# Opinion of the European Economic and Social Committee on the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2019/1009 as regards the digital labelling of EU fertilising products

**(COM(2023) 98 final — 2023/0049 (COD))**

(2023/C 293/16)

Rapporteur: **John COMER**



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| Referral | European Parliament, 13.3.2023 |
| | Council, 6.3.2023 |
| Legal basis | Articles 114 and 304 of the Treaty on the Functioning of the European Union |
| Section responsible | Agriculture, Rural Development and the Environment |
| Adopted in section | 1.6.2023 |
| Outcome of vote | 38/0/2 |
| (for/against/abstentions) | |
| Adopted at plenary | 14.6.2023 |
| Plenary session No | 579 |
| Outcome of vote | |
| (for/against/abstentions) | 209/0/4 |



## 1. **Conclusions and recommendations**

The European Economic and Social Committee (EESC) considers that

1.1. The provision of voluntary digital labelling for fertilising products is a very positive development and every effort should be made to encourage economic operators to move to digital labelling.

1.2. The risk of the digital divide needs to be carefully monitored. Digitalisation could leave some vulnerable groups further behind despite the provision that an alternative must be available on request. It would be advisable if there was a timeline and greater clarity as to how this alternative would operate effectively.

1.3. Economic operators who adopt digital labelling should take specific action in addition to what is proposed by the Commission to recommend and encourage end users to consult the digital label.

1.4. Some end users have concerns about excessive tracking being attached to the digital labelling sites. Adequate assurance needs to be provided that unnecessary tracking will not occur.

1.5. The EESC welcomes this proposal because it focuses on improving the efficient use of fertilising products, reduces costs and promotes the digitalisation of the agricultural sector, which is welcomed.

1.6. A recommendation to engage in soil sampling before applying fertilising products should be highlighted on the physical label as well as the digital label. Such action would be good for the environment and save money.

1.7. The design and format including minimum font size of physical labels should be specified in the proposal to ensure clearer communication.

1.8. It is recommended that packages of fertilising products of 1 000 kg or more should only require a digital label where economic operators decide to use digital labelling. Packages of fertilising products under 1 000 kg should always require a physical label, even where economic operators decide to use a digital label.

## 2. **Background**

2.1. Regulation EU 2019/1009 of the European Parliament and of the Council ([1]) introduced labelling requirements that are much more extensive than those contained in Regulation (EC) No 2003/2003 of the European Parliament and of the Council ([2]). This new regulation reflected new social demands and concerns as well as the fact that these new rules open the EU market to fertilising products that are innovative and unknown and require more detailed end user instructions.

2.2. Overloaded labels are difficult to read. Too much detail can obscure the essential message that the end user requires.

2.3. Economic operators find such labels difficult to manage and they are linked to increased costs due to the need to frequently update labels.

2.4. The proposed amendment to Regulation (EU) 2019/1009 is governed by the same general objectives of the existing Regulation (EU) 2019/1009, which is to ensure a high level of protection of human health and the environment and a well-functioning internal market.

2.5. The Commission identified two specific problems which this proposal attempts to address:

— improving the readability of physical labels and

— facilitating the management of labels by economic operators.

2.6. According to Article 6(7) of Regulation (EU) 2019/1009, all the labelling requirements in Annex III must be set out on the physical label.

2.7. This proposal introduces the voluntary digitisation of labels for EU fertilising products. Manufacturers, importers or distributors can decide whether to introduce digital labels for EU fertilising products.

2.8. Economic operators opting for digital labelling can put all the labelling elements under Annex III in a digital label when suppling fertilising products to other economic operators which are not end users. Fertilising products supplied in bulk or in packages over 1 000 kg can also be supplied with a digital label only to any entity, including end users.

2.9. Economic operators using a digital label when supplying fertilising products to end users in packages of 1 000 kg or less will have to provide a physical label in addition to the digital label.

2.10. The physical label must contain all the information concerning the protection of human health and the environment, as well as the most important information on the agronomic efficiency and content of the product, or other information needed after purchase such as information on safe storage and disposal.

2.11. The proposal lays down general rules regarding the digitisation of labels without making a distinction between professional and non-professional end users. In particular, economic operators will have to ensure that the digital label can be accessed free of charge and is easily accessible throughout the EU for a period of five years after the product has been placed on the market. The physical label must contain a data carrier (for example QR code or URL) so as to easily access the digital label without the need for a special or unique application. The digital label site must contain the information required by Annex III separate from other information about marketing or other special offers. No unnecessary tracking must be attached to the digital label site.

2.12. The information on digital labels must also be made available by alternative means if requested so as to facilitate the needs of vulnerable users who are not familiar with or willing to use digital labels.

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([1]) 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 (OJ L 170, 25.6.2019, p. 1).

([2]) Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (OJ L 304, 21.11.2003, p. 1).

2.13. If for some reason the digital label becomes temporarily unavailable, an alternative must be provided without the need to request it.

2.14. The proposal confers an empowerment on the Commission to further adapt Annex III by deciding which labelling elements could be provided in digital form to end users in packages of 1 000 kg or less depending on the development of society.

2.15. The Commission states the proposal is consistent with the EU's broader policy for the European Green Deal, which aims to tackle the twin challenges of the green and digital transitions.

2.16. The proposal is intended to improve the efficient use of fertilising products, reduce labelling costs and promote the digitisation of the agricultural sector while ensuring consistency with the EU's broader policy for a sustainable and smart future.

## 3. **General comments**

3.1. The EESC welcomes this proposal to introduce digital labelling for fertilising products. It forms part of a general trend to expand the digitalisation of product information and product labels.

3.2. Supplies of fertilising products that meet EU-wide health and safety and environmental standards (CE marked) will be allowed to be accompanied by information on a digital label.

3.3. The problem of overloaded labels is a major issue. Essential information is often difficult to find and so end users sometimes tend to ignore labels with excessive amounts of detail. Annex III as currently implemented is clearly trying to put too much information into a physical label. The possibility of digital labels is a major step forward. With digital labelling the physical label can contain the really essential information plus a link to the digital label.

3.4. The proposal empowers the Commission to further adapt Annex III by deciding which labelling elements can be provided digitally. The empowerment allows the Commission to move existing elements from the physical label to the digital label.

3.5. The digital label must include information allowing the manufacturer of the product to be identified and contacted, the CE marking, and any corresponding reference to a notified body.

3.6. There is no provision in the proposal to regulate the size and layout of the physical label.

3.7. The more efficient use of fertilising products is an important element in the Farm to Fork strategy, which specifies a target of a 50 % reduction in nutrient losses and a 20 % reduction in fertiliser usage by 2030. The Commission says that this proposal supports the trend of improving the efficiency of use of fertilising products. The issue of soil testing is not mandatory for inclusion on the physical label. Soil testing would encourage the more efficient use of fertilising products.

3.8. Where economic operators adopt a digital label, there should be an extra strong recommendation to the end user to consult the digital label so as to get the maximum benefit from the mandatory information about the product.

3.9. The adoption of digital labelling is voluntary on the part of economic operators. However, in the interests of promoting the more extensive use of digital labelling, priority should be given to encouraging economic operators to move to digital labelling.

3.10. The need to increase the use efficiency of fertilise products is stressed in the 2022 EU Communication on Fertilisers ([3]). The use of digital tools is a key enabler in this process.

3.11. Using digital labelling should enable better communication of the properties and most efficient use of fertilisers, which will be of benefit to the environment and provide savings for end users.

3.12. The EESC welcomes that the conditions for implementing digital labelling are being introduced at EU level, as this creates a level playing field and as such improves the internal market while ensuring a high standard of protection as required by Regulation (EU) 2019/1009. In addition, any changes to digital labelling can only be made at EU level.

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([3]) Opinion of the European Economic and Social Committee on the 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — Ensuring availability and affordability of fertilisers' (COM(2022) 590 final) (OJ C 184, 25.5.2023, p. 109).

3.13. The proposal states that packages over 1 000 kg should be deemed as bulk deliveries. It would have been preferrable if packages of 1 000 kg were deemed as bulk deliveries and packages under 1 000 kg would require the physical label in addition to the digital label.

3.14. The risk of a digital divide for vulnerable users needs to be further clarified. The Commission proposal states that an alternative to the digital label must be available when requested. However, no timeline is envisaged as to how quickly such an alternative might be made available to vulnerable end users.

3.15. The EESC emphasises the need to ensure that no unnecessary tracking systems are attached to digital label sites.

Brussels, 14 June 2023.

*The President*
*of the European Economic and Social Committee*
Oliver RÖPKE