DIRECTION GÉNÉRALE DES ENTREPRISES

REGULATIONS NOT HARMONISED AT EUROPEAN LEVEL

FERTILISING MATERIALS AND GROWING MEDIA

SCOPE

The "fertilizing materials" are products intended to assure either to improve the nutrition of vegetables or the physical, chemical and biological properties of grounds. They understand, in particular:

- fertilizers intended to bring to the plants of elements directly useful for their nutrition. He can involve major or secondary fertilizing elements or still trace elements;

- the amendments intended to modify or to improve the physical, chemical or biological properties of grounds;

- the materials the function of which, once applied to the ground or on the plant, is to stimulate natural processes of plants or ground, to facilitate or regulate the absorption by these of the nourishing elements or improve their resistance in stress abiotiques.

"Additives for fertilizing materials" are preparations which modify the physical, chemical or biological qualities of a fertilizing material, to which they are added in extemporané mixture.

The **"supports of media**" are products intended to serve as environment of media with certain vegetables and to allow them, by anchoring of their absorbent organs, to be in touch with the solutions necessary for their growth.

FRENCH REGULATIONS

■ Rural code and of the sea fishing - Chapter V, title V, title II : launch on the market and use of the fertilizing materials, the additives for fertilizing materials and supports of media.

- Section 1: Definitions (**Articles L.255-1**)
- Section 2: Launch on the market and use of the fertilizing materials, the additives for fertilizing materials and supports of media (**Articles L.255-2 to L.255-13**)
- Section 3: Measures of surveillance of the effects and the efficiency of products (**Articles L.255-14 to L.255-15**)
- Section 4 : Urgent measures (Articles L.255-16)
- Section 5 : Controls and penalties (Articles L.255-17 et L.255-18)

■ **Decree No 80-478 of 16 June 1980** implementing Articles L.214-1 and L.214-2 of the Consumer Code as regards fertilising materials and growing media

This Decree provides for several implementing Orders on the control and verification work to be carried out by the person responsible for marketing

■ **Order of 21 December 1998** on the certification of fertilising materials and growing media

EU REGULATIONS

■ **Regulation (EC) No 2003/2003** of 13 October 2003 relating to fertilisers (Mineral fertilisers with the "EC fertiliser" label)

FURTHER INFORMATION

A full **overview** of regulations on fertilisers is available on the website of the Directorate General for Competition Policy, Consumer Affairs and Fraud Control (DGCCRF).

DIRECTION GÉNÉRALE DES ENTREPRISES

MARKETING PROCEDURES IN FRANCE

1 – GENERALLY :

➔ Pursuant to Article L.255-2 of the Rural Code, fertilising materials and growing media may be marketed, imported, distributed or even transferred free of charge in France, provided they have been subject to approval or a temporary sales authorisation (APV) or import authorisation.

➔ To market these types of products in France, an assessment file must be sent to the regulated products department of the *Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail* (ANSES formerly AFSSA [*Agence française de Sécurité Sanitaire des Aliments*]).

The marketing authorization of a fertilizing material, an additive for fertilizing materials or a support(medium) of culture are freed(delivered) by HANDLES, at the end of an evaluation which, in the prescribed conditions of use, reveals his absence of harmful effect on the human health, the animal health and on the environment and its efficiency, as the case may be, towards vegetables and plant products or grounds. (Article L. 255-7)

➔ For information on procedures, refer to the ANSES website : http://www.anses.fr/

or :

the Ministry for Agriculture's website :

http://mesdemarches.agriculture.gouv.fr/demarches/fabrication-ou-distribution-de/commercialiser-un-produit/article/matieres-fertilisantes-et-de?id_rubrique=36

➔ In this case, the person responsible for marketing must send a technical file to the ANSES for the product's harmlessness for humans, animals and their environment, and its effectiveness when used in prescribed or normal conditions, to be verified. A third criterion is the permanence of the products' composition, without which effectiveness and harmlessness cannot be established.

See the procedures in articles R. 255-1 - 255-34 of the rural Code and the sea fishing.

2 – THOSE PRIVATE INDIVIDUALS :

Licence of introduction

Contrary to the article L. 255-2, the detention with the aim of the sale, the putting on sale, the sale, the distribution(casting) for free or the use, on the national territory, of one of the products mentioned in the same article resulting coming from a member state of the European Union, on the territory of which it is legally launched on the market, is subordinated, since this product is identical to a said product " of reference " already benefiting from a marketing authorization in France, since in the obtaining of a licence delivered according to the conditions put in the article L. 255-7 specified in 1 this above. The licence so delivered in the product introduced on the national territory opens straight ahead only to the same conditions of launch on the market and use as those applicable to the leading product authorized in France.

Business Licence

The distribution or the use for purposes of experiment of a fertilizing material, an additive for fertilizing materials or a support of media is subordinated to the obtaining of a licence of experiment. The licence of experiment is delivered by HANDLES at the end of an evaluation which reveals its absence of harmful effect on the human health, the animal health and on the environment in the prescribed conditions of use.

DIRECTION GÉNÉRALE DES ENTREPRISES

Produced already authorized in another member state (demand(request) of gratitude(recognition) mutual or allowed by introduction)

Fertilizing materials(subjects) legally launched on the market in other member states of the European Union or in a state contracting party in the agreement establishing the European Economic Area can be the object of a demand(request) of AMM according to capacities(measures) described in the article R.255-17 or of a licence of introduction described in articles R.255-18 in 255-20 for the particular case of authorization request for an identical product already launched on the market in France.

For all these particular cases, see articles R. 255-15 - 255-28 of the rural Code and the sea fishing.

All the listed authorization requests also is to send in l'ANSES.

3 – DEROGATION :

Are exempted from the obligations planned to articles L. 255-2 in L. 225-4 concerning the AMM, allowed by introduction or by experiment:

- the fertilizing materials, the additives for fertilizing materials and the media of culture corresponding to a standard returned by compulsory application by an order taken on the foundation of the decree N 2009-697 of June 16th, 2009 concerning the standardization taken for the law enforcement no 41-1987 of May 24th, 1941 relative to the standardization.

The standards of compulsory application are available for consultation on the site of the AFNOR **(http: // www.afnor.org**). They are defined by the **order of carrying modified September 5th 2003** applied compulsory of standards (the last modification dating December 11th, 2015 - JORF in December 24th, 2015).

- the fertilizing corresponding materials in the **Regulation CE 2003/2003 of October 13th 2003** and these modifying regulations (ATP).

Other exemptions exist connected to the national context:

- the fertilizing materials, their additives as well as the supports(media) of culture corresponding to a specifications approved by statutory way guaranteeing their efficiency and their harmlessness;

- natural substances with biostimulating custom authorized according to the particular procedure planned in the last sentence of the second paragraph of the article L. 253-1; (not yet staff(size))

- waste, residues or effluents stemming from installations defined to articles L. 214-1 and L. 511-1 of the code of the environment among which the evacuation or the pouring on farmlands as fertilizing materials is the object of a plan of manuring guaranteeing the absence of harmful effect on the human and animal health and on the environment;

- raw organic matters or support of media of natural origin, not aimed at the just point this above, delivered as is or mixed between them, obtained from natural materials without chemical treatment and constituent of the by-products of a farm or a not agricultural establishment of breeding or maintenance of animals when they are given up(sold) directly, for free or for a fee, by the developer or the person in charge of the establishment;

- the fertilizing materials, the additives for fertilizing materials or the stored supports of media or circulating on the national territory which(who) are intended neither to be used in there, nor to be launched on the market in there. " Art. L. 255-6. - the launch on the market of a fertilizing material, an additive for fertilizing materials(subjects)

- In a French standard of Names, Specifications, Marking (DSM) returned by compulsory application by interministerial order published to the Gazette of the French Republic.

DIRECTION GÉNÉRALE DES ENTREPRISES

CONTACTS

➢ AUTHORITIES RESPONSIBLE FOR REGULATIONS

- *Ministère de l'agriculture et de l'alimentation* (Ministry for Agriculture and Food) Government Spokesman
  - DGAL – Bureau des intrants et du biocontrôle (BIB) - bib.sdqpv.dgal@agriculture.gouv.fr
- *Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail (ANSES) :*
  - Direction des autorisations de mise sur le marché (DAMM)

  Dépôts de dossiers : damm.uia@anses.fr

  Recours, réclamations relatives aux décisions, intentions de retrait : damm.recours@anses.fr
- *Ministère de l'économie et des finances* (Ministry for the Economy and Finance) :
  - DGCCRF – Bureau Marchés des produits d'origine végétale et des boissons 4C bureau-4c@dgccrf.finances.gouv.fr

➢ MARKET SURVEILLANCE AUTHORITIES

- *Ministère de l'économie et des finances* (Ministry for the Economy and Finance) :
  - DGCCRF – Bureau Marchés des produits d'origine végétale et des boissons 4C bureau-4c@dgccrf.finances.gouv.fr
- *Ministère de l'action et des comptes publics* (Ministry for Government Action and Public Accounts) :
  - DGDDI (Customs) – Bureau D2 – dg-d2@douane.finances.gouv.fr

➢ BUSINESS FEDERATIONS

- Union des Industries de la Fertilisation (UNIFA)
  Le Diamant A – 14 rue de la République – 92909 Paris La défense Cedex
  Tel. : +33 1 46 53 10 30 – http://www.unifa.fr

- Chambre Syndicale des Améliorants organiques et Supports de culture (CAS)
  Angers Technopole – 7 rue Alexandre Fleming – 49066 ANGERS cedex 02
  Tel. : +33 2 41 20 19 09 – http://www.cas-asso.com/

- Union des industries pour la Protection des Jardins et des espaces publics (UPJ)
  59 avenue de Saxe – 75007 Paris
  Tel. : +33 1 53 69 60 90 – http://www.upj.fr

- Association Nationale Professionnelle pour les Engrais et les Amendements (ANPEA)
  Le Diamant A – 14 rue de la République – 92909 Paris La défense Cedex
  Tel. : +33 1 46 53 10 30 – http://www.anpea.com