Addressing structural barriers to innovation, circularity, and market access in the EU Fertilising Products Regulation (EU) 2019/1009

A joint statement by the undersigned nine associations: the European Consortium of the Organic-Based Fertilizer Industry (ECOFI), the European Biostimulants Industry Council (EBIC), the European Compost Network (ECN), the European Sustainable Phosphorus Platform (ESPP), EUROFEMA, Growing Media Europe, Fertilizers Europe, the European Potash Producers Association (APEP), and the European Biogas Association (EBA).

Executive summary

The current design and rationale of Component Material Categories (CMCs) under Annex II in the FPR create structural blockages that exclude innovative circular and bio-based materials, as well as many existing materials that are already placed on the market under national rules. As a result, the FPR is not delivering on its objectives related to innovation, market access, circularity, bioeconomy, and EU-wide harmonisation.

The current evaluation of the FPR should capture this structural problem and go beyond the assessment of individual materials by considering options for a more efficient, criteria-based approach to enable the systematic inclusion of new materials and processes under the framework.

Legislative context and policy objectives

The Fertilising Products Regulation (FPR) (EU) 2019/1009 was adopted to harmonise the EU market for fertilising products, ensure high standards of safety and environmental protection, and promote innovation and the circular economy, in line with the New Legislative Framework.

Annex II of the FPR, through the Component Material Categories (CMCs), defines which materials are eligible for use in EU fertilising products. The current approach, based on closed lists of components, is inconsistent with the principles of innovation, circularity and adaptability underpinning the EU's New Legislative Framework. In particular, it limits adaptability to technical progress and proportionality in regulatory design.

The signatories of this statement consider that the objectives and scope of the FPR remain highly relevant. However, there is growing evidence that, as currently implemented, the FPR is not delivering on those objectives in practice. The FPR evaluation is mandated to assess its effectiveness, efficiency, relevance, coherence and EU added value. The evidence provided below contributes directly to this assessment by identifying structural shortcomings that limit innovation, market access, internal market functioning and the achievement of the FPR's objectives.

Evidence of structural shortcomings of the CMC structure in the FPR

Recent stakeholder feedback, technical studies contracted by the European Commission and available market data point consistently to structural limitations and unintended consequences arising from the current design and implementation of Annex II.

a) Exclusion of widely used materials

Many bio-based and revalorised materials already used safely and effectively in fertilising products placed on the market under national rules are excluded from Annex II of the FPR. This exclusion is not driven by scientific arguments, but by procedural rigidity that fails to keep pace with technological progress, innovation, and market realities. This situation persists because there is no defined mechanism to update or expand the list of eligible materials within existing CMCs in Annex II, despite repeated technical submissions identifying additional materials already used safely and effectively on the market.

b) Low uptake of CE-marked products

The Background Working Paper for the first Stakeholder Workshop on the evaluation of the FPR (15 October 2025) indicates that fertilising products placed on the market under the FPR remain extremely limited, particularly within organic-based categories. CE-marked products are estimated to be less than 5% of the market for organic fertilisers (PFC 1A), organo-mineral fertilisers (PFC 1B) or soil improvers (PFC 3), and less than 1% for growing media (PFC 4), with similarly low uptake observed for certain component material categories, notably composts and digestates.

c) Lack of flexibility and adaptability

There is no effective mechanism for the timely updating of eligible materials within existing CMCs, contrary to the objectives of the European Commission's empowerment under Articles 42 and 43 of the FPR. The current approach is time- and resource-intensive, limiting the FPR's ability to respond to innovation and developments in the bioeconomy and circular economy.

d) Impacts on market access and innovation

The FPR does not provide a predictable or proportionate route to the EU market for materials already in use, nor does it offer a pathway for innovative materials. This constrains innovation, weakens harmonisation, and disproportionately affects SMEs and innovators.

e) Impacts on EU agricultural market and industry competitiveness

The lack of market access for circular and innovative products hinders EU agricultural competitiveness, as farmers are unable to access the most recent fertilising products on equal

conditions across the EU. It is a barrier to the development of recycling technologies and of the bioeconomy. Regulatory barriers, legal uncertainty and the resulting market fragmentation, with national rules as the only option, generate additional costs for new product development, limit the competitiveness of manufacturers, and reduce the attractiveness of the EU market compared with other regions of the world.

Relevance for the evaluation

The ongoing evaluation of the FPR should assess whether:

- the structure of Annex II and the current European Commission empowerment for recognising additional component materials are fit for purpose;
- the FPR can accommodate new fertilising products within a realistic time, in line with its innovation and internal market objectives;
- the current approach remains proportionate and agile within the New Legislative Framework.

Looking ahead

We suggest that the FPR evaluation report should capture the structural shortcomings identified in this statement and, as required under Article 49 of the FPR, be followed by a legislative proposal. Such a proposal should address the limitations arising from the current CMC rationale. A potential solution would be to develop a criteria-based approach for determining the eligibility of component materials under the FPR, supported by horizontal, robust criteria set out in Annex II. This would enable transparent, evidence-based and timely assessment of new materials and processes, in line with the principles of Article 42(1) and Better Regulation objectives.

These criteria should be developed through structured dialogue in the context of the Commission Expert Group on Fertilising Products. Consideration should also be given to relevant discussions in related legislative files, including European Parliament proposals under the Chemicals Omnibus VI that recognise the value of criteria-based approaches for determining material eligibility.

Conclusion

The objectives of the FPR remain relevant, but the structure of Annex II and the CMC design do not allow those objectives to be achieved effectively. Addressing these structural barriers is essential to restore credibility of the FPR as a predictable and functional framework, improve market access, and ensure that the FPR can support innovation and circularity in line with EU policy goals.

The FPR evaluation study provides a critical opportunity to identify these issues clearly, flag them as points for FPR improvement in the study's conclusions and start the development of potential solutions to address them. The signatories to this statement request that the study for the evaluation of the FPR considers options for a faster, more efficient and evidence-based eligibility process for new materials and processes, potentially through a criteria-based approach.