

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/409

of 18 November 2022

amending Regulation (EU) 2019/1009 of the European Parliament and of the Council as regards the minimum content of calcium oxide in straight solid inorganic macronutrient fertilisers

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 ⁽¹⁾, and in particular Article 42(1) thereof,

Whereas:

- (1) Regulation (EU) 2019/1009 lays down rules on the making available on the market of EU fertilising products, and repeals Regulation (EC) No 2003/2003 of the European Parliament and of the Council ⁽²⁾ as of 16 July 2022.
- (2) In accordance with Annex I to Regulation (EU) 2019/1009, a straight solid inorganic macronutrient fertiliser with only calcium as a declared macronutrient is to contain at least 12 % by mass calcium expressed as calcium oxide.
- (3) Commission Regulation (EU) 2020/1666 ⁽³⁾ amended Regulation (EC) No 2003/2003 by introducing calcium chelate of iminodisuccinic acid (Ca-IDHA) as a new type of EC fertiliser. The minimum content of nutrients in that fertiliser is 9 % calcium oxide.
- (4) Ca-IDHA is a fertiliser providing plants with the macronutrient calcium. When assessing the conditions for its inclusion in Regulation (EC) No 2003/2003, this type of EC fertilisers has been found to be agronomically efficient. Regulation (EU) 2019/1009 should be amended to take into account the technical development occurring after its adoption and thus the minimum content of calcium oxide in straight solid inorganic macronutrient fertilisers should be lowered from 12 % to 9 %. Lowering the minimum content of calcium oxide would introduce this type of fertiliser in the scope of the harmonisation rules and thus facilitate its free movement in the single market. This adaptation is linked to the agronomic efficiency criteria of the fertilisers, and is not lowering the high standards of protection of human health and of the environment laid down in Regulation (EU) 2019/1009.
- (5) Regulation (EU) 2019/1009 should therefore be amended accordingly,

⁽¹⁾ 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).

⁽³⁾ Commission Regulation (EU) 2020/1666 of 10 November 2020 amending Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers for the purpose of including a new type of EC fertiliser in Annex I (OJ L 377, 11.11.2020, p. 3).

HAS ADOPTED THIS REGULATION:

Article 1

In Part II, in PFC 1(C)(I)(a)(i), point 2, of Annex I to Regulation (EU) 2019/1009, point (e) is replaced by the following:

‘(e) 9 % by mass of total calcium oxide (CaO),’.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 November 2022.

For the Commission
The President
Ursula VON DER LEYEN
