

Information on marketability of fertilizers in Germany and EU

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Background

Inclusion of a product in the "Betriebsmittelliste für die ökologische Produktion in Deutschland" (German Input List for organic production) or the "European Input List" requires the product to be marketable in an EU member state.

Companies which place products on the market are responsible for ensuring that they comply with the legal requirements regarding marketability. In Germany, compliance with the requirements for fertilizers, soil conditioners, plant aids and growing media is supervised by the official fertilizer market control authorities of the federal states. This fact sheet is intended to provide an overview of the possibilities for the legitimate marketing of fertilizers in order to support the companies applying for publication in the Input List. For further detailed information, please refer to the relevant regulations or websites of the responsible federal state authorities, for Germany e.g.:

- Bavarian State Research Center for Agriculture:
<https://www.lfl.bayern.de/ipz/kontrollen/168117/index.php>
- Federal State Office for Nature, the Environment and Consumer Protection in North Rhine Westphalia:
<https://www.lanuv.nrw.de/verbraucherschutz/marktueberwachung/duengemittel/service/duengemittelrecht>
- Saxon State Office for Environment, Agriculture and Geology:
<https://www.landwirtschaft.sachsen.de/duengemittelverkehrskontrolle-20675.html>

There are different ways to place a product on the market in Germany and other EU member states:

1. According to German law: Fertilizer Ordinance (DüMV)

Legal framework	Selected sections that provide support for frequently asked questions
<p>The Fertilizer Act (DüngG) as amended regulates the marketing and use of fertilizers, soil conditioners, growing media and plant aids.</p> <p>The Fertilizer Ordinance (DüMV) contains the relevant regulations for the approval, marketing, labeling and application instructions for mineral and organic fertilizers, farmyard manure, soil conditioners, growing media and plant aids.</p>	<p>Fertilizer Act:</p> <p>§ 2 Definitions</p> <p>Fertilizer Ordinance:</p> <ul style="list-style-type: none">• Appendix 1: Product type, or § 4 (3) for soil conditioners and plant aids• Appendix 2, Tables 6, 7 and 8: raw materials• Appendix 2, Tables 1 and 10: declaration on label or accompanying document• Appendix 2, Table 1, Item 1.4: pollutant limits

2. According to EU law: Regulation (EU) 2019/1009 on fertilizing products

Legal framework	Selected sections that provide support for frequently asked questions
<p>The Regulation (EU) 2019/1009 on fertilizing products</p> <ul style="list-style-type: none"> • has been fully applicable since July 16, 2022. • replaces the old Regulation (EC) 2003/2003. • regulates the marketing of fertilizer products throughout the EU. <p>Products that meet the requirements of Regulation (EU) 2019/1009 and are labeled with a "CE mark" are marketable in the European Union.</p>	<p>In the Regulation (EU) 2019/1009:</p> <ul style="list-style-type: none"> • Annex I: Product function categories (PFC) and associated nutrient and pollutant limit values • Annex III: Labelling requirements, CE marking on the label • Annexes IV and V: Modules for conformity assessment and conformity assessment template

3. According to the national law of an EU member state: mutual recognition on the basis of Regulation (EU) 2019/515

Legal framework	Selected sections that provide support for frequently asked questions
<p>The Regulation (EU) 2019/515 on Mutual Recognition applies if</p> <ul style="list-style-type: none"> • a product has been "lawfully placed on the market in another EU member state". • the product is available to the end user in the relevant member state (the country of origin of the underlying legal basis) for the entire period of use of the "mutual recognition". 	<p>Annex to Regulation (EU) 2019/515</p> <p>The declaration of mutual recognition contains following information:</p> <ul style="list-style-type: none"> • Clear identification of the product (product name) • Name and address of the company • Description of the product (type of product) • National legislation (Member State and relevant regulation)