



EUROPEAN COMMISSION

*Brussels, 11.8.2016
C(2016) 5311 final*

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President of the
Congreso de los Diputados
Floridablanca s/n
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*Mr Pío GARCÍA-ESCUDERO
MÁRQUEZ
President of the Senado
E – 28071 MADRID*

Dear Presidents,

The Commission would like to thank the Congreso de los Diputados and the Senado for its Opinion on the proposal for a Regulation 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 {COM(2016) 157 final}.

This initiative has been identified as one of the key legislative proposals under the EU action plan for the Circular Economy¹. The transition towards a circular economy has the potential to create many jobs in Europe while preserving precious and increasingly scarce resources as well as reducing the environmental impacts of resource use. The proposal aims at creating the conditions enabling the free movement of nutrients recovered from biowaste or other secondary raw materials within the Single Market.

The Commission welcomes the Congreso de los Diputados' and the Senado's broad support for extending the scope of the existing Regulation (EC) No 2003/2003 relating to fertilisers ('Fertiliser Regulation')² to fertilisers originating from organic raw materials.

The proposal is based on the concept of the New Legislative Framework³ which is adapted to the specific needs of fertilisers. The framework sets out in detail the responsibilities of all the different actors in the supply chain – from the manufacturer to the final product distributor. The framework also lays down legally binding safety and quality requirements which products must fulfil before they can be CE marked. Due to the variety of categories of

¹ COM(2015) 614 final.

² OJ L 304, 21.11.2003, pp. 1-194.

³ http://ec.europa.eu/growth/single-market/goods/new-legislative-framework/index_en.htm

fertilising products, this proposal adapts the framework's requirements to the properties of each category of fertilising products. Furthermore, this new framework will allow for more competition whilst maintaining enough flexibility to adapt to new risks and technological progress. The Commission is of a view that, through creating a level playing field for fertilising products from primary and secondary raw materials, this proposal would significantly improve the marketing conditions for sustainable fertilisers.

The points made above are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and also the Council in which your government is represented.

The Commission hopes that these clarifications address the issues raised by the Congreso de los Diputados and the Senado and looks forward to continuing our political dialogue in the future.

Yours faithfully,

Violeta Bulc

Member of the Commission