

PRESS RELEASE

Difficulties in implementing EU Regulation 2019/1009 on fertiliser products (FPR)

The **Fertiliser Consultants Network**, an international group of expert consultants in the fertiliser sector, operating across Europe, North Africa, India, China and South America, would like to bring some thoughts to the attention of the **EU Commission DG-Grow**.

Taking into consideration the upcoming application of the FPR (Regulation (EU) 2019/1009), set for 16 July 2022 and the situation that has been formed so far, it is effortlessly concluded that there are certain and important elements of the legislative puzzle that are absent.

More specifically, at the European Level:

- Bulgaria and Romania have not yet designated their notifying authorities to the Commission;
- Bulgaria, Croatia, Italy, Romania and Slovenia have not yet communicated the notification procedures to the Commission;
- There are only three Notified Bodies and only 2-3 additional will be appointed in the coming months;
- We are still waiting for the publication of the consolidated version of the FPR updated at least with the amendments made by Commission Delegated Regulation (EU) 2021/1768, 2021/2086 2021/2087 and 2021/2088;
- Approximately 80 technical specifications only have been made available just a few weeks ago and we will have to wait until 2024/2025 for around 200 harmonised standards required for presumption of conformity of CE marked fertilisers;
- There is no technical guidance available to support conformity assessment procedures;
- Some fertilisers included in Reg. (EC) 2003/2003 are not included in the new PFCs foreseen by the FPR;
- CMC 10 (Animal-by-products) is still empty, as a consequence a lot of organic and organo-mineral fertilisers cannot be CE marked;
- There are some regulatory bugs such as the absence of minimum limits for secondary macronutrients in organo-mineral fertilisers;
- It will take a lot of time to adapt to the Reach (Reg. (EC) 1907/2006) registration requirements imposed by the FPR such as the registration of substances produced/imported in quantities below 1000 kg/year or the preparation of the chemical safety report for substances registered in the 1-10 tonnes range;
- Studies on the possibility of using QR codes to simplify labelling are delayed;
- There is still no clear definition of physical units or sampling procedures;
- No standards are in place to identify and quantify the nature of CMCs within PFCs;
- No harmonised standards nor common specifications nor technical specifications are available to demonstrate the efficacy of inhibitors.

At the same time at a national level

- Some Member States have already included the fertiliser types contained in Reg. (EC) 2003/2003 in their local regulations;
- Not all Member States have clearly interpreted Article 52 (Transitional provisions) and there might be different market access opportunities depending on the Member State;
- Romania and the Netherlands do not accept the application of Reg. (EU) 2019/515 on the mutual recognition and some Member States do not apply it for products for which harmonised standards exist.

With the understanding that it is not possible to amend Article 52 before 16 July 2022 and that the **Frequently Asked Questions (FAQs)** does not constitute any formal commitment on behalf of the Commission but, at the same time, **it is a document intended to facilitate the implementation of the FPR** by providing guidance to both national authorities and economic operators;

we ask the Commission services in charge of the FPR to discuss with the Commission expert group on Fertilising Products the **following points of the FAQs** with the *following additions:*

Optional harmonisation

2.1 (*omissis*) ... to follow the rules laid down at national level in an EU country; if they intend to place their products on the market in another EU country, they have to follow the mutual recognition rules. *Member States are invited to widely apply Reg. (EU) 2019/515 on mutual recognition without any restriction at least until the complete harmonisation of all the standards laid down by the FPR and, always and in any case, for fertiliser products that will not be covered by the FPR.*

Transitional period

6.2 (*omissis*) ... An economic operator will not be allowed to make any individual EC fertiliser available on the market which was not supplied, stored for the purpose of supply or imported before 16 July 2022, even if it is in compliance with Regulation (EC) No 2003/2003 *with the exception of products in compliance with Regulation (EC) No 2003/2003 and for which the economic operator owns packaging produced and/or purchased before 16 July 2022. Such packaging may be used until the end of the stock.*

6.4 (*omissis*) If the EC fertiliser was only stored for the purpose of supply before that date, the manufacturer has to ensure proper documentation demonstrating that the product was produced in conformity with Regulation (EC) 2003/2003 before 16 July 2022 *in the same way it must be demonstrated that the bags used to package the fertilisers produced in conformity with Regulation (EC) No 2003/2003 were available to the manufacturer before 16 July 2022.*