

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 (Text with EEA relevance)

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

Article 48

Penalties

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.

Article 49

Report

By 16 July 2026, 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 small and medium-sized enterprises. That report shall include:

- (a) an assessment of the functioning of the internal market for fertilising products, including conformity assessment and market surveillance effectiveness and an analysis of the effects of optional harmonisation on production, market shares and trade flows of EU fertilising products and fertilising products placed on the market under national rules;
- (b) a review of the limit values for cadmium content in phosphate fertilisers, with a view to assessing the feasibility of reducing these limit values to a lower appropriate level on the basis of available technologies and scientific evidence on cadmium exposure and accumulation in the environment, taking into account environmental factors, in particular in the context of soil and climatic conditions, health factors, as well as socio-economic factors, including considerations of security of supply;
- (c) an assessment of the application of restrictions on levels of contaminants set out in Annex I and an assessment of any new relevant scientific information as regards the toxicity and carcinogenicity of contaminants that becomes available, including the risks from uranium contamination in fertilising products.

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 appropriate, by a legislative proposal.

*Article 50***Biodegradability review**

By 16 July 2024, the Commission shall carry out a review in order to assess the possibility of determining biodegradability criteria of mulch films, and the possibility of incorporating them into component material category 9 in Part II of Annex II.

*Article 51***Repeal of Regulation (EC) No 2003/2003**

Regulation (EC) No 2003/2003 is repealed with effect from 16 July 2022.

References to the repealed Regulation shall be construed as references to this Regulation.

*Article 52***Transitional provisions**

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 16 July 2022. However, Chapter V of this Regulation shall apply *mutatis mutandis* to such products.

*Article 53***Entry into force and application**

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

It shall apply from 16 July 2022.

However:

- (a) Articles 4(3), 14, 42, 43, 44, 45, 46 and 47 shall apply from 15 July 2019; and
- (b) Articles 20 to 36 shall apply from 16 April 2020.