



2016/0084(COD)

9.6.2017

OPINION

of the Committee on Agriculture and Rural Development

for the Committee on the Internal Market and Consumer Protection

on the proposal for a regulation of the European Parliament and of the Council laying down rules on the making available on the market of CE marked fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009
(COM(2016)0157 – C8-0123/2016 – 2016/0084(COD))

Rapporteur (*): Jan Huitema

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

PA_Legam

SHORT JUSTIFICATION

Fertilisers are essential for agricultural production. Fertilising products ensure farmers that their crops receive the necessary nutrients. The need to produce more with less becomes more and more important in order to meet demands for food and preserve our environment. Fertilisers play an important role in this challenge.

Approximately 50% of the fertilisers which are currently on the market are excluded from the scope of the existing regulation, especially fertilising products which contain or consist of recycled organic materials. Estimates show that almost 30% of the inorganic fertilisers could be replaced by organic fertilisers if bio-waste would be more exploited and the potential for recycling used. This could contribute to the circular economy by reducing waste and by closing the mineral loop and would also help to address concerns about the dependence of the European Union on the import of raw materials from third countries and the energy intensive processes involved in the production of inorganic fertilisers.

Therefore, the rapporteur welcomes the revision of the existing fertiliser regulation in order to provide the opportunity for organic fertilising products to enter the internal market providing more freedom of choice for farmers. Moreover, the expansion of the scope and increased harmonisation will stimulate entrepreneurship and enhance the innovative potential of the agro-food sector, especially with regards to the development of techniques which recover valuable nutrients from organic waste streams and use them for the production of fertilising products.

The opportunities for recycling organic waste streams are enormous and the agricultural sector plays an indispensable role. For example, with the recovery of nutrients from animal manure. Manure is the most common fertiliser on farm land in the European Union, accounting for approximately half of the nutrients applied to EU farm land. With innovative techniques that recover nutrients from animal manure into highly efficient mineral concentrates (nitrogen + potassium), farmers are offered the opportunity to recycle nutrients in a more sustainable way.

However, the incentive to use fertilising products containing or consisting of processed animal manure is obstructed by the implementing rules for application of fertilisers as described in the Nitrates Directive, as the use of processed manure is bound to the same rules as unprocessed manure.

The rapporteur does not question the objectives of the Nitrates Directive nor wants to change the limit for nitrogen from animal manure that is allowed to be applied on agricultural lands. However, it is unjustified that fertilising products containing or consisting of processed animal manure that equal the agronomic efficiency of inorganic fertilisers and which do not pose a threat to the environmental objectives of the Nitrates Directive are subjected to the same rules as unprocessed manure and thus limited in their use. The recovery of nutrients from animal manure does not only have environmental benefits by closing the mineral loop but also saves costs for the farmers as they will be less dependent on buying inorganic fertilisers.

The rapporteur, therefore, proposes an amendment to adjust the definition of “livestock manure” in the Nitrates Directive in order to make sure that fertilising products containing or

consisting of processed animal manure, which fulfil the requirements of the fertilisers Regulation and have proven to possess sufficient agronomic capacities, are not unduly discriminated. Notwithstanding that, clear and stringent requirements are necessary to control the efficiency and quality of the products in order to safeguard the environmental objectives of the Nitrates Directive.

Another promising product with high potential for agriculture is the category of the biostimulants. The rapporteur is of the opinion that the use of biostimulants could play an important role in increasing the efficiency and therefore the use of fertilisers as they enhance the uptake of nutrients by the crop. Next to that, they can also have multiple other beneficial effects that indirectly make the plant more resilient against external influences like pests.

However, the current proposal is not entirely reconciled with the rapid developments as regards new biostimulants, especially microbial plant biostimulants. It should be prevented that promising beneficial products are being left out of the scope of the fertilisers Regulation. Therefore, there should be clear requirements which producers of microbial plant biostimulants have to comply with, as there are currently no clear requirements for the safety evaluation to assess if newly discovered micro-organisms are safe to be used in CE marked fertilising products. This delays product innovation whereas producers need clarity.

The same holds for the biodegradability requirements for control released fertilisers. The rapporteur agrees that we need to prevent, as much as possible, the pollution of our soils with plastic polymers. However, a timespan of 24 months does not safeguard the function of a biodegradable polymer since some products need to retain their function of releasing nutrients over a longer period of time. Moreover, it is unlikely that, with current day knowledge and available technology, the 90% biodegradability will be feasible in 24 months. Therefore, the time-period after the polymer starts to degrade has to be initiated after the claimed release time has passed. Next to that, the industry should be provided with more time to set a feasible timespan after which the polymer reaches a biodegradability of 90%. Accordingly, appropriate biodegradability tests need to be developed.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Title

| <i>Text proposed by the Commission</i> | <i>Amendment</i> |
|--|--|
| Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules on the making available | Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules on the making available |

on the market of CE marked fertilising products and amending Regulations (EC) No 1069/2009 **and** (EC) No 1107/2009

(Text with EEA relevance)

on the market of CE marked **fertilisers and improving nutrition efficiency** products (**INEP**) and amending Regulations (EC) No 1069/2009, (EC) No 1107/2009 **and (EC) No 1907/2006**

(Text with EEA relevance)

("fertiliser" should be removed throughout the text for those products intended to improve nutrition efficiency of plants.)

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission

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

Amendment

(1) ***This Regulation should aim to foster the goals of the circular economy and to ensure that farmers have a secure and sustainable supply of highly efficient fertilisers.*** The conditions for making fertilisers available on the internal market have been partially harmonised through Regulation (EC) No 2003/2003 of the European Parliament and of the Council¹⁵, which almost exclusively covers fertilisers from mined or chemically produced, inorganic materials. There is also a need to make use of recycled or organic materials for fertilising purposes. Harmonised conditions for making fertilisers made from such recycled or organic materials available on the entire internal market should be established in order to provide an important incentive ***to promote*** their further use. ***This is vital in order to decrease the dependence of the Union on imports of nutrients from third countries and contribute to the circular economy.*** The scope of the harmonisation should therefore be extended in order to include recycled and organic materials. ***There should be clarity in the use of the term organic and a clear distinction made between organic as defined in Council Regulation (EC) No 834/2007^{15a} and***

organic as category of fertiliser which contains mainly organic material, not mineral components. The Commission should present the European Parliament and the Council with a report taking stock of the application of this Regulation five years after its entry into force.

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

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

^{15a} Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products (OJ L 189, 20.7.2007, p.20).

Amendment 3

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

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

Amendment 4

Proposal for a regulation Recital 8

Text proposed by the Commission

Amendment

(8) Contaminants in CE marked fertilising products, such as cadmium, can

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potentially pose a risk to human and animal health and the environment as they accumulate in the environment and enter the food chain. Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.

not used correctly, can potentially pose a risk to human and animal health and the environment as they accumulate in the environment and enter the food chain. Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.

Amendment 5

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The end point in the manufacturing chain should be determined for each relevant component material containing animal by-products in accordance with the procedures laid down in Regulation (EC) No 1069/2009. Where a manufacturing process regulated under this Regulation starts already before that end point has been reached, the process requirements of both Regulation (EC) No 1069/2009 and this Regulation should apply cumulatively to CE marked fertilising products, which means application of the stricter requirement in case both Regulations regulate the same parameter.

Amendment

(10) The end point in the manufacturing chain should be determined for each relevant component material containing animal by-products in accordance with the procedures laid down in Regulation (EC) No 1069/2009. ***The setting of processing methods and recovery rules for animal by-products for which an end point in the manufacturing chain has been determined should start immediately after the entry into force of this Regulation. Accordingly, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of expanding or adding, without unnecessary delay, certain animal by-products to the specific component material categories in order to create more opportunities and legal certainty for producers and businesses by unlocking the potential to make more use of nutrients from animal by-products such as animal manure.*** Where a manufacturing process regulated under this Regulation starts already before that end point has been reached, the process requirements of

both Regulation (EC) No 1069/2009 and this Regulation should apply cumulatively to CE marked fertilising products, which means application of the stricter requirement in case both Regulations regulate the same parameter.

Amendment 6

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) In the event of risks to **public** or animal health from CE marked fertilising products derived from animal by-products, recourse to safeguard measures in accordance with Regulation (EC) No 178/2002 of the European Parliament and of the Council¹⁹ should be possible, as is the case for other categories of products derived from animal by-products.

¹⁹ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

Amendment

(11) In the event of **proportionate** risks to **human** or animal health from CE marked fertilising products derived from animal by-products, recourse to safeguard measures in accordance with Regulation (EC) No 178/2002 of the European Parliament and of the Council¹⁹ should be possible, as is the case for other categories of products derived from animal by-products.

¹⁹ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

Amendment 7

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) For certain recovered wastes within the meaning of Directive 2008/98/EC of the European Parliament and of the Council²⁰, a market demand for their use as fertilising products has been identified.

Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE marked fertilising products, those requirements should be laid down in this Regulation. Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC.

their use as fertilising products has been identified. Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE marked fertilising products, those requirements should be laid down in this Regulation. Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste, within the meaning of Directive 2008/98/EC, ***and accordingly it should be possible for products containing or consisting of such recovered waste materials to access the internal market. To ensure legal clarity and to further stimulate the incentive among producers to make more use of valuable waste streams, the scientific analyses and the setting of process requirements on Union level for such products should start immediately after the entry into force of this Regulation. Accordingly, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of defining, without unnecessary delay, larger or additional categories of component materials eligible for the use in the production of CE marked fertilising products such as struvite, biochar and ash-based products.***

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

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

Amendment 8

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Manufacturers of Fertilizers and Improving Nutrition Efficiency Products (INEP) should prove their efficiency before placing them on the market in order to guarantee a high level of quality to consumers.

Amendment 9

Proposal for a regulation Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) Certain industry by-products, co-products or recycled products coming from specific industrial processes are currently used by manufacturers as a component of a CE marked fertilising product. For components of CE marked fertilising products, requirements related to component material categories should be laid down in this Regulation. If applicable, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC.

Amendment 10

Proposal for a regulation Recital 14

Text proposed by the Commission

Amendment

(14) Certain substances and mixtures, commonly referred to as agronomic additives, improve the nutrient release pattern of a nutrient in a fertiliser. Substances and mixtures made available on the market with the intention of them being added to CE marked fertilising products for

(14) Certain substances and mixtures, commonly referred to as agronomic additives, improve the nutrient release pattern of a nutrient in a fertiliser. Substances and mixtures made available on the market with the intention of them being added to CE marked fertilising ***or organic***

that purpose should fulfil certain efficacy criteria at the responsibility of the manufacturer of those substances or mixtures, and should therefore as such be considered as CE marked fertilising products under this Regulation. Furthermore, CE marked fertilising products containing such substances or mixtures should be subject to certain efficacy **and** safety criteria. Such substances and mixtures should therefore also be regulated as component materials for CE marked fertilising products.

farm based fertilising products for that purpose should fulfil certain efficacy, **safety and environmental** criteria at the responsibility of the manufacturer of those substances or mixtures, and should therefore as such be considered as CE marked fertilising products under this Regulation. Furthermore, CE marked fertilising products containing such substances or mixtures should be subject to certain efficacy, **safety and environmental** criteria. Such substances and mixtures should therefore also be regulated as component materials for CE marked fertilising products.

Amendment 11

Proposal for a regulation Recital 15

Text proposed by the Commission

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

Amendment

(15) Certain substances, mixtures and micro-organisms, commonly referred to as plant biostimulants, are not as such nutrients, but nevertheless stimulate plants' nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, crop quality traits, **humification, or increasing the availability of confined nutrients in soil**, they are by nature more similar to fertilising products than to most categories of plant protection products. **They therefore can act as a complement to fertilisers, with a view to optimising the efficiency of fertilisers and reducing the amounts required. In addition to boosting production capacity, these products can help support ecosystem services and make crops more resistant to the effects of climate change.** Such products should therefore be eligible for CE marking under this Regulation and excluded from the

scope of Regulation (EC) No 1107/2009 of the European Parliament and of the Council²¹. Regulation (EC) No 1107/2009 should therefore be amended accordingly.

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

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

Amendment 12

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

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

products.

Amendment 13

Proposal for a regulation

Recital 16

Text proposed by the Commission

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

Amendment

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

Justification

This amendment would make the critical distinction between products and isolated components, a confusion which is rampant and is critical to get the balance right between providing clear boundaries while allowing for innovation and avoiding that the plant protection regulation prevents the use of any substance registered under Regulation (EC) 1107/2009 for any other purpose.

Amendment 14

Proposal for a regulation

Recital 17

(17) This Regulation should not prevent the application of existing Union legislation relating to aspects of protection of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC²², Council Directive 89/391/EEC²³, Regulation (EC) No 1907/2006 of the European Parliament and of the Council²⁴, Regulation (EC) No 1272/2008 of the European Parliament and of the Council²⁵, Commission Regulation (EC) No 1881/2006²⁶, Council Directive 2000/29/EC²⁷, Regulation (EU) No 98/2013 of the European Parliament and of the Council²⁸, and Regulation (EU) No 1143/2014 of the European Parliament and of the Council²⁹.

(17) This Regulation should not prevent the application of existing Union legislation relating to aspects of protection of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC²², **Council Directive 91/676/EEC^{22a}**, **Council Directive 2000/60/EC^{22b}**, Council Directive 89/391/EEC²³, Regulation (EC) No 1907/2006 of the European Parliament and of the Council²⁴, Regulation (EC) No 1272/2008 of the European Parliament and of the Council²⁵, Commission Regulation (EC) No 1881/2006²⁶, Council Directive 2000/29/EC²⁷, Regulation (EU) No 98/2013 of the European Parliament and of the Council²⁸, and Regulation (EU) No 1143/2014 of the European Parliament and of the Council²⁹ **and Council Regulation (EC) No 834/2007^{29a}**.

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

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

^{22a} **Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).**

^{22b} **22b Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).**

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

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

29.6.1989, p. 1).

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

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

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

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

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

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

29.6.1989, p. 1).

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

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

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

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

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

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

^{29a} ***Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products (OJ L 189, 20.7.2007, p. 1)***

Amendment 15

Proposal for a regulation Recital 17 a (new)

(17 a) Fertilising products which are CE marked in accordance with this Regulation should be afforded equal treatment and not unduly discriminated against by rules laid down in other Union legislation. In order to stimulate the incentive to use fertilising products from recycled and organic materials, technologically neutral rules should apply in order to provide legal clarity to producers who invest in the production of innovative fertilising products and to ensure fair competition between the different categories of fertilising products. Provided that fertilising products containing or consisting of processed animal manure are sufficiently agronomically efficient in order to maintain the environmental objectives of Directive 91/676/EEC^{1a} and that this efficiency is proven by technical documentation which is checked by the mechanisms provided for in this Regulation, it would therefore be unjustified to restrict the application of such fertilising products below the application limits of nitrogen compounds from livestock manure established under Directive 91/676/EEC. Therefore, Directive 91/676/EEC should be amended so as to prevent discrimination of products containing or consisting of processed animal manure.

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

Amendment 16

Proposal for a regulation Recital 17 b (new)

(17b) The traceability of products which are vulnerable to organic pollution from certain potentially problematic sources (or perceived as such) should be ensured back to the source of the organic material. This is necessary in order (a) to secure consumer confidence and (b) to limit damage if local contamination occurs. As a result, businesses which use fertiliser products containing organic material from these sources may be identified. This should be compulsory for products containing material from waste or from by-products which have not undergone any processing that destroys organic pollutants, pathogens and genetic material. The aim is not only to reduce risks to health and the environment but also to reassure public opinion and cater for the concerns of farmers regarding pathogens, organic pollutants and genetic material. In order to protect land owners against pollution for which they themselves are not to blame, Member States are called upon to establish appropriate liability rules.

Amendment 17

Proposal for a regulation Recital 17 c (new)

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

Amendment 18

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) Where a CE marked fertilising product contains a substance or mixture within the meaning of Regulation (EC) No 1907/2006, the safety of its constituent substances for the intended use should be established through registration pursuant to that Regulation. ***The information requirements should ensure that the safety of the intended use of the CE marked fertilising product is demonstrated in a manner comparable to that achieved through other regulatory regimes for products intended for use on arable soil or crops, notably Member States' national fertiliser legislation and Regulation (EC) No 1107/2009. Therefore, where the actual quantities placed on the market are lower than 10 tonnes per company per year, the information requirements determined by Regulation (EC) No 1907/2006 for the registration of substances in quantities of 10 to 100 tonnes should exceptionally apply as a condition for making available pursuant to this Regulation.***

Amendment

(18) Where a CE marked fertilising product contains a substance or mixture within the meaning of Regulation (EC) No 1907/2006, the safety of its constituent substances for the intended use should be established through registration pursuant to that Regulation.

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 19

**Proposal for a regulation
Recital 18 a (new)**

Text proposed by the Commission

Amendment

(18a) Although digestate should not be subject to registration pursuant to Regulation (EC) No 1907/2006, this is not entirely clear from the wording of Annex V to that Regulation. A revision of that Annex is therefore needed in order to codify the current implementation

practice.

Amendment 20

Proposal for a regulation Recital 55

Text proposed by the Commission

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

Amendment

(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, ***in particular struvite***, fertilising product production from animal by-products, such as biochar, ***and phosphorus recovery after incineration, in particular ash-based products***. ***Therefore***, it should be possible for products containing or consisting of such materials to access the internal market when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining larger or additional categories of CE marked fertilising products or component materials eligible for use in the production of such products. ***The first of those delegated acts should, in particular, add struvite, biochar and ash-based products to the categories of component materials and should be adopted as soon as possible after the entry into force of this Regulation***. For animal by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009, since animal by-products for which no such end point has been determined are in any event excluded from the scope of this Regulation.

Amendment 21

Proposal for a regulation Recital 55 a (new)

Text proposed by the Commission

Amendment

(55a) Current manufacturing practices using other industry by-products or recycled products as a component of a mineral fertilizer have to be secured through this Regulation, in order to maintain and support their contribution to the circular economy in the Union. It should be possible for those components to be eligible as a component according to the requirements set in this Regulation, without unnecessary delay, once the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining larger or additional component materials eligible for use in the production of such products.

Amendment 22

Proposal for a regulation Recital 59 a (new)

Text proposed by the Commission

Amendment

(59a) Provision must be made for products to continue to be used which have been placed in circulation under the rules on mutual recognition under Regulation (EC) No 764/2008^{1a}.

^{1a} Regulation (EC) No 764/2008 of the European Parliament and of the Council

of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC (OJ L 218, 13.8.2008, p. 21).

Amendment 23

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

Text proposed by the Commission

Amendment

(ba) Directive 2000/60/EC;

Amendment 24

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

Text proposed by the Commission

Amendment

(ha) Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91.

Justification

Important to recognize organic agriculture and its particularities in the scope of fertiliser regulation.

Amendment 25

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

Text proposed by the Commission

Amendment

(1) ‘fertilising product’ means a substance, mixture, micro-organism or any other material, applied or intended to be applied, either on its own or mixed with another material, on plants or their

deleted

rhizosphere for the purpose of providing plants with nutrient or improving their nutrition efficiency;

Justification

As there are two different categories of products, there should be two definitions instead of one.

Amendment 26

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(1a) "Fertiliser" means a substance or a mixture of substances intended to provide nutrients to the plants;

Justification

As there are two different categories of products, there should be two definitions instead of one.

Amendment 27

Proposal for a regulation

Article 2 – paragraph 1 – point 1 b (new)

Text proposed by the Commission

Amendment

(1b) "Improving Nutrition Efficiency Product (INEP)" means a substance or a mixture of substances, micro-organism or any other material to be applied on plants or their rhizosphere for the purpose of improving their nutrition efficiency;

Amendment 28

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(1c) "primary nutrient" means the elements nitrogen, phosphorus, and potassium only;

Amendment 29

Proposal for a regulation

Article 2 – paragraph 1 – point 1 d (new)

Text proposed by the Commission

Amendment

(1d) "secondary nutrient" means the elements calcium, magnesium, sodium and sulphur;

Amendment 30

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall simultaneously with the publication of this Regulation in the Official Journal of the European Union publish a guidance document giving clarity and examples to manufacturers and market surveillance authorities about how the label should look like. This guidance document shall also specify the kind of relevant information as referred to in Annex III PART 1 paragraph 2(d).

Justification

In order to provide a clear information to the farmers and to avoid incorrect fertiliser applications with negative consequences for the environment, concrete requirements and visual aspects of labels for mineral fertilizers should be provided by the European Commission in a guidance document.

Amendment 31

Proposal for a regulation

Article 6 – paragraph 10 – subparagraph 1 – point b

Text proposed by the Commission

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

Amendment

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

(This amendment from “fertilising product blends” to “combination of product function categories” applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Justification

The proposed name of PFC 7 “fertilising product blend” is confusing, and does not correspond to the realities of the global fertilisers market where “blended fertilisers” are obtained by dry mixing of several fertilisers, with no chemical reaction. To ensure clarity, the name of PFC 7 should be modified throughout the entire Regulation.

Amendment 32

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

A CE marked fertilising product that has undergone a recovery operation **and complies with the requirements laid down in this Regulation** shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste.

Amendment

Where a material that was waste has undergone a recovery operation **in accordance with this Regulation and a compliant CE marked product contains or consists of that material, the material** shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste **from the moment the EU declaration of conformity is drawn up.**

Amendment 33

Proposal for a regulation

Article 42 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV for the purposes of adapting them to technical **and scientific** progress, **in particular as regards the production of fertilisers from animal by-products and waste recovery products and for** facilitating internal market access and free movement for CE marked fertilising products

Amendment 34

Proposal for a regulation

Article 42 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) which are currently used by manufacturers as by-products from or co-products of other industrial and/or agricultural processes, as well as recycled products.

Amendment 35

Proposal for a regulation

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

Text proposed by the Commission

Amendment

By ... [one year after the entry into force of this Regulation], the Commission shall adopt a delegated act, in accordance with the first subparagraph, to amend, for the first time, the component material categories set out in Annex II, in particular to add animal by-products,

struvite, ash-based products and biochar to those component material categories. In adopting that delegated act, the Commission shall specifically focus on the technological progress which is being made in the recovery of nutrients.

Amendment 36

Proposal for a regulation

Article 42 – paragraph 2 – point a

Text proposed by the Commission

(a) name of the micro-organism;

Amendment

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

Amendment 37

Proposal for a regulation

Article 42 – paragraph 2 – point d

Text proposed by the Commission

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

Amendment

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

Amendment 38

Proposal for a regulation

Article 42 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *For the purposes of paragraph 2 of this Article, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 in respect of defining the requirements for the safety evaluation of new micro-organisms. The first of those delegated acts shall be adopted by ... [one year after the entry into force of this Regulation].*

Amendment 39

Proposal for a regulation Article 42 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall also be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV ***in the light of*** new scientific evidence. The Commission shall use this empowerment where, based on a risk assessment, an amendment proves necessary to ensure that any CE marked fertilising product complying with the requirements of this Regulation does not, under ***normal conditions of use***, present an unacceptable risk to human, animal, or plant health, to safety or to the environment.

4. The Commission shall also be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV ***after having examined*** new scientific evidence. The Commission shall use this empowerment where, based on a risk assessment, an amendment proves necessary to ensure that any CE marked fertilising product complying with the requirements of this Regulation does not, under ***correct usage***, present an unacceptable risk to human, animal, or plant health, to safety or to the environment.

Amendment 40

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

Text proposed by the Commission

Amendment

4a. *For the purposes of CMC 10 in Annex II, the Commission shall be empowered to adopt delegated acts in accordance with Article 43 to define the requirements for the standard for the*

biodegradability criteria and the development of an appropriate testing method for biodegradation. These requirements and testing method shall be evaluated towards latest scientific evidence and shall be set out as of ... [five years after the date of application of this Regulation].

Justification

This amendment refers to a delegated act in order to create a biodegradation standard and test method for Controlled Release Fertilisers. A corresponding amendment of Annex II CMC 10 takes up this point.

Amendment 41

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) No 1107/2009

Article 3 – point 34 – point c

Text proposed by the Commission

(c) crop quality ***traits***.

Amendment

(c) crop quality.

Amendment 42

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) 1107/2009

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

Text proposed by the Commission

Amendment

(c a) humification;

Amendment 43

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) No 1107/2009

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

Text proposed by the Commission

Amendment

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

Amendment 44

Proposal for a regulation Article 46 a (new)

Text proposed by the Commission

Amendment

Article 46 a

Amendment to Regulation (EC) No 1907/2006

In Annex V, point 12 is replaced by the following:

"12. Compost, biogas and digestate."

Amendment 45

Proposal for a regulation Article 48 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Justification

The time foreseen in Article 48 for the transitional period seems unrealistic. Twelve months after the date of application would be more realistic.

Amendment 46

Proposal for a regulation

Annex I – part I – paragraph 1 – point C – introductory part

Text proposed by the Commission

Amendment

C. ***Inorganic*** fertiliser

C. ***Mineral*** fertiliser

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout)

Amendment 47

Proposal for a regulation

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

Text proposed by the Commission

Amendment

Ca. Low carbon fertiliser

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout)

Amendment 48

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

Where components have been refused approval as components under Regulation (EC) No 1107/2009 for reasons of safety, it would not be appropriate for them to be allowed in fertilising products.

Amendment 49

Proposal for a regulation

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

Text proposed by the Commission

- carbon (**C**) and

Amendment

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

Amendment 50

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

of solely biological origin, excluding material which is fossilized or embedded in geological formations, **with the exemption of leonardite, lignite and peat.**

Amendment 51

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Amendment 52

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Amendment 53

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

- 1% by mass of total potassium oxide (K₂O).

Amendment 54

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

where the sum of the nutrients is minimum 4%.

Amendment 55

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

of solely biological origin, excluding material which is fossilized or embedded in geological formations, **with the exemption of leonardite, lignite and peat.**

Amendment 56

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Justification

“Total” is not valid from the agronomic point of view, especially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 57

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

where the sum of the nutrients is minimum 4%.

Amendment 58

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Justification

It is impossible to guarantee the exact proportions of the contents in each unit of the product.

Amendment 59

Proposal for a regulation

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

Text proposed by the Commission

- 2 % by mass of total nitrogen (N), out of which 0,5 % by mass of the CE marked fertilising product shall be organic nitrogen (N), or

Amendment

- 1 % by mass of total nitrogen (N), out of which 0,5 % by mass of the CE marked fertilising product shall be organic nitrogen (N), or

Amendment 60

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Justification

“Total” is not valid from the agronomic point of view, especially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants

Amendment 61

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

- 1 % by mass of total potassium oxide (K₂O).

Amendment 62

Proposal for a regulation

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

Text proposed by the Commission

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

- **1.5% by mass of total nitrogen (N),**
- **1.5% by mass of total phosphorus pentoxide (P₂O₅),**
- **1.5% by mass of total potassium oxide (K₂O),**

where the sum of the nutrients is minimum 4%.

Amendment 63

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Amendment 64

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

A mineral fertiliser shall be a ***fertiliser containing nutrients in a mineral form, or processed into a mineral form, from animal or plant origin. Calcium cyanamide, urea and its condensation and association products shall be considered as containing nutrients in a mineral form. Organic carbon (Corg) in the CE marked***

fertilising product shall not exceed 1% by mass. That excludes, by convention, carbon which comes from coatings and technical agents.

Amendment 65

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Amendment 66

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 67

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

1. A straight solid inorganic macronutrient fertiliser shall have a declared content of not more than one **primary or secondary** nutrient. **Straight solid mineral primary nutrients can have also secondary nutrients.**

Justification

According to the definition of the Commission proposal, "CAN 27 with S" would become part of the group "PFC 1 (C) (I) (a) (ii) Compound solid inorganic macronutrient fertiliser. This goes against tradition and against what is correct from the agronomic point of view. It also goes against what is understood in the scientific, technical and agricultural worlds. □

Amendment 68

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Amendment 69

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Justification

“Total” is not valid from the agronomic point of view especially in high and neutral pH and

low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 70

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Justification

“Total” is not valid from the agronomic point of view especially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 71

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Amendment 72

Proposal for a regulation

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

Text proposed by the Commission

Amendment

– ***and can contain one or more secondary nutrients in the minimum quantity stated:***

Amendment 73

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Amendment 74

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Amendment 75

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Amendment 76

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

1. A straight liquid inorganic macronutrient fertiliser shall have a declared content of not more than one **primary or secondary** nutrient. ***Straight liquid mineral primary nutrients can have also secondary nutrients.***

Amendment 77

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Amendment 78

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Justification

“Total” is not valid from the agronomic point of view specially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 79

Proposal for a regulation

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

Text proposed by the Commission

Amendment

- **and can contain one or more secondary nutrients in the minimum quantity stated:**

Amendment 80

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Amendment 81

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Justification

Primary nutrients N, P₂O₅, and K₂O are main elements required for efficient plant growing, while secondary nutrients MgO, CaO, SO₃, and Na₂O only support functions of primary elements. Eliminating the division between the two nutrient groups would confuse the farmer. Formula for compound solid macronutrient fertilisers should, thus, consist of more than one primary nutrient and possibly one or more secondary nutrients. Provisions for labelling indirectly recognize division between primary and secondary nutrients by requiring primary nutrient information to be provided first.

Amendment 82

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Amendment 83

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Justification

Mineral fertilisers, and especially compound liquid mineral macronutrient fertilisers, need to contain a minimum level of nutrients in order to be efficient in agronomic terms and help farmers to boost crop yields. Fertilising products with a very low content of nutrients would

not be efficient. Farmers would have to apply large amounts of products to accomplish the needs of the crops, which would make the transportation, the storage and the application more expensive and less resource-efficient.

Amendment 84

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Justification

“Total” is not valid from the agronomic point of view specially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 85

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Justification

Mineral fertilisers, and especially compound liquid mineral macronutrient fertilisers, need to contain a minimum level of nutrients in order to be efficient in agronomic terms and help farmers to boost crop yields. Fertilising products with a very low content of nutrients would not be efficient. Farmers would have to apply large amounts of products to accomplish the needs of the crops, which would make the transportation, the storage and the application more expensive and less resource-efficient.

Amendment 86

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Justification

Mineral fertilisers, and especially compound liquid mineral macronutrient fertilisers, need to contain a minimum level of nutrients in order to be efficient in agronomic terms and help farmers to boost crop yields. Fertilising products with a very low content of nutrients would not be efficient. Farmers would have to apply large amounts of products to accomplish the needs of the crops, which would make the transportation, the storage and the application more expensive and less resource-efficient.

Amendment 87

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Justification

Mineral fertilisers, and especially compound liquid mineral macronutrient fertilisers, need to contain a minimum level of nutrients in order to be efficient in agronomic terms and help farmers to boost crop yields. Fertilising products with a very low content of nutrients would not be efficient. Farmers would have to apply large amounts of products to accomplish the needs of the crops, which would make the transportation, the storage and the application more expensive and less resource-efficient.

Amendment 88

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Justification

Mineral fertilisers, and especially compound liquid mineral macronutrient fertilisers, need to

contain a minimum level of nutrients in order to be efficient in agronomic terms and help farmers to boost crop yields. Fertilising products with a very low content of nutrients would not be efficient. Farmers would have to apply large amounts of products to accomplish the needs of the crops, which would make the transportation, the storage and the application more expensive and less resource-efficient.

Amendment 89

Proposal for a regulation Annex I – part II – PFC 1(Ca) (new)

Text proposed by the Commission

Amendment

PFC 1(Ca): Low Carbon Fertiliser

- 1. A CE marked fertilising product, other than those falling under PFC1(A), PFC1(B), PFC 1(C) or PFC 7 shall be termed low carbon fertilizer if it contains more than 1 % organic carbon (Corg) and up to 7.5%” organic carbon (Corg).***
- 2. Carbon present in calcium cyanamide and in urea and its condensation and association products will not be included in organic carbon for the purpose of that definition.***
- 3. The specifications of solid/liquid, straight/compound, macronutrient/micronutrient fertilisers of PFC1(C) will apply for the purpose of this category.***
- 4. Products sold under PFC1(Ca) shall comply with contaminant levels as specified in Annex I for organic or organo-mineral fertilisers in any case where PFC1(C) does not contain any limit values for those contaminants.***

Amendment 90

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

Text proposed by the Commission

Amendment

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

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

Justification

It is necessary to distinguish products that improve the nutritional efficiency of fertilisers from fertilisers themselves (which add nutrients). This amendment should be made for all products included in this Regulation, whose function is to improve the nutritional efficiency of plants.

Amendment 91

**Proposal for a regulation
Annex I – part II – PFC 3 – paragraph 1**

Text proposed by the Commission

Amendment

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

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

Justification

Soil improvers are also added on the top of the soil (as mulches) to reduce evaporation, reduce weeds and increase biological activity in the sublayers. Unless the definition is changed, these soil improvers would not be covered by the legislation.

Amendment 92

**Proposal for a regulation
Annex I – part II – PFC 3 – paragraph 1a (new)**

Text proposed by the Commission

Amendment

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

Amendment 93

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

1. An organic soil improver shall consist exclusively of material of solely biological origin, excluding material which is fossilized or embedded in geological formations, **with the exemption of leonardite, lignite and peat.**

Amendment 94

Proposal for a regulation

Annex I – part II – PFC 3(A) – paragraph 2 – introductory part

Text proposed by the Commission

2. Contaminants must not be present in the CE marked **fertilising product** by more than the following quantities:

Amendment

2. Contaminants must not be present in the CE marked **organic soil improver** by more than the following quantities:

Justification

It is necessary to distinguish between products that improve the nutritional efficiency (liming) than those that add nutrients (fertilizers)

Amendment 95

Proposal for a regulation

Annex I – part II – PFC 3(A) – paragraph 4

Text proposed by the Commission

4. The CE marked fertilising product shall contain **40%** or more dry matter.

Amendment

4. The CE marked fertilising product shall contain **20%** or more dry matter.

Amendment 96

Proposal for a regulation

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

Text proposed by the Commission

Amendment

1a. A biodegradable mulch film shall be a biodegradable polymer film complying with the requirements of points 2a and 3 of CMC 10 in Annex II and intended to be placed on the soil in situ to protect its structure, suppress weed growth, reduce soil moisture loss, or prevent erosion.

Justification

This amendment establishes a sub-category for mulch films made from biodegradable polymers and its relative function to protect the soil's structure, suppress weed growth, reduce soil moisture loss, or prevent erosion.

Amendment 97

Proposal for a regulation

Annex I – part II – PFC 4 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 98

Proposal for a regulation

Annex I – part II – PFC 5 – paragraph 1

Text proposed by the Commission

Amendment

An agronomic additive shall be a CE marked fertilising product intended to be added to a product ***providing plants with nutrient,*** with the intention to improve that ***product's nutrient release patterns.***

An agronomic additive shall be a CE marked fertilising product intended to be added to a product, ***which has a proven effect on the transformation and/or plant-availability of different forms of mineral or mineralized nutrients, or to be added to the soil*** with the intention to improve that ***nutrient uptake by plants or to reduce nutrient losses.***

Justification

Agronomic additives contribute to increasing efficiently crop nutrition and to minimising environmental impacts of fertilisation. The definition foreseen both in Annex I Part II PFC 5 should be improved in order to reflect current products on the market as well as future potential of innovative products.

Amendment 99

Proposal for a regulation

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

Text proposed by the Commission

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

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

Amendment

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

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 100

Proposal for a regulation

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

Text proposed by the Commission

(a) the information provided for by Annex VI, VII and VIII of Regulation

Amendment

deleted

(EC) No 1907/2006, and

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 101

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 102

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 103

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

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

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 104

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

deleted

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 105

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 106

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 107

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

³⁸ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within

³⁸ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within

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

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 108

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 109

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 110

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

deleted

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 111

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) humification

Amendment 112

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 113

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Justification

While the conformity assessment process is expected to look for empirical evidence of the justified biostimulant claim in any case, specifying its importance in case the case of the product containing a component registered under Regulation (EC) 1107/2009, should help prevent abuse of people attempting to circumvent appropriate authorization as a plant protection product while preventing the presence of such a component from being an obstacle to recognizing legitimate biostimulant products.

Amendment 114

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

1. A microbial plant biostimulant shall consist:

(a) of a micro-organism or a consortium of microorganisms referred to in Component Material Category 7 of Annex II;

(b) of microorganisms or a consortium of microorganisms different from those provided under point (a). They can be used as component material categories as long as they comply with the

Amendment 115

Proposal for a regulation

Annex I – part II – PFC 6(A) – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Contaminants must not be present in the CE marked **fertilising** product by more than the following quantities:

2. Contaminants must not be present in the CE marked **liming** product by more than the following quantities:

Justification

It is necessary to distinguish between products that improve the nutritional efficiency (liming) than those that add nutrients (fertilisers).

Amendment 116

Proposal for a regulation

Annex I – part II – PFC 6(A) – paragraph 12 – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

Amendment 117

Proposal for a regulation

Annex I – part II – PFC 6(B)(II) – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Contaminants must not be present in the CE marked **fertilising** product by more than the following quantities:

2. Contaminants must not be present in the CE marked **liming** product by more than the following quantities:

Justification

It is necessary to distinguish between products that improve the nutritional efficiency (liming) than those that add nutrients (fertilisers).

Amendment 118

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

3. The blending shall not change the ***function*** of each component fertilising product ***and shall not have an adverse effect on human, animal or plant health, on safety, or on the environment, under reasonably foreseeable conditions of storage or use of the CE marked fertilising product blend.***

Justification

The aim of this amendment is to ensure that the blending carefully preserves the functionality of the product.

Amendment 119

Proposal for a regulation

Annex I – part II – PFC 7 – paragraph 3 – indent 1

Text proposed by the Commission

Amendment

– ***in a manner having an adverse effect on human, animal or plant health, on safety, or on the environment, under reasonably foreseeable conditions of storage or use of the CE marked fertilising product blend, or***

deleted

Amendment 120

Proposal for a regulation

Annex I – part II – PFC 7 – paragraph 3 – indent 2

Text proposed by the Commission

Amendment

– ***in any other significant manner.***

deleted

Amendment 121

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Justification

To make products and by-products subject to the same safety standards, while permitting the use of by-products that are available on the market.

Amendment 122

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(e) polymers, or

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

Justification

The proposal should foresee an explicit possibility for growing media which do not come into contact with the soil to use polymers as binders. These polymers do not present a risk for animal health, human health, plant health or the environment.

Amendment 123

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Unless explicitly covered by one of the registration obligation exemptions provided for in Article 6 of Regulation (EC) No 1907/2006 or by Annexes IV or

1907/2006, in a dossier containing

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

Amendment 124

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 125

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 126

Proposal for a regulation

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

Text proposed by the Commission

Amendment

unless explicitly covered by one of the **deleted**

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

Amendment 127

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

Text proposed by the Commission

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

Amendment

1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone ***only physical or mechanical*** processing ***such as*** cutting, grinding, centrifugation, ***sieving, milling,*** pressing, drying, freeze-drying, ***granulating, chopping, buffering,*** ***extrusion, frost-treatment, sanitation by using heat,*** or extraction with water.

Amendment 128

Proposal for a regulation Annex II – part II – CMC 3 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. A CE marked fertilising product may contain compost ***and liquid and non-liquid extracts from compost,*** obtained through aerobic composting ***and the ensuing multiplication of the naturally occurring microbials*** of exclusively one or more of the following input materials:

Amendment 129

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

Text proposed by the Commission

Amendment

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

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

Justification

The formulation proposed by the Commission does not guarantee that composts from animal by-products in categories 2 and 3 obtained in the free environment, by derogation from Regulation 1069/2009, will be considered to be fertilising materials and growth media and therefore in conformity with the future regulation. Composts must be considered to be fertilising materials and growth media on the basis of both a control system and a validated method enabling rising temperatures to be controlled and hygiene criteria to be verified so that these products can be put back in the ground.

Amendment 130

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

(c) Living or dead organisms or parts thereof, which are unprocessed or processed only by manual, mechanical or gravitational means, by dissolution in water, by flotation, by extraction with water, by steam distillation or by heating solely to remove water, or which are extracted from air by any means, ***food and feed waste that does not contain pollutants and is not fit for consumption and waste from plantations used for agrofuels not containing pollutants,*** except

Amendment 131

Proposal for a regulation

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

Text proposed by the Commission

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

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

Amendment

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

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 132

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

deleted

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 133

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 134

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 135

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

At present CMC 3 and CMC 5 exclude “industrial sludges” from inputs. It is not clearly defined what is an “industrial sludge”. Many sludges from the agro-food industry (e.g. from fruit processing, dairy / cheese production ...) are a completely clean organic materials and appropriate, safe inputs to compost and digestate processes.

Amendment 136

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 137

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Amendment 138

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Justification

It is not clear why the value is different here than for CMC 5, so the proposal is to align the

values at 50.

Amendment 139

Proposal for a regulation

Annex II – part II – CMC 4 – paragraph 1 – point b – subpoint 1 – introductory sentence

Text proposed by the Commission

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

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

Amendment

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

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 140

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

deleted

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 141

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 142

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 143

Proposal for a regulation

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

Text proposed by the Commission

– sewage sludge, industrial sludge or dredging sludge,

Amendment

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

Justification

At present CMC3 and CMC5 exclude “industrial sludges” from inputs. It is not clearly defined what is an “industrial sludge”. Many sludges from the agro-food industry (e.g. from fruit processing, dairy / cheese production ...) are a completely clean organic materials and appropriate, safe inputs to compost and digestate processes.

Amendment 144

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 1 – point d – subpoint 1 – introductory sentence

Text proposed by the Commission

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

Amendment

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

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

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 145

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 146

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 147

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

At present CMC3 and CMC5 exclude “industrial sludges” from inputs. It is not clearly

defined what is an “industrial sludge”. Many sludges from the agro-food industry (e.g. from fruit processing, dairy / cheese production ...) are a completely clean organic materials and appropriate, safe inputs to compost and digestate processes.

Amendment 148

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(eb) Materials conform to CMC2, CMC3, CMC4, CMC5, CMC6 and CMC11.

Amendment 149

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

Justification

At this low temperature for such a short digestion period, it is possible for some pathogens to survive and to subsequently multiply during the retention period. It is critical to verify the absence of pathogens at the end of the retention period.

Amendment 150

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

phases (3-phase pomace).

Justification

A definition of olive pomace should be included, since no definition is given in any of the previous paragraphs, and bearing in mind that the organic solvents are almost entirely eliminated from the final product.

Amendment 151

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 152

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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

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

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

Justification

It is important that the REACH Regulation should apply to fertilising products.

Amendment 153

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 154

Proposal for a regulation

Annex II – part II – CMC 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

Amendment 155

Proposal for a regulation

Annex II – part II – CMC 6 – paragraph 2 – last sentence

Text proposed by the Commission

Amendment

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

Amendment 156

Proposal for a regulation

Annex II – part II – CMC 7 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

A CE marked fertilising product may contain micro-organisms, including dead or empty-cell micro-organisms and non-harmful residual elements of the media on which they were produced, ***which***

Micro-organisms, including dead or empty-cell micro-organisms and non-harmful residual elements of the media on which they were produced ***may be presumed to be safe for incorporation into a CE-marked fertilizing product if they fall into one of the following three cases:***

Amendment 157

Proposal for a regulation

Annex II – part 2 – CMC 7 – paragraph 1 – indent 1

Text proposed by the Commission

Amendment

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

(a) are one of the following micro-organisms:

- ***Azotobacter spp.***
- ***Mycorrhizal fungi***
- ***Rhizobia***
- ***Azospirillum spp.***

Amendment 158

Proposal for a regulation

Annex II – part II – CMC 7 – indent 2

Text proposed by the Commission

Amendment

– ***are listed in the table below:***

Azotobacter spp.

(b) subject to appropriate data protection and data licensing requirements, any micro-organism (or consortium of micro-organisms) that is allowed for any of the following uses:

- ***incorporation into a 'foodstuff' as defined in Article 2 of Regulation (EC) No 178/2002 or is allowed to be used in the processing of any such foodstuff, including cultures that are considered to be 'traditional food ingredients' within the meaning of Regulation (EC) No 178/2002***

Mycorrhizal fungi

;

– use as a feed additive as indicated by inclusion in the European Union Register of Feed Additives pursuant to Regulation (EC) No 1831/2003;

Rhizobium spp.

– use as a plant protection active ingredient under Regulation (EC) No 1107/2009 or as a biocide under Regulation (EU) No 528/2012.

Azospirillum spp.

(c) any micro-organism (or consortium of microorganisms) that has been evaluated as being safe for use as a biostimulant using relevant common specifications or harmonised standards adopted in accordance with Regulation (EU) No 1025/2012 that detail acceptable thresholds and analytical methods for safety criteria including those outlined in Article 42 of this Regulation.

Amendment 159

Proposal for a regulation Annex II – part II – CMC 8 – paragraph 3

Text proposed by the Commission

Amendment

3. A CE marked fertilising product may contain a compliant nitrification inhibitor, as referred to in PFC 5(A)(I) of Annex I, only if at least 50% of the total nitrogen (N) content of the fertilising product consists of the nitrogen (N) forms ammonium (NH₄⁺) and urea (CH₄N₂O).

3. A CE marked fertilising product may contain a compliant nitrification inhibitor, as referred to in PFC 5(A)(I) of Annex I, only if at least 50% of the total nitrogen (N) content of the fertilising product consists of the nitrogen (N) forms ammonium (NH₄⁺) **or ammonium (NH₄⁺)** and urea (CH₄N₂O).

Justification

It is important to clarify that N content can be met either by ammonia alone or ammonia and urea together.

Amendment 160

Proposal for a regulation Annex II – part II – CMC 10 – paragraph 1 – point b a (new)

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Text proposed by the Commission

Amendment

(ba) improving the soil as a biodegradable mulch film, complying with the requirements of points 2a and 3 of CMC10.

Amendment 161

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) improving the stability of the CE marked fertilising products.

Amendment 162

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 2

Text proposed by the Commission

Amendment

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

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

2. As of [Publications office, please insert the date occurring ***five*** years after the date of application of this Regulation], ***the Commission shall adopt delegated acts, pursuant to Article 42(1) of this Regulation, setting out the following requirements:***

(a) ***A standard for the biodegradability of the polymer by setting a timeframe in which at least 90%, absolute or relative to the reference material, of the organic carbon is converted into CO₂, after the claimed release time of the polymer has***

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

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

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

been fulfilled, and

(b) *A biodegradability test that complies with the following criterion: the polymer is capable of undergoing physical, biological decomposition, such that most of it ultimately decomposes into carbon dioxide (CO₂), biomass and water.*

Amendment 163

Proposal for a regulation

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

Text proposed by the Commission

Amendment

2a. The biodegradable mulch film shall comply with the following criterion: The polymer shall be capable of undergoing physical, biological decomposition, such that it ultimately decomposes into carbon dioxide (CO₂), biomass and water. At least 90%, absolute or relative to the reference material, shall be converted into CO₂, biomass and water in maximum 24 months in a biodegradability test according to European standards for biodegradation of polymers in soil.

Amendment 164

Proposal for a regulation

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

Text proposed by the Commission

Amendment

3a. *A CE marked product containing polymers other than nutrient polymers shall be exempted from the requirements set out in paragraphs 1, 2 and 3 under the condition that the polymers are solely used as binding material for the fertilising product and they are not in contact with the soil.*

Amendment 165

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 166

Proposal for a regulation

Annex III – part 1 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) A description of all components above **5%** by product weight in descending order of magnitude by dry weight, including an indication of the relevant component material categories ('CMC') as referred to in Annex II.

(e) A description of all components above **1%** by product weight in descending order of magnitude by dry weight, including an indication of the relevant component material categories ('CMC') as referred to in Annex II **and including the content as percentage by the dry matter;**

Amendment 167

Proposal for a regulation

Annex III – part 1 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Where the CE marked fertilising product is allowed to be used in organic agriculture according to Regulation (EC) No 834/2007, it shall be specified on the label as "allowed in organic farming with regard to (EC) No 834/2007."

CE fertiliser products not suitable for organic agriculture with regard to Regulation (EC) No 834/2007, that have a commercial name recalling terms referred to in Article 23 of that Regulation that may mislead the final user about its use in organic agriculture, shall be specified on the label as "not allowed in organic farming with regard to Regulation (EC) No 834/2007."

Amendment 168

Proposal for a regulation Annex III – part 1 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. No product can make claims related to another PFC without meeting the full requirements of that additional PFC, nor are any direct or implied claims of plant protection effects allowed.

Justification

This addition will strengthen the boundary with the plant protection regulation and will also strengthen the boundaries between PFCs, which will help prevent circumvention of any of the requirements of this regulation or Regulation (EC) 1107/2009.

Amendment 169

Proposal for a regulation Annex III – part 2 – PFC 1 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) The nitrification inhibitor content

(b) The nitrification inhibitor content

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shall be expressed as a percentage by mass of the total nitrogen (N) present as ammonium nitrogen (NH₄⁺) and urea nitrogen (CH₄N₂O).

shall be expressed as a percentage by mass of the total nitrogen (N) present as ammonium nitrogen (NH₄⁺) **or ammonium nitrogen (NH₄⁺)** and urea nitrogen (CH₄N₂O).

Justification

It is important to clarify that N content can be met either by ammonia alone or ammonia and urea together.

Amendment 170

Proposal for a regulation

Annex III – part 2 – PFC 1(A) – point d – indent 12 a (new)

Text proposed by the Commission

Amendment

– ***Form such as powder or pellets.***

Justification

Important indicator for farmer to adapt the time and method of fertiliser's application.

Amendment 171

Proposal for a regulation

Annex III – part 2 – PFC 1(B) – paragraph d – subparagraph 2

Text proposed by the Commission

Amendment

– ***Total*** phosphorus pentoxide (P₂O₅);

– Phosphorus pentoxide (P₂O₅) ***soluble in neutral ammonium citrate and water:***

Justification

In order to provide better information for farmers: “Total” is not valid from the agronomic view especially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 172

Proposal for a regulation

Annex III – part 2 – PFC 1(B) – paragraph d – subparagraph 2 – indent 2

Text proposed by the Commission

Amendment

– **where soft ground phosphate is present**, phosphorus pentoxide (P₂O₅) soluble in **formic acid**;

– Phosphorus pentoxide (P₂O₅) **only** soluble in **mineral acids**;

Justification

In order to provide better information for farmers, as included in Regulation 2003/2003. Not immediately available, only available in very low pH soil conditions and high rainfall.

Amendment 173

Proposal for a regulation

Annex III – part 2 – PFC 1(B) – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The total declared nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from methylene-urea, N from isobutylidene diurea, N from crotonylidene diurea and N from cyanamide.

Justification

The EU Commission proposes that the total declarable nutrient content includes by default all forms of nutrients, even those that will not be available to the plants. Only plant available nutrients should be declared and labelled because other forms of nitrogen and phosphorus have no proven contribution to plant nutrition. Otherwise farmers would not bring to their crops the nutrient quantity they were expecting to apply according to the proposal, and thus would be misled by the declaration of the total nutrient content.

Amendment 174

Proposal for a regulation

Annex III – part 2 – PFC 1(C)(I) – paragraph 1 – subparagraph d – point 2

Text proposed by the Commission

Amendment

– **Total** phosphorus pentoxide (P₂O₅);

– Phosphorus pentoxide (P₂O₅) **soluble in neutral ammonium citrate and water**;

Justification

In order to provide better information for farmers: “Total” is not valid from the agronomic view especially in high and neutral pH and low precipitations. Soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 175

Proposal for a regulation

Annex III – part 2 – PFC 1(C)(I) – paragraph 1 – subparagraph d – point 2 – indent 3

Text proposed by the Commission

Amendment

– **where soft ground phosphate is present**, phosphorus pentoxide (P₂O₅) soluble in **formic acid**;

– Phosphorus pentoxide (P₂O₅) **only** soluble in **mineral acids**;

Justification

In order to provide better information for farmers, as included in Regulation 2003/2003. Not immediately available, only available in very low pH soil conditions and high rainfall.

Amendment 176

Proposal for a regulation

Annex III – part 2 – PFC 1(C)(I)(a) – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. For CE marked products where polymers are solely used as binding material, the following marking shall be present: “The fertilising product is not intended to be in contact with the soil.”

Amendment 177

Proposal for a directive

ANNEX III – part 2 – PFC 1(Ca) (new)

Text proposed by the Commission

| |
|---|
| <i>Amendment</i> |
| PFC 1 (Ca): Low carbon fertiliser |
| 1. The following information elements relating to macronutrients shall be present: |
| a. the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), by their chemical symbols in the order N-P-K; |
| b. the declared nutrients magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na), by their chemical symbols in the order Mg-Ca-S-Na; |
| c. numbers indicating the total content of the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), followed by numbers in brackets indicating the total content of magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na); |
| d. the content of the following declared nutrients, in the following order and as a percentage of the fertiliser by mass: |
| Total Nitrogen (N) |
| – minimum amount of organic nitrogen (N), followed by a description of the origin of the organic matter used; |
| – Nitrogen (N) in the form of nitric nitrogen; |
| – Nitrogen (N) in the form of ammoniacal nitrogen; |
| – Nitrogen (N) in the form of urea nitrogen; |
| Total phosphorus pentoxide (P₂O₅—Water-soluble phosphorus pentoxide (P₂O₅); 5); |
| – phosphorus pentoxide (P₂O₅) soluble in neutral ammonium citrate; |
| – where soft ground phosphate is present, phosphorus pentoxide (P₂O₅) soluble in formic acid; |
| Total potassium oxide (K₂O); |
| – Water soluble potassium oxide (K₂O); |
| magnesium oxide (MgO), calcium oxide (CaO), sulphur trioxide (SO₃) and sodium oxide (Na₂O), expressed |
| – where those nutrients are totally soluble in water, only as the content soluble in water; |
| – where the soluble content of those nutrients is at least a quarter of the total content of those nutrients, the total content and the content soluble in water; |
| – in other cases, as the total content. |
| e. where urea (CH₄N₂O) is present, information about the possible air quality impacts of the release of ammonia from the fertiliser use, and an invitation to users to apply appropriate remediation measures. |
| 2. The following other elements shall be indicated as a percentage by mass of the CE marked fertilising product: |

| | |
|---|---------------------------|
| – <i>Organic carbon (C) content; and</i> | |
| – <i>Dry matter content.</i> | |
| 3. <i>Where one or more of the micronutrients boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) and zinc (Zn), are present in the minimum content indicated as a percentage by mass in the table below, they</i> | |
| – <i>shall be declared if they are intentionally added to the CE marked fertilising product, and</i> | |
| – <i>may be declared in other cases:</i> | |
| <i>Micronutrient</i> | <i>Percentage by mass</i> |
| <i>Boron (B)</i> | <i>0,01</i> |
| <i>Cobalt (Co)</i> | <i>0,002</i> |
| <i>Copper (Cu)</i> | <i>0,002</i> |
| <i>Manganese (Mn)</i> | <i>0,01</i> |
| <i>Molybdenum (Mo)</i> | <i>0,001</i> |
| <i>Zinc</i> | <i>0,002</i> |
| <i>They shall be declared after the information on macronutrients. The following information elements shall be present:</i> | |
| <i>a. indication of the names and chemical symbols of the declared micronutrients, listed in the following order: boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) and zinc (Zn), followed by the name(s) of their counter-ion(s);</i> | |
| <i>b. The total micronutrient content expressed as a percentage of the fertiliser by mass</i> | |
| – <i>where those nutrients are totally soluble in water, only as the content soluble in water;</i> | |
| – <i>where the soluble content of those nutrients is at least a quarter of the total content of those nutrients, the total content and the content soluble in water; and</i> | |
| – <i>in other cases, as the total content;</i> | |
| <i>c. Where the declared micronutrient(s) are chelated by chelating agent(s), the following qualifier after the name and the chemical identifier of the micronutrient:</i> | |
| – <i>‘chelated by...’ name of the chelating agent or its abbreviation, and the amount of chelated micronutrient as a percentage of the CE marked fertilising product by mass;</i> | |
| <i>d. Where the CE marked fertilising product contains micronutrient(s) complexed by complexing agent(s):</i> | |
| – <i>the following qualifier after the name and the chemical identifier of the micronutrient: ‘complexed by ...’, and the amount of complexed micronutrient as a percentage of the CE marked fertilising product by mass; and</i> | |
| – <i>the name of the complexing agent or its abbreviation.</i> | |
| <i>e. The following statement: ‘To be used only where there is a recognised need. Do not</i> | |

exceed the appropriate rate'.

Amendment 178

Proposal for a regulation Annex III – part 2 – PFC 3 – indent 3

Text proposed by the Commission

Amendment

- **Total nitrogen (N) content;** **deleted**

Justification

The only purpose of soil improvers is to ameliorate the physical and chemical soil structure and not to release nutrients. Providing the possibility to declare nutrients content could encourage inappropriate uses of these products.

Amendment 179

Proposal for a regulation Annex III – part 2– PFC 3 – indent 4

Text proposed by the Commission

Amendment

- **Total phosphorus pentoxide (P₂O₅) content;** **deleted**

Justification

The only purpose of soil improvers is to ameliorate the physical and chemical soil structure and not to release nutrients. Providing the possibility to declare nutrients content could lead to inappropriate uses of these products.

Amendment 180

Proposal for a regulation Annex III – part 2 – PFC 3 – indent 5

Text proposed by the Commission

Amendment

- **Total potassium oxide (K₂O) content;** **deleted**

Justification

The only purpose of soil improvers is to ameliorate the physical and chemical soil structure and not to release nutrients. Providing the possibility to declare nutrients content could encourage inappropriate uses of these products.

Amendment 181

Proposal for a regulation

Annex III – part 2 – PFC 6 – point e

Text proposed by the Commission

(e) dose, timing (plant development stage) and frequency of application;

Amendment

(e) dose, timing (plant development stage), **placement** and frequency of application (***in line with the empirical evidence justifying the biostimulant claim(s)***);

Justification

This language would prevent companies modifying product parameters on labels to promote non-biostimulant effects in usage.

Amendment 182

Proposal for a regulation

Annex III – part 2 – PFC 6 – point f a (new)

Text proposed by the Commission

Amendment

(fa) indication that the product is not a plant protection product;

Justification

A plant biostimulant must be clearly labelled as not being a plant protection product.

Amendment 183

Proposal for a regulation

Annex III – part 3 – PFC 1(A) – table 1

Text proposed by the Commission

PFC 1(A): ORGANIC FERTILISER

| | Permissible tolerance for the declared nutrient content and other declared parameter |
|--|--|
| Organic carbon (C) | ± 20 % relative deviation of the declared value up to a maximum of 2,0 percentage point in absolute terms |
| Dry matter content | ± 5,0 percentage point in absolute terms |
| Total nitrogen (N) | ± 50 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms |
| Organic nitrogen (N) | ± 50 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms |
| Total phosphorus pentoxide (P2O5) | ± 50 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms |
| Total potassium oxide (K2O) | ± 50 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms |
| Total and water-soluble magnesium oxide, calcium oxide, sulphur trioxide or sodium oxide | ± 25% of the declared content of those nutrients up to a maximum of 1,5 percentage points in absolute terms. |
| Total copper (Cu) | ± 50 % relative deviation of the declared value up to a maximum of 2,5 percentage points in absolute terms |
| Total zinc (Zn) | ± 50 % relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms |
| Quantity | - 5 % relative deviation of the declared value |

Amendment

PFC 1(A): ORGANIC FERTILISER

| | Permissible tolerance for the declared nutrient content and other declared parameter |
|--------------------|--|
| Organic carbon (C) | ± 15 % relative deviation of the declared value up to a maximum of 2,0 percentage point in absolute terms |
| Dry matter content | ± 5,0 percentage point in absolute terms |

| | |
|--|--|
| Total nitrogen (N) | ± 15 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms |
| Organic nitrogen (N) | ± 15 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms |
| Total phosphorus pentoxide (P2O5) | ± 15 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms |
| Total potassium oxide (K2O) | ± 15 % relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms |
| Total and water-soluble magnesium oxide, calcium oxide, sulphur trioxide or sodium oxide | ± 25% of the declared content of those nutrients up to a maximum of 1,5 percentage points in absolute terms. |
| Total copper (Cu) | ± 50 % relative deviation of the declared value up to a maximum of 2,5 percentage points in absolute terms |
| Total zinc (Zn) | ± 50 % relative deviation of the declared value up to a maximum of 2,0 percentage points in absolute terms |
| Quantity | - 5 % relative deviation of the declared value |

Justification

The Commission's proposal does not guarantee a complete efficiency of products which would be sold to farmers. Nevertheless a reasonable flexibility is needed to take in account the production processes.

Amendment 184

Proposal for a regulation

Annex III – part 3 – PFC 1(B) – table 1 – row 3 – column 1

Text proposed by the Commission

± 25% of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms

Amendment

± 25% of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms

P2O5 tolerances refer to phosphorus pentoxide (P2O5) soluble in neutral ammonium citrate and water.

Justification

Phosphorus pentoxide soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 185

Proposal for a regulation

Annex III – part 3 – PFC 1(B) – paragraph 1

Text proposed by the Commission

Amendment

Organic carbon: **20%** relative deviation of the declared value up to a maximum of 2,0 percentage point in absolute terms

Organic carbon: **15%** relative deviation of the declared value up to a maximum of 2,0 percentage point in absolute terms

Justification

The Commission's proposal does not guarantee the complete efficiency of products which would be sold to farmers. Nevertheless a reasonable flexibility is needed to take in account the production processes.

Amendment 186

Proposal for a regulation

Annex III – part 3 – PFC 1(B) – paragraph 2

Text proposed by the Commission

Amendment

Organic nitrogen: **50%** relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms

Organic nitrogen: **15%** relative deviation of the declared value up to a maximum of 1,0 percentage point in absolute terms

Justification

The Commission's proposal does not guarantee the complete efficiency of products which would be sold to farmers. Nevertheless a reasonable flexibility is needed to take in account the production processes.

Amendment 187

Proposal for a regulation

Annex III – part 3 – PFC 1(C)(I) – table 1

Text proposed by the Commission

PFC 1(C)(I): Inorganic macronutrient fertiliser

Permissible tolerance for the declared forms of macronutrient

| N | P ₂ O ₅ | K ₂ O | MgO | CaO | SO ₃ | Na ₂ O |
|---|-------------------------------|------------------|--|-----|-----------------|--|
| ± 25% of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms | | | ± 25% of the declared content of those nutrients up to a maximum of 1.5 percentage points in absolute terms. | | | ± 25% of the declared content up to a maximum of 0.9 percentage points in absolute terms |

Granulometry: ± **10** % relative deviation applicable to the declared percentage of material passing a specific sieve

Quantity: ± **5** % relative deviation of the declared value

Amendment

PFC 1(C)(I): Inorganic macronutrient fertiliser

Permissible tolerance for the declared forms of macronutrient

| N | P ₂ O ₅ | K ₂ O | MgO | CaO | SO ₃ | Na ₂ O |
|--|-------------------------------|------------------|--|-----|-----------------|--|
| ± 25% of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms for each nutrient separately and for the sum of nutrients | | | -50% and +100% of the declared content of those nutrients up to a maximum of 2 and +4 percentage points in absolute terms. | | | ± 25% of the declared content up to a maximum of 0.9 percentage points in absolute terms |

The above tolerance values apply also for the N-forms and for the solubilities

Granulometry: ± **20** % relative deviation applicable to the declared percentage of material passing a specific sieve

Quantity: ± **3** % relative deviation of the declared value

Justification

Tolerances need to be modified to avoid problems on the market. For primary nutrients, it should be clarified that there is a cumulative limit (not 2 % for each). According to the proposal, when producing an NPK, a +/- 6% variation of the total nutrient content is possible; this is too high. For secondary nutrients, higher tolerances are needed since they are often added as fillers. Tolerance values should apply also for the N-forms and for the solubility. The proposed tolerance for granulometry is too strict. The ± 5 % relative deviation on the declared value for quantity is too high.

Amendment 188

Proposal for a regulation

Annex III – part 3 – PFC 1(C)(I) – table 1 – row 3 – column 1

Text proposed by the Commission

Amendment

± 25% of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms

± 25% of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms

P2O5 tolerances refer to phosphorus pentoxide (P2O5) soluble in neutral ammonium citrate and water.

Justification

Phosphorus pentoxide soluble in ammonium citrate and in water is the available fraction for the plants.

Amendment 189

Proposal for a regulation

Annex III – part 3 – PFC 1(C)(I) – paragraph 1

Text proposed by the Commission

Amendment

Granulometry: ± **10** % relative deviation applicable to the declared percentage of material passing a specific sieve

Granulometry: ± **20** % relative deviation applicable to the declared percentage of material passing a specific sieve

Justification

More flexibility is needed due to production processes.

Amendment 190

Proposal for a regulation

Annex III – part 3 – PFC 3 – table 1 – row 2 – column 2

Text proposed by the Commission

Amendment

± 0,7 at the time of manufacture

± 0,7 at the time of manufacture

± **1,0** at any time in the distribution chain

± **0.9** at any time in the distribution chain

Justification

We support the Commission proposal that tolerance limits should be imposed both on production and distribution, to ensure the quality of the soil improver for the farmer. However, the tolerance levels proposed by the European Commission for distribution are too lenient, they should be decreased to protect the farmer.

Amendment 191

Proposal for a regulation

Annex III – part 3 – PFC 3 – table 1 – row 8 – column 2

Text proposed by the Commission

Amendment

-25% relative deviation of the declared value at any time in the distribution chain

-15% relative deviation of the declared value at any time in the distribution chain

Justification

We support the Commission proposal that tolerance limits should be imposed both on production and distribution, to ensure the quality of the soil improver for the farmer. However, the tolerance levels proposed by the European Commission for distribution are too lenient, they should be decreased to protect the farmer.

Amendment 192

Proposal for a regulation

Annex III – part 3 – PFC 4 – table 1

Text proposed by the Commission

PFC 4: GROWING MEDIUM

| Forms for the declared nutrient and other declared quality criteria | Permissible tolerances for the declared parameter |
|---|---|
| Electric conductivity | ± 50% relative deviation at the time of manufacture |
| | ± 75% relative deviation at any time in the distribution chain |
| pH | ± 0,7 at the time of manufacture |
| | ± 1,0 at any time in the distribution chain |
| Quantity by volume (litres or m ³) | -5% relative deviation at the time of manufacture |
| | -25% relative deviation at any time in the distribution chain |

| | |
|--|---|
| Quantity (volume) determination of materials with particle size greater than 60 mm | -5% relative deviation at the time of manufacture |
| | -25% relative deviation at any time in the distribution chain |
| Quantity (volume) determination of pre-shaped GM | -5% relative deviation at the time of manufacture |
| | -25% relative deviation at any time in the distribution chain |
| Water-soluble nitrogen (N) | ± 50% relative deviation at the time of manufacture |
| | ± 75% relative deviation at any time in the distribution chain |
| Water-soluble phosphorus pentoxide (P ₂ O ₅) | ± 50% relative deviation at the time of manufacture |
| | ± 75% relative deviation at any time in the distribution chain |
| Water-soluble potassium oxide (K ₂ O) | ± 50% relative deviation at the time of manufacture |
| | ± 75% relative deviation at any time in the distribution chain |

Amendment

PFC 4: GROWING MEDIUM

| Forms for the declared nutrient and other declared quality criteria | Permissible tolerances for the declared parameter |
|---|---|
| Electric conductivity | ± 50% relative deviation at the time of manufacture |
| | ± 60% relative deviation at any time in the distribution chain |
| pH | ± 0,7 at the time of manufacture |
| | ± 0,9 at any time in the distribution chain |
| Quantity by volume (litres or m ³) | -5% relative deviation at the time of manufacture |
| | -15% relative deviation at any time in the distribution chain |
| Quantity (volume) determination of materials with particle size greater than 60 | -5% relative deviation at the time of manufacture |

| | |
|---|--|
| mm | |
| | -15% relative deviation at any time in the distribution chain |
| Quantity (volume) determination of pre-shaped GM | -5% relative deviation at the time of manufacture |
| | -15% relative deviation at any time in the distribution chain |
| Water-soluble nitrogen (N) | ± 50% relative deviation at the time of manufacture |
| | ± 60% relative deviation at any time in the distribution chain |
| Water-soluble phosphorus pentoxide (P ₂ O ₅) | ± 50% relative deviation at the time of manufacture |
| | ± 60% relative deviation at any time in the distribution chain |
| Water-soluble potassium oxide (K ₂ O) | ± 50% relative deviation at the time of manufacture |
| | ± 60% relative deviation at any time in the distribution chain |

Justification

We support the Commission proposal that tolerance limits should be imposed both on production and distribution, to ensure the quality of the soil improver for the farmer. However, the tolerance levels proposed by the European Commission for distribution are too lenient, they should be decreased to protect the farmer.

Amendment 193

Proposal for a regulation

Annex IV – part 1 – point 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) non-processed or mechanically processed plants, plant parts or plant extracts as specified in CMC 2.

Justification

Module A should also accept the use of CMC2 products which are constituents of growing media. Growing Media Europe believes it is highly inconsistent to allow categories CMC4 “digestates” and CMC 6 “food industry by-products” while excluding materials such as wood fibres to be self-certified. The placing on the market of growing media materials is

undertaken in most Member States via self-certification. Including additional approval processes will put a high burden on the industry, which is mainly composed of SMEs.

Amendment 194

Proposal for a regulation

Annex IV – part II – module A – point 4.2

Text proposed by the Commission

4.2. The manufacturer shall draw up a written EU declaration of conformity for each CE marked fertilising product lot and keep it together with the technical documentation at the disposal of the national authorities for **10** years after the CE marked fertilising product has been placed on the market. The EU declaration of conformity shall identify the CE marked fertilising product for which it has been drawn up.

Amendment

4.2. The manufacturer shall draw up a written EU declaration of conformity for each CE marked fertilising product lot and keep it together with the technical documentation at the disposal of the national authorities for **5** years after the CE marked fertilising product has been placed on the market. The EU declaration of conformity shall identify the CE marked fertilising product for which it has been drawn up.

Justification

The proposed length of time keeping for the technical documentation and the EU declaration of conformity is excessive. Along tax requirements, it would make sense to shorten this period to 5 years.

Amendment 195

Proposal for a regulation

Annex IV – part II – module B – point 3.2 – point c – indent 6

Text proposed by the Commission

– test reports, and

Amendment

– test reports, **including studies on agronomic efficiency**, and

Justification

The agronomic efficacy of new products should be guaranteed. Products of Regulation 2003/2003 have already demonstrated their agronomic efficacy.

Amendment 196

Proposal for a regulation

Annex IV – part II – module B – point 9

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Text proposed by the Commission

Amendment

9. The manufacturer shall keep a copy of the EU-type examination certificate, its annexes and additions together with the technical documentation at the disposal of the national authorities for **10** years after the CE marked fertilising product has been placed on the market.

9. The manufacturer shall keep a copy of the EU-type examination certificate, its annexes and additions together with the technical documentation at the disposal of the national authorities for **5** years after the CE marked fertilising product has been placed on the market.

Justification

The proposed length of time is excessive. It should be aligned with tax requirements.

Amendment 197

**Proposal for a regulation
Annex IV – part II – module C – point 3.2**

Text proposed by the Commission

Amendment

3.2 The manufacturer shall draw up a written EU declaration of conformity for a CE marked fertilising product lot and keep it at the disposal of the national authorities for **10** years after the CE marked fertilising product has been placed on the market. The EU declaration of conformity shall identify the CE marked fertilising product lot for which it has been drawn up.

3.2 The manufacturer shall draw up a written EU declaration of conformity for a CE marked fertilising product lot and keep it at the disposal of the national authorities for **5** years after the CE marked fertilising product has been placed on the market. The EU declaration of conformity shall identify the CE marked fertilising product lot for which it has been drawn up.

Justification

The proposed length of time is excessive. It should be aligned with tax requirements.

Amendment 198

**Proposal for a regulation
Annex IV – part II – module D1 – point 2 – point b**

Text proposed by the Commission

Amendment

(b) ***conceptual design and manufacturing drawings and schemes, including*** a written description and a diagram of the production process, ***where***

(b) a written description and a diagram of the production process;

each treatment, storage vessel and area is clearly identified,

Amendment 199

Proposal for a regulation

Annex IV – part II – module D1 – point 3

Text proposed by the Commission

3. The manufacturer shall keep the technical documentation at the disposal of the relevant national authorities for **10** years after the CE marked fertilising product has been placed on the market.

Amendment

3. The manufacturer shall keep the technical documentation at the disposal of the relevant national authorities for **5** years after the CE marked fertilising product has been placed on the market.

Justification

The proposed length of time is excessive. It should be aligned with tax requirements.

Amendment 200

Proposal for a regulation

Annex IV – part II – module D1 – point 7 – point 7.2.1

Text proposed by the Commission

7.2.1 The manufacturer shall draw up a written EU declaration of conformity for each CE marked fertilising product lot and keep it at the disposal of the national authorities for **10** years after the CE marked fertilising product has been placed on the market. The EU declaration of conformity shall identify the product lot for which it has been drawn up.

Amendment

7.2.1 The manufacturer shall draw up a written EU declaration of conformity for each CE marked fertilising product lot and keep it at the disposal of the national authorities for **5** years after the CE marked fertilising product has been placed on the market. The EU declaration of conformity shall identify the product lot for which it has been drawn up.

Justification

The proposed length of time is excessive. It should be aligned with tax requirements.

Amendment 201

Proposal for a regulation

Annex IV – part II – module D1 – point 8 – introductory part

Text proposed by the Commission

8. The manufacturer shall, for a period ending at least **10** years after the product has been placed on the market, keep at the disposal of the national authorities:

Amendment

8. The manufacturer shall, for a period ending at least **5** years after the product has been placed on the market, keep at the disposal of the national authorities:

Justification

The proposed length of time is excessive. It should be aligned with tax requirements.

PROCEDURE – COMMITTEE ASKED FOR OPINION

| | |
|---|--|
| Title | Laying down rules on the making available on the market of CE marked fertilising products |
| References | COM(2016)0157 – C8-0123/2016 – 2016/0084(COD) |
| Committee responsible Date announced in plenary | IMCO 11.4.2016 |
| Opinion by Date announced in plenary | AGRI 11.4.2016 |
| Associated committees - date announced in plenary | 27.10.2016 |
| Rapporteur Date appointed | Jan Huitema 21.6.2016 |
| Date adopted | 30.5.2017 |
| Result of final vote | + : 30 - : 6 0 : 3 |
| Members present for the final vote | John Stuart Agnew, Clara Eugenia Aguilera García, Eric Andrieu, Daniel Buda, Nicola Caputo, Matt Carthy, Viorica Dăncilă, Michel Dantin, Paolo De Castro, Albert Deß, Jørn Dohrmann, Herbert Dorfmann, Norbert Erdős, Edouard Ferrand, Luke Ming Flanagan, Beata Gosiewska, Martin Häusling, Esther Herranz García, Jan Huitema, Peter Jahr, Ivan Jakovčić, Jarosław Kalinowski, Elisabeth Köstinger, Zbigniew Kuźmiuk, Philippe Loiseau, Ulrike Müller, James Nicholson, Maria Noichl, Marijana Petir, Bronis Ropė, Maria Lidia Senra Rodríguez, Ricardo Serrão Santos, Tibor Szanyi, Marc Tarabella, Marco Zullo |
| Substitutes present for the final vote | Bas Belder, Franc Bogovič, Paul Brannen, Angélique Delahaye, Gabriel Mato, Hannu Takkula |
| Substitutes under Rule 200(2) present for the final vote | Margrete Auken |

PROCEDURE – COMMITTEE ASKED FOR OPINION

| | |
|---|--|
| Title | Laying down rules on the making available on the market of CE marked fertilising products |
| References | COM(2016)0157 – C8-0123/2016 – 2016/0084(COD) |
| Committee responsible Date announced in plenary | IMCO 11.4.2016 |
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| Associated committees - date announced in plenary | 27.10.2016 |
| Rapporteur Date appointed | Jan Huitema 21.6.2016 |
| Date adopted | 30.5.2017 |
| Result of final vote | +: 30 –: 6 0: 3 |
| Members present for the final vote | John Stuart Agnew, Clara Eugenia Aguilera García, Eric Andrieu, Daniel Buda, Nicola Caputo, Matt Carthy, Viorica Dăncilă, Michel Dantin, Paolo De Castro, Albert Deß, Jørn Dohrmann, Herbert Dorfmann, Norbert Erdős, Edouard Ferrand, Luke Ming Flanagan, Beata Gosiewska, Martin Häusling, Esther Herranz García, Jan Huitema, Peter Jahr, Ivan Jakovčić, Jarosław Kalinowski, Elisabeth Köstinger, Zbigniew Kuźmiuk, Philippe Loiseau, Ulrike Müller, James Nicholson, Maria Noichl, Marijana Petir, Bronis Ropè, Maria Lidia Senra Rodríguez, Ricardo Serrão Santos, Tibor Szanyi, Marc Tarabella, Marco Zullo |
| Substitutes present for the final vote | Bas Belder, Franc Bogovič, Paul Brannen, Angélique Delahaye, Gabriel Mato, Hannu Takkula |
| Substitutes under Rule 200(2) present for the final vote | Margrete Auken |

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

| 30 | + |
|-----------|--|
| ALDE | Jan Huitema, Ivan Jakovčić, Ulrike Müller, Hannu Takkula |
| ECR | Bas Belder, James Nicholson |
| ENF | Edouard Ferrand, Philippe Loiseau |
| GUE / NGL | Matt Carthy, Luke Ming Flanagan |
| PPE | Franc Bogovič, Daniel Buda, Michel Dantin, Angélique Delahaye, Albert Deß, Herbert Dorfmann, Esther Herranz García, Peter Jahr, Jarosław Kalinowski, Elisabeth Köstinger, Gabriel Mato, Marijana Petir |
| S & D | Clara Eugenia Aguilera García, Eric Andrieu, Viorica Dăncilă, Paolo De Castro, Maria Noichl, Ricardo Serrão Santos, Tibor Szanyi, Marc Tarabella |

| 6 | - |
|-------------|--|
| EFDD | John Stuart Agnew, Marco Zullo |
| GUE / NGL | Maria Lidia Senra Rodríguez, Estefanía Torres Martínez |
| VERTZ / ALE | Martin Häusling, Bronis Ropè |

| 3 | 0 |
|----------|-----------------------------------|
| ECR | Beata Gosiewska, Zbigniew Kuźmiuk |
| PPE | Norbert Erdős |

Key to symbols:

+ : in favour

- : against

0 : abstention