 123, 12.5.2016, p. 1.

#### Amendment 16

## Proposal for a regulation

### Recital 18

#### *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-Making<sup>25</sup>. ***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 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.

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<sup>25</sup> OJ L 123, 12.5.2016, p. 1.

*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 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.

*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 ***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*

*Amendment*

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

(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*

*Amendment*

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

(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*

*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;

(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

#### *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 allows *it* to be processed automatically by digital devices.

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.*

## EXPLANATORY STATEMENT

On 27 February 2023, the European Commission proposed a regulation amending Regulation (EU) 2019/1009 as regards the digital labelling of EU fertilising products which introduces labelling requirements which reflect the social demands and concerns, and highlights the fact that the EU market has opened for products that are innovative, but which require better consumer information. However, overloaded labels can be both difficult to read by consumers and difficult to manage for economic operators. Therefore, the aim of the proposal is to make the readability of labels easier and to facilitate the way the economic operators manage the labels.

In an era of rapid technological developments, the EU is embracing the digital labelling of EU fertilising products, an essential component of the agricultural industry. The new proposal is laying down rules for the voluntary digitisation of labels by the economic operators. This aims to modernise the way fertilisers are labelled, tracked, and managed, bringing numerous benefits to farmers, manufacturers, and consumers alike.

By digitizing fertilising products labels, the EU seeks to enhance accessibility and transparency for the economic operators and consumers. Digital labels can enable easy access to crucial information about fertilising products, such as their composition, recommended usage, health and safety precautions. This empowers economic operators and consumers with accurate and up-to-date information, enabling them to make informed decisions about fertilising products selection and application methods. Moreover, digital labels should provide the economic operator and consumers the possibility to track the origin, production process of fertilising products, ensuring compliance with safety and quality standards.

The digitization of fertilising products labels can simplify regulatory compliance for economic operators. Digital labels allow for rapid and efficient updates to align with evolving regulations and standards, eliminating the need for manual label changes which might be costly. Moreover, digital systems can facilitate information sharing and collaboration between regulatory bodies, manufacturers, and other stakeholders, promoting harmonization and consistency across the EU.

However, the rapporteur believes that the access to digital labels for EU fertilizing products can pose challenges for vulnerable populations. These populations, which may include individuals with limited digital literacy, low-income communities, or those with disabilities, often face barriers that hinder their ability to access important information.

Digital labels for fertilizing products are typically made available online, requiring internet access and digital devices. However, vulnerable populations may have limited or no access to the internet or may lack the necessary devices to browse online content. This limitation prevents them from easily obtaining the information they need about fertilizing products, such as usage instructions, safety precautions, or environmental impact.

Additionally, websites or online platforms may not be designed with proper accessibility features, making it difficult for individuals with visual, hearing or motor disabilities to access

the information effectively. To address these access and difficulty issues, efforts should be made to ensure that digital labels are accessible, user-friendly, and available in multiple formats to accommodate diverse populations.

When establishing the rules for the digital labelling of EU fertilizing products, it is also important to take into account the digitization capabilities of SMEs and to offer them training in this regard, if necessary.

Moreover, the rapporteur is of the opinion that since digital labels, similarly to physical labels, are meant to provide mandatory information on EU fertilising products, the economic operators should ensure free access to digital labels for a period of at least 10 years from the moment the EU fertilising product is placed on the market.

It is essential that where economic operators chose the digital labelling of EU fertilising products supplied to consumers in a packaging, they should therefore ensure that a minimum set of relevant information is also available on the physical label. It is also important that the digital label do not excessively increase the cost of products.

As regards the Commission power to supplement 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 essential that the Commission carries out appropriate consultations and takes into account the views of all stakeholders.

All in all, the digitization of labels for EU fertilising products marks a significant milestone in the agricultural industry's transformation and for the single market. This approach fosters accessibility, transparency, and sustainability while enabling data-driven decision making and simplifying regulatory compliance. As the EU embraces the digital revolution, the digitisation of fertilising products labels represents a promising step towards a more efficient, environmentally conscious, and technologically advanced agricultural sector and single market. By leveraging the power of digital innovation, the EU is paving the way for a future where fertilising products are used responsibly, in an efficient and safe manner and that crop yields are optimized.

17.7.2023

## **LETTER OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT**

Ms Anna Cavazzini  
Chair  
Committee on the Internal Market and Consumer Protection  
BRUSSELS

Subject: Opinion on the Commission proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2019/1009 as regards the digital labelling of EU fertilising products (COM(2023)0098 – C9-0030/2023 – 2023/0049(COD))

Dear Madam Chair,

The Committee on Agriculture and Rural development has been authorised to draw up an opinion to your committee, under Rule 56, on the Commission proposal for a Regulation amending Regulation (EU) 2019/1009 as regards the digital labelling of EU fertilising products (COM(2023)0098 - 2023/0049(COD)).

The AGRI committee has decided to submit its opinion in the form of a letter and nominated its Member Dan-Ștefan Motreanu as rapporteur. His draft opinion was discussed and agreed with the AGRI Shadow rapporteurs, and was put to the vote and adopted during the AGRI committee meeting of 30. I was tasked to forward this opinion to you with the present letter.

The rapporteur wishes to highlight the points below:

Fertilising products are indispensable for food security, for safeguarding the income of farmers and for ensuring the agricultural productivity objective of our CAP, enshrined in TFEU (Article 39). Information relating to the use, safety and agronomic efficiency of fertilising products is vital for reaching these targets. While Regulation (EU) 2019/1009 substantially modified labelling requirements for fertilising products, it lead, in certain situations, to labels that are costly to produce and overloaded with non-essential information.

The AGRI Committee welcomes the Commission's proposal to establish voluntary digital labelling requirements when placing on the market fertilising products to economic operators or end-users (Article 11a) and calls on the IMCO committee to maintain these provisions together with the definition for packaging (Article 2). The possibility of having a digital label contributes to the digital and green transformation in Europe, reduces packaging waste and could lead to a reduction in fertiliser prices, which would benefit farmers.

The AGRI committee calls on the IMCO committee to keep the reference to “end-users” as proposed by the Commission. Introducing a distinction between professional and non-professional end-user categories to extend the scope of digital labelling would be counterproductive as:

- farmers tend to belong to more advanced age groups<sup>1</sup>, with lower digital skills<sup>2,3</sup>.
- rural areas, and in particular remote and less developed rural regions, can experience significant digital connectivity challenges.
- farmers may face fluctuating signal in the field/on the farm, power outage, discharged battery, equipment malfunctioning or other technical difficulties.

By maintaining the provisions laid out in Article 11a together with the derogations referenced in Annex III of the proposal, it will be ensured that farmers will have access to the basic information of the purchased products anywhere and at any time.

The AGRI committee welcomes the requirements proposed for digital labels (Article 11b), but considers that these can be improved by ensuring that the digital information shall be easily and freely accessible to users in the Union through widely used digital technologies compatible with all major operating systems and browsers, as well as by 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.

Additionally, paragraph 3, point e) should be amended to set the availability of the digital label at minimum of 5 years from the moment the EU fertilising product is placed on the market, but preferably, until the expiry date of that product.

In order to ensure the optimised use of fertilising products, the AGRI committee advocates for the introduction of provisions concerning voluntary additional recommendations via the digital labels, providing advice for different crops, examples of best practices to prevent nutrient loss, or stressing the opportunities of digital solutions such as FaST<sup>4</sup> for soil mapping.

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<sup>1</sup> <https://ec.europa.eu/eurostat/statistics-explained/index.php?oldid=431368>

<sup>2</sup> [https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20230320-2#:~:text=In%202021%2C%20more%20than%20three,a%20lower%20share%20\(71%25\)](https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20230320-2#:~:text=In%202021%2C%20more%20than%20three,a%20lower%20share%20(71%25))

<sup>3</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Being\\_young\\_in\\_Europe\\_today\\_-\\_digital\\_world&oldid=566905#Digital\\_skills](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Being_young_in_Europe_today_-_digital_world&oldid=566905#Digital_skills)

<sup>4</sup> <https://fastplatform.eu/>

The AGRI committee would be grateful if the IMCO committee could take into account the above considerations in view of the adoption of its report on the Commission proposal in question.

Yours sincerely,

Norbert Lins

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Amending Regulation (EU) 2019/1009 as regards the digital labelling of EU fertilising products		
<b>References</b>	COM(2023)0098 – C9-0030/2023 – 2023/0049(COD)		
<b>Date submitted to Parliament</b>	27.2.2023		
<b>Committee responsible</b> Date announced in plenary	IMCO 13.3.2023		
<b>Committees asked for opinions</b> Date announced in plenary	INTA 13.3.2023	ENVI 13.3.2023	AGRI 13.3.2023
<b>Not delivering opinions</b> Date of decision	INTA 21.3.2023	ENVI 23.3.2023	
<b>Rapporteurs</b> Date appointed	Maria Grapini 26.5.2023		
<b>Discussed in committee</b>	17.7.2023	19.9.2023	
<b>Date adopted</b>	25.10.2023		
<b>Result of final vote</b>	+: –: 0:	39 0 1	
<b>Members present for the final vote</b>	Alex Agius Saliba, Andrus Ansip, Pablo Arias Echeverría, Laura Ballarín Cereza, Alessandra Basso, Brando Benifei, Adam Bielan, Biljana Borzan, Vlad-Marius Botoș, Anna Cavazzini, Dita Charanzová, Deirdre Clune, Maria Grapini, Svenja Hahn, Eugen Jurzyca, Arba Kokalari, Marcel Kolaja, Kateřina Konečná, Andrey Kovatchev, Maria-Manuel Leitão-Marques, Antonius Manders, Leszek Miller, Anne-Sophie Pelletier, Miroslav Radačovský, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Tom Vandenkendelaere, Kim Van Sparrentak, Marion Walsmann		
<b>Substitutes present for the final vote</b>	Geoffroy Didier, Malte Gallée, Claude Gruffat, Catharina Rinzema, Dominik Tarczyński, Stéphanie Yon-Courtin		
<b>Substitutes under Rule 209(7) present for the final vote</b>	Eric Minardi		
<b>Date tabled</b>	3.11.2023		



## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

39	+
ECR	Adam Bielan, Eugen Jurzyca, Dominik Tarczyński
ID	Alessandra Basso, Eric Minardi
NI	Miroslav Radačovský
PPE	Pablo Arias Echeverría, Deirdre Clune, Geoffroy Didier, Arba Kokalari, Andrey Kovatchev, Antonius Manders, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Tom Vandenkendelaere, Marion Walsmann
Renew	Andrus Ansip, Vlad-Marius Botoș, Dita Charanzová, Svenja Hahn, Catharina Rinzema, Róza Thun und Hohenstein, Stéphanie Yon-Courtin
S&D	Alex Agius Saliba, Laura Ballarín Cereza, Brando Benifei, Biljana Borzan, Maria Grapini, Maria-Manuel Leitão-Marques, Leszek Miller, René Repasi, Christel Schaldemose
The Left	Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, Malte Gallée, Claude Gruffat, Marcel Kolaja, Kim Van Sparrentak

0	-

1	0
The Left	Kateřina Konečná

Key to symbols:

+ : in favour

- : against

0 : abstention