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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. Cion doc.: ST 10166/21 + ADD 1 - C(2021) 4250 final

Subject: Commission Delegated Regulation (EU) .../... of 23.6.2021 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
- Intention not to raise objections

1. On 23 June 2021, the Commission submitted the above draft Delegated Regulation to the Council in accordance with Article 42 of Regulation (EU) 2019/1009¹. The latter will repeal Regulation (EC) No 2003/2003² on 16 July 2022, and set out different harmonisation rules for inorganic fertilisers and other categories of products that have not yet been subject to harmonisation rules, such as organic and organo-mineral fertilisers, soil improvers or growing media.

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 (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1–194);

2. This draft Delegated Regulation amends Annexes I, II, III, and IV of Regulation (EU) 2019/1009 to secure the desired level of protection, and remove undesired market access barriers. The amendments will facilitate internal market access and free movement for agronomically efficient fertilising products which do not present a risk to health, safety or the environment.
 3. Delegations had until 23 August 2021 to object to the delegated act. By the deadline, no delegation has raised any objections or made any comments.
 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 10166/21 + ADD 1 as an item without discussion at one of its forthcoming meetings.
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