

Brussels, September 2025

## Evaluation of the Fertilising Products Regulation

### *Business & Science Poland's position*

The ongoing evaluation of Regulation (EU) 2019/1009<sup>1</sup> within the framework of the European Commission's consultation is a key moment to take into account the experiences and needs of the fertiliser market, which is one of BSP's core sectors of activity. The fertiliser sector plays a fundamental role in ensuring food security, the stability of the agri-food supply chain, and the competitiveness of the European chemical industry. The availability of high-quality fertilisers at affordable prices is a key condition for stable agricultural production and, consequently, for the resilience of the entire EU economy. Fertilisers are also an essential component of the transition towards a low-emission and circular economy – from innovative production technologies to the use of secondary raw materials. Therefore, any legislative changes in this area have a direct impact on farmers, industry, and consumers across the Union.

As part of the ongoing evaluation of the above-mentioned Regulation, we would like to take this opportunity to present our proposals for improvements in the functioning of the EU fertiliser market. Our recommendations focus on enhancing transparency and traceability of products, raising quality standards, strengthening enforcement of the rules, and creating conditions conducive to innovation and the development of the sector:

1. Modification of the definition of '*manufacturer*' to improve transparency and the availability of information on the actual origin and production methods of fertilising products,
2. Revision of the permissible levels of biuret contamination in inorganic fertilisers,
3. Enhanced traceability of the origin of fertilising products through a register of entities operating on the EU fertiliser market,
4. Strengthening and harmonisation of penalties for infringements of the Regulation,
5. Simplification of the rules on the inclusion of microorganisms under CMC 7.

In the following sections of the document, we present a more detailed explanation of our proposals, together with justifications and suggested amendments that address the key challenges facing the EU fertiliser market in the context of Regulation (EU) 2019/1009.

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<sup>1</sup> Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003

## 1. Modification of the definition of ‘*manufacturer*’

The current wording of Article 2(11) of Regulation 2019/1009 provides that the term ‘*manufacturer*’ covers both the actual manufacturer of fertilisers in industrial installations and an importer carrying out only simple packaging activities.

### *Art. 2 Definition*

11) ‘*manufacturer*’ means any natural or legal person who manufactures an EU fertilising product or has an EU fertilising product designed or manufactured, and markets that EU fertilising product under his or her name or trademark;

Such formulation makes it more difficult for end-users to reliably identify the origin of the product and to make informed purchasing decisions. This issue is of particular importance in the context of increasing imports of mineral fertilisers from Russia and Belarus and possible attempts to circumvent the customs duties on certain mineral fertilisers from these countries, applicable as of 1 July 2025. In recent years, we have observed a steady expansion of Russian manufacturers, based on unfair price competition resulting from access to cheap, subsidised gas. Exports of fertilisers from Russia in practice mean the continued presence of Russian gas on the European market in processed form, which undermines the coherence of the EU’s sanctions policy and increases the dependence of EU agriculture on supplies from outside the Union.

Russian corporations achieve profit margins of up to 40–50%, while EU manufacturers, burdened with higher energy and raw material costs as well as strict environmental standards, operate at the edge of profitability. This competitive asymmetry leads to the displacement of European production and increases the risk of long-term dependence.

It is therefore crucial that the legislation clearly distinguishes the actual manufacturer from a packaging entity or importer. We understand that the purpose of the current provisions is to ensure that the importer or distributor assumes the manufacturer’s obligations regarding conformity assessment procedures, technical documentation, and the declaration of conformity. At the same time, we believe that, in order to ensure market transparency and enable identification of the true origin of imported fertilisers, the following solutions should be considered:

- **clarification of the definition of “manufacturer” (Article 2)** by deleting the phrase ‘*or has an EU fertilising product designed or manufactured, and markets that EU fertilising product under his or her name or trademark*’
- **supplementing the importer’s obligations (Article 8)** with a requirement that the packaging include information enabling identification of the actual manufacturer, regardless of whether the product is placed on the market under the importer’s own brand,
- **adjusting the wording of Article 10** so that placing a fertilising product on the market under one’s own brand triggers the obligations of a manufacturer (including, inter alia, the conformity assessment

procedure), while at the same time avoiding situations in which the importer would be indicated on the label as the manufacturer.

Such solutions will enhance market transparency, limit the circumvention of the customs duties applicable as of 1 July 2025, and strengthen security and fair competition on the EU market.

## **2. Revision of the permissible levels of biuret contamination in inorganic fertilisers**

Biuret is a by-product formed during the production and storage of urea. Its presence in nitrogen fertilisers may cause adverse agronomic effects – ranging from physiological stress to leaf damage in foliar application – leading to reduced yields and lower fertilisation efficiency.

The provisions of Regulation (EU) 2019/1009 currently set the maximum biuret content at 12 g/kg, equivalent to 1.2% of the fertiliser's mass. This threshold does not reflect the technological capabilities available in modern EU production plants, which are able to maintain biuret content at lower levels. At the same time, it allows the placing on the market of imported fertilisers of a quality that undermines both crop safety and the competitiveness of EU manufacturers.

A revision of the biuret limit, linked to the conformity control system, would allow for:

- **Crop and yield protection** – minimising damage resulting from leaf stress and phytotoxicity,
- **Ensuring equal competitive conditions** – giving the EU fertiliser industry, burdened with production costs and environmental standards, a real chance to compete on fair terms,
- **Promotion of innovation and process improvement** – encouraging the use of cleaner technologies and more efficient quality management.

We therefore call for a revision of the current permissible values to better protect farmers and consumers, while promoting the high production standards characteristic of the EU industry. Introducing modified biuret limits in urea would be consistent with the objectives of the Regulation: ensuring the quality and safety of fertilising products, improving agronomic efficiency, and creating equal conditions of competition on the internal market.

## **3. Enhanced traceability of the origin of fertilising products through a register of entities operating on the EU fertiliser market,**

One of the key challenges for the functioning of the EU fertiliser market remains the lack of full transparency regarding the origin and production methods of fertilising products. At present, farmers and other market operators do not have access to sufficient information to make a reliable assessment of a product's source, quality, and compliance with applicable regulations.

A possible solution could be the establishment of an EU register of entities operating on the fertiliser market, covering manufacturers, importers, and distributors. This register would:

- enable the identification of market participants and their roles (manufacturer, importer, distributor) and verification of whether they comply with their obligations under EU law,
- increase the availability of information on the actual origin, in particular on the place of production, composition, and – to a limited extent – the method of fertiliser production, while excluding production technologies and information protected as trade secrets or sensitive from the perspective of competition law,
- serve as a valuable source of data on trade flows and market trends for EU and national institutions,
- facilitate the enforcement of sanctions and additional customs measures on imports from third countries.

Importantly, such a register could also become a tool supporting the work of the Fertilisers Market Observatory by providing reliable information on market participants, import flows, and the structure of supply. As a result, the overall transparency of the sector would increase, benefiting farmers and manufacturers as well as the EU institutions responsible for shaping agri-food and trade policy.

#### **4. Strengthening and harmonisation of penalties for infringements of the Regulation**

According to Article 48 of Regulation 2019/1009, Member States are required to adopt provisions laying down penalties for infringements, which must be effective, proportionate, and dissuasive. In practice, however, the current solutions remain divergent, and in many EU countries the penalties applied do not meet the requirement of real deterrence. This creates asymmetry in law enforcement across the single market and weakens the effectiveness of the entire system.

One of the main objectives of the Regulation was to establish a harmonised framework for the functioning of the EU fertiliser market. Unequal approaches to penalties undermine this coherence and lead to regulatory gaps that may be exploited by non-compliant operators – including importers from third countries.

It is therefore essential for the European Commission to assess the solutions adopted by Member States regarding penalties and subsequently introduce amendments to the Regulation itself so that it lays down requirements for the effectiveness, proportionality, and dissuasive nature of penalties. An example of such an approach is the Methane Regulation (2024/1787), which sets absolute minimum levels for fines imposed on companies and individuals. Only in this way can penalties serve as a genuine enforcement tool, ensuring equal conditions for all market participants and strengthening the credibility of EU legislation.

#### **5. Simplification of the rules on the inclusion of microorganisms under CMC 7**

Regulation 2019/1009 allows the use of microorganisms in fertilisers but currently limits this possibility to only four strains listed in Part II of Annex II, point CMC 7. Such a narrow scope does not reflect the dynamic development of research in biotechnology, biostimulation, and biological methods of improving soil fertility.

In recent years, growing interest has been observed among farmers and the fertiliser industry in products based on microorganisms, which enhance fertilisation efficiency and improve soil health. Meanwhile, the procedure for extending the list of authorised strains is complex and time-consuming, which slows down the adoption of innovative solutions in the sector.

We therefore call for the simplification of the rules for including new microorganisms in category CMC 7 by creating a faster and more predictable procedure based on clear safety and efficacy criteria. Such a solution would:

- make better use of the potential of innovative biological technologies,
- accelerate the placing on the market of modern, sustainable products.

Expanding the CMC 7 list would not only increase the competitiveness of the EU fertiliser sector but also provide farmers with access to a more diverse and effective set of tools to support production in the context of agricultural transition and climate change.

#### **Summary:**

The fertiliser sector is essential for food security, the competitiveness of the chemical industry, and the resilience of supply chains; therefore, market rules must ensure transparency, quality, and fair competition. In this spirit, we recommend clarifying the definition of “manufacturer” to clearly distinguish actual producers from importers/packagers and to provide reliable information on origin and production methods. We also propose the establishment of an EU register of entities operating on the fertiliser market, which would increase product traceability, facilitate enforcement, and support the analyses of the Fertilisers Market Observatory.

We call for the strengthening and harmonisation of sanctions across the EU to ensure that they are truly effective, proportionate, and dissuasive. In the field of innovation, we advocate simplifying and accelerating the procedure for expanding CMC 7 to include additional safe and effective microorganisms. We also propose a revision of the current biuret limits to better protect farmers and consumers and to promote the high production standards characteristic of the EU industry. Introducing revised biuret thresholds in urea would align with the Regulation’s objectives: ensuring the quality and safety of fertilising products, improving agronomic efficiency, and creating equal conditions of competition on the internal market.

Collectively, these proposed changes will strengthen the functioning of the single market, reduce geopolitical risks linked to imports from outside the EU, and foster investment in modern, sustainable technologies. We believe that such an approach will bring tangible benefits to farmers, processors, and consumers while enhancing the resilience and strategic autonomy of the EU.

#### **About BSP**

*Business & Science Poland (BSP) combines the experience of leading Polish enterprises with the European Union’s agenda. We represent the knowledge and interests of Polish companies employing over 180,000 people in Poland, the EU, and worldwide. Our goal is to support the EU Single Market, taking into account the need for its responsible and effective transformation.*