



Brussels, 16 June 2022
(OR. en)

10264/22

ENT 83
MI 477
COMPET 500
AGRI 260
ENV 613
CHIMIE 50
IND 233
DELECT 88

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 8838/22 + ADD 1 - C(2022) 2882 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../...of 5.5.2022 amending Regulation (EU) 2019/1009 of the European Parliament and of the Council as regards the requirements applicable to EU fertilising products containing inhibiting compounds and the post processing of digestate - Intention not to raise objections

1. On 5 May 2022, the Commission submitted the above draft Delegated Regulation to the Council in accordance with Articles 42 (1) of Regulation (EU) 2019/1009¹. This delegated act amends technical provisions in the Annexes I to IV of Regulation (EU) 2019/1009.

¹ Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003 (OJ L 170, 25.6.2019, p. 1);

2. Regulation (EU) 2019/1009 lays down harmonisation rules for various categories of fertilising products. This delegated Regulation lays down radically different harmonisation rules for already regulated inorganic fertilisers. It also lays down harmonisation rules for extensive categories of products, which are not yet subject to harmonisation rules, such as organic and organo-mineral fertilisers, soil improvers or growing media.

While preparing the transition to the new harmonisation rules, there is a need to adapt some technical provisions in the annexes to Regulation (EU) 2019/1009 in order to facilitate the internal market access for fertilising products that are agronomically efficient, safe, and already widely traded. Other amendments are necessary to avoid situations in which significant categories of fertilising products would inadvertently be excluded from the harmonisation rules.

3. Delegations had until 14 June 2022 to object to the delegated act. By the deadline, no delegation has raised objections. The act, therefore, will be adopted by the Commission after its three-month period for scrutiny expires on 5 August 2022.
4. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm the non-opposition to the draft Delegated Regulation, as set out in document ST 8838/22 + ADD 1 as an item without discussion at one of its forthcoming meetings.
