

Message 001

Communication from the Commission - TRIS/(2026) 1227

Directive (EU) 2015/1535

Notification: 2026/0219/PT

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késések - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20261227.EN

1. MSG 001 IND 2026 0219 PT EN 04-05-2026 PT NOTIF

2. Portugal

3A. Ministério da Economia e da Coesão Territorial - Instituto Português da Qualidade, I.P.
Rua António Gião,
n.º 2 2829-513 Caparica
Telefone: + 351 21 294 81 00
Correio eletrónico: not1535@ipq.pt site: www.ipq.pt

3B. Direção-Geral da Economia
Av. da República, 79
1069-218 Lisboa
Telefone: +351 217 911 600
Correio eletrónico: dge@dgeconomia.pt
site: <https://dgeconomia.gov.pt/>

4. 2026/0219/PT - C40C - Chemical fertilisers

5. Draft Ministerial Implementing Order amending and re-publishing Ministerial Implementing Order No 185/2022 of 21 July

6. Fertilising materials: fertilisers, additives and products which, although not fertilisers or soil additives, provide substances to plants or the soil which facilitate and regulate the absorption of nutrients or correct certain physiological anomalies of the plant

7.

8. This amends and republishes, for the first time, Ministerial Order No 185/2022 of 21 July, which approves the types of non-harmonised fertilising materials, defines the types of raw materials that may be used in their production, and sets out the relevant requirements for placing them on the market.

9. In view of the need to adapt the annexes to technical and scientific progress, this Draft Order amends for the first time Ministerial Implementing Order No 185/2022 of 21 July, as currently worded, by adding a new name for a type of fertilising material to Annex I thereto, and deleting other names as a result of the repeal of Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October relating to fertilisers. This Ministerial Order also clarifies the wording in point 14 of Annex II on the hygiene requirements to be met during the production process of fertilising materials, and updates Annex V, on the reference methods for sampling and analysis to be carried out on fertilising materials, and Annex VI, on identification and labelling particulars.

9a. This measure aims to address the risk that the technical framework applicable to fertilising materials may become outdated as a result of advances in scientific knowledge and changes to the European Union's legal framework, in particular the repeal of Regulation (EC) No 2003/2003 and the entry into force of Regulation (EU) 2019/1009.

Retaining inappropriate or obsolete names for types of fertilising materials may undermine legal clarity, mislead economic operators and hinder the proper assessment of product conformity, with potential implications for the protection of human health and the environment, as well as for market transparency. Furthermore, the failure to update analytical methods, hygiene requirements and labelling rules may impair the reliability of the official controls and the comparability of analytical results.

In this regard, the proposed measure helps to mitigate these risks through a coherent set of technical interventions. In particular, the addition of a new name for a type of fertiliser reflects technical developments and ensures that innovative products are classified appropriately, whilst the removal of outdated names ensures consistency with European Union law and prevents the retention of categories that no longer have any technical or legal basis.

On the other hand, the clarification of the hygiene requirements applicable to the production process helps to enhance the safety and quality of the products placed on the market, while the update of the reference methods for sampling and analysis ensures the use of technically validated and recognised procedures, thereby increasing the reliability and reproducibility of the results. The revision of the labelling rules also encourages better user information and greater transparency in marketing conditions.

The appropriateness of the measure is underpinned by the need for alignment with the existing European regulatory framework and the incorporation of widely recognised technical and scientific progress in the sector, including up-to-date technical standards and laboratory practices. These interventions are consistent with the objectives of protecting human health and the environment, as well as the proper functioning of the internal market.

The measure pursues the public interest in a consistent and systematic manner, as it acts in an integrated way on the main elements defining the placing on the market of fertilising materials – classification, production, control and labelling – ensuring that all these areas reflect up-to-date and proportionate requirements which are in line with European Union law.

9b. The notified measure does not introduce an autonomous and discretionary restriction on trade within the internal market; instead it updates and clarifies the technical requirements applicable to fertilising materials, in terms of adapting to technical and scientific progress and the need to align with the EU legal framework, including the repeal of Regulation (EC) No 2003/2003.

The potential impact of the measure on the domestic market is limited and indirect, and relates primarily to the need for economic operators to adapt to updated technical requirements. In particular, there may be implications for the placing on the market of certain products previously covered by names that have now been updated, as well as for the adaptation of labelling requirements, test methods and production procedures. However, the measure does not create new barriers to entry, or restrict the free movement of products that comply with EU law; instead, it helps to bring greater clarity, consistency and technical harmonisation. The effects on cross-border trade are therefore merely adaptive and temporary in nature, arising from the need to adjust to the new technical requirements.

The currently applicable general rules, including the EU legal framework and existing national legislation, are not sufficient on their own to ensure the technical update necessary for the correct classification, control and labelling of fertilising materials.

Scientific developments and the repeal of the previous European scheme have led to certain technical references and names being outdated, creating a risk of interpretative divergence, legal uncertainty and difficulties in the uniform application of conformity assessment criteria. The lack of specific updates could therefore compromise the effectiveness of official controls, the comparability of analytical results and the provision of adequate information to the end user.

Alternatives of a more general nature were considered, namely: maintaining the existing scheme without any immediate changes to the annexes; updating it through administrative guidelines or technical interpretation by the competent authorities; and a partial and non-systematic update of the technical requirements. These alternatives were rejected because they neither ensure an adequate level of legal certainty nor ensure the necessary coherence with the EU legal framework.

Maintaining the current scheme would perpetuate the use of outdated names and technical references. In turn, solutions based only on administrative guidance would not have a binding character nor ensure uniform application by economic operators and control authorities. A partial update would not allow for a consistent and systematic adaptation of the different annexes affected.

The measure taken is considered the least restrictive option, as it is limited to what is strictly necessary to ensure the technical update and the coherence and legal certainty of the applicable scheme, without introducing additional market access requirements or discretionary restrictions on the marketing of products.

The amendments relate solely to essential technical aspects, whilst ensuring the continued free movement of products in accordance with EU law and the pursuit of public interest objectives, namely the protection of people and the environment, and market transparency. The regulatory measure is therefore proportionate, technically justified and fully in line with the principle of the free movement of goods within the internal market.

Furthermore, the measure is limited to updating requirements that already exist within the legal framework; it is predominantly technical in nature and serves to ensure regulatory continuity, which contributes to the predictability of the legal framework and makes it easier for economic operators to adapt.

9c. The restrictions arising from the notified measure are proportionate to the importance of the objectives of general interest pursued, namely the protection of human health and the environment, the assurance of the quality of fertilising materials, and market transparency. The possible cost for economic operators is limited to adapting to updated technical requirements, in particular in terms of product classification, labelling, test methods and production procedures.

The risk associated with failing to update the scheme is significant, in that the continued use of outdated technical references and product names may compromise the reliability of conformity assessment, the effectiveness of official controls and the provision of accurate information to the end user. The likelihood of these risks materialising is significant, given the scientific and technical developments in the sector and changes to the European Union's legal framework, including the repeal of Regulation (EC) No 2003/2003.

The protection of the public interest has been assessed in relation to the degree of interference with the functioning of the internal market and it has been concluded that such interference is limited and proportionate. Indeed, the measure does not introduce general prohibitions or arbitrary restrictions on marketing, but rather focuses on updating already existing technical requirements, which are essential to ensuring regulatory consistency and market confidence.

The authorities concluded that the protection of the public interest takes precedence over any potential effects on the internal market, since a lack of regulatory intervention could lead to more significant consequences, including legal uncertainty, inconsistencies in the application of the rules and a decline in confidence in the supervisory mechanisms, with repercussions for the overall functioning of the market.

On the other hand, the costs imposed on economic operators are limited, predictable and inherent to the need to adapt to an updated technical framework; these are offset by the benefits associated with a scheme that is clearer, more consistent and in line with European Union law.

It should also be noted that the measure is not limited to the removal of outdated names; it also adds a new name for a type of fertiliser to Annex I. This update ensures that products are properly classified in line with technical and scientific developments in the sector, thereby promoting innovation and adapting the legal framework to new market realities. In this respect, the measure strikes a balance: it is not merely restrictive,

but also facilitates the placing on the market of products that comply with the updated requirements.

Failure to achieve these public interest objectives would result in the continued use of an outdated technical framework, with potential negative impacts on the protection of human health and the environment, as well as on market transparency and reliability. By comparison, the potential restrictive effects of the measure are limited, temporary and strictly necessary to ensure the quality and compliance of the fertilising materials placed on the market.

It can therefore be concluded that the measure does not impose excessive costs; it is appropriate, necessary and proportionate to the objectives pursued, whilst striking a balance between the protection of the public interest and the proper functioning of the internal market.

10. References to the basic texts: 2019/0296/P and 2019/0297/P

The basic texts were submitted as part of an earlier notification:

2019/0296/P

2019/0297/P

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu