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#### COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	ANNEXES to the Commission Delegated Regulation amending Regulation (EU) 2019/1009 of the European Parliament and of the Council as regards the Enterococcaceae and presuming conformity of EU fertilising products without verification

Delegations will find attached document C(2024) 5111 final, ANNEXES 1 to 3.

Encl.: C(2024) 5111 final, ANNEXES 1 to 3



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C(2024) 5111 final

ANNEXES 1 to 3

## **ANNEXES**

**to the**

**Commission Delegated Regulation**

**amending Regulation (EU) 2019/1009 of the European Parliament and of the Council as regards the Enterococcaceae and presuming conformity of EU fertilising products without verification**

## ANNEX I

Part II of Annex I to Regulation (EU) 2019/1009 is amended as follows:

- (1) in section 'PFC 1(A): ORGANIC FERTILISER', point 4, table, the words '*Escherichia coli* or *Enterococcaceae*', are replaced by '*Escherichia coli* or enterococci';
- (2) in section 'PFC 1(B): ORGANO-MINERAL FERTILISER', point 5, table, the words '*Escherichia coli* or *Enterococcaceae*' are replaced by '*Escherichia coli* or enterococci';
- (3) in section 'PFC 1(C): INORGANIC FERTILISER', point 2, table, the words '*Escherichia coli* or *Enterococcaceae*' are replaced by '*Escherichia coli* or enterococci';
- (4) in section 'PFC 3(A): ORGANIC SOIL IMPROVER', point 4, table, the words '*Escherichia coli* or *Enterococcaceae*' are replaced by '*Escherichia coli* or enterococci';
- (5) in section 'PFC 3(B): INORGANIC SOIL IMPROVER', point 4, table, the words '*Escherichia coli* or *Enterococcaceae*' are replaced by '*Escherichia coli* or enterococci';
- (6) in section 'PFC 4: GROWING MEDIUM', point 4, table, the words '*Escherichia coli* or *Enterococcaceae*' in are replaced by '*Escherichia coli* or enterococci';
- (7) in section 'PFC 6(A): MICROBIAL PLANT BIOSTIMULANT', point 2, table, the word '*Enterococcaceae*' is replaced by 'enterococci';
- (8) in section 'PFC 6(B): NON-MICROBIAL PLANT BIOSTIMULANT', point 2, table, the words '*Escherichia coli* or *Enterococcaceae*' are replaced by '*Escherichia coli* or enterococci'.

## ANNEX II

Part II of Annex II to Regulation (EU) 2019/1009 is amended as follows:

(1) in section ‘CMC 3: COMPOST’, the following point 6 is added:

‘6. Where compliance with the requirement in point 4(a) follows certainly and uncontestably from the nature or the recovery process of the compost or the manufacturing process of the EU fertilising product, that compliance may be presumed in the conformity assessment procedure without verification (such as testing), under the responsibility of the manufacturer.’;

(2) in section ‘CMC 5: DIGESTATE OTHER THAN FRESH CROP DIGESTATE’, the following point 7 is added:

‘7. Where compliance with the requirement in point 4 follows certainly and uncontestably from the nature or the recovery process of the digestate, or the fraction thereof, or the manufacturing process of the EU fertilising product, that compliance may be presumed in the conformity assessment procedure without verification (such as testing), under the responsibility of the manufacturer.’;

(3) section ‘CMC 12: PRECIPITATED PHOSPHATE SALTS AND DERIVATES’, is amended as follows:

(a) point 8 is amended as follows:

- (i) in the introductory wording, the word ‘*Enterococcaceae*’ is replaced by ‘enterococci’;
- (ii) in the table, the words ‘*Escherichia coli* or *Enterococcaceae*’ are replaced by ‘*Escherichia coli* or enterococci’;

(b) in point 10, the word ‘*Enterococcaceae*’ is replaced by ‘enterococci’;

(c) the following point 15 is added:

‘15. Where compliance with one of the requirements in points 11 and 12 follows certainly and uncontestably from the nature or the recovery process of the precipitated phosphate salt or the derivate, or the manufacturing process of the EU fertilising product, that compliance may be presumed in the conformity assessment procedure without verification (such as testing), under the responsibility of the manufacturer.’;

(4) in section ‘CMC 13: THERMAL OXIDATION MATERIALS OR DERIVATES’, the following point 9 is added:

‘9. Where compliance with one of the requirements in points 5 and 7 follows certainly and uncontestably from the nature or the recovery process of the thermal oxidation material or the derivate, or the manufacturing process of the EU fertilising product, that compliance may be presumed in the conformity assessment procedure without verification (such as testing), under the responsibility of the manufacturer.’;

(5) in section ‘CMC 14: PYROLYSIS AND GASIFICATION MATERIALS’, the following point 8 is added:

‘8. Where compliance with one of the requirements in points 3 and 6 follows certainly and uncontestably from the nature or the recovery process of the pyrolysis or gasification material, or the manufacturing process of the EU fertilising product, that compliance may be presumed in the conformity assessment procedure without verification (such as testing), under the responsibility of the manufacturer.’;

- (6) section 'CMC 15: RECOVERED HIGH PURITY MATERIALS' is amended as follows:
- (a) point (7) is amended as follows:
    - (i) in the introductory wording, the word 'Enterococcaceae' is replaced by 'enterococci';
    - (ii) in the table, the words '*Escherichia coli* or *Enterococcaceae*' are replaced by '*Escherichia coli* or enterococci';
  - (b) in point 8, the first, second and third paragraphs, the word '*Enterococcaceae*' is replaced by 'enterococci'.

### ANNEX III

Part III of Annex III to Regulation (EU) 2019/1009 is amended as follows:

(1) section 'PFC 1(C): INORGANIC FERTILISER' is amended as follows:

(a) the entry 'Quantity' is replaced by the following:

'Quantity'	$\pm 1\%$ relative deviation of the declared value for products belonging to PFC 1(C)(I) $\pm 5\%$ relative deviation of the declared value for products belonging to PFC 1(C)(II);
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(b) the last sentence 'Quantity:  $\pm 5\%$  relative deviation of the declared value' is deleted;

(2) in section 'PFC 5: INHIBITOR', the entry 'Concentration of more than 2 %' is replaced by the following:

'Concentration of more than 2 %'	$\pm 10\%$ of the declared value up to a maximum of $\pm 2\%$ in absolute terms'.
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