European Consortium
of the Organic-Based Fertilizer
Industry

Unlocking Innovation and Circularity in EU Fertilising Products: A Criteria-Based Pathway for New Materials under the FPR

Executive Summary

This paper proposes a criteria-based mechanism to enable the inclusion of new materials in EU fertilising products under the Fertilising Products Regulation (FPR), without needing to update the existing lists in each Component Material Category (CMC). The current system creates a bottleneck for innovation by requiring regulatory updates for even minor additions, which delays the uptake of innovative, circular, safe, and effective materials.

ECOFI proposes introducing a horizontal section in Annex II that sets out general, science-based criteria applicable across relevant CMCs (excluding micro-organisms in CMC 7). As an alternative or complementary option, a new CMC could also be created based on these same criteria. These criteria would provide a structured pathway for evaluating new materials based on safety, environmental impact, and agronomic value. This proposal can be implemented via delegated act under Article 42(1), avoiding the need for full legislative revision.

This solution mirrors successful practices in other NLF-based EU legislation and aligns with the EU's goals on simplification, innovation, circularity, and competitiveness. ECOFI encourages the Commission to develop these criteria in the context of the ongoing technical study on new materials led by the Nutrient Management Instituut (NMI) and stands ready to contribute.

Context & Purpose

The Fertilising Products Regulation (FPR, Reg. 2019/1009) was designed to foster and harmonise market access for safe and effective organic and circular fertilising products using principles of the New Legislative Framework (NLF). However, today's implementation fails to meet that promise. It is not just the limited number of Component Material Categories (CMCs) that blocks progress – but also the fact that the lists of permitted inputs within each CMC cannot be easily updated. This rigid, static approach creates a major bottleneck for innovation, especially in the context of a fast-moving innovative bioeconomy and growing EU ambitions on circularity, competitiveness, and simplification.

This paper proposes a forward-looking, criteria-based mechanism to allow new materials to be used in CE-marked EU fertilising products under the FPR, in line with EU innovation and sustainability goals. Specifically, it proposes the introduction of

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horizontal, science-based criteria in Annex II to provide a structured, future-proof way to assess the eligibility of new materials and processes across applicable CMCs (excluding CMC 7) – without requiring updates to individual CMC lists.

Why the current system blocks progress

Article 42(3) only enables the inclusion of waste-derived materials where recovery rules are in place. This provision, while intended to support circularity, has limited practical scope. Moreover, Article 42(1), though it gives the Commission the power to amend Annex II (CMCs), lacks a structured, science-based process to do so.

Critically, there is also no mechanism to revise or expand the lists of materials within existing CMCs – meaning even minor updates require full legislative or delegated procedures. This undermines the intended flexibility of the CE marking system and contradicts the NLF approach, which is built around demonstrating safety and performance rather than navigating political annex updates.

The political imperative for action

Europe is at a turning point. The **EU's Startup and Scale-up Strategy, Bioeconomy Strategy, Single Market Strategy, Competitiveness Compass,** and upcoming **Circular Economy Act** all call for smart, enabling regulation that supports innovation, reduces waste, and strengthens European industry.

The current FPR system does the opposite. It prevents new materials from entering the market – not due to safety concerns, but because the rules are too inflexible to adapt. This hits SMEs, start-ups, and innovators the hardest, delaying investment, blocking sustainable solutions, and slowing the uptake of circular products.

Our Proposal

ECOFI calls on the European Commission to act decisively to restore flexibility, unlock circular innovation, and create a smart, scientific criteria-based system for including new materials in the FPR.

1. Introduce a horizontal section in Annex II with science-based inclusion criteria

Rather than creating a new annex or amending Article 42, a horizontal section could be added at the beginning of Annex II – just before the specifications for CMC 1. This section would define general inclusion criteria that apply to all relevant CMCs (excluding CMC 7). These criteria would guide the assessment of new materials that are not yet explicitly listed, enabling them to be used in EU fertilising products if they meet appropriate safety, environmental, and agronomic thresholds.

- Defined thresholds for contaminants and hygiene (e.g. heavy metals, pathogens, PAHs) for products containing the Component Material
- No adverse impact on human health or the environment under intended use
- Demonstrated agronomic effect or value (e.g. nutrient content, carbon source, biostimulant action, technical benefit)

During the May 2025 meeting of the Commission Expert Group on Fertilising Products (CEG-FP), several observers highlighted the need for such a structured framework. The **Nutrient Management Instituut (NMI)** – which is currently leading the Commission's technical study on new materials – confirmed they would be willing to develop these criteria in the context of that work.

Microbial materials should remain a case apart, as their inclusion is being addressed separately through a dedicated methodology.

The existing empowerment under Article 42(1) allows the Commission to amend Annex II by delegated act. This can provide the legal basis to introduce general criteria for material eligibility, without requiring changes to the Regulation itself.

Alternative Option: Create a New CMC Based on General Criteria

As an alternative (or complementary) solution to a horizontal section, the Commission could consider establishing a **new CMC** in Annex II – a dedicated category for materials that meet a defined set of general criteria. This **"criteria-based CMC"** would serve as an umbrella entry for safe, circular, and effective materials that are not yet listed in other CMCs.

This approach would:

- Leverage existing provisions under Article 42(1) for creating new CMCs via delegated act;
- Maintain alignment with the structure of the FPR, for ease of implementation;
- Provide manufacturers with a clear legal route to market for innovative and revalorised materials;
- Complement the work of the NMI technical study and provide a scalable pathway for the future.

This proposal does not preclude the horizontal criteria approach and could be tested in parallel or used as a transitional mechanism while more systemic reforms are explored.

2. Enable Conformity Assessment based on these criteria

Empower manufacturers to demonstrate compliance with the inclusion criteria through established **conformity assessment procedures**. This would eliminate the need for piecemeal annex updates and restore the FPR's original purpose: to facilitate access to the EU market based on safety and performance.

A model that works in other sectors
This approach mirrors other successful NLF-based EU product regulations, such as:

- **Construction Products Regulation (EU) 305/2011** – which uses basic safety/performance requirements and harmonised standards, not fixed material lists.
- **Medical Devices Regulation (EU) 2017/745** – where products are assessed based on intended use and safety criteria, not on static inclusion in annexes.

Conclusion: Simplify, Scale, and Sustain

This criteria-based pathway is a simple and powerful fix. It:

- **Supports innovation** by enabling access for safe, effective new materials
- **Advances circularity** by unlocking more recycled and revalorised resources
- **Boosts competitiveness** by cutting red tape and enabling scale-up of EU industry
- **Safeguards the environment and public health** by maintaining rigorous safety requirements
- **Aligns with flagship EU strategies** from the Startup and Scale-up Strategy to the Circular Economy Act

It strengthens the flexibility of the CE marking system under the FPR by enabling a proportionate and transparent route for new materials to be considered under existing CMCs, while maintaining robust safety and environmental protections and equipping the Commission with a clear mechanism to respond to innovation.

Next Steps

This proposal provides a foundation for improving how new materials can be assessed for use in CE-marked EU fertilising products under the FPR, by introducing general eligibility criteria within Annex II.

As a next step, the Commission could:

- Initiate the development of science-based inclusion criteria under the ongoing NMI technical study, as a basis for introducing either a horizontal section or a new CMC in Annex II via delegated act;

- Test the proposed approach on selected new materials identified in the study, to assess its practical feasibility and regulatory impact;
- Consult stakeholders in a targeted way to help ensure that any new system is proportionate, workable, and aligned with practical realities.

ECOFI stands ready to contribute technical insight, industry perspective, and constructive collaboration to support the successful development and implementation of this pathway – together with the Commission and other stakeholders.

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For more information, or to lend your support to this position, contact Jessica Fitch, Secretary General of ECOFI: jessica@prospero.ag

European Consortium of the Organic-Based Fertilizer Industry

The **European Consortium of the Organic-Based Fertiliser (ECOFI)** represents manufacturers producing organic fertilisers, organo-mineral fertilisers, organic soil improvers, and/or fertilisers incorporating components derived from organic materials for the European market. ECOFI members work to support a more competitive, circular and sustainable future for farming. www.ecofi.info