



The Fertilising Products Regulation Regulatory Update

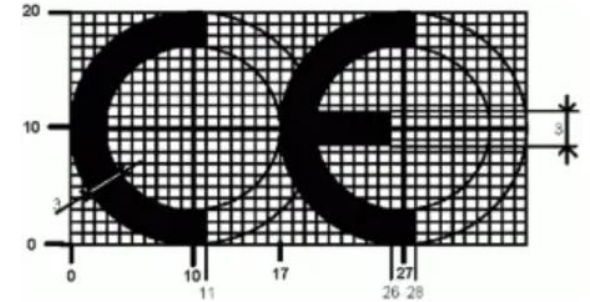
A EUROPEAN MARKET FOR CIRCULAR FERTILISERS

10 April 2024

Dr Theodora Nikolakopoulou

DG GROW-F2 – Bioeconomy, chemicals and cosmetics

FPR and CE-marking



New Legislative Framework (*)

Harmonised rules set on making available of **EU fertilising products** on the market

CE-marking → Free movement in the EU market

Optional harmonisation

a product regulation; does not regulate use of products or mode of application of products

The Fertilising Products Regulation is fully applicable as of 16 July 2022 (amended already by 7 Commission delegated Regulations)

- remember to consult the consolidated version

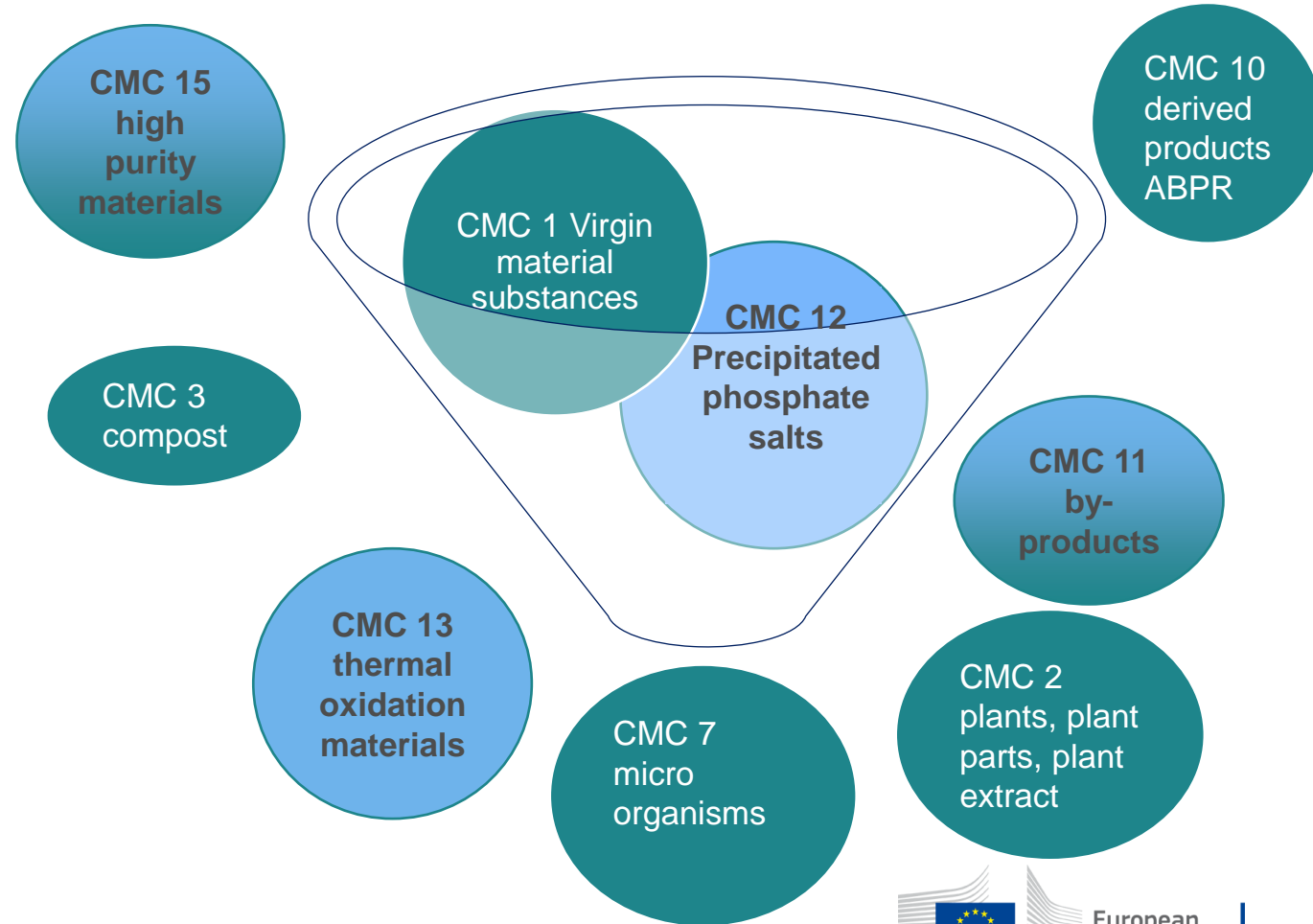
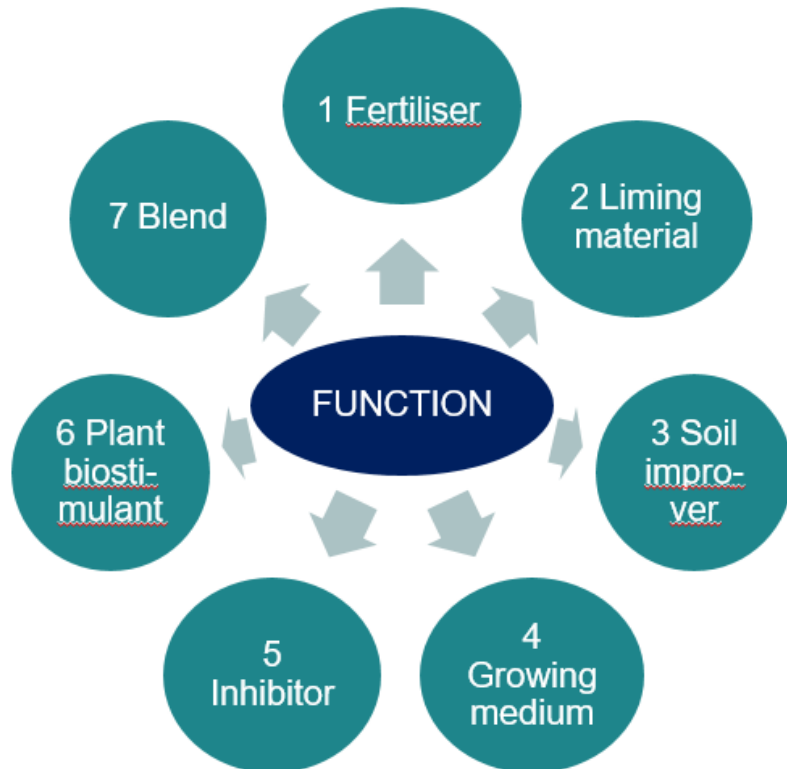
* COMMISSION NOTICE - The 'Blue Guide' on the implementation of EU product rules 2022

What are EU fertilising products

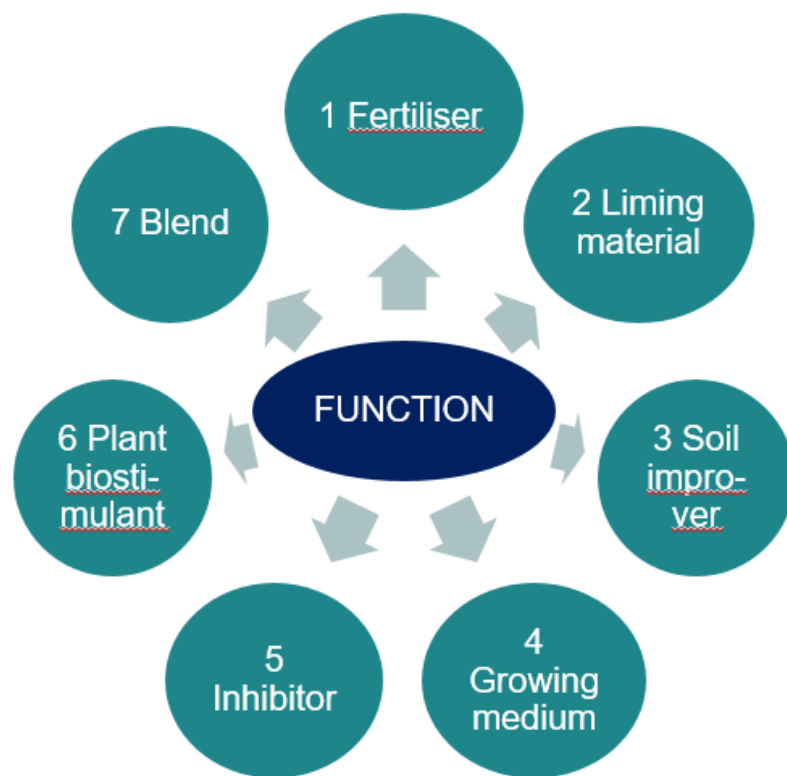
1 function (7)

+

x components (15)



Which may be the function of a product?



Definition for every product function
(Plant biostimulant function is defined and excluded by the PPP Regulation scope)

EU fertilising products must comply with requirements of one **Product Function Category** (Annex I)

Manufacturers may claim one or more functions **supported by relevant conformity assessment(s)**

All relevant information proving compliance with requirements are included in the technical documentation of product

Which materials are allowed as components ?

- CMC 1: Virgin material substances and mixtures
- CMC 2: Plants, plant parts or plant extracts
- CMC 3: Compost
- CMC 4: Fresh crop digestate
- CMC 5: Digestate other than fresh crop digestate
- CMC 6: Food industry by-products
- CMC 7: Micro-organisms
- CMC 8: Nutrient polymers
- CMC 9: Polymers other than nutrient polymers
- CMC 10: Derived products within the meaning of Regulation (EC) No 1069/2009 (Animal by-products Regulation)
- CMC 11: By-products within the meaning of Directive 2008/98/EC (Waste Framework Directive)
- CMC 12: Precipitated phosphate salts and derivatives
- CMC 13: Thermal oxidation materials and derivatives
- CMC 14: Pyrolysis and gasification materials
- CMC 15: High purity materials

- All component materials have to be covered by provisions of one category and comply with relevant requirements
- Materials covered by more than one category may be present
- All relevant information proving compliance with requirements are included in the technical documentation of product

Are recovered materials allowed?

Recovered materials

- CMC 1: Virgin material substances and mixtures
- CMC 2: Plants, plant parts or plant extracts
- CMC 3: Compost
- CMC 4: Fresh crop digestate
- CMC 5: Digestate other than fresh crop digestate
- CMC 6: Food industry by-products
- CMC 7: Micro-organisms
- CMC 8: Nutrient polymers
- CMC 9: Polymers other than nutrient polymers
- CMC 10: Derived products from Animal By-Products
- CMC 11: By-products within the meaning of Directive 2008/98/EC
- CMC 12: Precipitated phosphate salts and derivatives
- CMC 13: Thermal oxidation materials and derivatives
- CMC 14: Pyrolysis and gasification materials
- CMC 15: High purity materials

Certain **waste** may undergo a **defined recovery operation** and **resulting recovered materials** must comply with relevant requirements

End-of-waste status for waste derived materials incorporated in an EU fertilising product

Article 19

End-of-waste status

This Regulation lays down criteria in accordance with which material that constitutes waste, as defined in Directive 2008/98/EC, can cease to be waste, if it is contained in a compliant EU fertilising product. In such cases, the recovery operation under this Regulation shall be performed before the material ceases to be waste, and the material shall be considered to comply with the conditions laid down in Article 6 of that Directive and therefore to have ceased to be waste from the moment that the EU declaration of conformity was drawn up.

What about ABPs?

Animal by-products may be processed into other recovered materials



CMC 1: Virgin material substances and mixtures

CMC 2: Plants, plant parts or plant extracts

CMC 3: Compost

CMC 4: Fresh crop digestate



CMC 5: Digestate other than fresh crop digestate

CMC 6: Food industry by-products

CMC 7: Micro-organisms

CMC 8: Nutrient polymers

CMC 9: Polymers other than nutrient polymers

CMC 10: Derived products from Animal By-Products



CMC 11: By-products within the meaning of Directive 2008/98/EC



CMC 12: Precipitated phosphate salts and derivatives



CMC 13: Thermal oxidation materials and derivatives



CMC 14: Pyrolysis and gasification material

CMC 15: High purity materials

Derived products from ABPs in EU fertilising products

derived products from Animal By-Products (ABPs)* may be incorporated in an EU fertilising product as long as:

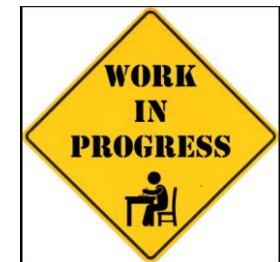
- the end point in the manufacturing chain has been determined** and
- that end point has been reached

[Commission delegated Regulation for the determination of end-points in the manufacturing chain](#) ✓

Commission delegated Regulation for the inclusion of ABPs in FPR (CMC 10)

- in accordance with the conditions set out in Article 32(1) and (2) and in the measures referred to in Article 32(3) of Regulation (EC) No 1069/2009

** in accordance with the third subparagraph of Article 5(2) of Regulation (EC) No 1069/2009



Digital labelling for EU fertilising products

[Commission proposal](#) adopted on 27 February 2023

COUNCIL mandate adopted on 17 November

https://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=consil:ST_15593_2023_INIT

EP mandate adopted on 9 November

https://www.europarl.europa.eu/doceo/document/A-9-2023-0330_EN.html

European Parliament and Council agreement at first reading

<https://data.consilium.europa.eu/doc/document/ST-6025-2024-INIT/en/pdf>

Digital labelling for EU fertilising products

The provisions in short:

digital labelling is not mandatory

digital label **only** for products traded between economic operators

digital label **only** for products sold to end users without a packaging (in bulk or in packaging above 1000 kg)

digital label **also** for products sold to end users with a packaging

- the digital label has full labelling information + obligation to post digital information at point of sales

-the physical label has most labelling information (except the ones marked with an *)

digital label needs to comply with general provisions; all complementing technical information will be set out via delegated acts

Further development of FPR rules...

- delegated Regulation to include processed manure in CMC 10 adopted on 4 March 2024; draft documents on [CIRCA](#)
 - delegated Regulations on biodegradability criteria
 - a) for certain polymers covered by CMC 9 in EU fertilising products [supporting [study](#)]
 - b) for mulch films [supporting [study](#)]
 - c), d) to align criteria for polymers in CMC 1 and CMC 11 to the ones included in REACH restriction on microplastics
 - delegated Regulation on other technical amendments
 - e) tolerance rules for inhibiting compounds in products with >2% content; tolerance rules for macro-and micro-nutrients fertilisers quantity; *Enterococcaceae*
- all drafts were on [public consultation for feedback](#) with ddl 5 April 2024

Progress on technical studies...

- Study for the technical documentation for EU fertilising products

Interim report circulated via [CIRCA](#)

NMI “Nutriënten Management Instituut” , Wageningen, N

- new study related to CMC 10 -agronomic efficiency and safety criteria for [ABPs with an end-point determined](#)

Qlab -"Research, Analytical and Quality Control Lab“, Thessaloniki, GR Email fertilizers@q-lab.gr

- new study for the inclusion of new materials and processes

NMI “Nutriënten Management Instituut” , Wageningen, NL Email: fertilising.products@nmi-agro.nl

- new study for the inclusion of new microorganisms in CMC 7

AIT “Austrian Institute of Technology GmbH”, Tulln, AT Email: AIT.FPR-Biostimulants@ait.ac.at

Standardisation work

The current standardisation request: M/564
(C(2020)162 amended by C(2022)47 + 2nd Amd)

A GROW F2 “home-made” consolidated version of M/564 on [CIRCA](#)

[April 2022](#) – all expected CEN/Technical specifications were published as planned



[4th quarter 2024](#) - first harmonised standards for Plant biostimulants

[July 2027](#) – first harmonised standards for Soil improvers, Growing media

[July 2027](#) - first harmonised standards for Fertilisers, Liming materials, Inhibitors

- Need for new standardisation request to cover all requirements related to the amendments adopted (STRUBIAS, high purity, by products and technical amendments)

Future evaluation of FPR...

According to Article 49 of FPR, COM to report to EP and Council on functioning of rules etc

GROW to launch a technical study on the evaluation of FPR

Available resources

DG GROW [website](#)

Info session organised by DG GROW - How to CE mark your fertilising product ; 23 May 2022; recording available [here](#)

Guidance Document on the labelling of EU Fertilising Products; available [here](#)

FAQs document on Fertilising Products Regulation; available [here](#)

Commission Expert Group on fertilising products (documents available [here](#))

Member States competent authorities [list](#)

Market Surveillance authorities responsible for controls of products [list](#)

Do you have questions?

GROW-FERTILISING-PRODUCTS@ec.europa.eu

Thank you



© European Union 2020

Unless otherwise noted the reuse of this presentation is authorised under the [CC BY 4.0](https://creativecommons.org/licenses/by/4.0/) license. For any use or reproduction of elements that are not owned by the EU, permission may need to be sought directly from the respective right holders.

17
Slides 4,5,6,7, 9, 11: pictures, source: [Fotolia.com](https://www.fotolia.com)

