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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	ST 12553/24 - C(2024) 5128 final
Subject:	Commission Delegated Regulation (EU) .../... of 23.7.2024 amending Annex II to Regulation (EU) 2019/1009 of the European Parliament and of the Council as regards the polymers in Component Material Category 11 - 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 amends Annex II 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. EU fertilising products may contain polymers, in the conditions laid down in Component Material Categories (CMCs) 8 and 9 in Annex II to the Regulation. The Commission is obliged to assess biodegradability criteria for certain polymers belonging to CMC 9, controlling the release of nutrients ('coating agents') or increasing the water retention capacity or the wettability of the products ('water retention polymers'). Delegated Regulation (EU) 2021/1768² adds certain categories of polymers in CMCs 1 and 11. Such polymers are normally used as technical additives to increase the agronomic efficiency or the safety of the products. The polymers which may be used as materials belonging to CMC 11 should follow the same general rules set out in Delegated Regulation (EU) 2023/2055.
 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 12553/24 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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² Commission Delegated Regulation (EU) 2021/1768 of 23 June 2021 amending, for the purpose of its adaptation to technical progress, Annexes I, II, III and IV to Regulation (EU) 2019/1009 of the European Parliament and of the Council laying down rules on the making available on the market of EU fertilising products, OJ L 356, 8.10.2021, p. 8.