

EU Fertilizing Products Regulation: where next?

by **Tiffanie Stephani**, Senior Agriculture and Environment Manager, Fertilizers Europe

On 21 May 2019 the European Council adopted new rules for placing fertilizing products on the EU market. From summer 2022 onwards, fertilizer producers, traders and farmers will be confronted with the new Fertilizing Product Regulation (FPR), which will radically change the way fertilizers are receiving the CE mark and the labelling requirements provided on the products. In the future, it will be possible to market, within the EU, a very wide range of fertilizing products such as organic fertilizers, organo-mineral fertilizers, growing media or biostimulants – provided that they comply with the environmental and safety requirements of the new legislation. The new regulation is complex and a recurring question keeps coming back: what are the consequences on the ground and what should the industry do to meet the requirements of this new regulation?

With the main objective to provide a better understanding of this complex subject, Fertilizers Europe organized a conference in Brussels on 28 May 2019.

The presentations of experts in legislation, production, distribution and the panel discussion session that closed the event, were seen by the participants as the ideal forum to acquire a better knowledge of this very important evolution for the plant nutrition sector.

“ *It will require time and energy within the fertilizer industry to adapt to this new framework* ”

A paradigm shift

The aim of the first session of the EU Fertilizing Products conference was to provide all participants with a practical overview of the different changes, which manufacturers will have to implement in order to be ready for the application of the FPR in summer 2022.

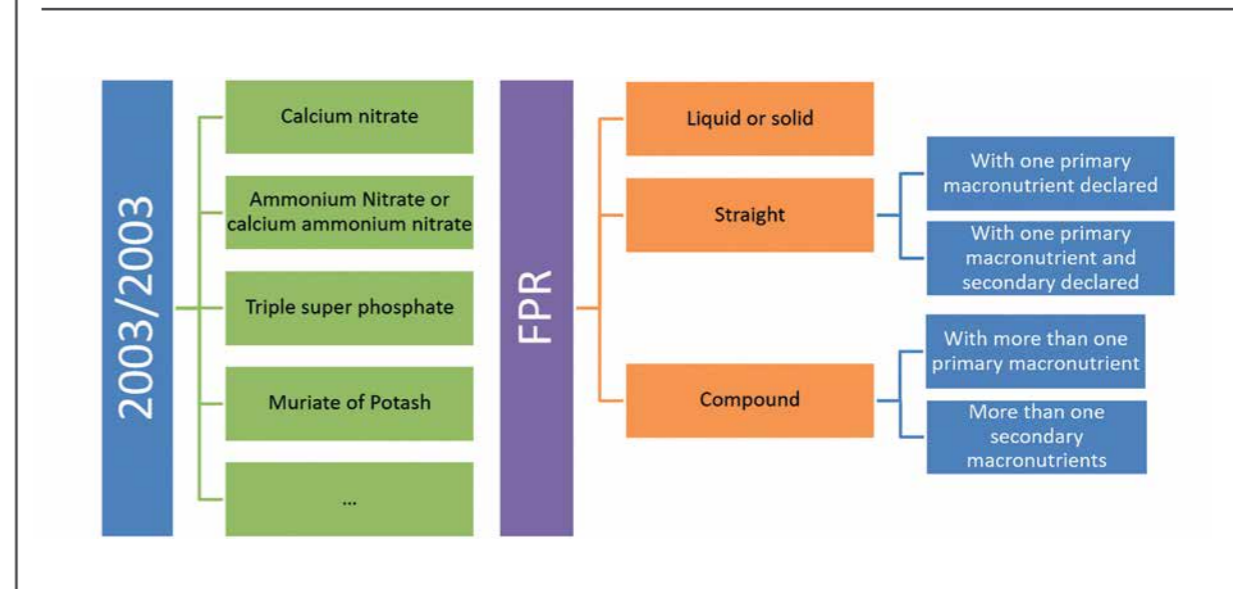
Silvana Lyubenova, Director for Technical harmonization and consumer policy at the Bulgarian ministry of economy, explained the defined roles of the different actors (i.e. manufacturer, importer or notified body) as well as the procedures to follow depending on what the product is made of and under which category it would be put on the market. This is why we can consider it a paradigm shift. The 2003/2003 Regulation was only regulating the characteristics of the final product in a very precise way, such as nutrient levels. The FPR will be regulating both the end characteristics (contaminants and nutrient levels) as well as the input materials contained in every fertilizing product (e.g. REACH registration).

A new toolbox available for manufacturers to get a CE mark

The new regulation basically establishes a common legal framework for fertilizing products in the form of a toolbox of measures, with different pathways depending on the product category and its content. This is to be understood as a ‘conformity assessment’, i.e. a process demonstrating whether specified requirements relating to a fertilizing product are fulfilled. It will definitely require time and energy within the fertilizer industry to adapt to this new framework – and so challenges remain.

The FPR will exist in parallel to national legislation and mutual recognition as it is only creating an optional harmonization. It will therefore be up to a manufacturer to decide whether it applies for a CE mark to benefit from free circulation in the EU’s internal market. Manufacturers of fertilizers that do not bear the CE marking will still be able to place fertilizers on their national market.

Figure 1. The FPR will exist in parallel to national legislation



“ *The new framework will support the current innovative pathway that mineral fertilizer industry has undertaken* ”

A new player: notified bodies

An additional actor in the new FPR will be the ‘notified bodies’, which are considered to be conformity assessment body officially designated by the national authority to carry out the procedures for conformity assessment within the meaning of the FPR. These notified bodies are not obliged by any binding timeframe for giving their assessment to the requesting manufacturers. There is actually nothing specified in the FPR. But in practice, Cecile Monnier (Regulatory Affairs Manager at EUROFINs) clarified at the 28 May conference that the market will determine the acceptability of timelines and that the timelines will depend on the repeatability or the standard nature of the product concerned.

In practical terms, all the notified bodies will be listed in a public database on the internet (called NANDO). A manufacturer, here to be considered as a customer, asks for quotations before sending its application form to the notified body selected. The market and

local competition are both determining the price range as much as the work performed. For instance, 200 notified bodies are listed across all sectors in Italy, whereas in France there are only 80.

The big challenges of standardization and labelling

Being acquainted with the new procedures and the role of notified bodies will not be enough to be able to apply the FPR. Fertilizer producers want to rely on a mutual understanding about the respective specifications and technical information required for the different product function categories – and this is why standards exist. This is what the convener of the working group seven on chemical analysis (part of the Technical Committee 260 on fertilizers and liming material within CEN, the European Center of Normalization), Jan Chys, explained during the Fertilizers Europe conference in Brussels.

To implement the FPR for all product categories concerned, about 230 standards need to be created or at least updated. And these standards are a key pillar to ensure a well-functioning EU market for fertilizing products, not least because they are providing a common method for compliance verification during the different conformity assessments. Still, ahead of summer 2022, substantial work within CEN will have to be done for establishing the frame of harmonized standards in place for the FPR – and this will hopefully be achieved before the FPR applies in June/July 2022.

A similar challenge remains as far as the labelling requirements for the different product function categories are concerned. The labelling information placed on the bag if the product is not bulk, will at least double in comparison to the current provisions under the 2003/2003 Regulation. It will have to include instructions for intended use, including application rates, timing and frequency. It will need to target plants or mushrooms, recommend

storage conditions, include a list of all component materials above 5% by product weight in descending order of magnitude by dry weight. In addition, any relevant information on measures recommended to manage risks to human, animal or plant health, to safety or to the environment will need to be covered.

To create a common understanding within the industry, the European Commission has been requested to prepare a specific guidance on what the label should include and how it should look. This guidance will be prepared by a dedicated task force designated by the EU Commission with the aim of being published during summer 2021. It will also create a common understanding within the different national authorities performing the market surveillance and product checks.

The challenge of this task force will be in finding the balance between how the requested information should be organized, while still providing valuable information to farmers. The new labelling requirements are much more complex than before, but they might also give opportunities to manufacturers to communicate not only about the quality of their products but also about the environmental impacts of different fertilization choices. The challenge will be to adapt the regulatory requirements to the needs of the farming sector, i.e. digitization and targeted fertilization.

Team work needed during transition phase

The new procedures for placing mineral fertilizers or other fertilizing products on the market – as created by the FPR – should ensure confidence of consumers and public authorities regarding the conformity of the



New Fertilizer Regulation: Where do we go? Conference held on 28 May 2019 in Brussels

products. This new framework will also support the current innovative pathway that the mineral fertilizer industry has already undertaken, being in the context of circular economy, biodegradability of polymer coatings for controlled release fertilizers, or combining mineral fertilizers with biostimulants.

The conference saw a great level of participation from EU agri-food stakeholders and served as a reminder

that fertilizer producers should remain at the fore-front of the discussion, especially to be fit to meet the expectations of farmers. While the road ahead upholds new challenges and opportunities one thing is certain: a successful transition phase demands the cooperation of the entire value chain. Fertilizers Europe invites every actor in the EU agri-food sector to continue engaging in the dialogue and working on common solutions. ■



About the author

Tiffanie Stephani is Fertilizers Europe's Senior Manager in Agriculture and Environment. Before joining Fertilizers Europe in March 2016, Ms. Stephani was a senior policy officer in the European and environmental affairs department of the German Farmers' Association (Deutscher Bauernverband, DBV) in Brussels. Ms. Stephani is member of the executive team of Cool Farm Alliance, and of the Council of The International Fertilizer Society. Having worked in European affairs and farming for ten years, she has developed an in-depth expertise in the sector.