

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 III

CONFORMITY OF EU FERTILISING PRODUCTS

Article 13

Presumption of conformity

1 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.

2 Tests for verifying the 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 to the extent that the tests are covered by those standards or parts thereof.

Article 14

Common specifications

1 The Commission may adopt implementing acts laying down common specifications for the requirements set out in Annex I, II or III or tests referred to in Article 13(2) where:

- a those requirements or tests are not covered by harmonised standards or parts thereof, the references of which have been published in the *Official Journal of the European Union*;
- b the Commission observes undue delays in the adoption of requested harmonised standards; or
- c the Commission has decided in accordance with the procedure referred to in Article 11(5) of Regulation (EU) No 1025/2012 to maintain with restriction or to withdraw the references to the harmonised standards or parts thereof by which those requirements or tests are covered.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 45(3).

2 EU fertilising products which are in conformity with common specifications or parts thereof shall be presumed to be in conformity with the requirements set out in Annexes I, II and III covered by those common specifications or parts thereof.

3 Tests for verifying the conformity of EU fertilising products with the requirements set out in Annexes I, II and III which are in conformity with common specifications or parts thereof shall be presumed to be reliable and reproducible to the extent that the tests are covered by those common specifications or parts thereof.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2019/1009 of the European Parliament and of the Council, CHAPTER III. (See end of Document for details)

Article 15

Conformity assessment procedures

1 Conformity assessment of an EU fertilising product with the requirements laid down in this Regulation shall be carried out under the applicable conformity assessment procedure in accordance with Annex IV.

2 Records and correspondence relating to conformity assessment procedures shall be drawn up in the official language or languages of the Member State where the notified body carrying out the conformity assessment procedures is established, or in a language accepted by that body.

Article 16

EU declaration of conformity

1 The EU declaration of conformity shall state that the fulfilment of the requirements laid down in this Regulation has been demonstrated.

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 EU fertilising product is placed or made available on the market.

3 Where an EU 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 EU declarations of conformity.

4 By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the EU fertilising product with the requirements laid down in this Regulation.

Article 17

General principles of CE marking

The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.

Article 18

Rules and conditions for affixing the CE marking

1 The CE marking shall be affixed visibly, legibly and indelibly to the packaging of the EU fertilising product or, where the EU fertilising product is supplied without packaging, to a document accompanying the EU fertilising product.

2 The CE marking shall be affixed before the EU fertilising product is placed on the market.

3 The CE marking shall be followed by the identification number of the notified body, where required under Annex IV.

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.

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.

Article 19

End-of-waste status

This Regulation lays down criteria in accordance with which material that constitutes waste, as defined in Directive 2008/98/EC, can cease to be waste, if it is contained in a compliant EU fertilising product. In such cases, the recovery operation under this Regulation shall be performed before the material ceases to be waste, and the material shall be considered to comply with the conditions laid down in Article 6 of that Directive and therefore to have ceased to be waste from the moment that the EU declaration of conformity was drawn up.

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) 2019/1009 of the European Parliament and of the Council, CHAPTER III.