

**FRENCH REPUBLIC**

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Ministry of Agriculture  
and Food Sovereignty

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**Decree of  
establishing the procedures for monitoring and labelling the agronomic performance and safety  
criteria for fertilisers and growing media**

NOR: [...]

**Public concerned:** *persons producing, placing on the market and using fertilisers or growing media mentioned in Article L255-1 of the Rural and Maritime Fishing Code.*

**Subject:** *the Decree establishes rules for labelling and monitoring fertilisers and growing media. It also establishes transitional provisions for application of the safety and efficiency criteria established by the Decree provided for in Article L255-9-1 of the Rural and Maritime Fisheries Code to fertilisers and growing media currently authorised for placement on the market and use.*

**Entry into force:** *the text shall enter into force on [xxx]. It regulates the conditions according to which fertilisers and growing media that do not meet the safety and efficiency criteria established for application of Article L255-9-1 and entering into force on [xxx] may, on a transitional basis, continue to be placed on the market or used.*

**Application:** *the Decree is issued pursuant to Article L255-13 of the Rural and Maritime Fishing Code.*

**The Prime Minister,**

On the report of the Minister for Agriculture and Food Sovereignty,

Having regard to Directive (EU) No 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, together with notification No .../.../F addressed to the European Commission;

Having regard to the Consumer Code, in particular Article L. 412-1 thereof;

Having regard to the Environmental Code, in particular Articles L214-1 and L511-1 thereof;

Having regard to the Rural and Maritime Fisheries Code, in particular Articles L255-9-1, L255-10, L255-13, L255-14 and R255-32 thereof;

Having regard to Decree No 80-478 of 16 June 1980 implementing Article L412-1 of the Consumer Code concerning fertilisers and cultivation substrates;

Having regard to opinions 2020-SA-0146 of 28 January 2021 and 2021-AST-0120 of 2 November 2021 of the National Agency for Food, Environmental and Occupational Health and Safety;

Having regard to the observations made during the public consultation carried out between 30 October 2023 and 30 November 2023 pursuant to Article L123-19-1 of the Environmental Code;

Having regard to the opinion of the National Council for the Assessment of Standards dated XXX;

Having heard the Council of State (public works section);

## **Hereby decrees:**

### **Article 1**

Article R255-32 of the French Rural and Sea Fisheries Code is amended as follows:

(1) the first subparagraph is replaced by three subparagraphs worded as follows:

I - The person responsible for placement on the market of a product falling within a category defined in Article D255-1-1(I)(1) or (2) shall ensure its efficiency and absence of harmful effects by means of appropriate tests and a risk analysis. To this end, it shall perform analyses on representative samples of the product, as placed on the market, to ensure compliance with the safety criteria and the guaranteed levels and parameters appearing on the labelling, at least every six months or, in the case of a product falling within a category defined in Article L255-5(1) and (3), according to the frequency and the procedures established by the standard and the product specifications respectively.

II. - The producer of a product falling within the category defined in Article D255-1-1(I)(4) shall ensure its efficiency and absence of harmful effects by means of appropriate tests and a risk analysis. To that end, they shall carry out analyses on representative samples of the fertiliser, as it is applied, to ensure compliance with the safety and efficiency criteria in accordance with the requirements applicable to the application on agricultural soil of materials from the installations referred to in Articles L214-1 and L511-1 of the Environmental Code.

III. - A joint order of the Ministers for Agriculture, the Economy, the Environment and Health shall specify the analysis procedures necessary to ensure the safety of the products.'

(2) The last subparagraph is amended as follows:

(a) a point 'IV.-' is inserted at the beginning of the subparagraph;

(b) after the first instance of the words 'de la mise sur le marché' ('for placement on the market'), the words 'ou, dans le cas mentionné au II, le producteur' ('or, in the case mentioned in II., the producer') are inserted;

(c) after the second instance of the words 'de la mise sur le marché' ('for placement on the market'), the words 'ou le producteur.' ('or the producer.') are inserted.'

### **Article 2**

The above-mentioned Decree of 16 June 1980 is amended as follows:

1° All instances of the word ‘homologation’ (‘approval’) are replaced by the words ‘autorisation de mise sur le marché’ (‘marketing authorisation’).

2° In Article 4(a), the words ‘ou les autorisations provisoires de vent’ (‘or provisional sales authorisations’) are deleted.

3 Article 3(e) is replaced by three paragraphs worded as follows:

‘(e) The category of fertiliser or growing medium mentioned in Article D255-1-1 of the Rural and Maritime Fishing Code followed by the authorised uses. For Category A2 fertilisers or growing media, the uses are specified by the words “Use restricted to professional users”.

(f) Where applicable, the specific requirements laid down by standards, specifications, marketing authorisation decisions or permits with regard to the use, physico-chemical characteristics or safety or efficiency conditions of the products.

(g) The instructions for use, including the annual dose, the frequency of use and, where applicable, the restrictions of use.

Where a Category A1 or A2 fertiliser is subject to adjustment of its frequency of use as defined by a joint order of the Ministers for Agriculture, the Economy, the Environment and Health, the following wording must be applied: “Do not use more than once every x years, due to the presence of [insert name of each metal trace element affected by the exceedance].”.

4° Article 4 is amended as follows:

(a) point (a) is replaced by a subparagraph worded as follows:

‘(a) the optional details provided for in Annex II, or in the standards, or in the specifications, or in the marketing authorisation decisions, or in the permits;’

(b) point (d) is replaced by a subparagraph worded as follows:

‘(d) the specific indications for use, storage and handling, other than those referred to in Article 3(e), (f) and (g).’

5° Annex I. is amended as follows:

(a) the following subparagraph is added to point I.:

‘Biostimulant: Fertiliser defined in Article L255-1(3) of the French Rural and Maritime Fishing Code.’

(b) in point II., all instances of the words ‘ou à l'autorisation provisoire de vente’ (‘or in the provisional sales authorisation’) and ‘ou l'autorisation provisoire de vente’ (‘or the provisional sales authorisation’) are deleted and the following subparagraphs are added:

‘G. – Information concerning biostimulants.

G 1. the word ‘Biostimulant’ in capital letters followed by the reference to the marketing authorisation decision;

g 2. the name of the type of biostimulant as it appears in the marketing authorisation decision;

g 3. the percentage of dry matter by mass of raw product;

g 4. the agronomic effects covered by the marketing authorisation.’

### **Article 3**

The provisions of this Decree shall enter into force on [xxx 2025].

Fertilisers and growing media for which, on the date of entry into force of this Decree, a marketing authorisation has been issued pursuant to Article L255-2 of the Rural and Maritime Fisheries Code or a permit has been issued pursuant to Article L255-3 of that Code but which does not meet the requirements established under Article D255-1-2 of that Code may be manufactured, held for sale, offered for sale, sold, distributed free of charge or used until expiry of the authorisation or permit.

Fertilisers and growing media that comply, on the date of entry into force of this Decree, with a standard made mandatory or meeting a specification approved pursuant to Article L255-5(1) and (3) of the Rural and Maritime Fisheries Code but which do not meet the requirements established in Article D255-1-2 of that Code may be placed on the market or used until [*date of entry into force + 24 months*].

Fertilisers covered by a spreading plan in accordance with Article L255-5(5) of the same Code and which do not meet the requirements set out in Article D255-1-2 of this Code may be applied until [*date of entry into force + 24 months*].

### **Article 4**

The Minister for Labour, Health, Solidarity and Families, the Minister for the Economy, Finance and Industrial and Digital Sovereignty, the Minister for the Ecological Transition, Biodiversity, Forests, Marine Affairs and Fisheries and the Minister for Health and Access to Healthcare shall be responsible, each in their own area of competence, for the implementation of this Decree, which shall be published in the *Official Journal* of the French Republic.

Done on

By the Prime Minister:



The Minister for Labour, Health, Solidarity and Families,

Catherine Vautrin

The Minister for the Economy, Finance and Industrial and Digital Sovereignty

Eric Lombard

The Minister for the Ecological Transition, Biodiversity, Forests, Marine Affairs and Fisheries,

Agnès Pannier-Runacher

The Minister for Agriculture and Food Sovereignty

Annie Genevard