

19/6/2018
Trilogue version

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules on the making available on the market of CE marked fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009

Cell in green: The text can be deemed as already agreed

Cell in yellow: The issue needs further discussion

Cell in red: The issue needs further discussion in depth at the trilogue meetings

Note:

Differences between the EP's position and the Commission's proposal are highlighted in Bold/Italics.

Differences between the Council's position and the Commission's proposal are highlighted in Bold/Italics.

Modifications by lawyer-linguists are in Italics.

Deletions are not marked. Compromise wording is in Bold/Italics/Underline.

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
1.	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules on the making available on the market of CE marked fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009	<p>AM 1</p> <p>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules on the making available on the market of CE marked plant nutrition products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009</p> <p><i>(This amendment from "fertilising products" to "plant nutrition products" applies throughout the text. Adopting it will necessitate corresponding changes throughout and, consequently, adopted amendments.)</i></p>	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules on the making available on the market of CE marked EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009	<p>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules on the making available on the market of EU plant nutrition products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009</p> <p>YELLOW – Council to check</p>
2.	(Text with EEA relevance)			
3.	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,			
4.	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,			

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
5.	Having regard to the proposal from the European Commission,			
6.	After transmission of the draft legislative act to the national parliaments,			
7.	Having regard to the opinion of the European Economic and Social Committee ¹ , ¹ OJ C , , p. .			
8.	Acting in accordance with the ordinary legislative procedure,			
9.	Whereas:			
10.	(1) The conditions for making fertilisers available on the internal market have been partially harmonised through Regulation (EC) No 2003/2003 of the European Parliament and of the Council ² , which almost exclusively covers fertilisers from mined or chemically produced, inorganic materials. There is also a need to make use	AM 2 (1) The conditions for making fertilisers available on the internal market have been partially harmonised through Regulation (EC) No 2003/2003 of the European Parliament and of the Council ² , which almost exclusively covers fertilisers from mined or chemically produced, <i>mineral</i> materials. There is also a need to make use		

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
	<p>of recycled or organic materials for fertilising purposes. Harmonised conditions for making fertilisers made from such recycled or organic materials available on the entire internal market should be established in order to provide an important incentive for their further use. The scope of the harmonisation should therefore be extended in order to include recycled and organic materials.</p> <p>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).</p>	<p>of recycled or organic materials for fertilising purposes. Harmonised conditions for making fertilisers made from such recycled or organic materials available on the entire internal market should be established in order to provide an important incentive for their further use. <i>Promoting increased use of recycled nutrients would further aid the development of the circular economy and allow a more resource-efficient general use of nutrients, while reducing Union dependency on nutrients from third countries.</i> The scope of the harmonisation should therefore be extended in order to include recycled and organic materials.</p> <p>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).</p> <p><i>(This amendment also covers a horizontal technical amendment on the term “inorganic” being</i></p>		

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
		<i>changed to “mineral”; adopting it will necessitate corresponding changes of this term throughout the text and, consequently, adopted amendments.)</i>		
11.	(2) Certain products are being used in combination with fertilisers for the purpose of improving nutrition efficiency, with the beneficial effect of reducing the amount of fertilisers used and hence their environmental impact. In order to facilitate their free movement on the internal market, not only fertilisers, i.e. products intended to provide plants with nutrient, but also products intended to improve plants' nutrition efficiency, should be covered by the harmonisation.			

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
12.		<p>AM 3</p> <p><i>(2a) Nutrients in food originate from the soil; healthy and nutritious soil results in healthy and nutritious crops and food. Farmers need a wide range of fertilisers, organic and synthetic to be available, in order to enhance their soil. When soil nutrients are missing, or depleted, plants will be nutrient deficient and may either stop growing or not contain nutritional value for human consumption.</i></p>		
13.	<p>(3) Regulation (EC) No 765/2008 of the European Parliament and of the Council³ lays down rules on the accreditation of conformity assessment bodies, provides a framework for the market surveillance of products and for controls on products from third countries, and lays down the general principles of the CE marking. That Regulation should be applicable to products covered by the scope of this Regulation in order to ensure that products benefiting from the free</p>		<p>(3) Regulation (EC) No 765/2008 of the European Parliament and of the Council³ lays down rules on the accreditation of conformity assessment bodies, provides a framework for the market surveillance of products and for controls on products from third countries, and lays down the general principles of the CE marking. That Regulation should be applicable to products covered by the scope of this Regulation in order to ensure that products benefiting from the free</p>	

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	<p>movement of goods within the Union fulfil requirements providing a high level of protection of public interests such as health and safety in general, protection of consumers and protection of the environment.</p> <p>³ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).</p>		<p>movement of goods within the Union fulfil requirements providing a high level of protection of public interests such as <u>human, animal and plant</u> health, and safety in general, protection of consumers and protection of the environment.</p> <p>³ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).</p>	

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14.	<p>(4) Decision No 768/2008/EC of the European Parliament and of the Council⁴ lays down common principles and reference provisions intended to apply across sectoral legislation in order to provide a coherent basis for revision or recasts of that legislation. Regulation (EC) No 2003/2003 should therefore be replaced by a Regulation drafted to the extent possible in accordance with that Decision.</p> <p>⁴ Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).</p>			

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15.	<p>(5) Contrary to most other product harmonisation measures in Union legislation, Regulation (EC) No 2003/2003 does not prevent non-harmonised fertilisers from being made available on the internal market in accordance with national law and the general free movement rules of the Treaty. In view of the very local nature of certain product markets, this possibility should remain. Compliance with harmonised rules should therefore remain optional, and should be required only for products, intended to provide plants with nutrient or improve plants' nutrition efficiency, which are CE marked when made available on the market. This Regulation should therefore not apply to products which are not CE marked when made available on the market.</p>			

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16.		<p>AM 4</p> <p><i>(5a) To ensure effective use of animal manure and on-farm compost, farmers should use those products which follow the spirit of "responsible agriculture", favouring local distribution channels, good agronomic and environmental practice and in compliance with the Union environmental law, such as the Nitrates Directive or the Water Framework Directive. The preferential use of fertilisers produced on-site and in neighbouring agricultural undertakings should be encouraged.</i></p>		
17.	<p>(6) Different product functions warrant different product safety and quality requirements adapted to their different intended uses. CE marked fertilising products should therefore be divided into different product function categories, which should each be subject to specific safety and quality requirements.</p>		<p>(6) Different product functions warrant different product safety and quality requirements adapted to their different intended uses. CE marked <u>EU</u> fertilising products should therefore be divided into different product function categories, which should each be subject to specific safety and quality requirements.</p>	

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18.		<p>AM 5</p> <p><i>(6a) A CE marked fertilising product might have more than one of the functions described in the product function categories of this Regulation. Where a claim is made in respect of only one of those functions, it should be sufficient for the product to comply with the requirements of the product function category describing that claimed function. By contrast, where a claim is made in respect of more than one of those functions, the CE marked fertilising product in question should be regarded as a combination of two or more component fertilising products, and compliance should be required for each of the component fertilising products with respect to its function. Therefore, there should be a specific product function category to cover such combinations.</i></p>	<p><u>(6a) An EU fertilising product may have more than one of the functions described in the product function categories of this Regulation. Where only one of those functions is claimed, it should be sufficient for the product to comply with the requirements of the product function category describing that claimed function. By contrast, where more than one of those functions are claimed, the EU fertilising product should be regarded as a blend of two or more component fertilising products, and compliance should be required for each of the component fertilising products with respect to its function. A specific product function category should therefore cover such blends.</u></p>	

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19.		<p>AM 6</p> <p><i>(6b) A manufacturer using one or more CE marked fertilising products that have already been subject to a conformity assessment, carried out by that manufacturer or another manufacturer, might wish to rely on that conformity assessment. For the purpose of reducing the administrative burden to a minimum, the resulting CE marked fertilising product should also be regarded as a combination of two or more component fertilising products, and the additional conformity requirements for the combination should be reduced to the aspects warranted by the mixing.</i></p>	<p><u>(6b) A manufacturer using one or more EU fertilising products that have already been subject to a conformity assessment, by that manufacturer or another manufacturer, may wish to rely on that conformity assessment. For the purpose of reducing the administrative burden to a minimum, the resulting EU fertilising product should also be regarded as a blend of two or more component fertilising products, and the additional conformity requirements for the blend should be reduced to the aspects warranted by the blending.</u></p>	

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20.	<p>(7) Similarly, different component materials warrant different process requirements and control mechanisms adapted to their different potential hazardousness and variability. Component materials for CE marked fertilising products should therefore be divided into different categories, which should each be subject to specific process requirements and control mechanisms. It should be possible to make available on the market a CE marked fertilising product composed of several component materials from various component material categories, where each material complies with the requirements of the category to which the material belongs.</p>		<p>(7) Similarly, Different component materials warrant different process requirements and control mechanisms adapted to their different potential hazardousness and variability. Component materials for CE <u>marked-EU</u> fertilising products should therefore be divided into different categories, which should each be subject to specific process requirements and control mechanisms. It should be possible to make available on the market a CE marked <u>EU</u> fertilising product composed of several component materials from various component material categories, where each material complies with the requirements of the category to which the material belongs.</p>	

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21.	<p>(8) Contaminants in CE marked fertilising products, such as cadmium, can potentially pose a risk to human and animal health and the environment as they accumulate in the environment and enter the food chain. Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.</p>	<p>AM 7</p> <p>(8) Contaminants in CE marked fertilising products, <i>if the latter are not used correctly</i>, such as cadmium, can potentially pose a risk to human and animal health and the environment as they accumulate in the environment and enter the food chain. Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.</p>	<p>(8) Contaminants in CE-marked EU fertilising products, such as cadmium, can potentially pose a risk to human and animal health and the environment as they accumulate in the environment and enter the food chain. Their content should therefore be limited in such products. Furthermore, impurities in CE marked-EU fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.</p>	

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22.		<p>AM 8</p> <p><i>(8a) Member States which already have more stringent national limit values for cadmium in fertilisers should be allowed to maintain those limit values until the rest of the Union reaches an equivalent level of ambition.</i></p>		

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23.		<p>AM 9</p> <p><i>(8b) In order to facilitate the compliance of the phosphate fertilising products with the requirements of this Regulation and to boost innovation, it is necessary to provide sufficient incentives for the development of relevant technologies, particularly decadmiation technology, and for the management of cadmium-rich hazardous waste by means of the financial resources available under Horizon 2020, LIFE programmes, the Circular Economy Finance Support Platform, through the European Investment Bank (EIB) and other financial instruments where relevant. The Commission should report annually to the European Parliament and the Council on the incentives and the Union funding provided for decadmiation.</i></p>		

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24.		<p>AM 395</p> <p><i>(8c) As from [Publications Office, please insert the date of application of this Regulation] the Commission should establish a mechanism further facilitating access to finance for research and innovation into decadmiation technologies and their implementation in the production process in the Union for all phosphate fertilisers, and into possible cadmium removal solutions that are economically viable on an industrial scale and allow the treatment of the waste generated.</i></p>		
25.	<p>(9) Products complying with all the requirements of this Regulation should be allowed to move freely on the internal market. Where one or more of the component materials in a CE marked fertilising product falls within the scope of Regulation (EC) No 1069/2009 of the European Parliament and of the Council⁵, but reaches a point in the manufacturing chain beyond which it no longer poses any</p>	<p>AM 10</p> <p>(9) <i>CE marked fertilising</i> products complying with all the requirements of this Regulation should be allowed to move freely on the internal market. Where one or more of the component materials <i>is a derived</i> product within the scope of Regulation (EC) No 1069/2009 of the European Parliament and of the Council⁵, but <i>has reached</i> a point</p>	<p>(9) <u>An EU fertilising product</u> Products complying with all the requirements of this Regulation should be allowed to move freely on the internal market. Where one or more of the component materials in a CE marked EU fertilising product falls is a derived product within the scope of Regulation (EC) No 1069/2009 of the European Parliament and of the Council , but <u>has reached</u> reaches a point</p>	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
	<p>significant risk to public or animal health (the 'end point in the manufacturing chain'), it would represent an unnecessary administrative burden to continue subjecting the product to the provisions of that Regulation. Such fertilising products should therefore be excluded from the requirements of that Regulation. Regulation (EC) No 1069/2009 should therefore be amended accordingly.</p> <p>⁵ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).</p>	<p>in the manufacturing chain beyond which it no longer poses a risk to public or animal health (the 'end point in the manufacturing chain'), it would represent an unnecessary administrative burden to continue subjecting the product to the provisions of that Regulation. Such fertilising products should therefore be excluded from the requirements of that Regulation. Regulation (EC) No 1069/2009 should therefore be amended accordingly.</p> <p>⁵ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).</p>	<p>in the manufacturing chain beyond which it no longer poses any significant risk to public or animal health (the 'end point in the manufacturing chain'), it would represent an unnecessary administrative burden to continue subjecting the product to the provisions of that Regulation. Such fertilising products should therefore be excluded from the requirements of that Regulation. Regulation (EC) No 1069/2009 should therefore be amended accordingly.</p>	

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26.			<u>(9a) Recalling that certain Member States have been granted derogations from Article 5 of Regulation (EC) No 2003/2003 in accordance with the Treaties relating to cadmium content in phosphate fertilisers on the grounds, inter alia, of the protection of human health and the environment in the context of particular soil and climactic conditions prevailing in those Member States, and noting that the factual circumstances that led to the granting of those derogations by the Commission remain valid, those Member States should be able to continue to apply their national limit levels for cadmium content in EU fertilising products until such a point that a harmonised limit level for cadmium content which is equal to or lower than that limit level is applicable at Union level.</u>	RED - Cd
27.		AM 11		

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
	<p>(10) The end point in the manufacturing chain should be determined for each relevant component material containing animal by-products in accordance with the procedures laid down in Regulation (EC) No 1069/2009. Where a manufacturing process regulated under this Regulation starts already before that end point has been reached, the process requirements of both Regulation (EC) No 1069/2009 and this Regulation should apply cumulatively to CE marked fertilising products, which means application of the stricter requirement in case both Regulations regulate the same parameter.</p>	<p>(10) <i>For each component material category which includes derived products within the meaning of Regulation (EC) No 1069/2009</i>, the end point in the manufacturing chain should be determined for each relevant component material containing animal by-products in accordance with the procedures laid down in <i>that</i> Regulation. <i>To take advantage of technical developments, create more opportunities for producers and businesses, and unlock the potential to make more use of nutrients from animal by-products such as animal manure, the setting of processing methods and recovery rules for animal by-products for which an end-point in the manufacturing chain has been determined should start immediately after the entry into force of this Regulation. When it concerns fertilising products containing or consisting of processed animal manure end-of-livestock-manure criteria should be defined. In order to expand or add component</i></p>	<p>(10) <u>For each component material category which includes derived products within the meaning of Regulation (EC) No 1069/2009,</u> tThe end point in the manufacturing chain should be determined for each relevant component material containing animal by-products in accordance with the procedures laid down in that Regulation (EC) No 1069/2009. Where <u>such an end point is reached before the EU fertilising product is placed on the market but after the manufacturing process regulated under this Regulation has started,</u> a manufacturing process regulated under this Regulation starts already before that end point has been reached, the process requirements of both Regulation (EC) No 1069/2009 and this Regulation should apply cumulatively to CE marked <u>EU</u> fertilising products, which means application of the stricter requirement in case both</p>	

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		<p><i>material categories to include more animal by-products, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission.</i></p> <p>Where <i>such an end point is reached before the CE marked fertilising product is placed on the market but after the</i> manufacturing process regulated under this Regulation <i>has started</i>, the process requirements of both Regulation (EC) No 1069/2009 and this Regulation should apply cumulatively to CE marked fertilising products, which means application of the stricter requirement in case both Regulations regulate the same parameter.</p>	Regulations regulate the same parameter.	

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28.		<p>AM 12</p> <p><i>(10a) For animal by-products already widely used in Member States for the production of fertilisers the end point should be determined without undue delay, and at the latest one year after the date of entry into force of this Regulation.</i></p>		

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29.	<p>(11) In the event of risks to public or animal health from CE marked fertilising products derived from animal by-products, recourse to safeguard measures in accordance with Regulation (EC) No 178/2002 of the European Parliament and of the Council⁶ should be possible, as is the case for other categories of products derived from animal by-products.</p> <p>⁶ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).</p>		<p>(11) In the event of risks to public or animal health from CE <u>EU</u> marked fertilising products derived from animal by-products, recourse to safeguard measures in accordance with Regulation (EC) No 178/2002 of the European Parliament and of the Council⁶ should be possible, as is the case for other categories of products derived from animal by-products.</p> <p>⁶ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).</p>	

30.	<p>(12) Where one or more of the component materials for a CE marked fertilising product fall within the scope of Regulation (EC) No 1069/2009 and has not reached the end point in the manufacturing chain, it would be misleading to provide for the product's CE marking under this Regulation, since the making available on the market of such a product is subject to the requirements of Regulation (EC) No 1069/2009. Therefore, such products should be excluded from the scope of this Regulation.</p>	<p>AM 13</p> <p>(12) <i>The making available on the market of an animal by-product or a derived product for which no end point in the manufacturing chain has been defined, or for which the defined end point has not been reached at the time of making available on the market, is subject to the requirements of Regulation (EC) No 1069/2009. Therefore, it would be misleading to provide for the product's CE marking under this Regulation. Any product containing or consisting of such an animal by-product or derived products should therefore be excluded from the scope of this Regulation.</i></p>	<p>(12) <u>The making available on the market of an animal by-product or a derived product for which no</u> Where one or more of the component materials for a CE marked fertilising product fall within the scope of Regulation (EC) No 1069/2009 and has not reached the end point in the manufacturing chain <u>has been defined, or for which the defined end point has not been reached at the time of making available on the market,</u> it would be misleading to provide for the product's CE marking under this Regulation, since the making available on the market of such a product is subject to the requirements of Regulation (EC) No 1069/2009. Therefore, it <u>would be misleading to provide for the product's CE marking under this Regulation. Any product containing or consisting of such an animal by-product or derived</u> products should <u>therefore</u> be excluded from the scope of this Regulation.</p>	
31.		AM 14		

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
	<p>(13) For certain recovered wastes within the meaning of Directive 2008/98/EC of the European Parliament and of the Council⁷, a market demand for their use as fertilising products has been identified. Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE marked fertilising products, those requirements should be laid down in this Regulation. Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC.</p> <p>⁷ Directive 2008/98/EC of the European Parliament and of the</p>	<p>(13) For certain recovered wastes, <i>such as struvite, biochar, and ash-based products</i>, within the meaning of Directive 2008/98/EC of the European Parliament and of the Council⁷ a market demand for their use as fertilising products has been identified. Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE marked fertilising products, those requirements should be laid down in this Regulation. Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC, <i>and accordingly it should be possible for products containing or consisting of such</i></p>	<p>(13) For certain recovered wastes within the meaning of Directive 2008/98/EC of the European Parliament and of the Council⁷, a market demand for their use as fertilising products has been identified. Furthermore, certain requirements are necessary for the waste used as input in the recovery operation and for the treatment processes and techniques, as well as for fertilising products resulting from the recovery operation, in order to ensure that the use of those products does not lead to overall adverse environmental or human health impacts. For CE-marked <u>EU</u> fertilising products, those requirements should be laid down in this Regulation. Therefore, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC.</p>	

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	Council on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).	<p><i>recovered waste materials to access the internal market. To ensure legal clarity, take advantage of technical developments, and further stimulate the incentive among producers to make more use of valuable waste streams, the scientific analyses and the setting of recovery requirements at Union level for such products should start immediately after the entry into force of this Regulation. Accordingly, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining, without unnecessary delay, larger or additional categories of component materials eligible for use in the production of CE marked fertilising products.</i></p> <p>⁷ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain</p>	<p>⁷ Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).</p>	

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		Directives (OJ L 312, 22.11.2008, p. 3).		
32.		<p>AM 15</p> <p><i>(13a) Certain industry by-products, co-products or recycled products coming from specific industrial processes are currently used by manufacturers as a component of a CE marked fertilising product. For components of CE marked fertilising products, requirements related to component material categories should be laid down in this Regulation. If applicable, as of the moment of compliance with all the requirements of this Regulation, such products should cease to be regarded as waste within the meaning of Directive 2008/98/EC.</i></p>		RED – industry by-products

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
33.	<p>(14) Certain substances and mixtures, commonly referred to as agronomic additives, improve the nutrient release pattern of a nutrient in a fertiliser. Substances and mixtures made available on the market with the intention of them being added to CE marked fertilising products for that purpose should fulfil certain efficacy criteria at the responsibility of the manufacturer of those substances or mixtures, and should therefore as such be considered as CE marked fertilising products under this Regulation. Furthermore, CE marked fertilising products containing such substances or mixtures should be subject to certain efficacy and safety criteria. Such substances and mixtures should therefore also be regulated as component materials for CE marked fertilising products.</p>	<p>AM 16</p> <p>(14) Certain substances and mixtures, referred to as agronomic additives, improve the nutrient release pattern of a nutrient in a fertiliser. Substances and mixtures made available on the market with the intention of them being added to CE marked fertilising products for that purpose should fulfil certain efficacy, <i>safety and environmental</i> criteria at the responsibility of the manufacturer of those substances or mixtures, and should therefore as such be considered as CE marked fertilising products under this Regulation. Furthermore, CE marked fertilising products containing such substances or mixtures should be subject to certain efficacy, safety <i>and environmental</i> criteria. Such substances and mixtures should therefore also be regulated as component materials for CE marked fertilising products.</p>	<p>(14) Certain substances and mixtures, commonly referred to as <u>inhibitors</u>, improve the nutrient release pattern of a nutrient in a fertiliser <u>by delaying or stopping the activity of specific groups of micro-organisms or enzymes</u>. Substances and mixtures made available on the market with the intention of them being added to CE marked fertilising products for that purpose should fulfil certain efficacy criteria at the responsibility of the manufacturer of those substances or mixtures, and should therefore as such be considered as CE marked <u>EU</u> fertilising products under this Regulation. Furthermore, CE marked <u>EU</u> fertilising products containing such substances or mixtures should be subject to certain efficacy and safety criteria. Such substances and mixtures should therefore also be regulated as component materials for CE marked <u>EU</u> fertilising products.</p>	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
34.		<p>AM 17</p> <p><i>(14a) As products made up of substances and mixtures in addition to the fertilising elements are intended to be added to soil and released in to the environment, conformity criteria should apply to all materials in the product, in particular where they are small or break down into small fragments that can be dispersed throughout soil and into water systems and carried to the wider environment. Therefore biodegradability criteria and conformity testing should also be under realistic in-vivo conditions that take into consideration differential rates of decomposition under anaerobic conditions, in aquatic habitats or under water, in waterlogged conditions or in frozen soil.</i></p>		
35.	(15) Certain substances, mixtures and micro-organisms, commonly referred to as plant biostimulants,	<p>AM 18</p> <p>(15) Certain substances, mixtures and micro-organisms, referred to as plant biostimulants, are not as</p>	(15) Certain substances, mixtures and micro-organisms, commonly referred to as plant biostimulants,	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
	<p>are not as such nutrients, but nevertheless stimulate plants' nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, or crop quality traits, they are by nature more similar to fertilising products than to most categories of plant protection products. Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009 of the European Parliament and of the Council⁸. Regulation (EC) No 1107/2009 should therefore be amended accordingly.</p> <p>⁸ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).</p>	<p>such <i>inputs of</i> nutrients, but nevertheless stimulate plants' <i>natural</i> nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, or crop quality traits, <i>degradation of soil organic compounds, or increasing the availability of nutrients in the rhizosphere</i>, they are by nature more similar to fertilising products than to most categories of plant protection products. <i>Therefore, they act in addition to fertilisers, with the aim of optimising their efficiency and reducing the nutrient application rates</i>. Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009 of the European Parliament and of the Council⁸. Regulation (EC) No 1107/2009 should therefore be amended accordingly.</p>	<p>are not as such nutrients, but nevertheless stimulate plants' nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, or crop quality traits, they are by nature more similar to fertilising products than to most categories of plant protection products. Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009 of the European Parliament and of the Council⁸. Regulation (EC) No 1107/2009 should therefore be amended accordingly.</p> <p>⁸ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).</p>	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
		⁸ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).		
36.		<p>AM 19</p> <p><i>(15a) For micro-organisms, component material categories should be expanded or added in order to guarantee and enhance the innovative potential concerning the development and discovery of new microbial plant biostimulant products. In order to stimulate innovation and to create legal certainty for producers concerning the requirements which have to be fulfilled for the use of micro-organisms as component materials for CE marked fertilising products, harmonized methods for the safety evaluation of micro-organisms have to be clearly identified. The preparatory work for defining</i></p>		

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
		<i>these safety evaluation methods should start immediately after the entry into force of this Regulation. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to define, without any unnecessary delay, the requirements which producers have to comply with when demonstrating the safety of micro-organisms in order to be used in CE marked fertilising products.</i>		

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
37.	<p>(16) Products with one or more functions, one of which is covered by the scope of Regulation (EC) No 1107/2009, should remain under the control tailored for such products and provided for by that Regulation. Where such products also have the function of a fertilising product, it would be misleading to provide for their CE marking under this Regulation, since the making available on the market of a plant protection product is contingent on a product authorisation valid in the Member State in question. Therefore, such products should be excluded from the scope of this Regulation.</p>	<p>AM 20</p> <p>(16) Products with one or more functions, one of which is covered by the scope of Regulation (EC) No 1107/2009, <i>are plant protection products covered by the scope of that Regulation. Those products</i> should remain under the control tailored for such products and provided for by that Regulation. Where such products also have the function <i>or the action</i> of a fertilising product, it would be misleading to provide for their CE marking under this Regulation, since the making available on the market of a plant protection product is contingent on a product authorisation valid in the Member State in question. Therefore, such products should be excluded from the scope of this Regulation.</p>	<p>(16) Products with one or more functions, one of which is covered by the scope of Regulation (EC) No 1107/2009, <u>are plant protection products covered by the scope of that Regulation. Those products</u> should remain under the control tailored for such products and provided for by that Regulation. Where such products also have the function of a fertilising product, it would be misleading to provide for their CE marking under this Regulation, since the making available on the market of a plant protection product is contingent on a product authorisation valid in the Member State in question. Therefore, such products should be excluded from the scope of this Regulation.</p>	
38.	<p>(17) This Regulation should not prevent the application of existing Union legislation relating to aspects of protection</p>	<p>AM 21</p> <p>(17) <i>Regardless the type of the CE marked plant nutrition product</i>, this Regulation should not prevent the application of</p>	<p>(17) This Regulation should not prevent the application of existing Union legislation relating to aspects of protection</p>	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
	<p>of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC⁹, Council Directive 89/391/EEC¹⁰, Regulation (EC) No 1907/2006 of the European Parliament and of the Council¹¹, Regulation (EC) No 1272/2008 of the European Parliament and of the Council¹², Commission Regulation (EC) No 1881/2006¹³, Council Directive 2000/29/EC¹⁴, Regulation (EU) No 98/2013 of the European Parliament and of the Council¹⁵, and Regulation (EU) No 1143/2014 of the European Parliament and of the Council¹⁶.</p> <p>⁹ Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6).</p> <p>¹⁰ Council Directive 89/391/EEC of 12 June 1989 on the</p>	<p>existing Union legislation relating to aspects of protection of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC⁹, Council Directive 89/391/EEC¹⁰, Regulation (EC) No 1907/2006 of the European Parliament and of the Council¹¹, Regulation (EC) No 1272/2008 of the European Parliament and of the Council¹², Commission Regulation (EC) No 1881/2006¹³, Council Directive 2000/29/EC¹⁴, Regulation (EU) No 98/2013 of the European Parliament and of the Council¹⁵, Regulation (EU) No 1143/2014 of the European Parliament and of the Council¹⁶, <i>Council Directive 91/676/EEC^{16a}, and Directive 2000/60/EC^{16b}</i></p> <p>⁹ Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in</p>	<p>of health, safety and the environment not covered by this Regulation. This Regulation should therefore apply without prejudice to Council Directive 86/278/EEC⁹, Council Directive 89/391/EEC¹⁰, Regulation (EC) No 1907/2006 of the European Parliament and of the Council¹¹, Regulation (EC) No 1272/2008 of the European Parliament and of the Council¹², Commission Regulation (EC) No 1881/2006¹³, Council Directive 2000/29/EC¹⁴, <u>Regulation (EU) No 2031/2016</u>, Regulation (EU) No 98/2013 of the European Parliament and of the Council¹⁵, and Regulation (EU) No 1143/2014 of the European Parliament and of the Council¹⁶, <u>Directive 2004/852/EC, Directive 2016/2284/EC; Regulation (EC) No. 882/2004/, and Regulation (EC) No 834/2007.</u></p> <p>⁹ Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when</p>	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
	<p>introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).</p> <p>¹¹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p. 1).</p> <p>¹² Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).</p> <p>¹³ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).</p> <p>¹⁴ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms</p>	<p>agriculture (OJ L 181, 4.7.1986, p. 6).</p> <p>¹⁰ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).</p> <p>¹¹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p. 1).</p> <p>¹² Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).</p> <p>¹³ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in</p>	<p>sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6).</p> <p>¹⁰ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).</p> <p>¹¹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p. 1).</p> <p>¹² Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p. 1).</p> <p>¹³ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in</p>	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
	<p>harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).</p> <p>¹⁵ Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).</p> <p>¹⁶ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).</p>	<p>foodstuffs (OJ L 364, 20.12.2006, p. 5).</p> <p>¹⁴ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).</p> <p>¹⁵ Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).</p> <p>¹⁶ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).</p> <p>^{16a} <i>Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural</i></p>	<p>foodstuffs (OJ L 364, 20.12.2006, p. 5).</p> <p>¹⁴ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).</p> <p>¹⁵ Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).</p> <p>¹⁶ Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species (OJ L 317, 4.11.2014, p. 35).</p>	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
		<p><i>sources (OJ L 375, 31.12.1991, p.1).</i></p> <p><i>^{16b} Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1)</i></p>		
39.		<p>AM 22</p> <p><i>(17a) The traceability of products which are vulnerable to organic pollution from certain potentially problematic sources (or perceived as such) back to the source of the organic material should be ensured. This is necessary in order to secure consumer confidence and to limit damage if local contamination occurs. As a result, businesses which use fertilising products containing organic material from these sources may be identified. This should be compulsory for products containing material from waste or from by-products which have not undergone any processing that destroys organic</i></p>		

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
		<i>pollutants, pathogens and genetic material. The aim is not only to reduce risks to health and the environment but also to reassure public opinion and cater for the concerns of farmers regarding pathogens, organic pollutants and genetic material. In order to protect land owners against pollution for which they themselves are not to blame, Member States are called upon to establish appropriate liability rules.</i>		
40.		AM 23 <i>(17b) Untreated by-products of animal production should not be subject to this Regulation.</i>		

41.	<p>(18) Where a CE marked fertilising product contains a substance or mixture within the meaning of Regulation (EC) No 1907/2006, the safety of its constituent substances for the intended use should be established through registration pursuant to that Regulation. The information requirements should ensure that the safety of the intended use of the CE marked fertilising product is demonstrated in a manner comparable to that achieved through other regulatory regimes for products intended for use on arable soil or crops, notably Member States' national fertiliser legislation and Regulation (EC) No 1107/2009. Therefore, where the actual quantities placed on the market are lower than 10 tonnes per company per year, the information requirements determined by Regulation (EC) No 1907/2006 for the registration of substances in quantities of 10 to 100 tonnes should exceptionally apply as a condition for making available pursuant to this Regulation.</p>		<p>(18) Where a CE marked <u>EU</u> fertilising product contains a substance or mixture within the meaning of Regulation (EC) No 1907/2006, the safety of its constituent substances for the intended use should be established through registration pursuant to that Regulation. The information requirements should ensure that the safety of the intended use of the CE marked <u>EU</u> fertilising product is demonstrated in a manner comparable to that achieved through other regulatory regimes for products intended for use on arable soil or crops, notably Member States' national fertiliser legislation and Regulation (EC) No 1107/2009. Therefore, where the actual quantities placed on the market are lower than 10 tonnes per company per year, the information requirements determined by Regulation (EC) No 1907/2006 for the registration of substances in quantities of 10 to 100 tonnes should exceptionally apply as a condition for <u>use in EU fertilising products</u> making</p>	
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Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
			available pursuant to this Regulation.	
42.	(19) Where the actual quantities of substances in CE marked fertilising products regulated by this Regulation are higher than 100 tonnes, the additional information requirements laid down in Regulation (EC) No 1907/2006 should apply directly by virtue of that Regulation. The application of the other provisions of Regulation (EC) No 1907/2006 should also remain unaffected by this Regulation.		(19) Where the actual quantities of substances in CE marked <u>EU</u> fertilising products regulated by this Regulation are higher than 100 tonnes, the additional information requirements laid down in Regulation (EC) No 1907/2006 should apply directly by virtue of that Regulation. The application of the other provisions of Regulation (EC) No 1907/2006 should also remain unaffected by this Regulation.	
43.		AM 24 <i>(19a) In line with the circular economy, certain industry by-products or co-products from specific industrial processes are already used by manufacturers as components of CE marked fertilising products. Requirements related to such component material categories should be laid down in Annex II.</i>		RED – industry by-products

44.	<p>(20) A blend of different CE marked fertilising products, each of which has been subject to a successful assessment of conformity with the applicable requirements for that material, can itself be expected to be suitable for use as a CE marked fertilising product, subject only to certain additional requirements warranted by the blending. Therefore, in order to avoid an unnecessary administrative burden, such blends should belong to a separate category, for which the conformity assessment should be limited to the additional requirements warranted by the blending.</p>	<p>AM 25</p> <p>(20) A <i>combination of products from different product function categories</i>, each of which has been subject to a successful assessment of conformity with the applicable requirements for that material, can itself be expected to be suitable for use as a CE marked fertilising product, subject only to certain additional requirements warranted by the <i>mixing</i>. Therefore, in order to avoid an unnecessary administrative burden, such <i>combinations</i> should belong to a separate category, for which the conformity assessment should be limited to the additional requirements warranted by the <i>mixing</i>.</p> <p><i>(This amendment also covers a horizontal amendment on the term “blend” (in plural or singular) being changed to “combination” (in plural or singular); adopting it will necessitate corresponding changes of these terms throughout the text and, consequently, adopted amendments.)</i></p>	deleted	
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45.	(21) Economic operators should be responsible for the compliance of CE marked fertilising products with this Regulation, in relation to their respective roles in the supply chain, so as to ensure a high level of protection of the aspects of public interest covered by this Regulation, and also to guarantee fair competition on the internal market.		(21) Economic operators should be responsible for the compliance of CE marked <u>EU</u> fertilising products with this Regulation, in relation to their respective roles in the supply chain, so as to ensure a high level of protection of the aspects of public interest covered by this Regulation, and also to guarantee fair competition on the internal market.	
46.	(22) It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each economic operator in the supply and distribution chain.			
47.	(23) The manufacturer, having detailed knowledge of the design and production process, is best placed to carry out the conformity assessment procedure. Conformity assessment of CE marked fertilising products should therefore remain solely the obligation of the manufacturer.		(23) The manufacturer, having detailed knowledge of the design and production process, is best placed to carry out the conformity assessment procedure. Conformity assessment of CE marked <u>EU</u> fertilising products should therefore remain solely the obligation of the manufacturer.	

48.	<p>(24) It is necessary to ensure that CE marked fertilising products from third countries that enter the internal market comply with this Regulation, and in particular that the appropriate conformity assessment procedures have been carried out by manufacturers with regard to those fertilising products. Provision should therefore be made for importers to make sure that CE marked fertilising products which they place on the market comply with the requirements of this Regulation and that they do not place on the market CE marked fertilising products which do not comply with such requirements or present a risk to human, animal or plant health, safety or the environment. Provision should also be made for such importers to make sure that conformity assessment procedures have been carried out and that marking of CE marked fertilising products and documentation drawn up by manufacturers are available for inspection by the competent national authorities.</p>		<p>(24) It is necessary to ensure that CE marked <u>EU</u> fertilising products from third countries that enter the internal market comply with this Regulation, and in particular that the appropriate conformity assessment procedures have been carried out by manufacturers with regard to those fertilising products. Provision should therefore be made for importers to make sure that CE marked <u>EU</u> fertilising products which they place on the market comply with the requirements of this Regulation and that they do not place on the market CE marked <u>EU</u> fertilising products which do not comply with such requirements or present a risk to human, animal or plant health, safety or the environment. Provision should also be made for such importers to make sure that conformity assessment procedures have been carried out and that marking of CE marked <u>EU</u> fertilising products and documentation drawn up by manufacturers are available for inspection by the competent national authorities.</p>	
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Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
49.	(25) When placing a CE marked fertilising product on the market, the importer should indicate on the packaging of the fertilising product his or her name, registered trade name or registered trade mark and the postal address at which he or she can be contacted, in order to enable market surveillance.	AM 26 (25) When placing a CE marked product on the market, the importer should indicate on the packaging of the product his or her name, registered trade name or registered trade mark and the postal address at which he or she can be contacted, <i>as well as the third-country manufacturer</i> , in order to enable market surveillance.	(25) When placing a CE-marked EU fertilising product on the market, the importer should indicate on the packaging of the fertilising product his or her name, registered trade name or registered trade mark and the postal address at which he or she can be contacted, in order to enable market surveillance.	
50.	(26) Since the distributor makes a CE marked fertilising product available on the market after it has been placed on the market by the manufacturer or the importer, he or she should act with due care to ensure that his or her handling of the fertilising product does not adversely affect the compliance of that product with this Regulation.		(26) Since the distributor makes a CE-marked EU fertilising product available on the market after it has been placed on the market by the manufacturer or the importer, he or she should act with due care to ensure that his or her handling of the fertilising product does not adversely affect the compliance of that product with this Regulation.	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
51.	(27) An economic operator who either places a CE marked fertilising product on the market under his or her own name or trade mark or modifies a CE marked fertilising product in such a way that compliance with the provisions of this Regulation may be affected should be considered to be the manufacturer and should assume the obligations of the manufacturer.		(27) An economic operator who either places a CE marked <u>EU</u> fertilising product on the market under his or her own name or trade mark or modifies a CE marked <u>EU</u> fertilising product in such a way that compliance with the provisions of this Regulation may be affected should be considered to be the manufacturer and should assume the obligations of the manufacturer. <u>In other cases, economic operators who only package or repackage EU fertilising products already placed on the market by other economic operators should be able to prove that compliance with the requirements set by this Regulation have not been affected, by indicating their identity on the package and keep a copy of the original labelling information.</u>	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
52.	(28) Since distributors and importers are close to the market place, they should be involved in market surveillance tasks carried out by competent national authorities, and should be required to participate actively and provide those authorities with all necessary information relating to the CE marked fertilising product.		(28) Since distributors and importers are close to the market place, they should be involved in market surveillance tasks carried out by competent national authorities, and should be required to participate actively and provide those authorities with all necessary information relating to the CE marked <u>EU</u> fertilising product.	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
53.	(29) Ensuring traceability of a CE marked fertilising product throughout the whole supply chain helps to make market surveillance simpler and more efficient. An efficient traceability system facilitates market surveillance authorities' task of tracing economic operators who made non-compliant CE marked fertilising products available on the market. When keeping the information required for the identification of other economic operators, economic operators should not be required to update such information in respect of other economic operators who have either supplied them with a CE marked fertilising product or to whom they have supplied a CE marked fertilising product, since such updated information is normally not available to them.		(29) Ensuring traceability of a CE-marked <u>EU</u> fertilising product throughout the whole supply chain helps to make market surveillance simpler and more efficient. An efficient traceability system facilitates market surveillance authorities' task of tracing economic operators who made non-compliant CE-marked <u>EU</u> fertilising products available on the market. When keeping the information required for the identification of other economic operators, economic operators should not be required to update such information in respect of other economic operators who have either supplied them with a CE-marked <u>EU</u> fertilising product or to whom they have supplied a CE-marked <u>EU</u> fertilising product, since such updated information is normally not available to them.	

<p>54.</p>	<p>(30) In order to facilitate the assessment of conformity with safety and quality requirements it is necessary to provide for a presumption of conformity for CE marked fertilising products which are in conformity with harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council¹⁷.</p> <p>¹⁷ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).</p>		<p>(30) In order to facilitate the assessment of conformity with safety and quality <u>the requirements of this Regulation</u> it is necessary to provide for a presumption of conformity for CE marked <u>EU</u> fertilising products which are in conformity with harmonised standards that are adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council¹⁷.</p> <p>¹⁷ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).</p>	
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Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
55.	(31) Where harmonised standards have not been adopted, or do not with sufficient detail cover all elements of the quality and safety requirements laid down in this Regulation, uniform conditions for implementing those requirements may be needed. The Commission should therefore be empowered to adopt implementing acts setting out those conditions in common specifications. For reasons of legal certainty, it should be clarified that CE marked fertilising products must comply with such specifications even if they are considered to be in conformity with harmonised standards.	AM 27 (31) Where harmonised standards have not been adopted, or do not with sufficient detail cover all elements of the quality and safety requirements laid down in this Regulation, <i>and where there are undue delays in the process of adopting or updating standards to reflect</i> those requirements, <i>interim measures</i> may be needed <i>to lay down uniform conditions for implementing those requirements</i> . The Commission should therefore be empowered to adopt implementing acts setting out those conditions in common specifications. For reasons of legal certainty, it should be clarified that CE marked fertilising products must comply with such specifications even if they are considered to be in conformity with harmonised standards.	(31) Where harmonised standards have not been adopted, or do not with sufficient detail cover all elements of the quality and <u>satisfy the</u> safety-requirements laid down in <u>of</u> this Regulation, <u>which they aim to cover</u> , uniform conditions for implementing those requirements may be needed. The Commission should therefore be empowered to adopt implementing acts setting out those conditions in common specifications. For reasons of legal certainty, it should be clarified that CE marked fertilising products must comply with such specifications even if they are considered to be in conformity with harmonised standards.	
56.	(32) In order to enable the economic operators to demonstrate and the competent authorities to verify that CE marked fertilising products made		(32) In order to enable the economic operators to demonstrate and the competent authorities to verify that CE <u>EU</u> fertilising products	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
	<p>available on the market comply with the requirements, it is necessary to provide for conformity assessment procedures. Decision No 768/2008/EC establishes modules for conformity assessment procedures, from the least to the most stringent, in proportion to the level of risk involved and the level of safety required. In order to ensure inter-sectoral coherence and to avoid ad-hoc variants, conformity assessment procedures should be chosen from among those modules. However, it is necessary to adapt those modules in order to reflect specific aspects of fertilising products. In particular, it is necessary to reinforce the quality systems and the involvement of notified bodies for the conformity assessment of certain CE marked fertilising products derived from recovered waste.</p>		<p>made available on the market comply with the requirements, it is necessary to provide for conformity assessment procedures. Decision No 768/2008/EC establishes modules for conformity assessment procedures, from the least to the most stringent, in proportion to the level of risk involved and the level of safety required. In order to ensure inter-sectoral coherence and to avoid ad-hoc variants, conformity assessment procedures should be chosen from among those modules. <u>It should be possible for a manufacturer to choose a more stringent conformity assessment procedure for the assessment of a product eligible for a less stringent procedure, since that possibility can allow the manufacturer to streamline his or her administration without jeopardising the product's conformity.</u> However, <u>Furthermore,</u> it is necessary to adapt the <u>those modules established by Decision No 786/2008/EC</u> in order to reflect specific aspects of</p>	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
			fertilising products. In particular, it is necessary to reinforce the quality systems and the involvement of notified bodies for the conformity assessment of certain CE marked- EU fertilising products derived from recovered waste.	
57.	(33) In order to ensure that CE marked ammonium nitrate fertilisers of high nitrogen content do not endanger safety, and that such fertilisers are not used for purposes other than those for which they are intended, for example as explosives, such fertilisers should be subject to specific requirements relating to detonation resistance testing and to traceability.			

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
58.	(34) To ensure effective access to information for market surveillance purposes, information regarding conformity with all Union acts applicable to CE marked fertilising products should be given in the form of a single EU declaration of conformity. In order to reduce the administrative burden on economic operators, that single EU declaration of conformity may be a dossier made up of relevant individual declarations of conformity.		(34) To ensure effective access to information for market surveillance purposes, information regarding conformity with all Union acts applicable to CE-marked <u>EU</u> fertilising products should be given in the form of a single EU declaration of conformity. In order to reduce the administrative burden on economic operators, that single EU declaration of conformity may be a dossier made up of relevant individual declarations of conformity.	
59.	(35) The CE marking, indicating the conformity of a fertilising product, is the visible consequence of a whole process comprising conformity assessment in a broad sense. General principles governing the CE marking and its relationship to other markings are set out in Regulation (EC) No 765/2008. Specific rules governing the affixing of the CE marking in the case of fertilising products should be laid down.			

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
60.	(36) Certain conformity assessment procedures set out in this Regulation require the intervention of conformity assessment bodies, which are notified by the Member States to the Commission.			
61.	(37) It is essential that all notified bodies perform their functions to the same level and under conditions of fair competition. That requires the setting of obligatory requirements for conformity assessment bodies wishing to be notified in order to provide conformity assessment services.			
62.	(38) If a conformity assessment body demonstrates conformity with the criteria laid down in harmonised standards it should be presumed to comply with the corresponding requirements set out in this Regulation.			

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
63.	(39) In order to ensure a consistent level of quality in the performance of conformity assessment of CE marked fertilising products, it is also necessary to set requirements for notifying authorities and other bodies involved in the assessment, notification and monitoring of notified bodies.		(39) In order to ensure a consistent level of quality in the performance of conformity assessment of CE marked <u>EU</u> fertilising products, it is also necessary to set requirements for notifying authorities and other bodies involved in the assessment, notification and monitoring of notified bodies.	
64.	(40) The system set out in this Regulation should be complemented by the accreditation system provided for in Regulation (EC) No 765/2008. Since accreditation is an essential means of verifying the competence of conformity assessment bodies, it should also be used for the purposes of notification.			

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
65.	(41) Due to the variable nature of certain fertilising product component materials, and the potentially irreversible nature of some of the damages to which soil and crop exposure to impurities could lead, transparent accreditation as provided for in Regulation (EC) No 765/2008, ensuring the necessary level of confidence in certificates of conformity of CE marked fertilising products containing such components, should be the only means of demonstrating the technical competence of conformity assessment bodies.		(41) Due to the variable nature of certain fertilising product component materials, and the potentially irreversible nature of some of the damages to which soil and crop exposure to impurities could lead, transparent accreditation as provided for in Regulation (EC) No 765/2008, ensuring the necessary level of confidence in certificates of conformity of CE marked <u>EU</u> fertilising products containing such components , should be the only means of demonstrating the technical competence of conformity assessment bodies.	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
66.	(42) Conformity assessment bodies frequently subcontract parts of their activities linked to the assessment of conformity or have recourse to a subsidiary. In order to safeguard the level of protection required for CE marked fertilising products to be placed on the market, it is essential that conformity assessment subcontractors and subsidiaries fulfil the same requirements as notified bodies in relation to the performance of conformity assessment tasks. Therefore, it is important that the assessment of the competence and the performance of bodies to be notified and the monitoring of bodies already notified cover also activities carried out by subcontractors and subsidiaries.		(42) Conformity assessment bodies frequently subcontract parts of their activities linked to the assessment of conformity or have recourse to a subsidiary. In order to safeguard the level of protection required for CE marked <u>EU</u> fertilising products to be placed on the market, it is essential that conformity assessment subcontractors and subsidiaries fulfil the same requirements as notified bodies in relation to the performance of conformity assessment tasks. Therefore, it is important that the assessment of the competence and the performance of bodies to be notified and the monitoring of bodies already notified cover also activities carried out by subcontractors and subsidiaries.	
67.	(43) It is necessary to provide for an efficient and transparent notification procedure and, in particular, to adapt it to new technologies so as to enable online notification.			

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
68.	(44) Since the services offered by notified bodies may relate to CE marked fertilising products made available on the market throughout the Union, it is appropriate to give the other Member States and the Commission the opportunity to raise objections concerning a notified body. It is therefore important to provide for a period during which any doubts or concerns as to the competence of conformity assessment bodies can be clarified before they start operating as notified bodies.		(44) Since the services offered by notified bodies may relate to CE <u>EU</u> marked fertilising products made available on the market throughout the Union, it is appropriate to give the other Member States and the Commission the opportunity to raise objections concerning a notified body. It is therefore important to provide for a period during which any doubts or concerns as to the competence of conformity assessment bodies can be clarified before they start operating as notified bodies.	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
69.	(45) In the interest of easing market access, it is crucial that notified bodies apply the conformity assessment procedures without creating unnecessary burdens for economic operators. For the same reason, and to ensure equal treatment of economic operators, consistency in the technical application of the conformity assessment procedures needs to be ensured. That can best be achieved through appropriate coordination and cooperation between notified bodies.			
70.	(46) In order to ensure legal certainty, it is necessary to clarify that rules on internal market surveillance and control of products entering the internal market provided for in Regulation (EC) No 765/2008 apply to CE marked fertilising products covered by this Regulation. This Regulation should not prevent Member States from choosing the competent authorities to carry out those tasks.		(46) In order to ensure legal certainty, it is necessary to clarify that rules on internal market surveillance and control of products entering the internal market provided for in Regulation (EC) No 765/2008 apply to CE marked <u>EU</u> fertilising products covered by this Regulation. This Regulation should not prevent Member States from choosing the competent authorities to carry out those tasks.	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
71.	<p>(47) CE-marked fertilising products should be placed on the market only if they are sufficiently effective and do not present unacceptable risks to human, animal or plant health, to safety or to the environment when properly stored and used for their intended purpose, and under conditions of use which can be reasonably foreseen, that is when such use could result from lawful and readily predictable human behaviour. Therefore, requirements for safety and quality, as well as appropriate control mechanisms, should be established. Furthermore, the intended use of CE marked fertilising products should not lead to food or feed becoming unsafe.</p>	<p>AM 28</p> <p>(47) CE-marked fertilising products should be placed on the market only if they are sufficiently effective and do not present <i>a risk</i> to human, animal or plant health, to safety or to the environment when properly stored and used for their intended purpose, and under conditions of use which can be reasonably foreseen, that is when such use could result from lawful and readily predictable human behaviour. Therefore, requirements for safety and quality, as well as appropriate control mechanisms, should be established. Furthermore, the intended use of CE marked fertilising products should not lead to food or feed becoming unsafe.</p>	<p>(47) CE-marked <u>EU</u> fertilising products should be placed on the market only if they are sufficiently effective and do not present unacceptable risks to human, animal or plant health, to safety or to the environment when properly stored and used for their intended purpose, and under conditions of use which can be reasonably foreseen, that is when such use could result from lawful and readily predictable human behaviour. Therefore, requirements for safety and quality, as well as appropriate control mechanisms, should be established. Furthermore, the intended use of CE-marked fertilising products should not lead to food or feed becoming unsafe.</p>	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
72.	(48) Regulation (EC) No 2003/2003 provides for a safeguard procedure allowing the Commission to examine the justification for a measure taken by a Member State against EC fertilisers considered to constitute a risk. In order to increase transparency and to reduce processing time, it is necessary to improve the existing safeguard procedure, with the view to making it more efficient and drawing on the expertise available in Member States.			

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
73.	<p>(49) The existing system should be supplemented by a procedure under which interested parties are informed of measures intended to be taken with regard to CE marked fertilising products presenting an unacceptable risk to human, animal or plant health, to safety or to the environment. It should also allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an early stage in respect of such fertilising products.</p>	<p>AM 29</p> <p>(49) The existing system should be supplemented by a procedure under which <i>all</i> interested parties, <i>including health and consumers stakeholders</i>, are informed of measures intended to be taken with regard to CE marked fertilising products presenting <i>a</i> risk to human, animal or plant health, to safety or to the environment. It should also allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an early stage in respect of such fertilising products.</p>	<p>(49) The existing system should be supplemented by a procedure under which interested parties are informed of measures intended to be taken with regard to CE <u>EU</u> marked fertilising products presenting an unacceptable risk to human, animal or plant health, to safety or to the environment. It should also allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an early stage in respect of such fertilising products.</p>	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
74.			<u>(49a) Market surveillance authorities' obligations under this Regulation to require economic operators to take corrective actions should only apply to products bearing the CE marking when made available on the market. That obligation should therefore be without prejudice to any possibility existing under national law to allow the economic operator remove the CE marking and legally place the product on the market as a product not covered by the scope of this Regulation.</u>	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
75.	(50) Where the Member States and the Commission agree as to the justification of a measure taken by a Member State, further involvement of the Commission should be required only where non-compliance can be attributed to shortcomings of a harmonised standard, in which case the procedure of formal objection to harmonised standards laid down in Regulation (EU) No 1025/2012 should apply.		(50) Where the Member States and the Commission agree as to the justification of a measure taken by a Member State, further involvement of the Commission should be required only where non-compliance can be attributed to shortcomings of <u>in</u> a harmonised standard, in which case the procedure of formal objection to harmonised standards laid down in Regulation (EU) No 1025/2012 should apply, <u>or to shortcomings in a common specification, in which case an implementing act amending or repealing the common specification should be adopted.</u>	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
76.	<p>(51) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁸.</p> <p>¹⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13).</p>			

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
77.	(52) The advisory procedure should be used for the adoption of implementing acts requiring the notifying Member State to take the necessary corrective measures in respect of notified bodies that do not meet or no longer meet the requirements for their notification, since such acts do not fall within the ambit of Article 2(2) of Regulation (EU) No 182/2011.			
78.	(53) The examination procedure should be used for the adoption of implementing acts with respect to compliant CE marked fertilising products which present an unacceptable risk to human, animal or plant health, to safety or to the environment, since such acts fall within the ambit of Article 2(2) of Regulation (EU) No 182/2011. For the same reason, it should also be used for the adoption, amendment or repeal of common specifications.		(53) The examination procedure should be used for the adoption of implementing acts with respect to compliant CE marked EU fertilising products which present an unacceptable risk to human, animal or plant health, to safety or to the environment, since such acts fall within the ambit of Article 2(2) of Regulation (EU) No 182/2011. For the same reason, it should also be used for the adoption, amendment or repeal of common specifications.	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
79.	(54) The Commission should, by means of implementing acts, determine whether measures taken by Member States in respect of non-compliant CE marked fertilising products are justified or not. Since those acts will relate to the question whether national measures are justified, there is no need for the acts to be subject to control by the Member States.		(54) The Commission should, by means of implementing acts, determine whether measures taken by Member States in respect of non-compliant CE marked EU fertilising products are justified or not. Since those acts will relate to the question whether national measures are justified, there is no need for the acts to be subject to control by the Member States.	
80.	(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, and fertilising product production from animal by-products, such as biochar. It should be possible for products containing or consisting of such materials to access the internal market without unnecessary delay when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt	AM 30 (55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, <i>such as struvite</i> , fertilising product production from animal by-products, such as biochar, <i>and phosphorus recovery after incineration, such as ash-based products</i> . It should be possible for products containing or consisting of such materials to access the internal market without unnecessary delay when the manufacturing processes have been scientifically analysed and process	(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, and fertilising product production from animal by-products, such as biochar. It should be possible for products containing or consisting of such materials to access the internal market without unnecessary delay when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
	acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining larger or additional categories of CE marked fertilising products or component materials eligible for use in the production of such products. For animal by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009, since animal by-products for which no such end point has been determined are in any event excluded from the scope of this Regulation.	requirements have been established at Union level. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of <i>the eligibility of such</i> materials for use in production. <i>For</i> products <i>derived from</i> animal by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009.	acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining <u>and introducing</u> larger or additional categories of CE marked fertilising products or component materials eligible for use in the production of <u>EU fertilising products and corresponding contaminant limits in</u> such products. <u>The empowerment should only apply to the extent justified by technical progress established after the adoption of this Regulation, and not for the purpose of amending any elements of this Regulation in the absence of new evidence of such progress. In order to base the introduction of new contaminant limits in products on full consideration of direct and indirect impact on the food and feed safety, a scientific opinion of European Food Safety Authority should be requested prior to the adoption of new contaminant limits.</u> For <u>products derived from</u> animal	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
			by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009, since animal by-products for which no such end point has been determined are in any event excluded from the scope of this Regulation.	
81.		AM 31 <i>(55a) A CE marked fertilising product may contain other polymers than nutrient polymers, however this should be limited to the cases where the purpose of the polymer is that of controlling the release of nutrients or increasing the water retention capacity of the CE marked fertilising product. It should be possible for innovative products containing such polymers to access the internal market. In order to minimise risks to human health, to safety or to the environment that may be posed by other polymers than</i>		

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
		<i>nutrient polymers, the criteria for their biodegradation so that they are capable of undergoing physical and biological decomposition should be established. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining the criteria of the conversion of polymeric carbon to be converted into carbon dioxide (CO₂) and a respective testing method for biodegradation.</i>		

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
82.	<p>(56) Furthermore, it should be possible to react immediately to new findings regarding the conditions for CE marked fertilising products to be sufficiently effective and to new risk assessments regarding human, animal or plant health, safety or the environment. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the requirements applicable to various categories of CE marked fertilising products.</p>	<p>AM 32</p> <p>(56) Furthermore, it should be possible to react immediately to new findings regarding the conditions for CE marked fertilising products to be sufficiently effective and to new risk assessments regarding human, animal or plant health, safety or the environment, <i>taking into account assessments made by or in cooperation with authorities in the Member States</i>. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the requirements applicable to various categories of CE marked fertilising products.</p>	<p>(56) Furthermore, it should be possible to react immediately to new findings regarding the conditions for CE marked <u>EU</u> fertilising products to be sufficiently effective and to new risk assessments regarding human, animal or plant health, safety or the environment. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the requirements applicable to various categories of CE marked <u>EU</u> fertilising products.</p>	
83.	<p>(57) In exercising those powers, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up</p>	<p>AM 33</p> <p>(57) <i>When adopting delegated acts provided for in this Regulation</i>, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at</p>	<p>(57) <u>In order to achieve the objectives of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission</u></p>	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
	delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.	expert level, <i>and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</i>	<u>in respect of the adaptation to technical progress, in particular in the field of fertilising product production from animal by-products, of waste recovery, in the agricultural sector and the agro-food industry. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</u> In exercising those powers, it is of particular importance that the Commission	

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
			<p>carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.</p>	
84.	<p>(58) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive.</p>			

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
85.			<u>(58a) Since micro-organisms are not subject to registration under Regulation (EC) No 1907/2006, or any other general legislation requiring manufacturers to demonstrate that the intended use is safe, they should be eligible as component materials for fertilising products only to the extent that they have been clearly identified and supported by data demonstrating that their use is safe, and indicated in an exhaustive list adopted on this basis. The same criteria should apply to the Commission's delegation of power to add new micro-organisms to that exhaustive list.</u>	
86.			<u>(58b) In view of the need to ensure a high level of environmental protection, and in view of the need to take into account new developments based on scientific facts, a review clause is needed in relation to limit levels for cadmium content.</u>	RED – Cd

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
87.	(59) It is necessary to provide for transitional arrangements that allow the making available on the market of EC fertilisers that have been placed on the market in accordance with Regulation (EC) No 2003/2003 before the date of application of this Regulation without those products having to comply with further product requirements. Distributors should therefore be able to supply EC fertilisers that have been placed on the market, namely stock that is already in the distribution chain, before the date of application of this Regulation.			

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
88.		<p>AM 34</p> <p><i>(59a) Due to the high level of dependency on phosphate rock imports in the Union, the Commission has classified that material as a critical raw material. It is therefore necessary to monitor the impact of this Regulation on access to raw material supplies in general, on the availability of phosphate rock in particular, and, in both cases, on prices. After such evaluation, and in the case of negative impact, the Commission should take any measures that it deems to be appropriate in order to remedy those disturbances to trade.</i></p>		RED – Cd
89.	<p>(60) It is necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application should therefore be deferred to a date where those preparations can reasonably be finalised.</p>			

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
90.	(61) Since the objective of this Regulation, namely to guarantee the functioning of the internal market while ensuring that CE marked fertilising products on the market fulfil the requirements providing for a high level of protection of human, animal, and plant health, safety and the environment, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,		(61) Since the objective of this Regulation, namely to guarantee the functioning of the internal market while ensuring that CE marked <u>EU</u> fertilising products on the market fulfil the requirements providing for a high level of protection of human, animal, and plant health, safety and the environment, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	
91.	HAVE ADOPTED THIS REGULATION:			
92.	CHAPTER 1 GENERAL PROVISIONS			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
93.	Article 1 Scope			EC TEXT
94.	1. This Regulation shall apply to CE marked fertilising products.		1. This Regulation shall apply to CE marked <u>EU</u> fertilising products.	YELLOW
95.	However, this Regulation shall not apply to the following products:			EC TEXT
96.	(a) animal by-products which are subject to the requirements of Regulation (EC) No 1069/2009,	AM 35 (a) animal by-products <i>or derived products</i> which are <i>made available on the market</i> subject to the requirements of Regulation (EC) No 1069/2009,	(a) animal by-products <u>or derived products</u> which are <u>made available on the market</u> subject to the requirements of Regulation (EC) No 1069/2009,	(a) animal by-products <u>or derived products</u> which are <u>made available on the market</u> subject to the requirements of Regulation (EC) No 1069/2009, GREEN - IDENTICAL
97.	(b) plant protection products covered by the scope of Regulation (EC) No 1107/2009.			EC TEXT
98.	2. This Regulation shall not affect the application of the following acts:			EC TEXT
99.	(a) Directive 86/278/EEC;			EC TEXT
100.	(b) Directive 89/391/EEC;			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
101.		AM 36 <i>(ba) Directive 91/676/EEC;</i>		<i>(ba) Directive 91/676/EEC;</i> GREEN – EP AM 36
102.		AM 37 <i>(bb) Directive 2000/60/EC;</i>		<i>(bb) Directive 2000/60/EC;</i> GREEN – EP AM 37
103.	(c) Regulation (EC) No 1907/2006;			EC TEXT
104.	(d) Regulation (EC) No 1272/2008;			EC TEXT
105.	(e) Regulation (EC) No 1881/2006;			EC TEXT
106.	(f) Directive 2000/29/EC;		(f) Directive 2000/29/EC; <u>Regulation (EU) No 2031/2016</u>	(f) Directive 2000/29/EC; <u>Regulation (EU) 2016/2031;</u> GREEN – CEU TEXT
107.	(g) Regulation (EU) No 98/2013;			EC TEXT
108.	(h) Regulation (EU) No 1143/2014.			EC TEXT
109.			<u>(ha) Directive 2004/852/EC;</u>	<u>(ha) Directive 2004/852/EC;</u> GREEN – CEU TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
110.			<u>(haa) Directive 2016/2284/EC;</u>	<u>(hb) Directive 2016/2284/EC;</u> GREEN – CEU TEXT
111.			<u>(hb) Regulation (EC) No 882/2004;</u>	YELLOW – If DoA is after 15 Dec 2019, this should not be included
112.			<u>(hbc) Regulation (EU) 2017/625 (from 15 December 2019 on)</u>	YELLOW – If DoA is after 15 Dec 2019, the text in brackets should not be included
113.			<u>(hc) Regulation (EC) No 834/2007.</u>	<u>(hc) Regulation (EC) No 834/2007;</u> GREEN – CEU TEXT
114.			<u>(hd) Directive 2001/18/EC</u>	<u>(hd) Directive 2001/18/EC.</u> GREEN – CEU TEXT
115.	Article 2 Definitions			EC TEXT
116.	For the purposes of this Regulation, the following definitions shall apply:			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
117.	(1) ‘fertilising product’ means a substance, mixture, micro-organism or any other material, applied or intended to be applied, either on its own or mixed with another material, on plants or their rhizosphere for the purpose of providing plants with nutrient or improving their nutrition efficiency;	AM 38 (1) <i>‘plant nutrition</i> product’ means a substance, mixture, micro-organism or any other material, applied or intended to be applied, either on its own or mixed with another material, <i>on fungi or their mycosphere or on plants at any growth stage, including seeds, and/or rhizosphere,</i> for the purpose of providing plants <i>or fungi</i> with nutrients or <i>of</i> improving their <i>physical or biological growth conditions or their general vigour, yields and quality, including by increasing the ability of the plant to take up nutrients (with the exception of plant protection products covered by Regulation (EC) No 1107/2009);</i>	(1) ‘fertilising product’ means a substance, mixture, micro organism or any other material, applied or intended to be applied either on its own or mixed with another material on plants or their rhizosphere <u>or on mushrooms or their mycosphere, or intended to constitute the rhizosphere or mycosphere, either on its own or mixed with another material,</u> for the purpose of providing <u>the plants or mushrooms</u> with nutrient or improving their nutrition efficiency;	(1) ‘ fertilising product ’ means a substance, mixture, micro organism or any other material, applied or intended to be applied either on its own or mixed with another material on plants or their rhizosphere or on mushrooms or their mycosphere, or intended to constitute the rhizosphere or mycosphere, either on its own or mixed with another material, for the purpose of providing <u>the plants or mushrooms</u> with nutrient or improving their nutrition efficiency ; YELLOW – related to EP AM 1 YELLOW , underline – EP to check
118.	(2) ‘CE marked fertilising product’ means a fertilising product which is CE marked when made available on the market;		(2) ‘ CE marked <u>EU</u> fertilising product’ means a fertilising product which is CE marked when made available on the market;	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
119.			<u>(2a) ‘Presenting a risk’ means having the potential to affect adversely human, animal or plant health, safety or the environment to a degree which goes beyond that considered reasonable and acceptable in relation to the intended purpose or under the normal or reasonably foreseeable conditions of use;</u>	YELLOW – to be checked by EP
120.	(3) ‘substance’ means a substance within the meaning of Article 3(1) of Regulation (EC) No 1907/2006;	AM 39 (3) 'substance' means a <i>chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;</i>		EC TEXT
121.	(4) ‘mixture’ means a mixture within the meaning of Article 3(2) of Regulation (EC) No 1907/2006;			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
122.	(5) 'micro-organism' means a micro-organism within the meaning of Article 3(15) of Regulation (EC) No 1107/2009;			EC TEXT
123.			<u>(5a) 'liquid form' means a suspension or a solution, where a suspension is a two-phase dispersion in which solid particles are maintained in suspension in the liquid phase, and a solution is a liquid that is free of solid particles, or a gel;</u>	<u>(5a) 'liquid form' means a suspension or a solution, where a suspension is a two-phase dispersion in which solid particles are maintained in suspension in the liquid phase, and a solution is a liquid that is free of solid particles, or a gel;</u> YELLOW – COM to check the position of “paste” (link row 124)
124.			<u>(5b) 'solid form' means form characterized by structural rigidity and resistance to changes of shape or volume and in which the atoms are tightly bound to each other, either in a regular geometric lattice (crystalline solids) or irregularly (an amorphous solid), and includes pastes.</u>	<u>(5b) 'solid form' means form characterised by structural rigidity and resistance to changes of shape or volume and in which the atoms are tightly bound to each other, either in a regular geometric lattice (crystalline solids) or irregularly (an amorphous solid), and includes pastes;</u> YELLOW – COM to check the position of “paste” (link row 123)

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
125.			<u>(5c) '% by mass' means a percentage of the mass of the entire fertilising product in the form in which it is made available on the market;</u>	<u>(5c) '% by mass' means a percentage of the mass of the entire fertilising product in the form in which it is made available on the market;</u> YELLOW – related to EP AM 1
126.	(6) 'making available on the market' means any supply of a CE marked fertilising product for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;		(6) 'making available on the market' means any supply of a CE marked EU fertilising product for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	YELLOW – related to EP AM 1
127.	(7) 'placing on the market' means the first making available of a CE marked fertilising product on the Union market;		(7) 'placing on the market' means the first making available of a CE marked EU fertilising product on the Union market	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
128.	(8) ‘manufacturer’ means a natural or legal person who manufactures a CE marked fertilising product or has a CE marked fertilising product designed or manufactured, and markets that fertilising product under his or her name or trademark;		(8) ‘manufacturer’ means <u>any</u> a natural or legal person who manufactures a CE marked <u>EU</u> fertilising product or has a CE marked <u>EU</u> fertilising product designed or manufactured, and markets that fertilising product under his or her name or trademark;	(8) ‘manufacturer’ means <u>any</u> a natural or legal person who manufactures a CE marked <u>EU</u> fertilising product or has a CE marked <u>EU</u> fertilising product designed or manufactured, and markets that fertilising product under his or her name or trademark; YELLOW – related to EP AM 1
129.	(9) ‘authorised representative’ means a natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his or her behalf in relation to specified tasks;			EC TEXT
130.	(10) ‘importer’ means any natural or legal person established within the Union who places a CE marked fertilising product from a third country on the Union market;		(10) ‘importer’ means any natural or legal person established within the Union who places a CE marked <u>EU</u> fertilising product from a third country on the Union market;	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
131.	(11) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a CE marked fertilising product available on the market;		(11) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a CE marked <u>EU</u> fertilising product available on the market;	YELLOW – related to EP AM 1
132.	(12) ‘economic operators’ means manufacturers, authorised representatives, importers and distributors;			EC TEXT
133.	(13) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by a CE marked fertilising product;	AM 40 (13) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by a CE marked fertilising product <i>or by its production process</i> ;	(13) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by a CE marked <u>EU</u> fertilising product, <u>by its production process or by the methods for its sampling and analysis</u> ;	(13) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by a CE marked <u>EU</u> fertilising product, by its production process or by the methods for its sampling and analysis ; YELLOW – related to EP AM 1
134.	(14) ‘harmonised standard’ means harmonised standard as defined in Article 2(1)(c) of Regulation (EU) No 1025/2012;			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
135.	(15) ‘accreditation’ means accreditation as defined in Article 2(10) of Regulation (EC) No 765/2008;			EC TEXT
136.	(16) ‘national accreditation body’ means national accreditation body as defined in Article 2(11) of Regulation (EC) No 765/2008;			EC TEXT
137.	(17) ‘conformity assessment’ means the process demonstrating whether the requirements provided in this Regulation relating to a CE marked fertilising product have been fulfilled;		(17) ‘conformity assessment’ means the process demonstrating whether the requirements provided in this Regulation relating to a CE marked <u>EU</u> fertilising product have been fulfilled;	YELLOW – related to EP AM 1
138.	(18) ‘conformity assessment body’ means a body that performs conformity assessment activities including testing, certification and inspection;			EC TEXT
139.	(19) ‘recall’ means any measure aimed at achieving the return of a CE marked fertilising product that has already been made available to the end-user;		(19) ‘recall’ means any measure aimed at achieving the return of a CE marked <u>EU</u> fertilising product that has already been made available to the end-user;	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
140.	(20) ‘withdrawal’ means any measure aimed at preventing a CE marked fertilising product in the supply chain from being made available on the market;		(20) ‘withdrawal’ means any measure aimed at preventing a CE marked <u>EU</u> fertilising product in the supply chain from being made available on the market;	YELLOW – related to EP AM 1
141.	(21) ‘CE marking’ means a marking by which the manufacturer indicates that the fertilising product is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing;			EC TEXT YELLOW – related to EP AM 1
142.	(22) ‘Union harmonisation legislation’ means any Union legislation harmonising the conditions for the marketing of products.			EC TEXT
143.	Article 3 Free movement			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
144.	Member States shall not impede the making available on the market of CE marked fertilising products which comply with this Regulation.	AM 41 Member States shall not impede, <i>for the aspects and risks covered by this Regulation</i> , the making available on the market of CE marked fertilising products which comply with this Regulation.	(1) Member States shall not, <u>for reasons relating to composition, labelling or other aspects covered by this Regulation</u> , impede the making available on the market of CE marked EU fertilising products which comply with this Regulation.	1. Member States shall not, <u>for reasons relating to composition, labelling or other aspects covered by this Regulation</u> , impede the making available on the market of CE marked EU fertilising products which comply with this Regulation. YELLOW – related to EP AM 1 YELLOW , underline – EP/Council to check

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
145.			<p><u>(1a) By derogation from paragraph 1, those Member States which, on [please insert the date one day before the entry into force of this Regulation] benefit from a derogation from Article 5 of Regulation (EC) No 2003/2003 in relation to cadmium content in fertilising products granted in accordance with Article 114(4) TFEU may continue to apply the national limit level for cadmium content in phosphate fertilisers which is applicable in that Member State on [please insert the date one day before the entry into force of this Regulation] to EU fertilising products until such a point that a harmonised limit level for cadmium content in phosphate fertilisers which is equal to or lower than the limit level applicable in the Member State concerned on [please insert the date one day before the entry into force of this Regulation] is applicable at Union level.</u></p>	RED - Cd

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
146.		<p>AM 42</p> <p><i>This Regulation does not prevent Member States from maintaining or adopting provisions which are in compliance with the Treaties, concerning the use of CE marked fertilising products for the purpose of protecting human health and the environment, provided that those provisions do not require modification of CE marked fertilising products which are in compliance with this Regulation and provided that they do not influence the conditions for making them available on the market.</i></p>	<p><u>(2) This Regulation shall not prevent Member States from maintaining or adopting provisions, which are in compliance with the Treaties, concerning the use of EU fertilising products for the purpose of protecting human health and the environment, provided that those provisions do not require modification of EU fertilising products which are in compliance with this Regulation and do not influence the conditions for making them available on the market.</u></p>	<p>RED - Cd</p>
147.	Article 4 Product requirements			EC TEXT
148.	1. A CE marked fertilising product shall		1. A CE -marked EU fertilising product shall	YELLOW – related to EP AM 1
149.	(a) meet the requirements set out in Annex I for the relevant product function category;			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
150.	(b) meet the requirements set out in Annex II for the relevant component material category or categories;			EC TEXT
151.	(c) be labelled in accordance with the labelling requirements set out in Annex III.			EC TEXT
152.	2. For any aspects not covered by Annex I or II, CE marked fertilising products shall meet the requirement that their use, as specified in the use instructions, does not lead to food or feed of plant origin becoming unsafe within the meaning of Articles 14 and 15 of Regulation (EC) No 178/2002, respectively.		<u>2a. For any aspects not covered by Annex I or II, EU fertilising products shall not present a risk as defined in Article 2 (2a).</u>	<u>2. For any aspects not covered by Annex I or II, EU <i>fertilising products</i> shall not present a risk as defined in Article 2(2a).</u> YELLOW – EP/Council to check (link row 119) (italics: related to row 1)

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
153.		<p>AM 44</p> <p><i>2a. Commission shall simultaneously with the publication of this Regulation in the Official Journal of the European Union publish a guidance document giving clear information and examples to manufacturers and market surveillance authorities about how the label should look like. This guidance document shall also specify other relevant information as referred to in point (d) of paragraph 2 of Part 1 of Annex III.</i></p>		<p><i>2a. The Commission shall, by ...</i> <i>[Publications office, please insert the date 1 year after the date of entry into force/date of application], publish a guidance document giving clear information and examples to manufacturers and market surveillance authorities about what the label should look like.</i></p> <p>GREEN</p> <p>YELLOW – to be confirmed</p>
154.	Article 5 Making available on the market			EC TEXT
155.	CE marked fertilising products may be made available on the market only if they satisfy the requirements of the present Regulation.		<p>CE marked EU fertilising products may be made available on the market only if they satisfy the requirements of <u>this</u> the present Regulation.</p>	<p>CE marked EU fertilising products may be made available on the market only if they satisfy the requirements of <u>this</u> the present Regulation.</p> <p>YELLOW – related to EP AM 1</p>
156.	CHAPTER 2 OBLIGATIONS OF ECONOMIC OPERATORS			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
157.	Article 6 Obligations of manufacturers			EC TEXT
158.	1. When placing CE marked fertilising products on the market, manufacturers shall ensure that they have been designed and manufactured in accordance with the requirements set out in Annex I for the relevant product function category and the requirements set out in Annex II for the relevant component material category or categories.		1. When placing CE marked <u>EU</u> fertilising products on the market, manufacturers shall ensure that they have been designed and manufactured in accordance with the requirements set out in Annex I for the relevant product function category and the requirements set out in Annex II for the relevant component material category or categories.	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
159.	2. Before placing CE marked fertilising products on the market, manufacturers shall draw up the technical documentation and carry out the relevant conformity assessment procedure referred to in Article 14, or have it carried out. Where compliance of such a fertilising product with the applicable requirements laid down in this Regulation has been demonstrated by that procedure, manufacturers shall affix the CE marking, draw up an EU declaration of conformity and ensure that the declaration accompanies the fertilising product when placed on the market.		2. Before placing CE marked <u>EU</u> fertilising products on the market, manufacturers shall draw up the technical documentation and carry out the relevant conformity assessment procedure referred to in Article 14, or have it carried out. Where compliance of such a fertilising product with the applicable requirements laid down in this Regulation has been demonstrated by that procedure, manufacturers shall affix the CE marking, <u>and</u> draw up an EU declaration of conformity and ensure that the declaration accompanies the fertilising product when placed on the market.	2. Before placing CE marked <u>EU</u> <u>fertilising products</u> on the market, manufacturers shall draw up the technical documentation and carry out the relevant conformity assessment procedure referred to in Article 14, or have it carried out. Where compliance of such a <u>fertilising product</u> with the applicable requirements laid down in this Regulation has been demonstrated by that procedure, manufacturers shall affix the CE marking; <u>and</u> draw up an EU declaration of conformity and ensure that the declaration accompanies the fertilising product when placed on the market. <u>YELLOW</u> – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
160.	<p>3. Manufacturers shall keep the technical documentation and the EU declaration of conformity for 10 years after the CE marked fertilising product covered by those documents has been placed on the market.</p>	<p>AM 45</p> <p>3. Manufacturers shall keep the technical documentation and the EU declaration of conformity for five years after the CE marked fertilising product covered by those documents has been placed on the market.</p> <p><i>(This is a horizontal amendment on the term for keeping all the technical documentation; adopting it will necessitate corresponding changes throughout the text and, consequently, adopted amendments)</i></p>	<p>3. Manufacturers shall keep the technical documentation and the EU declaration of conformity for 10-5 years after the CE-marked EU fertilising product covered by those documents has been placed on the market.</p> <p><u>Manufacturers shall, upon request, make available a copy of the EU declaration of conformity to other economic operators.</u></p>	<p>3. Manufacturers shall keep the technical documentation and the EU declaration of conformity for 10-5 years after the CE-marked EU fertilising product covered by those documents has been placed on the market.</p> <p><u>On request, manufacturers shall make a copy of the EU declaration of conformity available to other economic operators.</u></p> <p>YELLOW – related to EP AM 1</p>

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
161.	<p>4. Manufacturers shall ensure that procedures are in place for CE marked fertilising products that are part of a series production to remain in conformity with this Regulation. Changes in production method or characteristics of those fertilising products and changes in the harmonised standards, common specifications referred to in Article 13 or other technical specifications by reference to which conformity of a CE marked fertilising product is declared shall be adequately taken into account.</p>	<p>AM 46</p> <p>4. Manufacturers shall ensure that procedures are in place for CE marked fertilising products that are part of a series production to remain in conformity with this Regulation. Changes in <i>the</i> characteristics of those fertilising products and changes in the harmonised standards, common specifications referred to in Article 13 or other technical specifications by reference to which conformity of a CE marked fertilising product is declared shall be adequately taken into account.</p>	<p>4. Manufacturers shall ensure that procedures are in place for CE marked <u>EU</u> fertilising products that are part of a series production to remain in conformity with this Regulation. Changes in production method or characteristics of those fertilising products and changes in the harmonised standards, common specifications referred to in Article 13 or other technical specifications by reference to which conformity of a CE marked <u>EU</u> fertilising product is declared <u>or verified</u> shall be adequately taken into account.</p>	<p>4. Manufacturers shall ensure that procedures are in place for CE marked <u>EU fertilising products</u> that are part of a series production to remain in conformity with this Regulation. Changes in production method or characteristics of those <u>fertilising products</u> and changes in the harmonised standards, common specifications referred to in Article 13 or other technical specifications by reference to which conformity of a CE marked <u>EU fertilising product</u> is declared <u>or verified</u> shall be adequately taken into account.</p> <p>YELLOW – related to EP AM 1</p>

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
162.	When deemed appropriate with regard to the performance of, or the risks presented by, a CE marked fertilising product, manufacturers shall carry out sample testing of such fertilising products made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming CE marked fertilising products and recalls of such products, and shall keep distributors informed of any such monitoring.	AM 47 When deemed appropriate with regard to the performance of, or the risks presented by, a CE marked fertilising product, manufacturers shall, <i>to protect the health and safety of consumers and the environment</i> , carry out sample testing of such fertilising products made available on the market, investigate, and keep a register of complaints, of non-conforming CE marked fertilising products and recalls of such products, and shall keep distributors <i>and market surveillance authorities</i> informed of any such monitoring.	When deemed appropriate with regard to the performance of, or the risks presented by, a CE marked-EU fertilising product, manufacturers shall carry out sample testing of such fertilising products made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming CE-marked-EU fertilising products and recalls of such products, and shall keep distributors informed of any such monitoring.	When deemed appropriate with regard to the performance of, or the risks presented by, a CE marked-EU fertilising product , manufacturers shall, <i>to protect the health and safety of consumers and the environment</i> , carry out sample testing of such fertilising products made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming CE-marked-EU fertilising products and recalls of such products, and shall keep distributors informed of any such monitoring. GREEN (<i>italics underlined</i> – to be moved to a recital) YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
163.	5. Manufacturers shall ensure that the packaging of the CE marked fertilising products which they have placed on the market bears a type, batch or serial number or other element allowing their identification or, where the fertilising products are supplied without packaging, that the required information is provided in a document accompanying each fertilising product.		5. Manufacturers shall ensure that the packaging of the CE marked <u>EU</u> fertilising products which they have placed on the market bears a type, batch or serial number or other element allowing their identification or, where the fertilising products are supplied without packaging, that the required information is provided in a document accompanying each fertilising product.	5. Manufacturers shall ensure that the packaging of the CE marked <u>EU</u> fertilising products which they have placed on the market bears a type, batch or serial number or other element allowing their identification or, where the fertilising products are supplied without packaging, that the required information is provided in a document accompanying each fertilising product. YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
164.	6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted on the packaging of the CE marked fertilising product or, where the fertilising product is supplied without packaging, in a document accompanying the fertilising product. The postal address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.	AM 48 6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted on the packaging of the CE marked fertilising product or, where the fertilising product is supplied without packaging, in a document accompanying the fertilising product. The postal address shall indicate a single point at which the manufacturer can be contacted. <i>Such information</i> shall be in a language easily understood by end-users and market surveillance authorities <i>as determined by the Member State concerned, and shall be clear, understandable and legible.</i>	6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted on the packaging of the CE marked EU fertilising product or, where the fertilising product is supplied without packaging, in a document accompanying the fertilising product. The postal address shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by end-users and market surveillance authorities.	6. Manufacturers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted on the packaging of the CE marked EU fertilising product or, where the fertilising product is supplied without packaging, in a document accompanying the fertilising product. The postal address shall indicate a single point at which the manufacturer can be contacted. <i>Such information</i> shall be in a language easily understood by end-users and market surveillance authorities <i>and shall be clear, understandable and legible.</i> YELLOW – related to EP AM 1 YELLOW , <i>italics underlined</i> – EP and Council to check
165.	7. Manufacturers shall ensure that CE marked fertilising products are labelled in	AM 49 7. Manufacturers shall ensure that CE marked fertilising product <i>is</i> labelled in accordance	7. Manufacturers shall ensure that CE marked EU fertilising products are <u>accompanied by</u>	7. Manufacturers shall ensure that CE marked EU fertilising products are <u>accompanied by</u>

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
	<p>accordance with Annex III, or where the fertilising product is supplied without packaging, that the labelling statements are provided in a document accompanying the fertilising product and accessible for inspection purposes when the product is placed on the market. The labelling statement shall be in a language which can be easily understood by end-users, as determined by the Member State concerned, and shall be clear, understandable and intelligible.</p>	<p>with Annex III, or where <i>the package is too small for the label to contain all the information, or where the CE marked fertilising product is supplied without packaging, that the required information is provided in a document accompanying the CE marked fertilising product. The information required in accordance with Annex III</i> shall be in a language which can be easily understood by end-users, as determined by the Member State concerned, and shall be clear, understandable and intelligible.</p>	<p><u>the information required under</u> labelled in accordance with Annex III. <u>Where the fertilising product is supplied in a package the information shall appear on a label, which is affixed to the package.</u> <u>However, where the package is too small to contain all the information, some information shall be provided in a separate leaflet accompanying the package. Such a leaflet shall be regarded as part of the label.</u> or <u>Where the fertilising product is supplied without packaging, that all the labelling statements are information shall be provided in such a leaflet</u> document accompanying the fertilising product and accessible for inspection purposes when the product is placed on the market. The labelling statement <u>information</u> shall be in a language which can be easily understood by end-users, as determined by the Member State concerned, and shall be clear, understandable and intelligible.</p>	<p><u>the information required under</u> labelled in accordance with Annex III. <u>Where the fertilising product is supplied in a package, the information shall appear on a label, which is affixed to the package.</u> <u>However, where the package is too small to contain all the information, the remaining information shall be provided in a separate leaflet accompanying the package. Such a leaflet shall be regarded as part of the label.</u> or <u>Where the fertilising product is supplied without packaging, that all the labelling statements are information shall be provided in such a leaflet</u> document accompanying the fertilising product and The label and the leaflet shall be accessible for inspection purposes when the product is made available on the market. The labelling statement <u>information</u> shall be in a language which can be easily understood by end-users, as determined by the Member State concerned, and shall be clear, understandable and intelligible.</p>

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
				YELLOW – related to EP AM 1
166.	8. Manufacturers who consider or have reason to believe that a CE marked fertilising product which they have placed on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that fertilising product into conformity, to withdraw it or to recall it, if appropriate.		8. Manufacturers who consider or have reason to believe that a CE <u>marked EU</u> fertilising product which they have placed on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that fertilising product into conformity, to withdraw it or to recall it, if appropriate.	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
167.	Furthermore, where manufacturers consider or have reason to believe that CE marked fertilising products which they have placed on the market present an unacceptable risk to human, animal or plant health, to safety or to the environment, they shall immediately inform the competent national authorities of the Member States in which they made the fertilising products available on the market to that effect, giving details, in particular, of any non-compliance and of any corrective measures taken.		Furthermore, where manufacturers consider or have reason to believe that CE marked <u>EU</u> fertilising products which they have placed on the market present an unacceptable risk to human, animal or plant health, to safety or to the environment, they shall immediately inform the competent national authorities of the Member States in which they made the fertilising products available on the market to that effect, giving details, in particular, of any non-compliance and of any corrective measures taken.	Furthermore, where manufacturers consider or have reason to believe that CE marked <u>EU</u> fertilising products which they have placed on the market present an unacceptable risk to human, animal or plant health, to safety or to the environment, they shall immediately inform the competent national authorities of the Member States in which they made the fertilising products available on the market to that effect, giving details, in particular, of any non-compliance and of any corrective measures taken. <u>YELLOW</u> , underline – EP to check (link row 119) <u>YELLOW</u> – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
168.	9. Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the CE marked fertilising product with this Regulation, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by CE marked fertilising products which they have placed on the market.		9. Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the CE-marked <u>EU</u> fertilising product with this Regulation, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by CE-marked <u>EU</u> fertilising products which they have placed on the market.	YELLOW – related to EP AM 1
169.	10. The manufacturer shall submit to the competent authority of the Member State of destination a report of the detonation resistance test prescribed in Annex IV for the following CE marked fertilising products:	AM 50 10. The manufacturer shall submit to the competent authority of the Member State of destination a report of the detonation resistance test prescribed in Annex IV, <i>and guarantee that</i> the following CE marked fertilising products <i>are capable of passing that test:</i>	deleted	YELLOW – to be checked by EP

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
170.	(a) straight or compound solid inorganic macronutrient ammonium nitrate fertilisers of high nitrogen content, as specified in product function category 1(C)(I)(a)(i-ii)(A) in Annex I;		deleted	YELLOW – to be checked by EP
171.	(b) fertilising product blends, as specified in product function category 7 in Annex I, containing a fertiliser referred to in point (a).	AM 51 (b) <i>combinations from different product function categories</i> , as specified in product function category 7 in Annex I, containing a fertiliser referred to in point (a).	deleted	YELLOW – to be checked by EP
172.	The report shall be submitted at least five days in advance of placing those products on the market.	AM 52 The report shall be submitted at least five <i>working</i> days in advance of placing those products on the market. <i>The list of the competent authorities of Member States shall be provided by the Commission on its website.</i>	deleted	YELLOW – to be checked by EP
173.	Article 7 Authorised representative			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
174.	1. A manufacturer may, by a written mandate, appoint an authorised representative.			EC TEXT
175.	The obligations laid down in Article 6(1) and the obligation to draw up technical documentation referred to in Article 6(2) shall not form part of the authorised representative's mandate.			EC TEXT
176.	2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:			EC TEXT
177.	(a) keep the EU declaration of conformity and the technical documentation at the disposal of national market surveillance authorities for 10 years after the CE marked fertilising product covered by those documents has been placed on the market;		(a) keep the EU declaration of conformity and the technical documentation at the disposal of national market surveillance authorities for 10 <u>5</u> years after the CE marked <u>EU</u> fertilising product covered by those documents has been placed on the market;	(a) keep the EU declaration of conformity and the technical documentation at the disposal of national market surveillance authorities for 10 <u>5</u> years after the CE marked <u>EU fertilising product</u> covered by those documents has been placed on the market; YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
178.	(b) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a CE marked fertilising product;		(b) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a CE marked <u>EU</u> fertilising product;	YELLOW – related to EP AM 1
179.	(c) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by CE marked fertilising products covered by the authorised representative's mandate.		(c) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by CE marked <u>EU</u> fertilising products covered by the authorised representative's mandate;	YELLOW – related to EP AM 1
180.	Article 8 Obligations of importers			EC TEXT
181.	1. Importers shall place only compliant CE marked fertilising products on the market.	AM 53 1. Only compliant CE marked fertilising products <i>can be imported into the Union and placed</i> on the <i>Union</i> market.	1. Importers shall place only compliant CE marked <u>EU</u> fertilising products on the market.	1. Importers shall place only compliant CE marked <u>EU</u> fertilising products on the market. YELLOW – related to EP AM 1
182.	2. Before placing a CE marked fertilising product on the market	AM 54 2. Before placing a CE marked fertilising product on the market	2. Before placing a CE marked <u>EU</u> fertilising product on the	2. Before placing a CE marked <u>EU</u> fertilising product on the

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
	<p>importers shall ensure that the appropriate conformity assessment procedure referred to in Article 14 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the CE marked fertilising product is accompanied by the EU declaration of conformity and the required documents, and that the manufacturer has complied with the requirements set out in Article 6(5) and (6). Where an importer considers or has reason to believe that a CE marked fertilising product is not in conformity with the applicable requirements set out in Annex I, Annex II or Annex III, he or she shall not place the fertilising product on the market until it has been brought into conformity. Furthermore, where the CE marked fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the importer shall inform the manufacturer and the market</p>	<p>importers shall ensure that the appropriate conformity assessment procedure referred to in Article 14 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the CE marked fertilising product is accompanied by the EU declaration of conformity and the required documents, and that the manufacturer has complied with the requirements set out in Article 6(5) and (6). Where an importer considers or has reason to believe that a CE marked fertilising product is not in conformity with the applicable requirements <i>of this Regulation</i>, he or she shall not place the fertilising product on the market until it has been brought into conformity. Furthermore, where the CE marked fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the importer shall inform the manufacturer and the market surveillance authorities to that effect.</p>	<p>market importers shall ensure that the appropriate conformity assessment procedure referred to in Article 14 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the CE marked EU fertilising product is accompanied by the EU declaration of conformity and the required documents, and that the manufacturer has complied with the requirements set out in Article 6(5) and (6). Where an importer considers or has reason to believe that a CE marked EU fertilising product is not in conformity with the applicable requirements set out in Annex I, Annex II or Annex III this Regulation, he or she shall not place the fertilising product on the market until it has been brought into conformity. Furthermore, where the CE marked EU fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the importer shall inform the manufacturer and the market</p>	<p>market importers shall ensure that the appropriate conformity assessment procedure referred to in Article 14 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the CE marked EU fertilising product is accompanied by the EU declaration of conformity and the required documents, and that the manufacturer has complied with the requirements set out in Article 6(5) and (6). Where an importer considers or has reason to believe that a CE marked EU fertilising product is not in conformity with the applicable requirements set out in Annex I, Annex II or Annex III this Regulation, he or she shall not place the fertilising product on the market until it has been brought into conformity. Furthermore, where the CE marked EU fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the importer shall inform the manufacturer and the market</p>

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
	surveillance authorities to that effect.		surveillance authorities to that effect.	surveillance authorities to that effect. YELLOW , underline – EP to check (link row 119) YELLOW – related to EP AM 1
183.	3. Importers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted on the packaging of the CE marked fertilising product or, where the CE marked fertilising product is supplied without packaging, in a document accompanying the fertilising product. The contact details shall be in a language easily understood by end-users and market surveillance authorities.	AM 55 3. Importers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted <i>as well as the third-country manufacturers</i> , on the packaging of the CE marked fertilising product or, where the CE marked fertilising product is supplied without packaging, in a document accompanying the fertilising product. The contact details shall be in a language easily understood by end-users and market surveillance authorities.	3. Importers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted on the packaging of the CE marked EU fertilising product or, where the CE marked EU fertilising product is supplied without packaging, in a document accompanying the fertilising product. The contact details shall be in a language easily understood by end-users and market surveillance authorities.	3. Importers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted on the packaging of the CE marked EU fertilising product or, where the CE marked EU fertilising product is supplied without packaging, in a document accompanying the fertilising product. The contact details shall be in a language easily understood by end-users and market surveillance authorities. YELLOW – related to EP AM 1

184.	<p>4. Importers shall ensure that the CE marked fertilising product is labelled in accordance with Annex III in a language which can be easily understood by end-users, as determined by the Member State concerned.</p>	<p>AM 56</p> <p>4. Importers shall ensure that the CE-marked fertilising product is labelled in accordance with Annex III, <i>or where the package is too small for the label to contain all the information, or where the CE marked fertilising product is supplied without packaging, that the required information is provided in a document accompanying the CE marked fertilising product. The information required in accordance with Annex III shall be</i> in a language which can be easily understood by end-users, as determined by the Member State concerned.</p>	<p>4. Importers shall ensure that CE marked-EU fertilising products are <u>accompanied by the information required under</u> labelled in accordance with Annex III;. <u>Where the fertilising product is supplied in a package the information shall appear on a label, which is affixed to the package.</u> <u>However, where the package is too small to contain all the information, some information shall be provided in a separate leaflet accompanying the package. Such a leaflet shall be regarded as part of the label.</u> or Where the fertilising product is supplied without packaging, that all the labelling statements are <u>information shall be</u> provided in <u>such a leaflet</u> document accompanying the fertilising product and accessible for inspection purposes when the product is placed on the market. The labelling statement <u>information</u> shall be in a language which can be easily understood by end-users, as</p>	<p>4. Importers shall ensure that CE marked-EU fertilising products are <u>accompanied by the information required under</u> labelled in accordance with Annex III;. <u>Where the fertilising product is supplied in a package, the information shall appear on a label, which is affixed to the package.</u> <u>However, where the package is too small to contain all the information, the remaining information shall be provided in a separate leaflet accompanying the package. Such a leaflet shall be regarded as part of the label.</u> or Where the fertilising product is supplied without packaging, that all the labelling statements are <u>information shall be</u> provided in <u>such a leaflet</u> document accompanying the fertilising product and The label and the leaflet shall be accessible for inspection purposes when the product is made available on the market. The labelling statement <u>information</u> shall be in a language which can be easily understood by end-users, as</p>
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Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
			determined by the Member State concerned.	determined by the Member State concerned. Technical meeting 2/3: TBD YELLOW – related to EP AM 1
185.	5. Importers shall ensure that, while a CE marked fertilising product is under their responsibility, its storage or transport conditions do not jeopardise its compliance with the safety and quality requirements set out in Annex I or with the labelling requirements set out in Annex III.		5. Importers shall ensure that, while a CE marked EU fertilising product is under their responsibility, its storage or transport conditions do not jeopardise its compliance with the safety and quality requirements set out in Annexes I or with the labelling requirements set out in Annex III.	5. Importers shall ensure that, while a CE marked EU fertilising product is under their responsibility, its storage or transport conditions do not jeopardise its compliance with the safety and quality requirements set out in Annexes I or with the labelling requirements set out in Annex III . YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
186.	6. When deemed appropriate with regard to the performance of or the risks presented by a CE marked fertilising product, importers shall carry out sample testing of such fertilising products made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming CE marked fertilising products and recalls of such products, and shall keep distributors informed of any such monitoring.	AM 57 6. When deemed appropriate with regard to the performance of or the risks presented by a CE marked fertilising product, importers shall, <i>to protect the health and safety of consumers and the environment</i> , carry out sample testing of such fertilising products made available on the market, investigate, and keep a register of complaints, of non-conforming CE marked fertilising products and recalls of such products, and shall keep distributors informed of any such monitoring.	6. When deemed appropriate with regard to the performance of or the risks presented by a CE marked EU fertilising product, importers shall carry out sample testing of such fertilising products made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming CE marked EU fertilising products and recalls of such products, and shall keep distributors informed of any such monitoring.	6. When deemed appropriate with regard to the performance of, or the risks presented by a CE marked EU fertilising product , importers shall, <i>to protect the health and safety of consumers and the environment</i> , carry out sample testing of such fertilising products made available on the market, investigate, and, if necessary, keep a register of complaints, of non-conforming CE marked EU fertilising products and recalls of such products, and shall keep distributors informed of any such monitoring. GREEN (<i>italics underlined</i> – to be be moved to a recital) YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
187.	7. Importers who consider or have reason to believe that a CE marked fertilising product which they have placed on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that fertilising product into conformity, to withdraw it or to recall it, if appropriate.		7. Importers who consider or have reason to believe that a CE <u>EU</u> marked fertilising product which they have placed on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that fertilising product into conformity, to withdraw it or to recall it, if appropriate.	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
188.	Furthermore, where importers consider or have reason to believe that CE marked fertilising products which they have placed on the market present an unacceptable risk to human, animal or plant health, to safety or to the environment, they shall immediately inform the competent national authorities of the Member States in which they made the fertilising product available on the market to that effect, giving details, in particular, of any non-compliance and of any corrective measures taken.		Furthermore, where importers consider or have reason to believe that CE marked <u>EU</u> fertilising products which they have placed on the market present an unacceptable risk to human, animal or plant health, to safety or to the environment , they shall immediately inform the competent national authorities of the Member States in which they made the fertilising product available on the market to that effect, giving details, in particular, of any non-compliance and of any corrective measures taken.	Furthermore, where importers consider or have reason to believe that CE marked <u>EU</u> fertilising products which they have placed on the market present an unacceptable risk to human, animal or plant health, to safety or to the environment , they shall immediately inform the competent national authorities of the Member States in which they made the fertilising product available on the market to that effect, giving details, in particular, of any non-compliance and of any corrective measures taken. <u>YELLOW</u> , underlined – EP to check (link row 119) <u>YELLOW</u> – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
189.	8. Importers shall, for 10 years after the CE marked fertilising product has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.	AM 58 8. Importers shall, for <i>five</i> years after the CE marked fertilising product has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request. <i>On request, importers shall make a copy of the EU declaration of conformity available to other economic operators concerned.</i>	8. Importers shall, for 10 <u>5</u> years after the CE marked <u>EU</u> fertilising product has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request. <u>Importers shall, upon request, make available a copy of the EU declaration of conformity to other economic operators.</u>	8. Importers shall, for 10 <u>5</u> years after the CE marked <u>EU</u> <u>fertilising product</u> has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request. <u>On request, importers shall make a copy of the EU declaration of conformity available to other economic operators.</u> <u>YELLOW</u> – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
190.	9. Importers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the CE marked fertilising product in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by CE marked fertilising products which they have placed on the market.		9. Importers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the CE marked <u>EU</u> fertilising product in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by CE marked <u>EU</u> fertilising products which they have placed on the market.	YELLOW – related to EP AM 1
191.	10. The importer shall submit to the competent authority of the Member State of destination a report of the detonation resistance test prescribed in Annex IV for the following CE marked fertilising products:		deleted	YELLOW – to be checked by EP

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
192.	(a) straight or compound solid inorganic macronutrient ammonium nitrate fertilisers of high nitrogen content, as specified in product function category 1(C)(I)(a)(i-ii)(A) in Annex I;		deleted	YELLOW – to be checked by EP
193.	(b) fertilising product blends, as specified in product function category 7 in Annex I, containing a fertiliser referred to in point (a).		deleted	YELLOW – to be checked by EP
194.	The report shall be submitted at least five days in advance of placing those products on the market.		deleted	YELLOW – to be checked by EP
195.	Article 9 Obligations of distributors			EC TEXT
196.	1. When making a CE marked fertilising product available on the market distributors shall act with due care in relation to the requirements of this Regulation.		1. When making a CE -marked EU fertilising product available on the market distributors shall act with due care in relation to the requirements of this Regulation.	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
197.	<p>2. Before making a CE marked fertilising product available on the market distributors shall verify that it is accompanied by the EU declaration of conformity and by the required documents, that it is labelled in accordance with Annex III in a language which can be easily understood by end-users in the Member State in which the CE marked fertilising product is to be made available on the market, and that the manufacturer and the importer have complied with the requirements set out in Article 6(5) and (6) and Article 8(3) respectively.</p>	<p>AM 59</p> <p>Before making a CE marked fertilising product available on the market distributors shall verify that it is accompanied by the required documents, that it is labelled in accordance with Annex III in a language which can be easily understood by end-users in the Member State in which the CE marked fertilising product is to be made available on the market, and that the manufacturer and the importer have complied with the requirements set out in Article 6(5) and (6) and Article 8(3) respectively. <i>Where the package is too small for the label to contain all the information, or where the CE marked fertilising product is supplied without packaging, market distributors shall verify that the required information is provided in a document accompanying the CE marked fertilising product.</i></p>	<p>2. Before making a CE-marked EU fertilising product available on the market distributors shall verify that it is accompanied by the EU declaration of conformity and by the required documents, <u>including the information referred to in Article 6(7) provided as specified therein,</u> that it is labelled in accordance with Annex III and in a language which can be easily understood by end-users in the Member State in which the CE-marked EU fertilising product is to be made available on the market, and that the manufacturer and the importer have complied with the requirements set out in Article 6(5) and (6) and Article 8(3) respectively.</p>	<p>2. Before making a CE-marked EU fertilising product available on the market distributors shall verify that it is accompanied by the EU declaration of conformity and by the required documents, <u>including the information referred to in Article 6(7) or Article 8(4) provided as specified therein,</u> that it is labelled in accordance with Annex III and in a language which can be easily understood by end-users in the Member State in which the CE-marked EU fertilising product is to be made available on the market, and that the manufacturer and the importer have complied with the requirements set out in Article 6(5) and (6) and Article 8(3) respectively.</p> <p>YELLOW – related to EP AM 1</p>

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
198.	Where a distributor considers or has reason to believe that a CE marked fertilising product is not in conformity with the applicable requirements set out in Annex I, Annex II or Annex III, he or she shall not make the fertilising product available on the market until it has been brought into conformity. Furthermore, where the CE marked fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance authorities.	AM 60 Where a distributor considers or has reason to believe that a CE marked fertilising product is not in conformity with the applicable requirements <i>of this Regulation</i> , he or she shall not make the fertilising product available on the market until it has been brought into conformity. Furthermore, where the CE marked fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance authorities.	Where a distributor considers or has reason to believe that a CE <u>marked-EU</u> fertilising product is not in conformity with the applicable requirements set out in Annex I, Annex II or Annex III <u>this Regulation</u> , he or she shall not make the fertilising product available on the market until it has been brought into conformity. Furthermore, where the CE marked-EU fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance authorities.	Where a distributor considers or has reason to believe that a CE <u>marked-EU</u> fertilising product is not in conformity with the applicable requirements set out in Annex I, Annex II or Annex III <u>this Regulation</u> , he or she shall not make the <u>fertilising product</u> available on the market until it has been brought into conformity. Furthermore, where the CE marked-EU <u>fertilising product</u> presents <u>an unacceptable risk to human, animal or plant health, to safety or to the environment</u> , the distributor shall inform the manufacturer or the importer to that effect as well as the market surveillance authorities. <u>YELLOW</u> , underlined – EP to check (link row 119) <u>YELLOW</u> – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
199.	3. Distributors shall ensure that, while a CE marked fertilising product is under their responsibility, its storage or transport conditions do not jeopardise its compliance with the safety and quality requirements set out in Annex I or the labelling requirements set out in Annex III.		3. Distributors shall ensure that, while a CE -marked <u>EU</u> fertilising product is under their responsibility, its storage or transport conditions do not jeopardise its compliance with the safety and quality requirements set out in Annexes I or the labelling requirements set out in Annex III.	3. Distributors shall ensure that, while a CE -marked <u>EU</u> fertilising product is under their responsibility, its storage or transport conditions do not jeopardise its compliance with the safety and quality requirements set out in Annexes I or the labelling requirements set out in Annex III. YELLOW – related to EP AM 1
200.	4. Distributors who consider or have reason to believe that a CE marked fertilising product which they have made available on the market is not in conformity with this Regulation shall make sure that the corrective measures necessary to bring that fertilising product into conformity, to withdraw it or to recall it, if appropriate, are taken.		4. Distributors who consider or have reason to believe that a CE marked <u>EU</u> fertilising product which they have made available on the market is not in conformity with this Regulation shall make sure that the corrective measures necessary to bring that fertilising product into conformity, to withdraw it or to recall it, if appropriate, are taken.	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
201.	Furthermore, where distributors consider or have reason to believe that CE marked fertilising products which they have made available on the market presents an unacceptable risk to human, animal or plant health, to safety or to the environment, they shall immediately inform the competent national authorities of the Member States in which they made the CE marked fertilising product available on the market to that effect, giving details, in particular, of any non-compliance and of any corrective measures taken.		Furthermore, where distributors consider or have reason to believe that CE marked <u>EU</u> fertilising products which they have made available on the market presents an unacceptable risk to human, animal or plant health, to safety or to the environment , they shall immediately inform the competent national authorities of the Member States in which they made the CE marked <u>EU</u> fertilising product available on the market to that effect, giving details, in particular, of any non-compliance and of any corrective measures taken.	Furthermore, where distributors consider or have reason to believe that CE marked <u>EU</u> <u>fertilising products</u> which they have made available on the market presents <u>an unacceptable risk to human, animal or plant health, to safety or to the environment</u> , they shall immediately inform the competent national authorities of the Member States in which they made the CE marked <u>EU</u> <u>fertilising product</u> available on the market to that effect, giving details, in particular, of any non-compliance and of any corrective measures taken. <u>YELLOW</u> , underlined – EP to check (link row 119) <u>YELLOW</u> – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
202.	5. Distributors shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the CE marked fertilising product. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by CE marked fertilising products which they have made available on the market.		5. Distributors shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the CE -marked- <u>EU</u> fertilising product. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by CE marked - <u>EU</u> fertilising products which they have made available on the market.	YELLOW – related to EP AM 1
203.	Article 10 Cases in which obligations of manufacturers apply to importers and distributors			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
204.	An importer or distributor shall be considered a manufacturer for the purposes of this Regulation, and shall be subject to the obligations of the manufacturer under Article 6, where he or she places a CE marked fertilising product on the market under his or her name or trademark or modifies a CE marked fertilising product already placed on the market in such a way that compliance with this Regulation may be affected.		An importer or distributor shall be considered a manufacturer for the purposes of this Regulation, and shall be subject to the obligations of the manufacturer under Article 6, where he or she places a CE marked <u>EU</u> fertilising product on the market under his or her name or trademark or modifies a CE marked <u>EU</u> fertilising product already placed on the market in such a way that compliance with this Regulation may be affected.	YELLOW – related to EP AM 1
205.			<u>Article 10a</u> <u>Repackaging by importers and distributors</u>	<u>Article 10a</u> <u>Repackaging by importers and distributors</u> GREEN – CEU TEXT
206.			<u>Where an importer or distributor packages or repackages an EU fertilising product and is not considered a manufacturer pursuant to Article 10, he or she shall</u>	<u>Where an importer or distributor packages or repackages an EU fertilising product and is not considered a manufacturer pursuant to Article 10, he or she shall:</u> YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
207.			<u>1. ensure that the packaging bears his or her name, registered trade name or registered trade mark and postal address preceded by the words ‘packaged by’ or ‘repackaged by’; and</u>	<u>1. ensure that the packaging bears his or her name, registered trade name or registered trade mark and postal address preceded by the words ‘packaged by’ or ‘repackaged by’; and</u> GREEN – CEU TEXT
208.			<u>2. keep a specimen of the original information referred to in Article 6(7) at the disposal of the market surveillance authorities for 5 years after having made the EU fertilising product available on the market.</u>	<u>2. keep a specimen of the original information referred to in Article 6(7) or Article 8(4) at the disposal of the market surveillance authorities for 5 years after having made the EU fertilising product available on the market.</u> YELLOW – related to EP AM 1
209.	Article 11 Identification of economic operators			EC TEXT
210.	1. Economic operators shall, on request, identify the following to the market surveillance authorities:			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
211.	(a) any economic operator who has supplied them with a CE marked fertilising product;		(a) any economic operator who has supplied them with a CE <u>marked-EU</u> fertilising product;	YELLOW – related to EP AM 1
212.	(b) any economic operator to whom they have supplied a CE marked fertilising product.		(b) any economic operator to whom they have supplied a CE <u>marked-EU</u> fertilising product.	YELLOW – related to EP AM 1
213.	2. The economic operators shall be able to present the information referred to in the first paragraph for 10 years after they have been supplied with the CE marked fertilising product and for 10 years after they have supplied the CE marked fertilising product.		2. The economic operators shall be able to present the information referred to in the first paragraph for 10-5 years after they have been supplied with the CE <u>marked-EU</u> fertilising product and for 10-5 years after they have supplied the CE <u>marked-EU</u> fertilising product.	2. The economic operators shall be able to present the information referred to in the first paragraph for 10-5 years after they have been supplied with the CE <u>marked-EU</u> fertilising product and for 10-5 years after they have supplied the CE <u>marked-EU</u> fertilising product. YELLOW – related to EP AM 1
214.	CHAPTER 3 CONFORMITY OF CE MARKED FERTILISING PRODUCTS		CHAPTER 3 CONFORMITY OF CE <u>MARKED-EU</u> FERTILISING PRODUCTS	YELLOW – related to EP AM 1
215.	Article 12 Presumption of conformity			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
216.	Without prejudice to the common specifications referred to in Article 13, CE marked fertilising products which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements set out in Annexes I, II and III covered by those standards or parts thereof.	AM 61 CE marked fertilising products which are <i>in conformity with, or have been tested</i> in conformity with, harmonised standards or parts thereof the references of which have been published in the <i>Official Journal of the European Union</i> shall be presumed to be in conformity with the <i>respective</i> requirements set out in Annexes I, II and III covered by those standards or parts thereof.	Without prejudice to the common specifications referred to in Article 13, CE marked EU fertilising products which are in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the requirements set out in Annexes I, II and III covered by those standards or parts thereof.	1. Without prejudice to the common specifications referred to in Article 13, CE marked EU fertilising products which are in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the requirements set out in Annexes I, II and III covered by those standards or parts thereof. YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
217.			<u>Tests for verifying conformity of EU fertilising products with the requirements set out in Annexes I, II and III shall be performed in a reliable and reproducible manner. Tests which are in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to be reliable and reproducible.</u>	<u>2. Tests for verifying conformity of EU fertilising products with the requirements set out in Annexes I, II and III shall be performed in a reliable and reproducible manner. Tests which are in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, shall be presumed to be reliable and reproducible.</u> YELLOW – related to EP AM 1
218.	Article 13 Common specifications			EC TEXT

219.	<p>The Commission may adopt implementing acts laying down common specifications, the compliance with which shall ensure conformity with the requirements set out in Annexes I, II and III covered by those specifications or parts thereof. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(3).</p>	<p>AM 62</p> <p><i>Where a requirement set out in Annexes I, II or III is not covered by harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union, and where following a request to one or several European standardisation organisations to draft harmonised standards for that requirement the Commission observes undue delays in the adoption of that standard, the Commission may adopt implementing acts laying down common specifications for that requirement.</i> Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(3).</p>	<p><u>Where a requirement set out in Annexes I, II or III, or a test referred to in Article 12, is not covered by harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union, or where the Commission has initiated a procedure in accordance with Article 11(5) of Regulation (EU) No 1025/2012 for maintaining with restriction or withdrawing the references to the harmonised standards or parts thereof by which that requirement or that test is covered,</u> the Commission may adopt implementing acts laying down common specifications <u>for that requirement or that test,</u> the compliance with which shall ensure conformity with the requirements set out in Annexes I, II and III covered by those specifications or parts thereof. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(3).</p>	<p>Possible editorial change "referred to in Article 12(2)"</p> <p>YELLOW – EP to check</p>
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Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
220.	Article 14 Conformity assessment procedures			EC TEXT
221.	1. Conformity assessment of a CE marked fertilising product with the requirements in this Regulation shall be carried out by applying the conformity assessment procedure specified in Annex IV.		1. Conformity assessment of a CE marked EU fertilising product with the requirements in this Regulation shall be carried out by applying the applicable conformity assessment procedure specified in accordance with Annex IV.	1. Conformity assessment of a CE marked EU fertilising product with the requirements in this Regulation shall be carried out by applying the applicable conformity assessment procedure specified in accordance with Annex IV. YELLOW – related to EP AM 1
222.	2. Records and correspondence relating to conformity assessment procedures shall be drawn up in the official language(s) of the Member State where the notified body carrying out the conformity assessment procedures is established, or in a language accepted by that body.			EC TEXT
223.	Article 15 EU declaration of conformity			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
224.	1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Annexes I, II and III has been demonstrated.		1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Annexes I, II and III <u>this Regulation</u> has been demonstrated.	1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Annexes I, II and III <u>this Regulation</u> has been demonstrated. GREEN – CEU TEXT
225.	2. The EU declaration of conformity shall have the model structure set out in Annex V, shall contain the elements specified in the relevant modules set out in Annex IV and shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the CE marked fertilising product is placed or made available on the market.		2. The EU declaration of conformity shall have the model structure set out in Annex V, shall contain the elements specified in the relevant modules set out in Annex IV and shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the CE marked <u>EU</u> fertilising product is placed or made available on the market.	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
226.	3. Where a CE marked fertilising product is subject to more than one Union act requiring an EU declaration of conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall state the Union acts concerned and their publication references. It may be a dossier made up of relevant individual declarations of conformity.		3. Where a CE-marked <u>EU</u> fertilising product is subject to more than one Union act requiring an EU declaration of conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall state the Union acts concerned and their publication references. It may be a dossier made up of relevant individual declarations of conformity.	YELLOW – related to EP AM 1
227.	4. By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the CE marked fertilising product with the requirements laid down in this Regulation.		4. By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the CE-marked <u>EU</u> fertilising product with the requirements laid down in this Regulation.	YELLOW – related to EP AM 1
228.	Article 16 General principles of CE marking			EC TEXT
229.	The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
230.	Article 17 Rules and conditions for affixing the CE marking			EC TEXT
231.	1. The CE marking shall be affixed visibly, legibly and indelibly to the accompanying documents and, where the CE marked fertilising product is supplied in a packaged form, to the packaging.	AM 63 1. The CE marking shall be affixed visibly, legibly and indelibly to the <i>packaging of the CE marked fertilising product</i> or, where the CE marked fertilising product is supplied <i>without packaging</i> , to the <i>documents accompanying the CE marked fertilising product</i> .	1. The CE marking shall be affixed visibly, legibly and indelibly to the <u>packaging of the EU fertilising product or, where the EU fertilising product is supplied without packaging, in a document</u> accompanying documents and, where the CE <u>EU</u> fertilising product is supplied in a packaged form, to the packaging.	1. The CE marking shall be affixed visibly, legibly and indelibly to the <u>packaging of the EU fertilising product or, where the EU fertilising product is supplied without packaging, to a document</u> accompanying documents and, where the CE <u>EU</u> fertilising product is supplied in a packaged form, to the packaging. YELLOW – related to EP AM 1
232.	2. The CE marking shall be affixed before the CE marked fertilising product is placed on the market.		2. The CE marking shall be affixed before the CE <u>EU</u> marked fertilising product is placed on the market.	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
233.	3. The CE marking shall be followed by the identification number of the notified body involved in the conformity assessment referred to in Annex IV, Module D1.	AM 64 The CE marking shall be followed by the identification number of the notified body, <i>where required by</i> Annex IV.	3. The CE marking shall be followed by the identification number of the notified body, <i>where required by</i> involved in the conformity assessment referred to in Annex IV, Module D1.	3. The CE marking shall be followed by the identification number of the notified body, <i>where required by</i> involved in the conformity assessment referred to in Annex IV, Module D1. GREEN - IDENTICAL
234.	The identification number of the notified body shall be affixed by the body itself or, under its instructions, by the manufacturer or his or her authorised representative.			EC TEXT
235.	4. Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of that marking.			EC TEXT
236.	Article 18 End-of-waste status			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
237.	A CE marked fertilising product that has undergone a recovery operation and complies with the requirements laid down in this Regulation shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste.	AM 65 <i>Where a material that was waste</i> has undergone a recovery operation and <i>a CE marked fertilising product compliant with this Regulation contains or consists of that material, the material</i> shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste <i>from the moment the EU declaration of conformity is drawn up.</i>	A CE marked fertilising product that has undergone a recovery operation and complies with the requirements laid down in this Regulation shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste. <u>Where a material that was waste has undergone a recovery operation in accordance with this Regulation and a compliant EU fertilising product contains or consists of that material, the material shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste from the moment the EU declaration of conformity is drawn up.</u>	<u>Where a material that was waste has undergone a recovery operation in accordance with this Regulation and a compliant EU fertilising product contains or consists of that material, the material shall be considered to comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC and shall, therefore, be considered as having ceased to be waste from the moment the EU declaration of conformity is drawn up.</u> YELLOW – related to EP AM 1; COM to check the reference to the WFD

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
238.	CHAPTER 4 NOTIFICATION OF CONFORMITY ASSESSMENT BODIES			EC TEXT
239.	Article 19 Notification			EC TEXT
240.	Member States shall notify the Commission and the other Member States of bodies authorised to carry out third-party conformity assessment tasks under this Regulation.			EC TEXT
241.	Article 20 Notifying authorities			EC TEXT
242.	1. Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, including compliance with Article 25.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
243.	2. Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.			EC TEXT
244.	3. Where the notifying authority delegates or otherwise entrusts the assessment, notification or monitoring referred to in paragraph 1 to a body which is not a governmental entity, that body shall be a legal entity and shall comply mutatis mutandis with the requirements laid down in Article 21. In addition it shall have arrangements to cover liabilities arising out of its activities.			EC TEXT
245.	4. The notifying authority shall take full responsibility for the tasks performed by the body referred to in paragraph 3.			EC TEXT
246.	Article 21 Requirements relating to notifying authorities			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
247.	1. A notifying authority shall be established in such a way that no conflict of interest with conformity assessment bodies occurs.			EC TEXT
248.	2. A notifying authority shall be organised and operated so as to safeguard the objectivity and impartiality of its activities.			EC TEXT
249.	3. A notifying authority shall be organised in such a way that each decision relating to notification of a conformity assessment body is taken by competent persons different from those who carried out the assessment.			EC TEXT
250.	4. A notifying authority shall not offer or provide any activities that conformity assessment bodies or consultancy services perform on a commercial or competitive basis.			EC TEXT
251.	5. A notifying authority shall safeguard the confidentiality of the information it obtains.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
252.	6. A notifying authority shall have a sufficient number of competent personnel at its disposal for the proper performance of its tasks.			EC TEXT
253.	Article 22 Information obligation on notifying authorities			EC TEXT
254.	Member States shall inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, and of any changes thereto.			EC TEXT
255.	The Commission shall make that information publicly available.			EC TEXT
256.	Article 23 Requirements relating to notified bodies			EC TEXT
257.	1. For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
258.	2. A conformity assessment body shall be established under the national law of a Member State and have legal personality.			EC TEXT
259.	3. A conformity assessment body shall be a third-party body independent of the organisation or the CE marked fertilising products it assesses.		3. A conformity assessment body shall be a third-party body independent of the organisation or the CE marked <u>EU</u> fertilising products it assesses.	YELLOW – related to EP AM 1
260.	A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, or use of CE marked fertilising products which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.		deleted	deleted GREEN

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
261.	4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, purchaser, owner, or user of fertilising products nor the representative of any of those parties. This shall not preclude the use of fertilising products that are necessary for the operations of the conformity assessment body or the use of fertilising products for personal purposes.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
262.	A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture, marketing, or use of fertilising products or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.			EC TEXT
263.	Conformity assessment bodies shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
264.	5. Conformity assessment bodies and their personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.			EC TEXT
265.	6. A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it by Annex IV and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
266.	At all times and for each conformity assessment procedure and each kind or category of CE marked fertilising products in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:		At all times and for each conformity assessment procedure and each kind or category of CE <u>marked-EU</u> fertilising products in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:	YELLOW – related to EP AM 1
267.	(a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;			EC TEXT
268.	(b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures. It shall have appropriate policies and procedures in place that distinguish between tasks it carries out as a notified body and other activities;			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
269.	(c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.			EC TEXT
270.	A conformity assessment body shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities.			EC TEXT
271.	7. The personnel responsible for carrying out the conformity assessment tasks shall have the following:			EC TEXT
272.	(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
273.	(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;			EC TEXT
274.	(c) appropriate knowledge and understanding of the requirements set out in Annex I, Annex II and Annex III, of the applicable harmonised standards and of the relevant provisions of Union harmonisation legislation and of national legislation;		(c) appropriate knowledge and understanding of the requirements set out in Annex I, Annex II and Annex III, of the applicable harmonised standards <u>referred to in Article 12 and common specifications referred to in Article 13</u> and of the relevant provisions of Union harmonisation legislation and of national legislation;	(c) appropriate knowledge and understanding of the requirements set out in Annex I, Annex II and Annex III, of the applicable harmonised standards <u>referred to in Article 12 and common specifications referred to in Article 13</u> and of the relevant provisions of Union harmonisation legislation and of national legislation; GREEN – CEU TEXT
275.	(d) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.			EC TEXT
276.	8. The impartiality of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
277.	The remuneration of the top level management and personnel responsible for carrying out the conformity assessment tasks of a conformity assessment body shall not depend on the number of assessments carried out or on the results of those assessments.			EC TEXT
278.	9. Conformity assessment bodies shall take out liability insurance unless liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the conformity assessment.			EC TEXT
279.	10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under Annex IV, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
280.	11. Conformity assessment bodies shall participate in, or ensure that their personnel responsible for carrying out the conformity assessment tasks are informed of, the relevant standardisation activities and the activities of the notified body coordination group established under Article 35 and shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group.			EC TEXT
281.	Article 24 Presumption of conformity of notified bodies			EC TEXT
282.	Where a conformity assessment body demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union it shall be presumed to comply with the requirements set out in Article 23 in so far as the applicable harmonised standards cover those requirements.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
283.	Article 25 Subsidiaries of and subcontracting by notified bodies			EC TEXT
284.	1. Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 23 and shall inform the notifying authority accordingly.			EC TEXT
285.	2. Notified bodies shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established.			EC TEXT
286.	3. Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
287.	4. Notified bodies shall keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them under Annex IV.			EC TEXT
288.	Article 26 Application for notification			EC TEXT
289.	1. A conformity assessment body shall submit an application for notification to the notifying authority of the Member State in which it is established.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
290.	2. The application for notification shall be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the CE marked fertilising product or products for which that body claims to be competent, as well as by an accreditation certificate issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 23.		2. The application for notification shall be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the CE marked <u>EU</u> fertilising product or products for which that body claims to be competent, as well as by an accreditation certificate issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 23.	YELLOW – related to EP AM 1
291.	Article 27 Notification procedure			EC TEXT
292.	1. Notifying authorities may notify only conformity assessment bodies which have satisfied the requirements laid down in Article 23.			EC TEXT
293.	2. They shall notify the Commission and the other Member States using the electronic notification tool developed and managed by the Commission.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
294.	3. The notification shall include full details of the conformity assessment activities, the conformity assessment module or modules and CE marked fertilising product or products concerned and the accreditation certificate referred to in Article 26(2).		3. The notification shall include full details of the conformity assessment activities, the conformity assessment module or modules and CE marked <u>EU</u> fertilising product or products concerned and the accreditation certificate referred to in Article 26(2).	YELLOW – related to EP AM 1
295.	4. The body concerned may perform the activities of a notified body only where no objections are raised by the Commission or the other Member States within two weeks of a notification.			EC TEXT
296.	Only such a body shall be considered a notified body for the purposes of this Regulation.			EC TEXT
297.	5. The notifying authority shall notify the Commission and the other Member States of any subsequent relevant changes to the notification.			EC TEXT
298.	Article 28 Identification numbers and lists of notified bodies			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
299.	1. The Commission shall assign an identification number to a notified body.			EC TEXT
300.	It shall assign a single such number even where the body is notified under several Union acts.			EC TEXT
301.	2. The Commission shall make publicly available the list of the bodies notified under this Regulation, including the identification numbers that have been assigned to them and the activities for which they have been notified.			EC TEXT
302.	The Commission shall ensure that the list is kept up to date.			EC TEXT
303.	Article 29 Changes to notifications			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
304.	1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 23 or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw notification as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the Commission and the other Member States accordingly.			EC TEXT
305.	2. In the event of restriction, suspension or withdrawal of notification, or where the notified body has ceased its activity, the notifying Member State shall take appropriate steps to ensure that the files of that body are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities at their request.			EC TEXT
306.	Article 30 Challenge of the competence of notified bodies			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
307.	1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.			EC TEXT
308.	2. The notifying Member State shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.	AM 66 2. The notifying <i>authorities</i> shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.		EC TEXT GREEN
309.	3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
310.	4. Where the Commission ascertains that a notified body does not meet or no longer meets the requirements for its notification, it shall adopt an implementing act requiring the notifying Member State to take the necessary corrective measures, including withdrawal of notification if necessary.			EC TEXT
311.	That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 41(2).			EC TEXT
312.	Article 31 Operational obligations of notified bodies			EC TEXT
313.	1. Notified bodies shall carry out conformity assessments in accordance with the conformity assessment procedures provided for in Annex IV.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
314.	2. Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators. Notified bodies shall perform their activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.			EC TEXT
315.	In so doing they shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the CE marked fertilising product with this Regulation.		In so doing they shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the CE marked <u>EU</u> fertilising product with this Regulation.	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
316.	3. Where a notified body finds that the requirements set out in Annex I, Annex II or Annex III, or corresponding harmonised standards, common specifications referred to in Article 13 or other technical specifications, have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall not issue a certificate.	AM 67 3. Where a notified body finds that the requirements set out in Annex I, Annex II or Annex III, or corresponding harmonised standards, <i>or</i> common specifications referred to in Article 13, have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall not issue a <i>conformity</i> certificate <i>or approval decision</i> .	3. Where a notified body finds that the requirements set out in Annex I, Annex II or Annex III, or corresponding harmonised standards, common specifications referred to in Article 13 or other technical specifications, have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall not issue a certificate <u>or approval decision</u> .	3. Where a notified body finds that the requirements set out in Annex I, Annex II or Annex III, or corresponding harmonised standards, common specifications referred to in Article 13 or other technical specifications, have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall not issue a certificate <u>or approval decision</u> . GREEN – CEU TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
317.	4. Where, in the course of the monitoring of conformity following the issue of a certificate, a notified body finds that a CE marked fertilising product no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate if necessary.	AM 68 4. Where, in the course of the monitoring of conformity following the issue of a certificate <i>or approval decision</i> , a notified body finds that a CE marked fertilising product no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate <i>or approval decision</i> if necessary.	4. Where, in the course of the monitoring of conformity following the issue of a certificate <u>or approval decision</u> , a notified body finds that a CE <u>marked-EU</u> fertilising product no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate <u>or approval decision</u> , if necessary.	4. Where, in the course of the monitoring of conformity following the issue of a certificate <u>or approval decision</u> , a notified body finds that a CE <u>marked-EU fertilising product</u> no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate <u>or approval decision</u> , if necessary. YELLOW – related to EP AM 1
318.	5. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates, as appropriate.	AM 69 5. Where corrective measures are not taken or do not have the required effect <i>and a CE marked fertilising product thus remains non-compliant with the requirements of this Regulation</i> , the notified body shall restrict, suspend or withdraw any certificates <i>or approval decisions</i> , as appropriate.	5. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates <u>or approval decisions</u> , as appropriate.	5. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates <u>or approval decisions</u> , as appropriate. GREEN – CEU TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
319.	Article 32 Appeal against decisions of notified bodies			EC TEXT
320.	Member States shall ensure that an appeal procedure against decisions of the notified bodies is available.			EC TEXT
321.	Article 33 Information obligation on notified bodies			EC TEXT
322.	1. Notified bodies shall inform the notifying authority of the following:			EC TEXT
323.	(a) any refusal, restriction, suspension or withdrawal of a certificate;	AM 70 (a) any refusal, restriction, suspension or withdrawal of a certificate <i>or approval decision</i> ;	(a) any refusal, restriction, suspension or withdrawal of a certificate <u>or approval decision</u> ;	(a) any refusal, restriction, suspension or withdrawal of a certificate <i>or approval decision</i> ; GREEN - IDENTICAL
324.	(b) any circumstances affecting the scope of or conditions for notification;			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
325.	(c) any request for information which they have received from market surveillance authorities regarding conformity assessment activities;			EC TEXT
326.	(d) on request, conformity assessment activities performed within the scope of their notification and any other activity performed, including cross-border activities and subcontracting.			EC TEXT
327.	2. Notified bodies shall provide the other bodies notified under this Regulation carrying out similar conformity assessment activities covering the same CE marked fertilising products with relevant information on issues relating to negative and, on request, positive conformity assessment results.		2. Notified bodies shall provide the other bodies notified under this Regulation carrying out similar conformity assessment activities covering the same CE <u>marked-EU</u> fertilising products with relevant information on issues relating to negative and, on request, positive conformity assessment results.	YELLOW – related to EP AM 1
328.	Article 34 Exchange of experience			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
329.	The Commission shall provide for the organisation of exchange of experience between the Member States' national authorities responsible for notification policy.			EC TEXT
330.	Article 35 Coordination of notified bodies			EC TEXT
331.	The Commission shall ensure that appropriate coordination and cooperation between bodies notified under this Regulation are put in place and properly operated in the form of a sectoral group of notified bodies.			EC TEXT
332.	Member States shall ensure that the bodies notified by them participate in the work of that group, directly or by means of designated representatives.		<u>Notified bodies shall</u> Member States shall ensure that the bodies notified by them participate in the work of that group, directly or by means of designated representatives.	<u>Notified bodies shall</u> Member States shall ensure that the bodies notified by them participate in the work of that group, directly or by means of designated representatives. GREEN – CEU TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
333.	CHAPTER 5 UNION MARKET SURVEILLANCE, CONTROL OF CE MARKED FERTILISING PRODUCTS ENTERING THE UNION MARKET AND UNION SAFEGUARD PROCEDURE		CHAPTER 5 UNION MARKET SURVEILLANCE, CONTROL OF CE MARKED <u>EU</u> FERTILISING PRODUCTS ENTERING THE UNION MARKET AND UNION SAFEGUARD PROCEDURE	YELLOW – related to EP AM 1
334.	Article 36 Union market surveillance and control of CE marked fertilising products entering the Union market		Article 36 Union market surveillance and control of CE marked <u>EU</u> fertilising products entering the Union market	YELLOW – related to EP AM 1
335.	Articles 16 to 29 of Regulation (EC) No 765/2008 shall apply to CE marked fertilising products.		Articles 16 to 29 of Regulation (EC) No 765/2008 shall apply to CE marked <u>EU</u> fertilising products.	YELLOW – related to EP AM 1
336.	Article 37 Procedure for dealing with CE marked fertilising products presenting a risk at national level	AM 71 Article 37 Procedure <i>at national level</i> for dealing with CE marked fertilising products presenting a risk	Article 37 Procedure at national level for dealing with CE marked <u>EU</u> fertilising products presenting a risk at national level	Article 37 Procedure at national level for dealing with CE marked <u>EU</u> fertilising products presenting a risk at national level YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
337.	<p>1. Where the market surveillance authorities of one Member State have sufficient reason to believe that a CE marked fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, they shall carry out an evaluation in relation to the fertilising product concerned covering the requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.</p>	<p>AM 72</p> <p>Where the market surveillance authorities of one Member State have sufficient reason to believe that a CE marked fertilising product presents <i>a</i> risk to human, animal or plant health, to safety or to the environment <i>or to other aspects of public interest protection covered by this Regulation</i>, they shall carry out an evaluation in relation to the fertilising product concerned covering <i>all</i> the requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.</p> <p><i>(This amendment also covers a horizontal amendment on the term “unacceptable risk” (in plural or singular) being changed to “risk” (in singular); adopting it will necessitate corresponding changes of these terms throughout the text and, consequently, adopted amendments.)</i></p>	<p>1. Where the market surveillance authorities of one Member State have sufficient reason to believe that a CE marked EU fertilising product presents an unacceptable risk to human, animal or plant health, to safety or to the environment, they shall carry out an evaluation in relation to the fertilising product concerned covering <u>all relevant</u> the requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.</p>	<p>1. Where the market surveillance authorities of one Member State have sufficient reason to believe that a CE marked EU fertilising product presents <u>an unacceptable risk to human, animal or plant health, to safety or to the environment</u>, they shall carry out an evaluation in relation to the fertilising product concerned covering <u>all relevant</u> the requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.</p> <p><u>YELLOW</u>, underlined – EP/Council to check (link row 119)</p> <p><u>YELLOW</u> – related to EP AM 1</p>

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
338.	Where, in the course of the evaluation, the market surveillance authorities find that the CE market fertilising product does not comply with the requirements laid down in this Regulation, they shall without delay require the economic operator to take all appropriate corrective actions within a reasonable period to bring the fertilising product into compliance with those requirements, to withdraw the fertilising product from the market, to recall it, or to remove the CE marking.	AM 73 Where, in the course of the evaluation, the market surveillance authorities find that the CE market fertilising product does not comply with the requirements laid down in this Regulation, they shall without delay require the economic operator to take all appropriate corrective actions to bring the fertilising product into compliance with those requirements, to withdraw the fertilising product from the market <i>or</i> to recall it <i>within a reasonable period, commensurate with the nature of the risk, as they may prescribe, and</i> to remove the CE marking.	Where, in the course of the evaluation <u>referred to in the first subparagraph</u> , the market surveillance authorities find that the CE market <u>EU</u> fertilising product does not comply with the requirements laid down in this Regulation, they shall without delay require the economic operator to take all appropriate corrective actions within a reasonable period to bring the fertilising product into compliance with those requirements, to withdraw the fertilising product from the market; <u>or</u> to recall it, or, to remove the CE marking.	Where, in the course of the evaluation <u>referred to in the first subparagraph</u> , the market surveillance authorities find that the CE market <u>EU</u> fertilising product does not comply with the requirements laid down in this Regulation, they shall without delay require the economic operator to take all appropriate corrective actions, within a reasonable period <u>prescribed by the market surveillance authorities and commensurate with the nature of the risk</u> , to bring the fertilising product into compliance with those requirements, to withdraw the fertilising product from the market; <u>or</u> to recall it, or, to remove the CE marking. <u>YELLOW</u> – related to EP AM 1 <u>YELLOW</u> , underlined, italics – to be checked by EP/Council (link row 119)

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
339.			<u>Market surveillance authorities' obligations in this respect shall be without prejudice to Member States' possibility to regulate fertilising products which are not CE marked when made available on the market.</u>	Shifted to New para 8a - see row 352a
340.	The market surveillance authorities shall inform the relevant notified body accordingly.			EC TEXT
341.	Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in the second subparagraph.			EC TEXT
342.	2. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
343.	3. The economic operator shall ensure that all appropriate corrective action is taken in respect of all the CE marked fertilising products concerned that it has made available on the market throughout the Union.		3. The economic operator shall ensure that all appropriate corrective action is taken in respect of all the CE marked <u>EU</u> fertilising products concerned that it has made available on the market throughout the Union.	YELLOW – related to EP AM 1
344.	4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the CE marked fertilising product being made available on their national market, to withdraw the fertilising product from that market or to recall it.	AM 74 Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the CE marked fertilising product being made available on their national market, to withdraw the fertilising product from that market or to recall it. <i>Market surveillance authorities' obligations in this respect shall be without prejudice to Member States' possibility to regulate fertilising products which are not CE marked when made available on the market.</i>	4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the CE marked <u>EU</u> fertilising product being made available on their national market, to withdraw the fertilising product from that market or to recall it.	4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the CE marked <u>EU</u> fertilising product being made available on their national market, to withdraw the fertilising product from that market or to recall it. YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
345.	The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.			EC TEXT
346.	5. The information referred to in the second subparagraph of paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant CE marked fertilising product, the origin of that fertilising product, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either of the following:		5. The information referred to in the second subparagraph of paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant CE marked <u>EU</u> fertilising product, the origin of that fertilising product, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either of the following:	YELLOW – related to EP AM 1
347.	(a) failure of the CE marked fertilising product to meet the requirements set out in Annexes I, II or III		(a) failure of the CE marked <u>EU</u> fertilising product to meet the requirements set out in Annexes I, II or III	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
348.	(b) shortcomings in the harmonised standards referred to in Article 12 conferring a presumption of conformity.	AM 75 (b) shortcomings in the harmonised standards referred to in Article 12;	(b) shortcomings in the harmonised standards referred to in Article 12 conferring a presumption of conformity ;	(b) shortcomings in the harmonised standards referred to in Article 12; GREEN - IDENTICAL
349.		AM 76 <i>(ba) shortcomings in the common specifications referred to in Article 13.</i>	<u>(ba) shortcomings in the common specifications referred to in Article 13</u>	<i>(ba) shortcomings in the common specifications referred to in Article 13.</i> GREEN - IDENTICAL
350.	6. Member States other than the Member State initiating the procedure under this Article shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the CE marked fertilising product concerned, and, in the event of disagreement with the adopted national measure, of their objections.		6. Member States other than the Member State initiating the procedure under this Article shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the CE marked EU fertilising product concerned, and, in the event of disagreement with the adopted national measure, of their objections.	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
351.	7. Where, within three months of receipt of the information referred to in the second subparagraph of paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.			EC TEXT
352.	8. Member States shall ensure that appropriate restrictive measures, such as withdrawal, are taken without delay in respect of the CE marked fertilising product concerned.		8. Member States shall ensure that appropriate restrictive measures, such as withdrawal, are taken without delay in respect of the CE-marked EU fertilising product concerned.	YELLOW – related to EP AM 1
353.	Article 38 Union safeguard procedure			<p><u>8a. Market surveillance authorities' obligations under this Article shall be without prejudice to Member States' possibility to regulate fertilising products which are not CE marked when made available on the market.</u></p> <p>YELLOW – related to EP AM 1</p>

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
354.	1. Where, on completion of the procedure set out in Article 37(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall adopt an implementing act in the form of a decision determining whether the national measure is justified or not.			EC TEXT
355.	If the national measure is considered justified, the decision shall order all Member States to take the necessary measures to ensure that the non-compliant CE marked fertilising product is withdrawn from their market, and to inform the Commission accordingly.		If the national measure is considered justified, the decision shall order all Member States to take the necessary measures to ensure that the non-compliant CE <u>marked-EU</u> fertilising product is withdrawn from their market, and to inform the Commission accordingly.	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
356.	If the national measure is considered unjustified, the decision shall order the Member State concerned to withdraw that measure.			EC TEXT
357.	The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.			EC TEXT
358.	2. Where the national measure is considered justified and the non-compliance of the CE marked fertilising product is attributed to shortcomings in the harmonised standards referred to in point (b) of Article 37(5), the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.		2. Where the national measure is considered justified and the non-compliance of the CE-marked <u>EU</u> fertilising product is attributed to shortcomings in the harmonised standards referred to in point (b) of Article 37(5), the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
359.		<p>AM 77</p> <p><i>2a. Where the national measure is considered to be justified and the non-compliance of the CE marked fertilising product is attributed to shortcomings in the common specifications referred to in point (ba) of Article 37(5), the Commission shall, without delay, adopt implementing acts amending or repealing the common specification concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(3).</i></p>	<p><u>2a. Where the national measure is considered justified and the non-compliance of the EU fertilising product is attributed to shortcomings in the common specifications referred to in point (c) of Article 37(5), the Commission shall, without delay, adopt an implementing act amending or repealing the common specification concerned. The implementing act shall be adopted in accordance with the examination procedure referred to in Article 41(3).</u></p>	<p><u>2a. Where the national measure is considered to be justified and the non-compliance of the EU fertilising product is attributed to shortcomings in the common specifications referred to in point (ba) of Article 37(5), the Commission shall, without delay, adopt implementing acts amending or repealing the common specifications concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(3).</u></p> <p>YELLOW – related to EP AM 1</p>
360.	Article 39 Compliant CE marked fertilising products which present a risk		Article 39 Compliant CE marked EU fertilising products which present a risk	YELLOW – related to EP AM 1

361.	<p>1. Where, having carried out an evaluation under Article 37(1), a Member State finds that although a CE marked fertilising product is in compliance with this Regulation it presents an unacceptable risk to human, animal or plant health, to safety or to the environment, it shall require the relevant economic operator to take all appropriate measures within a reasonable period to ensure that the fertilising product concerned, when placed on the market, no longer presents that risk, to withdraw the fertilising product from the market or to recall it.</p>	<p>AM 78</p> <p>1. Where, having carried out an evaluation under Article 37(1), a Member State finds that although a CE marked fertilising product is in compliance with this Regulation it presents <i>a</i> risk to human, animal or plant health, to safety or to the environment <i>or to other aspects of public interest protection covered by this Regulation</i>, it shall <i>without delay</i> require the relevant economic operator to take all appropriate measures, <i>within a reasonable period prescribed by the market surveillance authority and commensurate with the nature of the risk</i>, to ensure that the fertilising product concerned, when <i>made available</i> on the market, no longer presents that risk, to withdraw the fertilising product from the market or to recall it.</p>	<p>1. Where, having carried out an evaluation under Article 37(1), a Member State finds that although a CE marked <u>EU</u> fertilising product is in compliance with this Regulation it presents an unacceptable risk to human, animal or plant health, to safety or to the environment, it shall require the relevant economic operator to take all appropriate measures within a reasonable period to ensure that the fertilising product concerned, when placed on the market, no longer presents that risk, to withdraw the fertilising product from the market or to recall it.</p>	<p>1. Where, having carried out an evaluation under Article 37(1), a Member State finds that although a CE marked <u>EU</u> fertilising product is in compliance with this Regulation it presents an unacceptable risk to human, animal or plant health, to safety or to the environment, it shall <u>without delay</u> require the relevant economic operator to take all appropriate measures, within a reasonable period <u>prescribed by the market surveillance authority and commensurate with the nature of the risk</u>, to ensure that the fertilising product concerned, when <u>made available</u> on the market, no longer presents that risk, to withdraw the fertilising product from the market or to recall it.</p> <p><u>YELLOW</u> – related to EP AM 1</p> <p><u>YELLOW</u>, underlined – to be checked by Council</p> <p><u>YELLOW</u>, italics/underlined – to be checked by EP/Council (link row 119)</p>
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Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
362.	2. The economic operator shall ensure that corrective action is taken in respect of all the CE marked fertilising products concerned that he or she has made available on the market throughout the Union.		2. The economic operator shall ensure that corrective action is taken in respect of all the CE <u>marked-EU</u> fertilising products concerned that he or she has made available on the market throughout the Union.	YELLOW – related to EP AM 1
363.	3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the CE marked fertilising product concerned, the origin and the supply chain of that fertilising product, the nature of the risk involved and the nature and duration of the national measures taken.		3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the CE <u>marked-EU</u> fertilising product concerned, the origin and the supply chain of that fertilising product, the nature of the risk involved and the nature and duration of the national measures taken.	YELLOW – related to EP AM 1

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
364.	4. The Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall adopt an implementing act in the form of a decision determining whether the national measure is justified or not, and where necessary, ordering appropriate measures.			EC TEXT
365.	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 41(3).			EC TEXT
366.	On duly justified imperative grounds of urgency relating to the protection of human, animal or plant health, safety or the environment, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 41(4).			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
367.	5. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.			EC TEXT
368.	Article 40 Formal non-compliance			EC TEXT
369.	1. Without prejudice to Article 37, where a Member State makes one of the following findings on a CE marked fertilising product, it shall require the relevant economic operator to put an end to the non-compliance concerned:		1. Without prejudice to Article 37, where a Member State makes one of the following findings on a CE marked <u>EU</u> fertilising product, it shall require the relevant economic operator to put an end to the non-compliance concerned:	YELLOW – related to EP AM 1
370.	(a) the CE marking has been affixed in violation of Article 30 of Regulation (EC) No 765/2008 or of Article 17 of this Regulation;			EC TEXT
371.	(b) the identification number of the notified body has been affixed in violation of Article 17 or has not been affixed, where required by Article 17;			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
372.	(c) the EU declaration of conformity does not accompany the CE marked fertilising product;	AM 79 (c) the EU declaration of conformity <i>has not been drawn up</i> ;	(e) the EU declaration of conformity does not accompany the CE marked fertilising product; <u>(ca) the EU declaration of conformity has not been drawn up</u>	(c) the EU declaration of conformity <u>has not been drawn up</u> does not accompany the CE marked fertilising product; GREEN - IDENTICAL
373.	(d) the EU declaration of conformity has not been drawn up correctly;			EC TEXT
374.	(e) technical documentation is either not available or not complete;		(e) <u>the</u> technical documentation is either not available or not complete;	(e) <u>the</u> technical documentation is either not available or not complete; GREEN – CEU TEXT
375.	(f) the information referred to in Article 6(6) or Article 8(3) is absent, false or incomplete;			EC TEXT
376.	(g) any other administrative requirement provided for in Article 6 or Article 8 is not fulfilled.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
377.	2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the CE marked fertilising product being made available on the market or ensure that it is recalled or withdrawn from the market or that the CE marking is removed.		<p>2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the CE marked EU fertilising product being made available on the market or ensure that it is recalled or withdrawn from the market or, that the CE marking is removed.</p> <p><u>Member States' obligations in this respect shall be without prejudice to their possibility to regulate fertilising products which are not CE marked when made available on the market.</u></p>	<p>2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the CE marked EU fertilising product being made available on the market or ensure that it is recalled or withdrawn from the market or, that the CE marking is removed.</p> <p>Member States' obligations in this respect shall be without prejudice to their possibility to regulate fertilising products which are not CE marked when made available on the market.</p> <p>YELLOW – related to EP AM 1</p>
378.	CHAPTER 6 COMMITTEE AND DELEGATED ACTS			EC TEXT
379.	Article 41 Committee procedure			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
380.	1. The Commission shall be assisted by the Committee on Fertilising products. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.			EC TEXT
381.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.			EC TEXT
382.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.			EC TEXT
383.	4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.			EC TEXT
384.	Article 42 Amendments of Annexes			EC TEXT

385.	1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV for the purposes of adapting them to technical progress and facilitating internal market access and free movement for CE marked fertilising products	<p>AM 80</p> <p>1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV for the purposes of adapting them to technical progress, <i>taking into account products and materials already authorised in Member States, and in particular in the fields of fertilising product production from animal by-products and waste recovery, and for the purpose of</i> facilitating internal market access and free movement for CE marked fertilising products:</p>	<p>1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I-II to IV for the purposes of adapting them to technical progress <u>established after the adoption of this regulation, in particular in the field of fertilising product production from animal by-products, of waste recovery, in the agricultural sector and the agro-food industry</u>, and for facilitating internal market access and free movement for CE <u>marked EU</u> fertilising products,</p> <p><i>Council position modified by CRP Mandate 16/03:</i></p> <p>1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I-II to IV for the purposes of adapting them to technical progress <u>established after the adoption of this regulation, in particular in the field of fertilising product production from animal by-products, other by-products, or recovered waste, in the agricultural sector and in the agro-food industry</u>,</p>	<p>1. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV for the purposes of adapting them to technical progress <u>established after the adoption of this regulation, in particular in the field of fertilising product production from animal by-products, other by-products, and recovered waste, in the agricultural sector and the agro-food industry, and for the purpose of</u> facilitating internal market access and free movement for <u>CE marked fertilising</u> products:</p> <p>RED – DA - general</p> <p>YELLOW - EP and Council to check; final part linked to row 1 (title)</p>
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Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
			and for facilitating internal market access and free movement for CE -marked <u>EU</u> fertilising products	
386.	(a) which are likely to be subject of significant trade on the internal market, and	(a) which <i>have the potential</i> to be subject of significant trade on the internal market, and		GREEN – EP text
387.	(b) for which there is scientific evidence that the they do not present an unacceptable risk to human, animal or plant health, to safety or to the environment, and that they are sufficiently effective.	(b) for which there is scientific evidence that the they do not present <i>a</i> risk to human, animal or plant health, to safety or to the environment, and that they are sufficiently effective.	<p>(b) for which there is scientific evidence that the they do not present an unacceptable risk to human, animal or plant health, to safety or to the environment, and that they are sufficiently effective.</p> <p><i>Council position modified by CRP Mandate 16/03:</i></p> <p>(b) for which there is scientific evidence that the they do not present an unacceptable risk to human, animal or plant health, to safety or to the environment, and that they are sufficiently effective <u>ensure agronomic efficiency.</u></p>	<p>(b) for which there is scientific evidence that the they do not present an unacceptable risk to human, animal or plant health, to safety or to the environment, and that they are sufficiently effective <u>ensure agronomic efficiency, taking into account in particular products and materials already authorised in Member States.</u></p> <p>YELLOW – EP and Council to check different possibilities and scenarios (linked to row 119)</p>

388.			<p><u>Those delegated acts may also introduce contaminant limits in Annex I which are necessary as a consequence of the addition of component materials in Annex II.</u></p> <p><i>Council position modified by CRP Mandate 16/03:</i></p> <p><u>Where the Commission adopts delegated acts in order to add or review component material categories so as to include materials that can be considered as recovered waste within the meaning of Directive 2008/98/EC, those delegated acts shall explicitly excluded such materials from Component Material Category 1.</u></p> <p><u>Where the Commission adopts delegated acts in order to add or review component material categories so as to include materials that can be considered as by-products within the meaning of Directive 2008/98/EC, those delegated acts shall explicitly excluded such materials from</u></p>	<p>RED – DA – general (linked to row 385)</p> <p><u>Where the Commission adopts delegated acts in order to add or review component material categories so as to include materials that can be considered as recovered waste or as by-products within the meaning of Directive 2008/98/EC, those delegated acts shall explicitly exclude such materials from Component Material Categories 1 and 12.</u></p> <p>GREEN</p>
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Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
			<u>Component Material Category 12.</u>	
389.		<p>AM 81</p> <p><i>1a. Without undue delay after ... [date of the entry into force of this Regulation], the Commission shall adopt delegated acts, in accordance with paragraph 1, to amend the component material categories set out in Annex II to add in particular animal by-products for which the end-point has been determined, struvite, biochar and ash-based products to those component material categories, as well as to lay down the requirements for the inclusion of those products in those categories. When adopting those delegated acts, the Commission shall specifically take into account technological progress in the recovery of nutrients.</i></p>		YELLOW – EP and Council to check

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
390.		<p>AM 345</p> <p><i>1b. The Commission shall be empowered to adopt delegated acts in accordance with Article 43 to extend the date of entry into force of the 20mg/kg limit referred to in Annex I, part II, PFC1(B), point 3, point (a), point 2 and Annex I, part II, PFC1(C)I, point 2, point (a), point 2, if, based on a thorough impact assessment, it has evidence to consider that the introduction of a stricter limit would seriously jeopardise the supply of fertilising products to the Union.</i></p>		RED – DA and Cd

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
391.	2. Where the Commission amends Annex II in order to add new micro-organisms to the component material category for such organisms pursuant to paragraph 1, it shall do so on the basis of the following data:	AM 82 2. Where the Commission amends Annex II in order to add new <i>strains of</i> micro-organisms to the component material category for such organisms, it shall do so, <i>after verifying that all concerned strains of the additional microorganism comply with the requirements in point (b) of paragraph 1 of this Article</i> , on the basis of the following data:	2. Where the Commission amends Annex II in order to add new micro-organisms <u>or strains of microorganisms</u> to the component material category for such organisms pursuant to paragraph 1 , it shall do so, <u>after having verified which strains of the additional microorganism are fulfilling the provisions of paragraph 1 (b)</u> , on the basis of the following data:	2. Where the Commission amends Annex II in order to add new micro-organisms <u>or strains of microorganisms</u> to the component material category for such organisms pursuant to paragraph 1, it shall do so, <u>after having verified which strains of the additional microorganism fulfil the requirements of paragraph 1(b)</u> , on the basis of the following data: GREEN
392.	(a) name of the micro-organism;	AM 83 (a) name of the micro-organism <i>at strain level</i> ;		GREEN – Commisison text
393.	(b) taxonomic classification of the micro-organism;		(b) taxonomic classification of the micro-organism: <u>genus, species, strain and procurement method</u> ;	GREEN – CEU text
394.	(c) historical data of safe production and use of the micro-organism	AM 84 (c) <i>scientific literature reporting about</i> safe production and use of the micro-organism	(c) historical data of <u>scientific literature reporting about</u> safe production, <u>conservation</u> and use of the micro-organism	GREEN – CEU text

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
395.	(d) taxonomic relation to micro-organism species fulfilling the requirements for a Qualified Presumption of Safety as established by the European Food Safety Agency;	AM 85 (d) taxonomic relation to micro-organism species fulfilling the requirements for a Qualified Presumption of Safety as established by the European Food Safety <i>Authority, or reference of declared conformity to the relevant harmonised standards on safety of micro-organisms used which have been published in the Official Journal of the European Union, or conformity with the requirements for the safety evaluation of micro-organisms as adopted by the Commission if such harmonised standards are not in place;</i>	(d) taxonomic relation to micro-organism species fulfilling the requirements for a Qualified Presumption of Safety as established by the European Food Safety <u>Authority</u> Agency ;	GREEN – CEU text
396.	(e) information on residue levels of toxins;		deleted	GREEN – CEU text
397.	(f) information on the production process; and			EC TEXT
398.	(g) information on the identity of residual intermediates or microbial metabolites in the component material.		(g) information on the identity <u>and residue levels</u> of residual intermediates, <u>toxins</u> or microbial metabolites in the component material-;	GREEN – CEU text

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
399.			<u>(ga) natural occurrence, survival and mobility in the environment.</u>	GREEN – CEU text
400.		<p>AM 86</p> <p><i>To reflect the rapid technological progress in that field, the Commission shall, by ... [one year after the date of entry into force of this Regulation], adopt delegated acts in accordance with Article 43 to define criteria for the evaluation of micro-organisms that may be used in plant nutrition products without being inscribed nominally in a positive list.</i></p>		GREEN – no amendment

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
401.	3. When adopting delegated acts in accordance with paragraph 1, the Commission may amend the component material categories set out in Annex II in order to add animal by-products within the meaning of Regulation (EC) No 1069/2009 only where an end point in the manufacturing chain has been determined for such products in accordance with the procedures laid down in that Regulation.		3. When adopting delegated acts in accordance with paragraph 1, the Commission may amend the component material categories set out in Annex II in order to add <u>products derived from</u> animal by-products within the meaning of Regulation (EC) No 1069/2009 only where an end point in the manufacturing chain has been determined for such products in accordance with the procedures laid down in that Regulation.	YELLOW – EP and Council to check
402.		AM 87 <i>By ... [six months after the date of entry into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 43 to amend Annex II in order to insert the end-points in the manufacturing chain that have been determined in accordance with the second subparagraph of Article 5(2) of Regulation (EC) No 1069/2009, with regard to the animal by-products listed in CMC 11 of Annex II.</i>		YELLOW – EP and Council to check (in combination with rows 389, 401 and 1070)

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
403.		<p>AM 88</p> <p><i>3a. When adopting delegated acts referred to in paragraph 1, the Commission shall amend the component material category setting the requirement for polymers other than nutrient polymers in Annex II in order to reflect the latest scientific evidence and technological development, and by ... [three years after the date of application of this Regulation] shall define the criteria of the conversion of polymeric carbon to be converted into carbon dioxide (CO₂) and a respective testing method for biodegradation.</i></p>		<p>YELLOW – EP and Council to check (linked to row 1050)</p>

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
404.		<p>AM 89</p> <p><i>3b. When adopting delegated acts referred to in paragraph 1, the Commission shall amend the component material category setting the criteria for other industry by-products in Annex II in order to reflect the present product manufacturing practices, technological development and the latest scientific evidence, and by ... [one year after the date of entry into force of this Regulation] shall define the criteria for industrial by-products for their inclusion to the component material category.</i></p>		<p>RED – DA - industry by-products</p>

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
405.			<u>3a. When adopting delegated acts in accordance with paragraph 1, the Commission may amend the component material categories set out in Annex II in order to include materials that have ceased to be waste following a recovery operation only if recovery rules in that Annex, adopted no later than the inclusion, ensure that the materials comply with the conditions laid down in Article 6(1) of Directive 2008/98/EC.</u>	YELLOW – EP and Council to check (together with row 389)
405a.			<i>Council position modified by CRP Mandate 16/03:</i> <u>3b. By ... [Publications office, please insert the date 3 years after the date of entry into force] the Commission shall adopt delegated acts in accordance with Article 43 to supplement point 3 of CMC 12 in Annex II in the light of the latest scientific evidence by laying down the criteria on agronomic efficiency and safety for the use of by-products in EU fertilising products.</u>	RED – DA - industry by-products

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
406.	4. The Commission shall also be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes I to IV in the light of new scientific evidence. The Commission shall use this empowerment where, based on a risk assessment, an amendment proves necessary to ensure that any CE marked fertilising product complying with the requirements of this Regulation does not, under normal conditions of use, present an unacceptable risk to human, animal, or plant health, to safety or to the environment.		4. The Commission shall also be empowered to adopt delegated acts in accordance with Article 43 to amend Annexes <u>I, with the exception of cadmium (Cd) limit values, and Annexes II, III and</u> to IV in the light of new scientific evidence. The Commission shall use this empowerment where, based on a risk assessment, an amendment proves necessary to ensure that any CE marked EU fertilising product complying with the requirements of this Regulation does not, under normal conditions of use, present an unacceptable risk to human, animal, or plant health, to safety or to the environment.	RED – DA and Cd (linked to row 385)

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
407.			<p><u>4a. By (Publication office please insert the date occurring five years after the date of entry-into-force of this Regulation) the Commission shall adopt delegated acts in accordance with Article 43 to supplement point 2 of CMC 10 in Annex II in the light of the latest scientific evidence by laying down the exact biodegradability criteria and the testing method for biodegradation that ensure that as a result of physical and biological decomposition polymers ultimately decompose into carbon dioxide (CO₂), biomass and water. Those criteria shall ensure that the use of polymers does not lead to accumulation of plastics in the environment.</u></p>	<p>YELLOW – EP and Council to check (together with rows 403/1050)</p>

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
408.			<p>4b. Prior to the adoption of delegated acts introducing new contaminant limits in Annex I in accordance with paragraph 1, the Commission shall request the scientific advice of the European Food Safety Authority provided under Article 22 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.</p>	<p>RED – DA – general (linked to row 385)</p> <p>YELLOW – EP, Council and Commission to check</p>

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
409.			<p><u>Article 42a</u> <u>Separate delegated acts for separate Component Material Categories</u></p> <p><u>When exercising its power to adopt delegated acts pursuant to Article 42, the Commission shall adopt a separate delegated act in respect of each Component Material Category in Annex II, including the introduction of any contaminant limits in Annex I which are necessary as a consequence of the addition of component materials in Annex II.</u></p>	<p>YELLOW – EP and Council to check</p> <p>RED – DA – general (linked to row 385)</p>
410.	Article 43 Exercise of the delegation			EC TEXT
411.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
412.	2. The power to adopt delegated acts referred to in Article 42 shall be conferred on the Commission for five years from [Publications office, please insert the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.		2. The power to adopt delegated acts referred to in Article 42 shall be conferred on the Commission for a period of five years from [Publications office, please insert the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Article 42 shall be conferred on the Commission for a period of five years from [Publications office, please insert the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. GREEN – CEU TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
413.	3. The delegation of power referred to in Article 42 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			EC TEXT
414.		AM 91 <i>3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</i>	<u>3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.</u>	<i>3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</i> GREEN – EP TEXT
415.	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
416.	5. A delegated act adopted pursuant to Article 42 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		5. A delegated act adopted pursuant to Article 42 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two three months at the initiative of the European Parliament or of the Council.	GREEN – CEU text
417.	CHAPTER 7 TRANSITIONAL AND FINAL PROVISIONS			EC TEXT
418.	Article 44 Penalties			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
419.	Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	AM 92 Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them. <i>Member States shall take all measures necessary to ensure that their rules on penalties are enforced.</i>	Member States shall lay down rules on penalties applicable to infringements <u>by economic operators</u> of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	Member States shall lay down rules on penalties applicable to infringements <u>by economic operators</u> of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them. <u>Member States shall take all measures necessary to ensure that their rules on penalties are enforced.</u> YELLOW – to be checked with MS
420.	Article 45 Amendments to Regulation (EC) No 1069/2009			EC TEXT
421.	In Regulation (EC) No 1069/2009, Article 5 is amended as follows:			YELLOW – to be updated after consideration of the relationship to the omnibus proposal

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
422.	(1) in paragraph 2, the first subparagraph is replaced by the following:			YELLOW – to be updated after consideration of the relationship to the omnibus proposal
423.	"For derived products referred to in Articles 32, 35 and 36 which no longer pose any significant risk to public or animal health, an end point in the manufacturing chain may be determined, beyond which they are no longer subject to the requirements of this Regulation.";			YELLOW – to be updated after consideration of the relationship to the omnibus proposal
424.		<p>AM 93</p> <p><i>(1a) in paragraph 2, the following subparagraph is inserted after the first subparagraph:</i></p> <p><i>“For derived products falling under the scope of Article 32 that are already widely used in Member States for the production of fertilisers, the Commission shall determine such an end-point by ... [six months after the date of entry into force of the Fertilisers Regulation]”.</i></p>		<p>YELLOW – EP, Council and COM to check</p> <p>To be updated after consideration of the relationship to the omnibus proposal</p>

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
425.	(2) paragraph 3 is replaced by the following:			YELLOW – to be updated after consideration of the relationship to the omnibus proposal
426.	"3. In the event of risks to public or animal health, Articles 53 and 54 of Regulation (EC) No 178/2002 concerning emergency health measures shall apply mutatis mutandis to the derived products referred to in Articles 32, 33 and 36 of this Regulation."			YELLOW – to be updated after consideration of the relationship to the omnibus proposal
427.	Article 46 Amendments to Regulation (EC) No 1107/2009			EC TEXT
428.	Regulation (EC) No 1107/2009 is amended as follows:			EC TEXT
429.	(1) Article 2(1) (b) is replaced by the following:			EC TEXT
430.	"(b) influencing the life processes of plants, such as substances influencing their growth, other than as a nutrient or a plant biostimulant;"			EC TEXT
431.	(2) in Article 3, the following point is added:			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
432.	(3) "34. "plant biostimulant" means a product stimulating plant nutrition processes independently of the product's nutrient content with the sole aim of improving one or more of the following characteristics of the plant:	AM 94 "34. "plant biostimulant" means a product <i>containing any substance or micro-organism</i> stimulating plant nutrition processes independently of <i>its</i> nutrient content, <i>or any combination of such substances and/or micro-organisms</i> , with the sole aim of improving one or more of the following characteristics of the plant <i>or the plant rhizosphere</i> :	(3) "34. "plant biostimulant" means a product stimulating plant nutrition processes independently of the product's nutrient content with the sole aim of improving one or more of the following characteristics of the plant:	(3) "34. "plant biostimulant" means a product stimulating plant nutrition processes independently of the product's nutrient content with the sole aim of improving one or more of the following characteristics of the plant <u><i>or the plant rhizosphere</i></u> : GREEN
433.	(a) nutrient use efficiency;			EC TEXT
434.	(b) tolerance to abiotic stress;			EC TEXT
435.	(c) crop quality traits."	AM 95 (c) crop quality.	(c) crop quality traits."	GREEN – CEU text
436.		AM 96 <i>(ca) availability of confined nutrients in soil or rhizosphere;</i>		GREEN – EP text
437.		AM 97 <i>(cb) degradation of organic compounds in the soil;</i>		GREEN – no amendment

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
438.		AM 98 <i>(cc) humification;</i>		GREEN – no amendment
439.			<p><u>(2a) in Article 80, the following new paragraph is added:</u></p> <p><u>"8. To a product which was granted an authorisation under Article 32(1) based on an application submitted before [Please insert the date of entry into force of the Regulation on the making available on the market of EU fertilising products], and which after that date falls under the definition in point 34 of Article 3, this Regulation shall continue to apply for the duration provided in the authorisation."</u></p>	<p><u>(2a) in Article 80, the following new paragraph is added:</u></p> <p><u>"8. To a product which was granted an authorisation under Article 32(1) based on an application submitted before [Please insert the date of entry into force of the Regulation on the making available on the market of EU fertilising products], and which after that date falls under the definition in point 34 of Article 3, this Regulation shall continue to apply for the duration provided in the authorisation."</u></p> <p>GREEN – CEU TEXT</p> <p>Drafting comment: consider adding as Article 80a or Article 32(3)</p>
440.	Article 47 Repeal of Regulation (EC) No 2003/2003			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
441.	Regulation (EC) No 2003/2003 is repealed with effect from the date referred to in the second paragraph of Article 49.		Regulation (EC) No 2003/2003 is repealed with effect from the date referred to in the second paragraph of Article 49 <u>[Publications office, please insert the date 3 years after the date of entry into force].</u>	YELLOW – to be checked by EP (linked to row 451)
442.	References to the repealed Regulation shall be construed as references to this Regulation.			EC TEXT
443.			<u>Article 47a</u> <u>Review</u> <u>By [Publication office, please insert the date 16 years after the entry into force of this Regulation], the Commission shall carry out a review of limit values for cadmium content in phosphate fertilisers. This review shall be accompanied, if necessary, by a legislative proposal.</u>	RED – Cd
444.	Article 48 Transitional provisions	AM 99 Article 48 Transitional provisions, <i>reporting and review</i>		RED – Cd

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
445.	Member States shall not impede the making available on the market of products which were placed on the market as fertilisers designated "EC fertiliser" in conformity with Regulation (EC) No 2003/2003 before [Publications office, please insert the date of application of this Regulation]. However, Chapter 5 shall apply mutatis mutandis to such products.	AM 100 Member States shall not impede the making available on the market of products which were placed on the market as fertilisers designated "EC fertiliser" in conformity with Regulation (EC) No 2003/2003 before ... [<i>twelve months after</i> the date of application of this Regulation]. However, Chapter 5 shall apply mutatis mutandis to such products.	Member States shall not impede the making available on the market of products which were placed on the market as fertilisers designated "EC fertiliser" in conformity with Regulation (EC) No 2003/2003 before [Publications office, please insert the date of application of application <u>three years after the entry-into-force</u> of this Regulation]. However, Chapter 5 shall apply mutatis mutandis to such products.	RED – Cd

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
446.		<p>AM 101</p> <p><i>1a. Member States which have already implemented a lower limit for cadmium (Cd) content in organo-mineral fertilisers and inorganic fertilisers, set out in PFC 1 (B)(3)(a) and PFC 1 (C)(I)(2)(a) of Part II of Annex I may maintain that stricter limit until the limit established according to this Regulation is equal or lower. Member States shall notify such existing national measures to the Commission by ... [six months after the date of entry into force of this Regulation].</i></p>		RED – Cd
447.		<p>AM 102</p> <p><i>1b. By ... [42 months after the date of application of this Regulation], the Commission shall submit to the European Parliament and to the Council a report assessing the application of this Regulation and its overall impact as to the attainment of its objectives, including the impact on SMEs. That report shall in particular include:</i></p>		RED – Cd

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
		<p><i>(a) an assessment of the functioning of the internal market for fertilising products, including the conformity assessment and market surveillance effectiveness, an analysis of the effects of partial harmonization on production, use patterns and trade flows of CE marked fertilising products and fertilising products placed on the market under national rules;</i></p> <p><i>(b) an assessment of application of restrictions on levels of contaminants as laid out in Annex I of this Regulation, any new relevant scientific information as regards the toxicity and carcinogenicity of contaminants if it becomes available, including the risks from uranium contamination in fertilising products;</i></p> <p><i>(c) an assessment of the developments in decadmiation technologies and their impact, scale and costs across the value chain, as well as related</i></p>		

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
		<p><i>cadmium waste management; and</i></p> <p><i>(d) an assessment of the impacts on trade in raw material sourcing, including the availability of phosphate rock.</i></p> <p><i>The report shall take due account of technological progress and innovation as well as standardisation processes affecting production and use of fertilising products. It shall be accompanied, if necessary, by a legislative proposal by ... [five years after the date of application of this Regulation].</i></p> <p><i>By ...[12 months after the entry into force of this Regulation] the Commission shall submit an evaluation of the scientific data to set the agronomic and environmental criteria to define end-of-livestock-manure criteria in order to qualify the performance of products that contain or consist of processed livestock manure.</i></p>		

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
448.		AM 103 <i>1c. By ... [five years after the date of entry into force of this Regulation], the Commission shall carry out a review of the conformity assessment procedure of micro-organisms.</i>		YELLOW
449.	Article 49 Entry into force and application			EC TEXT
450.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.			EC TEXT

Row	COMMISSION PROPOSAL	EP AMENDMENTS	COUNCIL TEXT 14010/1/2017 REV 1	COMPROMISE
451.	It shall apply from 1 January 2018.	<p>AM 104</p> <p>It shall apply from ... <i>[two years after the date of entry into force of this Regulation], with the exception of Articles 19 to 35, which shall apply from ... [one year after the date of entry into force of this Regulation] and Articles 13, 41, 42, 43 and 45, which shall apply from ... [the date of entry into force of this Regulation].</i></p>	<p>It shall apply from 1 January 2018 <u>[Publications office, please insert the date three years after the date of entry into force of this Regulation], with the exception of:</u></p> <p><u>(a) Articles 19 to 35, which shall apply from [Publications office, please insert the date nine months after the date of entry into force] and</u></p> <p><u>(b) Articles 13, 41, 42, 43, 45 and 46, which shall apply from [Publications office, please insert the date of entry into force].</u></p>	RED – Cd
452.	This Regulation shall be binding in its entirety and directly applicable in all Member States.			EC TEXT