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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 12556/24 + ADD 1 - C(2024) 5111 final
Subject:	Commission Delegated Regulation (EU) .../... of 23.7.2024 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 - Intention not to raise objections

1. On 23 July 2024, the Commission submitted the above draft Delegated Regulation to the Council in accordance with Articles 42 (1) of Regulation (EU) 2019/1009¹. The delegated act adapts to technical progress Annexes I, II, and III to 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. Following developments in the implementation and standardisation work in support of Regulation (EU) 2019/1009, certain technical adaptations are needed to facilitate the free movement of safe and efficient fertilising products in the internal market. The reference to ‘Enterococcus’ is replaced with a reference to ‘enterococci’, to better reflect the available testing methods. The draft delegated Regulation aims to avoid unnecessary testing when the product complies with the specific requirements. It will also ensure coherence with existing provisions in Regulation (EU) 2019/1009.
 3. Delegations had until 24 September 2024 to object to the delegated act. By the deadline, no delegation raised objections.
 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 12556/24 + ADD 1 as an item without discussion at one of its forthcoming meetings, and that the Commission and the European Parliament are to be informed thereof. This implies that unless the European Parliament objects to the delegated act, the delegated act shall be adopted and published in the Official Journal after 24 October 2024, in accordance with Article 44 of Regulation (EU) No 2019/1009.
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