



Brussels, 29 April 2022  
(OR. en)

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ENT 58  
MI 314  
COMPET 265  
AGRILEG 55  
ENV 372  
CHIMIE 39  
IND 133  
DELECT 70

**'I/A' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	C(2022) 1437 Final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 14.3.2022 supplementing Regulation (EU) 2019/1009 of the European Parliament and of the Council by laying down criteria on agronomic efficiency and safety for the use of by-products in EU fertilising products - Intension not to raise objections

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1. On 14 March 2022, the Commission submitted the above draft Delegated Regulation to the Council in accordance with Articles 42 (7) and 44 (4) of Regulation (EU) 2019/1009<sup>1</sup>. The draft delegated Regulation supplements Regulation (EU) 2019/1009.

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<sup>1</sup> 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. Article 42(7) of Regulation (EU) 2019/1009 requires the Commission to supplement Part II, CMC 11, point 3, of Annex II, by laying down criteria for agronomic efficiency and safety for the use of by-products within the meaning of Directive 2008/98/EC in EU fertilising products. By-products build a heterogeneous category of substances with different physical and chemical nature, and are defined by Directive 2008/98/EC.<sup>2</sup>
  3. Delegations had until 26 April 2022 to object to the delegated act. By the deadline, no delegation has raised objections. One delegation expressed reservation to the current draft delegated Regulation, and a wish for extension, in order to clarify the limit values for chromium and vanadium.
  4. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm the non-opposition to the draft Delegated Regulation, as set out in document ST 7224/22 as an item without discussion at one of its forthcoming meetings.
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<sup>2</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).