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UK fertilisers: regulatory reform

Modernising fertilisers legislation to develop a harmonised regulatory framework for placing fertilising products on the market across the UK

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This consultation is being conducted in line with the Cabinet Office “Consultation Principles” and be found at: [Microsoft Word - Consultation Principles \(1\).docx \(publishing.service.gov.uk\)](#).

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1. Executive summary

The United Kingdom (UK) government, the Scottish Government, Welsh Government and the Northern Ireland Executive (referred to collectively throughout this document as 'all four governments') are committed to ensuring the UK has access to safe and effective fertilisers.

Fertilisers regulation is a devolved policy area and all four governments have worked together in accordance with the [Fertilisers: provisional common framework](#) to produce this consultation and call for evidence, which focuses on proposals to develop a new regulatory framework (the 'UK Fertilising Product Regulations' ("UK FPR")) for placing fertilising products on the market. The proposed regulatory framework aims to better support UK fertiliser supply and resilience, consumer interests, maintain health and safety standards, and contribute to environmental targets and duties. These broad aims mean that whilst fertiliser policy is a devolved area it intersects with some reserved areas, for example health and safety regulation and international trade. Where UK government has reserved competence for areas which intersect with fertilisers policy, it has worked closely with the Scottish Government, Welsh Government and the Northern Ireland Executive to develop the proposals for UK FPR.

The current legislative framework for fertilisers is highly fragmented, comprising multiple pieces of legislation. Despite the complexity of the framework, it has not substantially changed in over 20 years and is limited in scope as it largely only covers inorganic mineral fertilisers.

During this time, the impact of inorganic fertiliser manufacture on greenhouse gas (GHG) emissions, and the impact of nutrients released from inorganic fertilisers and organic materials into the environment has become more fully understood. There are now Government targets and commitments to reduce the impact of nutrients on air and water quality, as well as increased concern about the impact of contaminants that may be found in materials applied to land, for example, chemicals and microplastics and their effects on soil function, health, and the wider environment.

The legislative framework for fertilisers could do more to support enhancement and protection of the environment, for example, it only places requirements on the nutrient levels of products that are within scope, and not on any contaminants that may be present.

The limited scope of the current legislative framework for fertiliser means that there are limited or no, quality or compositional regulatory requirements for newer products, such as plant biostimulants and controlled-release fertilisers. These

products may offer potential to improve farm productivity, reduce fertiliser costs and reduce air and water pollution through more efficient and effective use of nutrients. The lack of regulatory requirements, however, poses a potential risk to the environment and human health. Low consumer confidence is an obstacle to innovation and investment in these potentially more sustainable products.

There are also no regulatory requirements in current fertilisers legislation for novel fertilising products that are emerging from alternative and novel technologies, producing products from a range of biological wastes and organic materials. These novel products may, however, be subject to other regulatory regimes which exist to protect the environment and reduce risks to animal and human health such as, waste regulations and animal by-products regulations. The recovery and reuse of nutrients from waste, could potentially support a more circular economy and avoid or reduce emissions associated with inorganic fertiliser production. At present the emissions savings associated with these emergent products are unquantified. Significant uncertainty remains around these products, and their risks and benefits.

Volatility in the fertiliser market caused by fluctuation in natural gas prices and supply issues related to global conflicts have heightened concerns around availability and supply of inorganic fertiliser to the UK. Both greater access to a wider range of fertiliser products on the market, and by creating a legislative framework that can be updated more easily could improve on this situation. However, it would need to be flexible to keep pace with innovation and handle varying levels of risk from a wider range of fertilising products and materials.

All four governments therefore propose to use powers under the Agriculture Act 1970 (as amended by the Agriculture Act 2020) ("Agriculture Act") (and other suitable powers to) repeal existing fertilisers legislation and replace it with a conformity assessment framework (UK FPR). Conformity assessment is a process used in other manufactured goods areas in the UK, for example lifts, machinery and pyrotechnics, as well as the European Union (EU) Fertilising Product Regulations (Regulation (EU) 2019/1009) ("EU FPR"), to demonstrate that products placed on the market conform to the requirements expressed in the provisions of the relevant legislation.

We are proposing that UK FPR is similar to EU FPR to make it simpler for industry to follow the rules, although, with the specific regulatory requirements (for example, product requirements) adjusted as required to meet UK needs. However, at the first stage of implementation, if the outcome of this consultation and call for evidence is that the proposals for UK FPR are followed, we are proposing conformity assessment requirements would be implemented for a smaller range of fertilising products and component materials than EU FPR.

This is due to uncertainties over the benefits and the wider environmental and human health impacts of newer and novel fertilisers, as well as market readiness of alternative and novel technologies for producing fertilisers in the UK context. Implementation of UK FPR will need to be an iterative process, and a conformity assessment framework would lend itself to this process because it is a modular, risk-based approach. The framework would allow all four governments to phase new fertilising products and materials into UK FPR once the requirements that should apply to them are better understood and the regulatory requirements could be tailored according to the level of risk presented by the fertilising product.

Implementing a conformity assessment framework for fertilisers in the UK, which is similar to EU FPR would also minimise friction for imports and exports between UK and EU markets, and it would also help maintain regulatory predictability for international suppliers and investors.

UK FPR would aim to provide a harmonised set of rules for placing domestically produced and imported fertilising products on the market in England, Scotland, Wales and Northern Ireland. This would mitigate significant risks which could be caused by regulatory divergence, and a stable regulatory environment would enable businesses to plan longer-term strategic outcomes and encourage innovation and investment in the sector.

We are proposing the new regime would also make provisions in relation to ammonium nitrate (AN) fertilisers with high nitrogen content, which have additional safety and technical requirements to address risks posed to public and worker safety.

Use and application of fertilisers is outside the scope of the proposed UK FPR and is managed by other legislation, which would continue to exist alongside the proposed UK FPR regime.

The approach being considered for implementation of UK FPR is that it would be applied in a co-ordinated manner across the UK.

It is possible to implement UK FPR in Northern Ireland, without detriment to the Windsor Framework in Northern Ireland because the rules and regulations surrounding the manufacture and marketing of fertilisers in the EU are 'partial'. This means fertilisers may be made available on the single market in accordance with both harmonised EU legislation and national laws (due to the local nature of certain product markets). Therefore, UK FPR could operate alongside EU FPR in Northern Ireland as a domestic legislative framework, meaning manufacturers and importers

would be able to choose in Northern Ireland only whether to market fertilisers under EU FPR or UK FPR.

This is a joint consultation and call for evidence, and the document has been broken down into three substantive parts. Section 2 'Background'; Section 4 'Consultation Questions'; and Section 5 'Call for Evidence'.

Section 2 'Background' provides details of the current legislative framework for fertilisers in the UK and information about the factors that have informed the proposals developed by all four governments for UK FPR.

Section 4 'Consultation Questions' outlines the proposals for UK FPR at the first stage of implementation. This includes the overarching conformity assessment framework, general product requirements all fertilising products marketed under UK FPR would have to meet as well as the types of technical requirements products prioritised for conformity assessment would need to meet, although not the exact limit values or other detailed parameters at this stage.

Section 5 'Call for Evidence' has been developed to inform future development of UK fertilisers legislation. We are calling for views and evidence on newer and novel fertilising products and materials including: the usage and perception of plant biostimulants in the UK, ['green claims'](#) used to market fertilising products, alternative processing technologies and nutrient recovery.

If the outcome of this consultation and call for evidence is that the proposals for UK FPR are progressed, we propose to establish the detailed parameters which would apply to products and the more technical aspects of UK FPR after this consultation and call for evidence has ended through a series of technical workshops with stakeholders. The technical workshops may also be used to further consult on the aspects of UK FPR covered by this consultation. Section 4.11 explains this approach in more detail and how you can register your interest in participating in this technical stakeholder engagement process. There may also be further public consultations on aspects of UK FPR not covered by this consultation or on aspects covered by this consultation, that are subsequently further developed.

We propose inorganic fertilisers, liming materials, nitrification inhibitors and urease inhibitors (collectively referred to as 'inhibitors') made from virgin material substances and mixtures are prioritised for conformity assessment due to the high certainty around their benefits and risks. Prioritising these products would allow all four governments to establish UK FPR and the underpinning conformity assessment framework whilst progressing further research and policy development into newer and novel fertilisers.

2. Background

“Fertiliser” is defined in the Agriculture Act as “any material which, for the purpose of the cultivation of plants or fungi, is intended to supply plants or fungi or their seeds or spores with nutrients or to improve nutritional efficiency”.

This definition covers a broad range of product types, for example, products which supply nutrients, as well as inhibitors, plant biostimulants and soil improvers.

In this document:

- ‘fertiliser’ means all materials which meet the definition of fertiliser in the Agriculture Act;
- ‘fertilising product’ means products placed on the market which meet the requirements of the proposed UK FPR. For the avoidance of doubt, this does not include products which are made up of waste, that is material which has not achieved end of waste status.

Nutrients are essential for effective plant growth and crop production. Nitrogen (N), phosphorus (P) and potassium (K) are needed in relatively large amounts by plants, particularly nitrogen, which has the largest effect on crop growth, yield and quality ([Nutrient Management Guide \(RB209\)](#)). In many agricultural systems, naturally occurring plant-available nitrogen in soils is insufficient to meet crop demands, making annual supplementary nitrogen applications common practice. Materials which supply nutrients to plants can be broadly divided into two categories depending on their origin: inorganic fertilisers and organic fertilisers.

Inorganic fertilisers are made from chemically produced materials or natural mineral resources, and they tend to have a consistent and easily measured nutrient composition and are typically higher in nutrient concentration. They are easy to store, transport and spread, and supply nutrients in a form which usually is immediately available for plant use.

The UK inorganic fertiliser sector produces at scale ammonium nitrate (AN) (the most commonly used product across all crop types in [Great Britain in 2024](#)), polyhalite (a source of potassium and other macronutrients), as well as liming materials. A large part of the UK’s inorganic sector are importers and blenders who take bulk materials and sell them on, or blend and package tailor-made products for UK growers. Typically, there are around 3 million tonnes of nitrogenous (N), phosphatic (P) and potassic (K) fertilisers used in Great Britain (England, Scotland and Wales) each year according to the [British Survey of Fertiliser Practice](#) (BSFP).

The UK is a net importer of inorganic nitrogenous (N) and phosphatic (P) fertilisers, with imports accounting for over 90% of total trade for both. Conversely, the UK is a net exporter of inorganic potassic (K) fertilisers, with imports comprising approximately 38% of total trade (HMRC import statistics). The average net mass of fertiliser exports between 2018 and 2022 was approximately 1 million tonnes per year. The top three countries the UK export fertiliser to are the Netherlands, Ireland and Brazil (HMRC export statistics).

Organic materials of plant, animal or human origin (for example, livestock manure and slurry, compost, digestate and ash) can complement inorganic fertilisers. However, organic materials tend to have a more variable nutrient content and lower nutrient concentration than inorganic fertilisers. They are bulky and can sometimes have high water content making it more difficult to transport them and apply them to soils efficiently. They are less predictable in their pattern of nutrient release, particularly in relation to nitrogen, so more difficult to use efficiently. Due to the less predictable release of nutrients, it is recommended that organic material supplies no more than 50 to 60% of the total nitrogen requirement in conventional systems with inorganic fertilisers used to ensure crop yield and quality ([Nutrient Management Guide \(RB209\)](#)). However, this ratio may vary depending on the farming system, crop type and soil conditions.

The majority of organic material used as fertiliser comes from domestic livestock production. In 2023, 83 million tonnes (MT) of livestock manure from cattle, pigs, sheep and poultry was applied to agricultural land in Great Britain ([BSFP](#)). Other organic materials include compost, anaerobic digestate and biosolids and in 2023, 8 million tonnes of non-farm organic materials were applied to agricultural land in Great Britain ([BSFP](#)). The majority of cattle manure and slurry applications were made to grassland.

2.1 UK fertilisers legislation

UK fertilisers legislation covers the rules surrounding the supply of fertiliser, whether in return for payment or free of charge. Use and application of fertilisers is outside the scope of current fertilisers legislation and is managed by other legislation.

There are two routes to the legal marketing of fertilisers in Great Britain. Fertilisers may be marketed under domestic regulations (The Fertilisers Regulations 1991, made and enforced using powers in the Agriculture Act) or assimilated Regulation (EC) No. 2003/2003 (the “UK fertiliser” regime)).

These two routes exist because whilst the UK was in the EU, fertilisers legislation was partially harmonised, which meant EU Member States were able to have in

place domestic regulations that operated alongside EU Regulation (EC) No 2003/2003 relating to fertilisers. At EU exit, Regulation (EC) No 2003/2003 became retained EU law and was subsequently assimilated into UK law (creating the 'UK Fertiliser' regime) to minimise disruption to the market. The UK Fertiliser regime continues to operate alongside the Fertilisers Regulations 1991 in Great Britain.

In Northern Ireland there are three routes to the legal marketing of fertilisers. Domestic regulations (The Fertilisers Regulations (Northern Ireland) 1992), assimilated Regulation (EC) No. 2003/2003 as it applies in Northern Ireland or EU Fertilising Product Regulations (Regulation (EU) 2019/1009) (EU FPR). EU FPR is not operable in Great Britain due to the timing of EU Exit. For further details about the implementation of EU FPR and marketing CE marked fertilisers in Northern Ireland under EU FPR see Section 2.2 and 2.3 respectively. This section provides further information about domestic fertiliser regulations.

The Fertilisers Regulations 1991, and 1992 Northern Ireland equivalent, specify requirements for materials intended for use as fertilisers. They prescribe names for and descriptions of such materials (regulations 4 and 5 and Schedule 1) and particulars and information to be given in a statutory statement required by law to be provided when such materials are sold as a fertiliser or for use as a fertiliser (regulation 5 and Schedule 2). They also set out requirements for marking and labelling materials held for sale (regulation 8 and Schedule 2).

The materials listed in Schedule 1 are divided into five sections. Straight fertilisers (Section A) which supply a single major nutrient, such as nitrogen, phosphate, or potash, along with specific liming products. Compound fertilisers (Section B) which supply a combination of major plant nutrients. Fluid fertilisers (Section C), trace element fertilisers, for example, boron, cobalt, iron and manganese (Section D) and secondary nutrient fertilisers, for example, calcium, magnesium and sulphur (Section E). Each section is divided into sub-groups which specify regulatory requirements for each material, these include, but are not limited to, the name and description of the material, minimum nutrient content that a product must contain to be sold under a particular name and the permitted deviations between the declared and actual nutrient content of the product. In addition, Section A (Group 1(a) sets out additional compositional requirements for straight AN fertiliser containing more than 28% by weight of nitrogen (N) (herein referred to as AN fertiliser of high nitrogen content) aimed at preventing an increase the products' sensitivity to heat or its tendency to detonate.

The materials listed in Schedule 1 are largely chemically produced or natural mineral resources, which are used in the manufacture of inorganic fertilisers or liming materials. The exception to this are various materials in Section A (Groups 4(a) –

4(c)), which meet the definition of 'organic fertiliser' and 'soil improver' (OFSI). OFSI is defined in assimilated Regulation (EC) 1069/1009, operable in Great Britain, as materials of animal origin used to maintain or improve plant nutrition and the physical and chemical properties and biological activities of soils, either separately or together. This means these materials must also comply with rules on [making fertiliser from processed animal by-products \(ABPs\)](#) set out in assimilated Regulation (EC) 1069/1009 and implementing Regulation (EU) 142/2011 (animal by-product "ABP regulations") setting down controls on the safe use and disposal of animal by-products in particular to protect the safety of the food and feed chain. OFSI may include, but is not limited to, manure, guano, digestive tract content, compost and anaerobic digestion residues.

UK Fertiliser regime has a similar format and requirements to the domestic regulations with types of 'UK fertiliser' (and corresponding technical requirements) listed in Annex I of this Regulation and tolerances (or "limits of variation") in Annex II. Although the requirements for AN fertiliser of high nitrogen content are more extensive than the domestic regulations. Chapter IV (Articles 25 – 28) and Annex III of UK Fertiliser regime set out safety measures and technical requirements for (straight or compound) AN fertiliser of high nitrogen content. Fertiliser products belonging to a type of fertiliser listed in Annex I and complying with the conditions laid down in this Regulation, may be labelled 'UK fertiliser'.

The types of fertilisers within scope of UK Fertiliser regime are largely the same as the domestic regulations, made from chemically produced or natural mineral resources. The UK Fertiliser regime specifically excludes organic nutrients of animal or plant origin and the types of fertilisers in Annex I do not include any OFSI. Although, Annex I (Sections F.1 and F.2) includes nitrification inhibitors and urease inhibitors which are not within scope of the domestic regulations. This means except for the differences identified above, which limit marketing inhibitors and OFSI under specific regulations, manufacturers may choose which regulations to use.

In addition to the provisions in current fertilisers legislation, The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003 (AN Safety Regulations), also relate to AN material which has a nitrogen content of more than 28% of its weight (relevant AN material herein referred to as AN of high nitrogen content), it should be noted it is used in the mining industry as well as for use as a fertiliser. These regulations apply in Great Britain, and supplement the UK Fertiliser regime and The Fertiliser Regulations 1991 by specifying additional requirements on persons involved in the manufacture, [import](#), keeping and supplying AN of high nitrogen content. The Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014 require a [licence](#) for supply, acquisition, possession, use or import of AN into Northern Ireland.

The Fertilisers Regulations 1991 and UK Fertiliser regime specify compositional characteristics and limits AN fertiliser of high nitrogen content, including percentage of combustible material, pH, particle size and copper content, and require the manufacturer to declare the amount of total nitrogen, nitric nitrogen and ammoniacal nitrogen in the product.

Where AN of high nitrogen content is intended to be used as a fertiliser the AN Safety Regulations require manufacturers or importers to thermal cycle a representative sample of material prior to testing for detonation resistance (DRT testing). The regulations specify the apparatus and procedures for DRT testing. The UK Fertiliser Regime also has technical provisions for DRT testing, and the apparatus and procedures are slightly different, although the test methods are the same. In addition to DRT testing, the UK Fertiliser Regime requires a sample be subject to thermal cycling prior to determining the oil retention of the fertiliser.

It should be noted that the geographical scope of the UK Fertiliser Regime is broader than the AN Safety Regulations, applying to AN fertiliser of high nitrogen content placed on the market in the UK. The UK Fertiliser Regime requires manufacturers to submit the results of the DRT testing to an appropriate authority (Defra) before placing the fertiliser on the market, or the arrival of the fertiliser at the borders of the UK. There are similar requirements in the AN Safety Regulations for manufactured and imported AN of high nitrogen content although this regulation specifies the results must be provided in a prescribed DRT certificate and that the importer must send the DRT certificate and an identification document specifically to Defra.

The AN Safety Regulations were implemented to address risks posed by AN of high nitrogen content to public and worker safety and therefore, they are more prescriptive than other fertiliser regulations (concerning marketing products). The AN Safety Regulations include additional requirements around the safe storage and supply of AN of high nitrogen content.

Enforcement of fertilisers legislation is the responsibility of Local Authority Trading Standards Officers (TSOs) in England, Wales and Scotland (including the AN Safety Regulations) and the Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland. The import and licencing of AN in Northern Ireland falls under the remit of the Northern Ireland Office. Department for Environment, Food & Rural Affairs (Defra) works with various stakeholders and in particular the Fertiliser Industry Accreditation Scheme (FIAS), which undertakes industry assurance and ensures the traceability of AN of high nitrogen content (intended to be used as a fertiliser) in Great Britain.

The current legislative framework for fertilisers is supported or supplemented by various secondary legislation and several pieces of assimilated EU law. See Annex 2 for a full list of UK fertiliser legislation on the statute book.

2.2 EU reform

In October 2015, the European Commission (EC) published a [roadmap for the revision of Fertilisers Regulation \(EC\) No 2003/2003](#). The proposal contained several elements to implement quality, safety and environmental protection standards, as well as creating a level playing field for all fertilising products, including those derived from recycled waste and nutrients, across the EU. The initiative aimed to remove barriers to free movement of certain innovative fertilisers and facilitate the market surveillance by member states, as well as contribute towards the EU Circular Economy package by establishing a regulatory framework enabling production of fertilisers from recovered bio-wastes and other secondary raw materials.

The roadmap paved the way for the development and implementation of EU FPR which came into force in July 2019 (with staggered implementation) and repealed Regulation (EC) 2003/2003 in the EU with effect from July 2022. EU FPR lays down rules for making EU fertilising products available on the market using the CE marking.

The UK contributed towards the development of EU FPR, however it did not become fully implemented in Great Britain due to the timing of EU exit. This is because EU FPR had a three-year staggered implementation date which extended beyond the end of the EU withdrawal transition period.

The proposals outlined in this consultation are to an extent based on the provisions of EU FPR (which the UK helped form), and the rationale which underpins the provisions of EU FPR can accordingly be read across to some extent to UK FPR. Consultees may therefore find it helpful to review the introductory paragraphs of [Regulation \(EU\) 2019/1009 \(EU FPR\)](#) explaining the provisions and the rationale behind the provisions of EU FPR, when considering the proposals for UK FPR.

2.3 Marketing fertilisers in Northern Ireland

EU FPR applies in Northern Ireland under the Windsor Framework which means manufacturers can sell 'CE marked' fertilising products in Northern Ireland providing they comply with the applicable regulatory requirements under EU FPR and EU standards.

EU FPR operates alongside domestic regulations in Northern Ireland (The Fertilisers Regulations (Northern Ireland) 1992) and assimilated Regulation (EC) No.

2003/2003 as it applies in Northern Ireland) because the rules and regulations surrounding the manufacture and marketing of fertilisers in the EU are 'partially harmonised'. This means that they allow for both EU legislation (EU FPR) and domestic regimes to operate alongside each other.

Since it is permissible in Northern Ireland to have a domestic regime for fertilisers in operation alongside harmonised EU legislation, the proposed UK FPR could be implemented as a domestic legislative framework without detriment to the Windsor Framework in Northern Ireland. For further details about the proposals for UK FPR to operate alongside EU FPR in Northern Ireland see Section 4.2.

2.4 Policy context

Fertilisers is a cross-cutting policy area, and this section provides further information about the factors that have informed the proposals developed by all four governments for a new regulatory framework (UK FPR) for placing fertilising products on the market in the UK.

2.4.1 Inorganic fertiliser supply and resilience

Over the past 5 years, there have been shocks that have impacted fertiliser supply chains, largely due to the consequences of international conflicts, with sudden price rises of key raw materials such as natural gas, and volatile markets. These have led to unprecedented increases in fertiliser prices which is happening now, and occasional shortages of supply for particular products at particular times.

To build a more resilient sector the UK needs to use whatever nutrients it has as efficiently as possible, reducing the risk of nutrients being released into the environment, whilst at the same time improving conversion of those nutrients into products for consumption. This means that fertiliser products should be demonstrated to be agronomically effective, and where possible, the inherent efficiency of such products should be increased before application. The UK needs to maintain a diverse range of supplies, whether from international destinations or domestic production. The mixture of imports versus domestic production will differ depending on what type of fertiliser is being considered. Currently a significant volume of nitrogenous (N), phosphatic (P) and potassic (K) inorganic fertiliser imports come from the EU (see Table 1).

Table 1 showing the mass in tonnes of fertiliser product imports from the EU from 2020 to 2024 (source HMRC statistics)

Sum of Net Mass (tonnes)	2020	2021	2022	2023	2024
3102 Nitrogenous fertilisers	1,898,425	1,771,688	2,015,034	1,704,297	1,873,896
3103 Phosphatic fertilisers	79,333	62,637	34,031	49,553	13,282
3104 Potassic fertilisers	218,126	255,526	268,888	199,701	270,075

Inorganic fertiliser provides around half of the total nutrient demand of the UK, (an estimated 871 thousand tonnes of nitrogen). The remainder of the nutrient demand is met through organic materials. The largest input of nitrogen from organic materials comes from cattle (an estimated 629 thousand tonnes of nitrogen in 2024). In comparison, the soil loading from non-farm organic materials (such as biosolids, imported digestate, compost and other industrial materials combined) was an estimated 64 thousand tonnes of nitrogen ([Soil Nutrient Balances](#)).

There is little opportunity to increase domestic production of organic materials, to supply the equivalent amount of nutrients from inorganic fertiliser. Depending on circumstances, organic fertilisers may also not be the right source of nutrients to best meet soil and crop requirements. So, even if use of organic materials could be optimised, there will still be a requirement for inorganic fertilisers to ensure adequate crop nutrient supply for domestic food production.

2.4.2 Pollution from fertilisers

Whilst the use of fertiliser is essential, their manufacture, production and use also poses a risk to the environment, and animal and human health.

Nutrients released to air in the form of ammonia can cause harm to the environment through direct toxic effects on sensitive plants and by loading soils in terrestrial habitats with nitrogen which disrupts the competitive balance between plant species in sensitive habitats leading to localised extinctions and can lead to soil acidification.

Ammonia also reacts with other chemicals in the atmosphere to form fine particulate matter (PM2.5) which is harmful to human health.

[Around 87% of ammonia emissions in the UK](#) come from agricultural sources, with the majority of agricultural ammonia emissions deriving from livestock (manure and urine). Application of inorganic fertilisers was responsible for [15% of total annual ammonia emissions in 2023](#).

Urea-based fertilisers have much higher ammonia emissions than other inorganic N fertilisers. To address this, an industry-led approach 'Red Tractor urea standard' has been implemented in England. The standard allows fertilisers containing uninhibited ureic acid to be used only in the cool and damp winter months (15 January to 31 March) and requires those which are applied after 31 April each year to be protected or urease inhibited urea-based fertilisers to be used outside of those months to minimise losses to air. Research is currently underway to explore whether a similar standard for urease inhibitors would be suitable for implementation in Scotland. Similarly, the use of granular urea fertilisers containing urease inhibitors in Northern Ireland is currently being evaluated as part of the Nutrients Action Programme (NAP) review.

Agriculture remains a key source of water pollution, [around 40% of river and groundwater pollution](#) is due to agricultural practices. Excessive amounts of nitrogen and phosphorus in aquatic habitats, can also cause eutrophication, leading to the overgrowth of algae and plants, decreasing oxygen levels and negatively impacting invertebrates and fish.

It is estimated that globally, the GHG emissions related to the production of inorganic fertilisers accounts for [around 37% of total life cycle emissions. The other 63% of emissions are related to direct and indirect losses after use](#). In the UK, agriculture is the sector responsible for the largest proportion of nitrous oxide (69%) pollution to air. Nitrous oxide is a powerful GHG, primarily emitted from soils due to the application of manure and inorganic fertilisers. It is nearly 300 times more potent than carbon dioxide, and it depletes stratospheric ozone. Policies and proposals set out in the UK-wide [Carbon Budget and Growth Delivery Plan](#) include quantified measures that are aimed at reducing nitrous oxide emissions from fertiliser use, such as the use of nitrification inhibitors and plant biostimulants. All four governments continue to work together to deliver the carbon budgets.

More efficient use and application of nutrients could help reduce ammonia and GHG emissions, improve water quality and increase productivity. [The Nutrient Management Expert Group \(NMEG\) report 2024](#) suggests there is significant scope to use nutrients more efficiently. Defra commissioned NMEG in 2020 to evaluate

policy options and consider the challenges around nutrient management on farms. They suggested requiring better planning and monitoring on-farm of all nutrient sources, as well as more responsible use of organic materials, and more capital investment in new technologies to make organic materials into more desirable, easy to handle and more effective to apply products. Furthermore, The House of Lords Environment and Climate Change Committee report on [nitrogen management](#) highlighted that developing more effective fertilisers from slurry and solid manure presented an economic opportunity which could support farmers.

Moving from a “take make and dispose” economic model to a more circular economy where materials and goods are valued and kept in use for as long as possible has a key role to play in the transition to net zero emissions and helping to drive economic growth by increasing supply-chain resilience and encouraging innovation. All four governments will develop plans that increase resource efficiency and productivity in different sectors of the economy and their supply chains including agri-food.

Inorganic fertilisers and organic materials may contain contaminants which have the potential to adversely affect human, animal and environmental health, including causing detrimental impacts on soil quality and function, for example, potentially toxic elements (PTEs) such as cadmium, chromium and lead. PTEs are a concern due to their persistence, which can lead to accumulation in the soil, and if sufficient quantities enter the food chain, may present a risk to human health. Defra-funded research recently re-assessed the levels of PTEs and other contaminants in mineral and organic fertilisers. The project had a particular focus on cadmium, which is naturally occurring in phosphate rock, and has a limit value of 60 mg/kg in inorganic phosphate fertilisers in EU FPR (and a lower limit in several countries worldwide) due to the potential adverse health risks of cadmium exposure. The project used a national spatial model to calculate balances for selected PTE on agricultural land in Great Britain under current (average 2015 to 2019) agricultural practices, and to estimate how future soil PTE concentrations may change in response to different limits on the permitted PTE content of materials applied to agricultural land.

The project indicated that risks to human health and the environment from PTEs and other contaminants (such as organic contaminants and microplastics) are likely to be low where fertilisers and organic materials are applied to agricultural land according to the agricultural practices, regulations and guidance which were examined by the project. However, because inputs (and outputs) were spatially averaged across the whole agricultural area within each 10x10 km grid cell it is possible the risk has been under-estimated for fields receiving frequent inputs. There is also a very large degree of uncertainty with aspects of the modelling which affect the estimates of PTE losses via crop uptake and leaching. The work highlighted vigilance is required as new contaminants continue to emerge and that monitoring of their concentrations

in soil and water may be required, together with further scientific assessment to address evidence gaps on their impacts on animal, human and environmental health.

2.4.3 Innovation

There are three main innovation streams relating to fertilisers. Firstly, there are technologies and practices to reduce the environmental impact of fertiliser production (for example, green ammonia). Secondly, there are innovations that create new types of fertilising products that help improve nutrient uptake (for example biostimulants and inhibitors) or that are made from non-conventional materials (for example compost and recovered nutrients). Lastly, there are innovations in the application or management of nutrients (for example, precision farming, slurry injection). While the proposed regulatory framework could support the innovation happening in the first two streams, the application and management of fertilisers on farms is out of scope of fertilisers legislation and therefore UK FPR would not help with the third innovation stream. The application and management of fertilisers on farm is managed by other legislation.

Reducing the carbon footprint and environmental impact of inorganic fertiliser production is an important step towards creating a more sustainable farming sector. There are already some products on the UK market that have been made using green ammonia that is produced using renewable electricity, unlike brown ammonia, which uses fossil fuels. Blue ammonia is another technique which utilises carbon capture and storage within the manufacturing process to reduce emissions. The growth in this part of the sector could help to reduce embedded manufacturing emissions.

Plant biostimulants, inhibitors and controlled release fertilisers (collectively referred to in this document as enhanced efficiency fertilisers (EEFs)), are increasingly being made available on the UK market and have more potential to reduce application emissions from fertiliser products. Whilst they have different modes of action, they all offer the potential to improve productivity, reduce fertiliser costs and reduce air and water pollution through more efficient and effective use of nutrients.

In 2022, Defra published the findings of a [project NM0102 - 'Creating an enabling regulatory environment for enhanced efficiency fertilisers'](#) which reviewed evidence on the ability of these products to improve nutrient delivery, highlighted evidence gaps and described the further research required to prove their efficacy, sustainability and safety, and inform best practice guidance on using these products.

Whilst plant biostimulants have no specific regulatory framework in the UK, biopesticides – which are almost entirely identical products to biostimulants except that they affect a pest rather than a plant – must undergo a rigorous assessment of their efficacy, safety and intended use, before they can be placed on the market.

Novel fertilisers are emerging from alternative and novel technologies, producing products from a range of biological wastes and organic materials. In 2022, the Defra-funded [project NM0103 - 'Exploring contaminant thresholds in mineral fertilisers and other fertilising products'](#) included a rapid evidence review of novel fertilisers. This scoped alternatives to conventionally manufactured inorganic fertilisers that could be rapidly brought to market in the UK as sustainable alternatives to conventional nutrient sources (for example, the Haber-Bosch process) that support supply chain resilience.

The project found that whilst several technologies had potential to enhance the nutrient use efficiency of existing materials applied to land or improve their handling properties, these are limited. The current capacity of those technologies evaluated provide only very small amounts of nutrients relative to the UK's need for fertiliser nutrients and there was considerable uncertainty on the crop available nutrient content of many of the processed materials. There were also significant cost implications and barriers for scaling up and very little information on the environmental impact of the technologies and processed products evaluated.

One of the technologies assessed in the Defra project that has gained wider public interest is digestate, which is produced from anaerobic digestion (AD). AD is used to treat various biodegradable materials, for example manure and slurry, biodegradable wastes (including food waste), and crops grown specifically for AD. AD produces biomethane and digestate. The digestate can be applied directly to land as organic fertiliser or soil improver. Digestate is a good source of nutrients and organic matter, however like all sources of nutrients there are environmental risks associated with improper management.

In future, digestate production is expected to increase as a result of:

- [Simpler Recycling Collection \(SRC\) reforms](#), which will require mandatory food waste recycling collections (in England only) from all workplaces (except micro-firms) by 31 March 2025, all households by 31 March 2026 and all micro-firms (with less than 10 staff) by 31 March 2027. Food waste is forecast to increase [by 100% to 4.8Mt by 2035](#) and the preferred method for treating food waste is by AD.
- UK government supports schemes for AD biomethane, such as the Green Gas Support Scheme and the Department for Energy Security and Net Zero

(DESNZ)'s upcoming future biomethane policy framework. DESNZ intend to consult on its future biomethane framework by Spring 2026, including on measures to ensure digestate is being managed appropriately to mitigate environmental impacts.

Research into alternative fertilisers is ongoing, and Defra is partnering with [UK Research and Innovation \(UKRI\)](#) to fund several projects which will examine new fertiliser products made from wastes as alternatives to conventional inorganic fertilisers. Furthermore, all four governments have policies in place to protect nature-rich habitats, including peat bogs, and they are working alongside the horticulture sector to support progress on the peat-free transition.

Due to uncertainties over the benefits, wider environmental and human health impacts of newer and novel fertilisers, as well as market readiness of alternative and novel technologies for producing fertilisers, implementation of UK FPR will need to be an iterative process. This would mean staged implementation of UK FPR for different products and materials which would allow further research to better understand attendant risks and how to manage them.

In addition, any policy development concerning organic fertilisers or soil improvers covered by the ABP regulations would also need to consider the SPS Agreement. The SPS Agreement, outlined at the UK-EU Summit on 19 May 2025, will seek to establish a UK-EU Sanitary and Phytosanitary Zone aimed at reducing trade barriers and facilitating the safe and efficient movement of trade. The shape of the agreement is subject to ongoing negotiations with the EU, which began at the end of 2025.

2.5 Rationale for reform of UK fertilisers legislation

This section sets out where current fertilisers legislation could do more and the guiding principles which have been used to develop the reform proposals set out in Section 4.

Multiple and overlapping regulatory regimes, plus the operation of EU FPR in Northern Ireland under the Windsor Framework, may make it difficult for manufacturers, importers and enforcement authorities to understand the regulatory requirements which apply to specific products.

Domestic regulations are based on exhaustive lists of products and these have not been updated to account for new types of fertilisers. This means that there are no compositional, efficacy or labelling requirements specifically for newer types of fertilisers (or component materials), which does not support end-user confidence in these newer products. There are, for example, no requirements in relation to:

- the polymer coatings used to control nutrient release in controlled-release fertilisers; or
- seaweed extracts, humic and fulvic acids or plant growth promoting bacteria which are used in plant biostimulants.

Nor are there any requirements for novel fertilisers, such as pelletised organic materials and biochar made from organic materials and wastes. However, these may be subject to other regulatory regimes which exist to protect the environment and reduce risks to animal and human health, such as waste regulations and animal by-products regulations that add to the complexity of the regulatory framework for fertilisers.

Requirements are also lacking for products which are listed in the regulations. There are no contaminant limits for the products or materials listed in the regulations and no requirement for manufacturers to demonstrate the efficacy of inhibitors. It is important that fertilisers legislation manages contaminants in a proportionate way to limit as far as possible long-term accumulation in the environment, and impacts on human, animal and plant health.

A new supportive regulatory framework, flexible enough to keep pace with innovation and able to handle the varying levels of risks and hazards from a wider range of fertilisers and materials, is proposed as a means to address many of these points. Requiring product claims to be verified could help increase investment in more sustainable products. If the proposals were to be taken forwards there could also be a need for enforcement and market surveillance that is flexible and proportionate, particularly as different products, materials and regulatory requirements are brought into scope, changing the current risk-profile for fertilisers. Details of the proposals for enforcement of UK FPR are set out in this consultation.

Supporting innovation and the development of a greater diversification of products would also increase resilience to market shocks, meanwhile maximising potential value from organic and recycled nutrients would support the UK in transitioning to a more circular economy.

Newer and novel fertilisers are increasingly being marketed as 'low-carbon' or 'low-emission' fertilisers, but there is no agreed definition of either (and additionally the terms are used interchangeably). As a result, these products can be misleading for end-users. A new legislative framework that requires product claims to be verified – in this case with clarity of the definition of 'low-carbon' and 'low emission' – could help increase investment and user confidence in more sustainable products.

For effective nutrient management planning it is important to know what nutrients are contained in the products applied to the crops and soils. Providing practical

information for end-users supports improved nutrient use efficiency, reduced nutrient losses, and improved productivity.

The reform proposals in this consultation have been developed in line with the following guiding principles:

1. **Simplify manufacturing and marketing rules.** Provide a regulatory framework for fertilising products that is simple for businesses to navigate while robust enough to handle varying levels of risk from a wider range of fertilising products.
2. **Support protection and enhancement of the environment.** Introduce regulatory changes which embed environmental standards.
3. **Enhance end-user confidence.** Ensure labelling and marketing rules give end-users confidence that the products they are buying are safe and effective.
4. **Improve productivity and support innovation.** Promote a vibrant and sustainable fertiliser sector in the UK and supports innovation by smoothing the route to market for novel fertilising products which are less polluting to the environment or are less resource intensive in their creation.
5. **Support trade.** Ensure the UK remains attractive to exporters and increase supply resilience by removing regulatory barriers to trade.

3. The consultation and call for evidence process

This joint consultation and call for evidence builds on a period of informal engagement with stakeholders affected by, and with an interest in, fertiliser legislation. This includes manufacturers, importers, industry representatives, and officials across the fertilisers regime. All four governments are now seeking formal feedback on proposals to reform UK fertilisers legislation and develop a new regulatory framework (UK FPR) for placing fertilising products on the market across the UK. Information and data on the costs and benefits of the proposals for reforming fertilisers legislation, and the impact on affected individuals, businesses and other organisations, are key outcomes sought from the consultation questions. This joint consultation and call for evidence has been broken down into three substantive parts. Further information about the structure of this document, as well as details of the timings for the consultation and call for evidence, how to respond and other relevant information is provided in this section.

3.1 Structure of the document

As noted above this joint consultation and call for evidence is broken down into three substantive parts.

Section 2 ‘Background’ sets out the current legislative framework for fertilisers in the UK and information about the factors that have informed the proposals developed by all four governments for UK FPR.

Section 4 ‘Consultation Questions’ outlines the preferred option all four governments are considering for modernising fertilisers legislation. The consultation questions have been designed to gather your views and evidence on:

- the likely impact of the proposal to develop a harmonised regulatory framework for placing fertilising products on the market across the UK (UK FPR) to replace existing legislation.
- the likely impact of the proposal for UK FPR to be based on conformity assessment.
- the likely impact of the proposed overarching requirements of UK FPR conformity assessment framework
- the likely impact of conformity assessment being prioritised for fertilising products (namely inorganic fertiliser, liming material, nitrification inhibitor and urease inhibitor (collectively referred to as 'inhibitors') made from virgin

material substances and mixtures) that have a higher certainty around their benefits and risks.

- the likely impact of proposed general requirements for all fertilising products marketed under UK FPR, proposed conformity assessment procedures and technical requirements, and labelling requirements products must meet before being placed on the market.
- proposed transition outlined in Next Steps.

Please be aware, whilst the consultation questions seek views on the types of technical requirements which products must meet at this stage, we are not consulting on the exact limit values or other detailed parameters. If the outcome of this consultation and call for evidence is that the proposals are followed, we are proposing to establish the detailed parameters through a series of technical workshops with stakeholders. See Section 4.11 for more information about the technical workshops and how to register your interest in participating in this technical stakeholder engagement process.

Section 5 ‘Call for Evidence’ contains questions which have been developed to inform future development of UK fertilisers legislation. We are calling for views and evidence on newer and novel fertilising products and materials.

3.2 Audience

This is a public consultation and call for evidence, and we welcome all views, particularly those from individuals, businesses or other organisations involved in:

- the import of fertilising products or materials into the UK
- activities associated with the production, sale, or processing of materials used to manufacture fertilisers: including within the biowaste sector
- manufacturing fertilisers for onward sale or distribution to a broker, retailer or end-user
- the use of fertilisers within the arable, livestock and horticulture sectors (including domestic gardening, forestry, landscaping and turf)
- enforcement authorities
- analytical services
- quality assurance
- the environment sector including environmental science or research

The sectors listed above are non-exhaustive and we know that there may be other businesses, organisations and individuals who are involved with, or take an interest in, fertilisers. The questions in Section 4.1 are intended to take account of this diversity and put your response in perspective with those of other respondents.

3.3 Timing and duration of this consultation and call for evidence

The consultation and call for evidence period will commence on 19 March 2026 and will be open to responses for a period of 8 weeks.

The consultation and call for evidence period will end at midnight on 13 May 2026. Responses received after midnight will not be considered.

3.4 Responding to this consultation and call for evidence

The consultation and call for evidence will run primarily via the Citizen Space online portal. However, we will accept email and hard copy responses for those unable to use the online survey for their response. Please get in touch via the details provided if you have any accessibility requirements relating to this publication. Please respond to this consultation and call for evidence in one of the following ways:

Online: using the Defra Citizen Space consultation hub. For ease of analysis, responses via the Citizen Space platform would be preferred, if possible, but alternative options are available if required.

<https://consult.defra.gov.uk/fertilisers-team/uk-fertilisers-regulatory-reform/>

By email to: fertilisers-reform@defra.gov.uk

or

By post:

Department for Environment, Food and Rural Affairs
Fertilisers Team
Seacole Block
2nd Floor
2 Marsham Street
London SW1P 4DF

You only need to respond to the questions that are relevant to you. There is no obligation to answer every section, and you may leave blank any parts that do not apply to you, or your business or organisation. However, all respondents must complete the 'About you' section before you are able to submit your response to the online survey.

Please where possible provide relevant views, evidence, and explanation so that proper consideration of alternatives may be given, particularly where you disagree or have serious concerns about anything you have read in Section 4.

3.5 Use of Data

Information and comments submitted through this joint consultation and call for evidence will be used to inform and further develop the policy to ensure its feasibility for delivery and that it takes into account stakeholders' views.

Your responses may be processed by artificial Intelligence to analyse the responses to this consultation and call for evidence more efficiently. These tools assist in identifying and mapping themes in responses, but do not make decisions and all outputs are reviewed by staff for accuracy and reliability.

3.6 Complaints procedure

All complaints about this joint consultation and call for evidence process should be submitted to the Consultation Coordinator via email:

consultation.coordinator@defra.gov.uk. To meet with Defra's service standard, all complaints will be responded to within 15 days of receipt.

3.7 Using and sharing your information

Defra will act as the main point of contact for the purpose of managing this consultation and call for evidence. How we use your personal data is set out in the consultation and call for evidence exercises [privacy notice](#).

Defra will be sharing responses, including personal data collected through this consultation and call for evidence with the relevant teams of policy officials in the UK government, the Scottish Government, Welsh Government and Northern Ireland Executive, who may share analysis and conclusions with senior and ministerial colleagues.

Please find the following privacy notices from the devolved governments:

Scottish Government's [privacy notice](#)

DAERA's [privacy notice](#)

Welsh Government's [privacy notice](#)

3.8 Other Information

This consultation is being conducted in line with the Cabinet Office "[Consultation Principles](#)".

3.9 After the consultation and call for evidence process

All responses received before midnight on 13 May 2026 will be analysed and considered by all four governments in considering how to reform fertilisers legislation across the UK.

Defra in conjunction with the Scottish Government, Welsh Government and the Northern Ireland Executive will summarise the responses and place a summary on the UK government's website.

4. Consultation questions

4.1 About you

To help us when we come to analyse your response, we would like you to answer a few questions about you, or where relevant, about your business or organisation.

1. Would you like your response to be confidential? (Required)

- yes
- no

If you answered yes to question 1, please give your reason(s).

- [free text box]

2. What is your name as the respondent? Please note, organisation names will be asked later (Required)

- [free text box]

3. What is your email address?

If you enter your email address, you will automatically receive an acknowledgement email when you submit your response.

- [free text box]

4. Do you consent to us using your contact details for future purposes relating to this joint consultation and call for evidence? (Required)

- yes
- no

5. Please specify whether you are responding as an individual or on behalf of an organisation

- individual – you are responding with your personal views, rather than as an official representative of a business or other organisation
- organisation

6. If you are responding on behalf of an organisation, what type of organisation do you represent?

- small or micro-business (less than 50 employees, including any global operations)
- medium business (50 to 249 employees, including global operations)
- large business (250 or more employees, including global operations)
- sole proprietor – business run of one self-employed person
- government body
- non-governmental organisation (NGO)
- local authority
- charity
- consultancy
- academia – in an official capacity as a representative of an academic or scientific institution
- other
- prefer not to say

If you answered other, please specify what type of organisation you represent.

- [free text box]

7. If you are responding on behalf of an organisation, what is the name of the organisation?

- [free text box]

8. Which part of the fertiliser value chain are you involved in?

Please select all that apply.

- placing products on the market – for example, manufacturing, blending, importation and distribution
- trading
- export
- production, sale or processing of materials used in the production of fertilising products
- retail
- certification

- analytical services
- environment sector
- enforcement & market surveillance
- academic or scientific research
- end-user – agriculture
- end-user – horticulture
- end-user – domestic gardening
- consumer
- other
- prefer not to say

If you answered other, please specify what part of the fertiliser value chain you are involved in.

- [free text box]

9. If you are involved in placing fertilising products on the market, are you a:

- manufacturer
- importer
- distributor
- other
- prefer not to say

If you answered other, please explain in what capacity you are involved in placing fertilising products on the market.

- [free text box]

10. Where are you or the organisation you represent based?

- England
- Northern Ireland
- Scotland
- Wales
- Outside the UK, within the EU
- Outside the UK, outside the EU
- Prefer not to say

4.2 Proposal to develop a harmonised regulatory framework

Fertilisers regulation is a devolved policy area and the proposals for UK FPR do not materially change the current responsibilities of all four governments relating to fertilisers legislation, in England, Scotland, Wales and Northern Ireland. However, whilst fertiliser policy is a devolved area it intersects with some areas, for example health and safety regulation and international trade, where UK government has reserved competence.

All four governments have considered several options for reform of fertilisers legislation. These are outlined in the impact assessment (IA) published alongside this consultation and call for evidence.

The preferred option is to where possible repeal and replace the provisions of existing fertilisers legislation on the statute book with a harmonised regulatory framework for placing fertilising products on the market (UK FPR) in the UK based on conformity assessment. The intention is that after a transitional period existing fertilisers legislation will be repealed. Where existing legislation is left in place, the intention is for fertilisers governed by UK FPR to be exempted from the application of such legislation where they cover the same subject matter as UK FPR. For example, the intention is to leave the AN Safety Regulations in place as they have a wider scope than just fertilisers but that AN of high nitrogen content which complies with the requirements of UK FPR will be exempt from regulations 3, 4, 5, 6 and 9 of the AN Safety Regulations.

The purpose of conformity assessment is to demonstrate that products placed on the market conform to the requirements expressed in the provisions of the relevant legislation.

In this document, we refer to various 'bodies' involved in conformity assessment:

- 'conformity assessment body' (CAB) is the collective term for any organisation involved in conformity assessment activities, for example, laboratory testing, certification, inspection or verification. Conformity assessment bodies demonstrate they have the technical competence to perform the specific conformity assessment activities which they are involved in through accreditation to a relevant standard. They can be in-house within the manufacturer's organisation or external providing they are accredited to a relevant standard.
- 'testing laboratory' are a type of CAB under UK FPR. They must be accredited to a relevant standard for the testing activities they perform.
- 'approved body' are a CAB which has been officially appointed by a UK competent authority to undertake conformity assessment activities where a

third party is required under UK FPR. They must be independent from the designer, manufacturer, supplier, purchaser, owner or user of the product and they must be accredited to demonstrate their competence as an approved body.

The terms described above are used throughout this document. However, please note this section refers briefly to conformity assessment in relation to EU legislation and in this context different terminology is used for the same bodies. Under EU conformity assessment policy, the bodies accredited to undertake third party conformity assessment activities are called 'notified bodies' rather than 'approved bodies'. Also, appointment of third-party CABs is the responsibility of the 'notifying authority' rather than 'competent authority'.

This section seeks views on consolidating fertilisers legislation, and Section 4.3 sets out proposals for a new harmonised framework to be based on conformity assessment.

Section 4.6 provides detailed information about the requirements for CABs involved in UK FPR conformity assessment framework.

The approach being considered for implementation of UK FPR is that it would be applied in a co-ordinated manner across the UK.

It is possible to implement UK FPR in Northern Ireland, without detriment to the Windsor Framework because the rules and regulations surrounding the manufacture and marketing of fertilisers in the EU are 'partially harmonised'. This means fertilisers may be made available on the single market in accordance with both harmonised EU legislation and national laws (due to the local nature of certain product markets). Therefore, UK FPR could operate alongside EU FPR in Northern Ireland as a domestic legislative framework, meaning manufacturers and importers would be able to choose in Northern Ireland only whether to market fertilisers under EU FPR or UK FPR.

The (EU) Fertilising Products Regulations (Northern Ireland) 2020 designated Defra as the Notifying Authority for EU FPR in Northern Ireland. This means Defra has responsibility for setting up and carrying out the procedures for the assessment and notification of notified bodies required to undertake third party conformity assessment activities under EU FPR.

This Regulation also allows for the assessment and monitoring of notified bodies to be delegated to the United Kingdom Accreditation Service (UKAS) with consent of the DAERA. These provisions relating to the role of Defra and potentially UKAS under EU FPR are unchanged by the proposals we are consulting on and The (EU)

Fertilising Products Regulations (Northern Ireland) 2020 will remain on the statute book.

We are proposing UK FPR would be the only domestic regime in operation across the whole of the UK. Whilst fertilisers legislation is a devolved area, implementing a harmonised regulatory framework for placing fertilisers on the market across the UK would mitigate significant risks which could be caused by regulatory divergence, for example, increased compliance costs and potential reduction in trade volumes, affecting UK traders, producers and consumers.

This approach would consolidate fragmented legislation into a single, coherent regulatory framework. It would improve clarity and consistency in the regulatory requirements fertilising products must meet making compliance easier and enhance trade resilience by simplifying market access.

A stable regulatory environment would improve manufacturers knowledge of UK fertilisers legislation, and it would enable businesses to plan longer-term strategic outcomes and encourage innovation and investment in the sector. UK FPR is expected to positively impact the ease of doing business in the UK, by providing a clearer and more consistent framework for fertilising products. As the regulation develops, it may enhance competitiveness and resilience in the sector by supporting innovation and reducing uncertainty around novel product types. This could improve the attractiveness of the UK market, lower barriers to entry for new firms, and support a more diverse and competitive market structure. While initial compliance costs may be a consideration, the measure is expected to encourage long-term investment and innovation.

This preferred option allows the development of regulatory requirements specifically for the UK context to ensure relevance, agility, and long-term effectiveness. It also provides for improved environmental safety and consumer confidence in fertilising products, and it would give the UK flexibility to set the technical requirements fertilising products must meet to demonstrate efficacy and safety based on UK, and, where appropriate, international evidence.

Sections 4.3 to 4.9 provide details of the proposed overarching proposals for UK FPR and the proposed technical requirements fertilising products must meet before being placed on the market. In addition, Section 4.8.7 outlines proposals to consolidate the existing regulatory requirements for AN of high nitrogen content which is intended to be used as a fertiliser or placed on the market as a fertiliser. You may wish to read all the details before answering any questions.

11. What would be the impact of repealing the above regulations, including relevant parts of the AN Safety Regulations, and replacing them with one framework which would be applicable to the whole of the UK?

- major positive impact
- moderate positive impact
- no impact
- moderate negative impact
- major negative impact
- don't know
- prefer not to say

Please explain your response and share any information or evidence to help us understand your response, including any alternative regulatory changes or other proposals which would simplify fertilisers manufacturing and marketing rules (whilst delivering on all other reform principles outlined in Section 2.5).

- [free text box]

4.3 Proposal for UK FPR to be based on conformity assessment

Conformity assessment is the process carried out by the manufacturer demonstrating whether specific requirements relating to a product have been fulfilled. Conformity assessment can provide the confidence required by government and consumers that products on the market meet the requirements of the legislation.

Together with standards and accreditation, conformity assessment is an important part of the [UK's national quality infrastructure \(NQI\)](#). Implementing a conformity assessment framework for fertilisers in the UK would bring fertilisers legislation in line with other manufactured goods areas, for example lifts, machinery and pyrotechnics, which also use conformity assessment, as well as EU FPR. The similarity between UK FPR and EU FPR should avoid some duplication of ongoing costs (for example, testing and compliance) and minimise friction for imports and exports between UK and EU markets. It also helps maintain regulatory predictability for international suppliers and investors.

Conformity assessment is a more agile and efficient regulatory approach, than the format of existing fertilisers regulations which are based on exhaustive lists of materials. This is an outdated approach to product regulations. Re-evaluating and updating the lists, as well as applicable regulatory requirements, would be highly complex and demand a high level of resources on an ongoing basis to keep pace with innovation in the sector. Implementation of UK FPR will need to be an iterative process, due to uncertainties over the benefits, wider environmental and human

health impacts of newer and novel fertilisers, as well as market readiness of alternative and novel technologies for producing fertilisers. Conformity assessment would lend itself to this process because all four governments would be able to decide the most appropriate conformity assessment procedure (or “modules”) for each fertiliser type (e.g. inorganic fertiliser, inhibitor, plant biostimulant) as they are phased into UK FPR, if the outcome of this consultation and call for evidence is that the proposals for UK FPR are followed. The modular approach would also allow safety requirements (such as acceptable levels of contaminants) and quality requirements (such as nutrient value limits and demonstration of efficacy) to be adapted according to a fertiliser type, rather than each individual product.

Conformity assessment procedures vary from self-declaration by the manufacturer, for simple products or products not presenting serious risks, to inspection of the production process and final product, where production or manufacturing process are more complex or risks more severe. Businesses may incur initial familiarisation costs and ongoing compliance costs associated with ensuring fertilising products comply with UK FPR. However, regulatory burden on manufacturers would be minimised by incorporating this risk-based approach together with the use of ‘designated standards’, approved by government for the purpose of demonstrating conformity into UK FPR. If a product meets the requirements of a designated standard, it will provide the manufacturer with a rebuttable ‘presumption of conformity’, meaning the product can be presumed to be in conformity with the relevant regulatory requirements and it can streamline the conformity assessment process. This maximises manufacturers efficiency and competitiveness. For further information on proposals for designated standards and presumption of conformity in UK FPR see Section 4.4.5.

[Accreditation](#) increases trust from both industry and end-users in conformity assessment. It ensures that where independent assessment is required, CABs carrying out testing, certification and inspection are competent to do so.

We propose CABs who provide services with respect to UK FPR would be required to be accredited by the UKAS (save for the exception set out in Section 4.6.2). UKAS, is the UK’s sole national accreditation body for regulated and voluntary sectors. UKAS is appointed by the UK government through legislation. It is the organisation responsible for assessing and accrediting organisations that provide services including testing, certification and inspection (such as testing laboratories or approved bodies), with respect to UK regulations.

We also propose the Secretary of State for Defra would exercise ‘competent authority’ functions for UK FPR in England, Wales, Scotland and Northern Ireland, for which Scottish Government, Welsh Government and DAERA Ministers shall agree

the extent of those competent authority functions. The competent authority has responsibility for setting up and carrying out the procedures for the assessment and appointment of approved bodies required to undertake third party conformity assessment activities.

We propose compliance with UK FPR conformity assessment procedures would be the responsibility of the manufacturer and if applicable, the importer must ensure the manufacturer has carried out the correct conformity assessment procedures before placing products on the market.

Whilst all fertiliser types that are currently sold or marketed under existing fertiliser regulations will be able to be placed on the market under UK FPR, it is proposed that not all fertiliser types will be subject to conformity assessment at the first stage of implementation of UK FPR. It is proposed that certain types of fertilisers are only made subject to conformity assessment once the requirements that should apply to them are better understood. The responses to this consultation and call for evidence questions will help determine if this would be the correct approach for UK FPR (if taken forward) and if so, which product types and materials should be made subject to conformity assessment from the first stage of implementation of UK FPR. See Section 4.4.2 for the proposed product types and materials prioritised for conformity assessment at the first stage of implementation of UK FPR.

Further details on proposed modules for UK FPR are available in Section 4.4.4 which you may wish to read before answering the following questions.

12. To what extent do you agree or disagree that conformity assessment would be an appropriate framework for regulating fertilisers in the UK?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

13. Please explain your response(s) and share any information or evidence that you have to help us understand your response, including examples from other countries or areas of regulation where available. In particular, any comments you may have with regards to proposals for UK FPR to be based on conformity assessment and whether a conformity assessment framework for fertilisers would help improve product safety and deliver environmental benefits, and any other points you wish to raise about what you have read in Section 4.3.

- [free text box]

14. What impact would reform of UK fertilisers legislation and the implementation of the proposed UK FPR have on you or your organisation?

- major positive impact
- moderate positive impact
- no impact
- moderate negative impact
- major negative impact
- don't know
- prefer not to say

15. To what extent could the proposed UK FPR affect how companies compete in the UK fertiliser market?

Please explain your response and share any information or evidence to help us understand your response, including examples from other countries or areas of regulation where available. In particular any comments you may have on benefits or costs to the sector.

- [free text box]

16. Are you or your organisation involved in placing fertilising products on the market?

- Yes
- No (if you answered no to question 16 please skip to Section 4.4)

17. What number of different products do you or your organisation place on the market in the UK per year?

- less than 5 products per year
- 5 – 10 products per year
- 10 – 30 products per year
- more than 30 products per year

18. How frequently do you or your organisation change product offerings?

- every 0-6 months
- every 6-12 months
- every 12-18 months
- every 18-24 months

- every 24 months or more

19. Approximately how long do you or your organisation currently spend on administration in relation to the current regulatory framework per product?

- more than 5 hours per product per year
- 5 to- 10 hours per product per year
- 10 to 20 hours per product per year
- 20 to 50 hours per product per year
- More than 50 hours per product per year

20. Do you anticipate that you or your organisation will see a reduction in administrative costs as result of implementation of the proposed UK FPR?

- yes
- no (if you answered no to question 20 please skip to Section 4.4)
- don't know
- prefer not to say

21. If you answered yes to question 20, please tell us what percentage reduction in administrative costs you think would be achievable if UK FPR was implemented in the UK.

- [number entry box]

If you answered question 21 with a percentage reduction in administrative costs, please explain why you think this reduction in administrative costs would be achievable if UK FPR was implemented in the UK.

Please explain your response and share any information or evidence to help us understand your response, including examples from other countries or areas of regulation where available.

- [free text box]

4.4 Proposed UK FPR conformity assessment framework

This section describes the overarching requirements that all four governments are proposing for UK FPR conformity assessment framework. It also provides details of the types of products and materials which will be subject to conformity assessment procedures as part of the first stage of implementation of UK FPR (details on the proposed transition period are in Section 4.12 'Next steps').

If you want to see how conformity assessment is set out in legislation you may find it useful to read [Regulation \(EU\) 2019/1009 \(EU FPR\)](#) before responding to the consultation questions in Section 4.4.

4.4.1 Product marking

The UKCA (UK conformity assessed) mark indicates a product's compliance with the legislative requirements of a UK conformity assessment framework. The UKCA regime has been operational since 1 January 2021. For products that have been in scope of the regime since its inception, those products must comply with EU regulations that have been assimilated into UK law. The UKCA mark applies to products being placed on the market in Great Britain and there are different product marking requirements in Northern Ireland. The UKNI and CE mark applies to products placed on the market in Northern Ireland where a UK approved body has carried out third party conformity assessment. Alternatively, the CE mark can be used in both Great Britain and Northern Ireland where an EU notified body carries out conformity assessment.

The approach being considered for UK FPR is different because partial harmonisation of the rules and regulations surrounding the manufacture and marketing of fertilisers in the EU mean compliance with EU FPR is optional and is only required for fertilisers which are marked with a 'CE mark'. This means UK FPR, should not interfere and may operate in addition to, the CE marked regime operating under EU FPR in Northern Ireland.

We propose that all fertilising products which comply with UK FPR conformity assessment requirements would be placed on the market across the UK using the UKCA mark. The UKCA mark would signify to end-users that the product has met the applicable regulatory requirements under UK FPR, including any relevant conformity assessment by an approved body. The UKCA mark must be followed by the identification number of the approved body, where required under the applicable conformity assessment procedures.

The UKCA mark would be limited to fertilising products which have gone through conformity assessment as set out in UK FPR. Once conformity assessment requirements for a specific product type and component material combination have been drafted into UK law, it is proposed that, such fertilising products may only be able to be placed on the UK market once they meet applicable conformity assessment requirements. This will address the current situation where there are fertilising products available on the market which have not met any specific requirements.

Fertilising products marketed under UK FPR that have no conformity assessment requirements would not be able to use the UKCA mark. However, non-UKCA marked products will need to meet general product requirements and labelling requirements applicable to all fertilising products before they are placed on the market under UK FPR. In addition, where such fertilising products are currently listed under either Schedule 1 of the Fertiliser Regulations 1991 (or 1992 Northern Ireland equivalent) or Annex I of the UK Fertiliser Regime, it is proposed that the product must comply with the same obligations which are currently specified under those pieces of legislation with respect to the minimum nutrient content of such products and the need to specify the total amount of such nutrients on the product label (within the applicable tolerances).

22. To what extent do you agree or disagree with the proposals for fertilising products which have gone through conformity assessment as set out in UK FPR to use the UKCA mark?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.4.2 Product type and component material requirements

Before being placed on the market, UKCA marked products would need to meet general product requirements applicable to all fertilising products marketed under UK FPR, as well as specific requirements in relation to the product's claimed function, for example, inorganic fertiliser or plant biostimulant. This proposed approach of specifying specific requirements based on a product's function would allow safety requirements (such as acceptable levels of contaminants) and quality requirements (such as nutrient value limits and demonstration of efficacy) to be adapted according to product type.

The technical requirements for each product type would be set out in the annexes of UK FPR and be grouped into different product function categories (PFCs). This is the same approach taken in EU FPR. This section provides details of the PFCs which are being proposed for inclusion in UK FPR at the first stage of implementation. Annex 1 lists the PFCs in EU FPR which have not been prioritised for conformity assessment at the first stage of implementation of UK FPR but may be considered in future (if proposals for UK FPR are followed).

It is proposed that UKCA marked products would also need to meet specific requirements in relation to what materials the product is made from. The technical requirements for component materials would be set out in annexes of UK FPR and grouped into different component material categories (CMCs) for example, virgin material substances and mixtures, or digestate. The requirements would define what input materials UKCA marked products can solely consist of and allow the establishment of appropriate safety requirements (such as production methods and acceptable levels of contaminants). At the first stage of implementation of UK FPR we are proposing UKCA marked products would only be able to be made from input materials belonging to one CMC as detailed below. Annex 1 lists the CMCs in EU FPR which are not being proposed for conformity assessment at the first stage of implementation of UK FPR but may be considered in future (if proposals for UK FPR are followed). If more CMCs were implemented, UKCA marked products would be able to consist of one or more CMCs, but they would need to comply with the requirements of each applicable CMC to ensure all safety requirements are complied with.

Before being placed on the market, it is proposed that UKCA marked products would also need to be labelled in accordance with general labelling requirements applicable to all products marketed under UK FPR, as well as specific labelling requirements depending on the product's claimed function (PFC(s)). Further details of UK FPR labelling requirements are provided in Section 4.9.

At the first stage we propose implementing conformity assessment requirements for PFCs and CMCs listed to follow. These products have been prioritised due to the high certainty around their benefits and risks, which is not the case with newer and novel fertilisers. Prioritising these products would allow all four governments to establish the new conformity assessment framework whilst progressing further research and policy development into more complex product types (for example, plant biostimulants and organo-mineral fertilisers) and component materials to better understand their attendant risks and how to manage them.

- **PFC 1: Fertiliser**
 - (C): Inorganic fertiliser
 - PFC 1(C)(I) Inorganic macronutrient fertiliser
 - PFC 1(C)(I)(a) Solid inorganic macronutrient fertiliser
 - PFC 1(C)(I)(a)(i) Straight solid inorganic macronutrient fertiliser
 - PFC 1(C)(I)(a)(ii) Compound solid inorganic macronutrient fertiliser

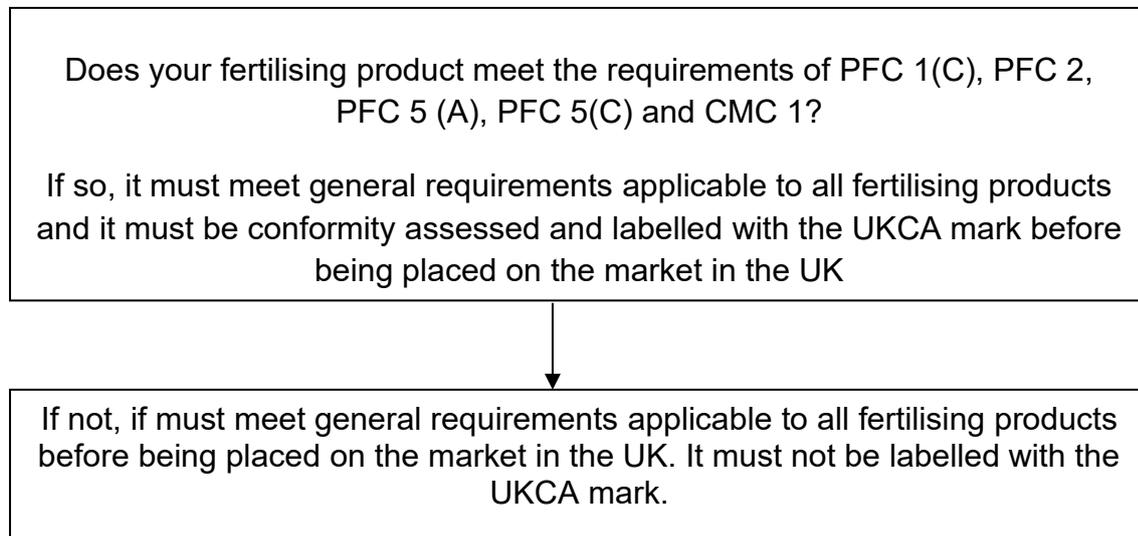
- PFC 1(C)(I) (a)(i-ii)(A) Straight or compound solid inorganic macronutrient ammonium nitrate fertiliser of high nitrogen content
 - PFC 1(C)(I)(b) Liquid inorganic macronutrient fertiliser
 - PFC 1(C)(I)(b)(i) Straight liquid inorganic macronutrient fertiliser
 - PFC 1(C)(I)(b)(ii) Compound liquid inorganic macronutrient fertiliser
 - PFC 1(C)(II) Inorganic micronutrient fertiliser
 - PFC 1(C)(II)(a) Straight inorganic micronutrient fertiliser
 - PFC 1(C)(II)(b) Compound inorganic micronutrient fertiliser
- **PFC 2: Liming material**
- **PFC 5: Inhibitor**
 - PFC 5(A): Nitrification inhibitor
 - PFC 5(C): Urease inhibitor
- **PFC 7: Fertilising product blend** (consisting of only of two or more fertilising products belonging to PFC 1(C), PFC 2, PFC 5(A) and/or PFC 5(C))
- **CMC 1: Virgin material substances and mixtures**
 - Excluding:
 - waste meaning 'any substance or object with the holder discards or intends or is required to discard' (defined by assimilated law Directive 2008/98/EC).
 - substances or mixtures which have ceased to be waste by achieving end of waste status or by-products within the meaning of assimilated law Directive 2008/98/EC, for example struvite, ash-based products, biochar, or phosphate salts and ammonium salts recovered from waste.
 - animal by-products or derived products within the meaning of assimilated Regulation (EC) No 1069/2009.
 - polymers, other than those meeting specific criteria (see Section 4.8.2 for more information on polymers included in CMC 1).
 - compost,
 - digestate,
 - plants, plant parts or plant extracts,
 - food industry by-products and
 - micro-organisms.

A fertilising product blend (“PFC 7”) could consist of one material providing that material fulfils the requirements for each PFC in the blend, and it could also consist of two or more fertilising products belonging to the same PFC, for example a blend of two or more products belonging to PFC 1(C). It is proposed that products with two or more claimed PFCs must comply with the requirements for each applicable PFC to ensure all applicable safety or quality requirements are complied with. Blending must not change the nature of each product or have an adverse effect on human, animal or plant health, on safety, or on the environment, under reasonably foreseeable conditions of storage or use.

The names of the categories and sub-categories used in this section are the same as EU FPR. However, we are proposing to amend the requirements which need to be met because stakeholder engagement over the past five years has raised several challenges with implementing EU FPR in the UK context.

Section 4.8 describes the general requirements applicable to all products marketed under UK FPR as well as the types of technical regulatory requirements we are proposing for PFC 1(C), PFC 2, PFC 5(A), PFC 5(B) and CMC 1. See Diagram 1 showing the applicability of the different requirements under UK FPR.

Diagram 1 showing the applicability of the different requirements proposed under UK FPR



23. To what extent do you agree or disagree with the product function categories (PFCs) and component material category (CMC 1) which have been prioritised for inclusion in UK FPR conformity assessment framework?

You may wish to review Annex 1 before answering this question. These annexes set out the PFCs and CMCs in EU FPR which have not been prioritised for conformity assessment at the first stage of implementation of UK FPR.

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

24. To what extent do you agree or disagree with all fertilising products being required to meet general product requirements and labelling requirements, and for UKCA marked products needing to comply with specific requirements in relation to the products claimed function (PFC) and component material (CMC)?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

25. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with respect to UK FPR using the UKCA mark, the proposed staged implementation of UK FPR conformity assessment requirements for specific PFCs and CMCs and the proposal for all fertilising products to meet the same general product and labelling requirements and for UKCA marked products to comply with specific requirements in relation to the products claimed function and component material, and any other points you wish to raise about what you have read so far in Section 4.4.

- [free text box]

Businesses which make some types of manufactured products, such as lifts, machinery and pyrotechnics, may currently choose to [use either UKCA or CE marking when placing goods on the market in Great Britain](#). A good placed on the UK market with CE marking would need to comply with the relevant EU legislation. For fertilising products at the first stage of implementation under UK FPR the regulatory requirements could be very similar to those under EU FPR (which uses CE marking). We are interested in your views and comments on whether recognition of CE marking should be considered for any of the fertilising products prioritised for UK FPR conformity assessment requirements at the first stage of implementation of UK FPR. Recognition of CE marking would mean that these products which have been assessed to comply fully with the regulatory requirements of EU FPR, would also be recognised as complying with UK FPR, even though third party conformity assessment would be carried out by an EU notified body rather than a UK approved body, and a CE marking being used rather than a UKCA mark.

26. How beneficial do you think it would be for the UK to recognise CE marking for certain fertilising products placed on the market in Great Britain?

- very beneficial
- beneficial
- not beneficial
- don't know
- prefer not to say

Please explain your response and specify the specific products (belonging to PFC 1(C), PFC 2, PFC 5 (A), PFC 5(C) or PFC 7 and consisting of CMC 1 only) that would benefit from recognition of CE marking including any relevant information or evidence to help us understand your response.

- [free text box]

4.4.3 Placing on the market

We propose other than with respect to AN fertiliser of high nitrogen content, the requirements applicable to fertilising products under UK FPR apply at the time the product is “placed on the market” which would be when it is made available for consumption, distribution or use on the UK market or delivered directly to end-user from outside of the UK. This is to ensure that only safe and compliant products are either targeted at end-users in the UK or present in the domestic fertiliser supply chain. This will in many cases however require action to be taken in accordance with UK FPR prior to applicable fertilising products being placed on the market, but will exclude the application of UK FPR to products which are not destined for the UK market.

With respect to AN fertiliser of high nitrogen content manufactured within Great Britain (or in the whole of the UK as the case may be) or imported into the UK, the specified requirements relating to DRT testing and notification to Defra (concerning the arrival of the product at the borders of the UK) will however apply before such products are physically introduced to the UK or after they have been manufactured in the UK, regardless of the final intended destination of such products or the length of time such products will remain in the UK. Accordingly, these requirements would apply whether it is destined for the UK market or not. This is to ensure that any AN fertiliser of high nitrogen content which physically enters or resides in Great Britain or UK (as applicable) does not pose an unacceptable safety risk and can be handled safely.

Placing on the market applies to both UKCA marked products and non-UKCA marked fertilising products. A product is placed on the market when an offer or agreement is made for the transfer of ownership, possession or any other property right. It does not require the physical transfer of the product. This transfer can be in return for a payment or free of charge.

Proof that a product has been placed on the market include documents typically used in business transactions – for example:

- contracts of sale for goods invoices
- shipping documents for goods

27. To what extent do you agree or disagree with of the circumstances when a product is placed on the market and when it should comply with the requirements of UK FPR?

- agree
- partly agree, partly disagree

- disagree
- don't know
- prefer not to say

4.4.4 Conformity assessment procedures

As part of UK government conformity assessment policy there are a range of conformity assessment procedures (“modules”). All four governments have considered the most appropriate modules for UK FPR, to control the design and production of UKCA marked fertilising products.

This section provides a summary of the proposed modules for UK FPR. They are Module A, Module A1, Module B followed by Module C (“Module B+C”) and Module D1 which cover the design and production of the product. These modules vary in level of involvement of conformity assessment bodies (CABs) and complexity, with Module A being the simplest through to Module D1 being the more rigorous involving the inspection, approval and ongoing auditing of the manufacturers quality system. This flexibility means that the modules should be able to be handle varying levels of risks and hazards from a wider range of fertilisers and materials, however, we are we would be interested in your views on the choice of modules for UK FPR.

Section 4.10 describes the modules which are proposed to be used at the first stage of implementation of UK FPR in more detail and which product type(s) they would apply to.

4.4.4.1 Module A

Module A is based on internal production control, it covers design and production, and conformity can be assessed by the manufacturer of the fertilising product. The manufacturer will be required to produce technical documentation, which must specify the applicable requirements and cover the design, manufacture and intended use of the fertilising product. Manufacturers will also be required to send samples of their fertilising products for testing by an accredited testing laboratory. This is to satisfy themselves that the product complies with relevant regulatory requirements. Test reports should form part of the technical documentation.

The manufacturer would be required to ensure the conformity of the products to the legal requirements. Therefore, it is proposed that the manufacturer will then affix the UKCA mark to individual packaging (or where it is supplied without packaging, in a document accompanying the product), sign a declaration of conformity and make a declaration of sole responsibility before placing the product on the market.

4.4.4.2 Module A1

Module A1 is based on internal production control plus supervised product testing. It covers design and production. The manufacturer will be required to produce technical documentation, which must specify the applicable requirements and cover the design, manufacture and intended use of the fertilising product. Manufacturers will also be required to send samples of their fertilising products for testing by an accredited testing laboratory. This is to satisfy themselves that the product complies with relevant regulatory requirements. Module A1 would have a mandatory requirement for specific tests on aspects of the product to be carried out. This mandatory testing will be required to be carried out by an accredited testing laboratory and the testing must be carried out under the supervision of an approved body chosen by the manufacturer. Test reports should form part of the technical documentation.

The manufacturer will then affix the UKCA mark to the product, followed by identification number of their chosen approved body on individual packaging. It is proposed the manufacturer will sign a declaration of conformity and make a declaration of sole responsibility before placing the product on the market.

Where the manufacturer does not comply with the requirement for ongoing mandatory testing or the test results show non-conformity with applicable regulatory requirements, the approved body must notify appropriate authorities without undue delay.

4.4.4.3 Module B + C

We are proposing to use Module B followed by Module C which are based on a 'Type examination' followed by conformity to type based on internal production control ("Module B+C"). Module B covers design only. It is based on an approved body examining the technical design of the product and verifying and attesting that the technical design of the product conforms to applicable regulatory requirements by issuing an examination certificate. Module C is based on production, and the manufacturer must apply internal production control to ensure the product conforms against the technical design approved under Module B.

We are proposing that under Module B+C the manufacturer will be required to produce technical documentation and send samples of their products for testing by an accredited testing laboratory so that test reports can be shared with the approved body for them assess the product's conformity with the relevant regulatory requirements.

The manufacturer would then apply to an approved body of their choice to undertake a Type examination, which would involve the checking documents, including any relevant test reports, production control plans, calculations and samples of the product to verify it meets regulatory requirements before issuing an evaluation report. The same organisation could be the accredited testing laboratory and approved body responsible for examination of the product design as required under Module B, if they hold both the relevant accreditations to undertake these activities. Where the product type meets all the regulatory requirements that apply to the product concerned, the approved body will issue a Type examination certificate to the manufacturer.

Module C requires ongoing production control checks carried out by the manufacturer to ensure that each product is in conformity with the type described in the Type examination certificate and all applicable regulatory requirements. The manufacturer may affix the UKCA mark to individual packaging (or where it is supplied without packaging, in a document accompanying the product), where the product is in conformity with the type described in the Type examination certificate and the applicable regulatory requirements.

After affixing the UKCA mark, the manufacturer would be required to sign a declaration of conformity and make a declaration of sole responsibility before placing the product on the market.

If the product type does not satisfy regulatory requirements, the approved body must refuse to issue a Type examination certificate and inform the applicant accordingly, giving detailed reasons for its refusal. Each approved body must inform the competent authority of the Type examination certificates it has issued, and periodically, or upon request, make available to the competent authority a list of Type examination certificates refused, suspended or otherwise restricted.

4.4.4.4 Module D1

Module D1 involves the manufacturer operating an approved quality system for production, final product inspection and testing. Followed by surveillance by an approved body on an ongoing basis to make sure that the manufacturer properly implements the approved quality system. Under this module the manufacturer would be required to draw up technical documents, including product test results and draw up a site plan. The testing of the fertilising product must be carried out by an accredited testing laboratory.

This quality system must ensure the final fertilising product conforms to the applicable regulatory requirements. We propose the manufacturer would make an

application for assessment of their quality system with an approved body of their choice. The approved body would audit the site of production, check documentation, evidence and samples, and assess whether the quality system meets the expected requirements and if it does issue their approval.

Before placing products on the market, the manufacturer will affix the UKCA mark to the product followed by the identification number of their chosen approved body on individual packaging (or where it is supplied without packaging in a document accompanying the product). After affixing the UKCA mark, the manufacturer signs the declaration of conformity and makes the declaration of sole responsibility

The manufacturer must operate in accordance with the approved quality system and for assessment purposes, allow the approved body access to the manufacture, inspection, testing and storage sites and information, in particular: the quality system, technical documentation and records (for example, inspection reports and test data).

The approved body will carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and provide the manufacturer with a report. The approved body may take and analyse output material samples and pay unexpected visits to the manufacturer, and during those unexpected visits carry out product testing to verify the quality system is functioning correctly. The same organisation could be the accredited testing laboratory and approved body responsible for approval and ongoing auditing of the manufacturer's quality system, as required under Module D1, if they hold both the relevant accreditations to undertake these activities.

If the approved body is not satisfied with the quality system, they must refuse to issue their approval. Each approved body must inform the competent authority of the quality system approvals issued or withdrawn, and periodically, or upon request, make available to the competent authority a list of quality system approvals refused, suspended or otherwise restricted.

28. To what extent do you agree or disagree with the choice of conformity assessment modules for UK FPR?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.4.5 Presumption of conformity

A designated standard is a standard designated by the UK government and devolved governments that can confer a presumption of conformity with relevant UK regulations. If a product meets the requirements of a designated standard, this will provide the manufacturer with a rebuttable 'presumption of conformity', meaning the product can be presumed to be in conformity with the relevant regulatory requirements which that standard aims to cover. If presumption of conformity has been achieved through compliance with a designated standard, then the manufacturer would not have to prove that they meet the equivalent regulatory requirements by going through the entire conformity assessment process which may maximise manufacturer's efficiency, and competitiveness.

The British Standards Institution (BSI), the UK's National Standards Body, is a member of the independent European Standards Organisations: the European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (CENELEC). These organisations coordinate the development and identical adoption of European standards across 34 member countries, and the withdrawal of conflicting national standards.

CEN is currently in the process of developing European standards and technical specifications to be used to support implementation of EU FPR. Once the standards are made available to member countries, BSI may adopt them as British Standards within the UK National catalogue.

Once the British Standards are available in the UK national catalogue all four governments would be able to consider designating those standards for the UK. Standards can be designated fully, partially or not at all. Designation would allow for presumption of conformity for the relevant regulatory requirements which the designated standard covers.

It is proposed that the manufacturer will need to retain records demonstrating how the product conforms to the requirements of relevant designated standards for inspection, if requested, by enforcement authorities.

If there is no standard for a particular test, or if there is a delay in the development of a particular standard, we propose that all four governments would be able to pass implementing legislation which will set out common specifications for the requirements set out in the annexes to the regulation or required tests.

29. To what extent do you agree or disagree with the proposal to consider adopting British Standards developed by CEN (to support EU FPR) as

designated standards to give presumption of conformity under UK FPR (if appropriate for the UK)?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.4.6 Declaration of conformity

We propose that the manufacturer must draw up a Declaration of Conformity for UKCA marked products before they are placed on the market. By drawing up the Declaration of Conformity, the manufacturer will assume responsibility for the compliance of the fertilising product with the requirements of UK FPR.

The Declaration of Conformity must be available to market surveillance or enforcement authorities on request, and it must contain:

1. Product name, applicable PFC and batch number
2. Name and address of manufacturer and that of the manufacturer's authorised representative (if applicable)
3. A statement from the manufacturer, confirming the object of the declaration (which should enable identification of the fertilising product allowing traceability, and where necessary, for the identification of the fertilising product this may include an image of the product)
4. A declaration from the manufacturer confirming they take sole responsibility for the product's compliance with UK FPR and any designated standards (if applicable)
5. The details of the approved body which carried out the conformity assessment procedure (if applicable)
6. The name and signature of the person authorised to sign on behalf of the manufacturer or their authorised representative
7. The date the declaration was issued.

The declaration should also provide details of UK FPR, which can be the statutory instrument number or full title, and a list of UK designated standards used to confer presumption of conformity (if applicable).

For a fertilising product blend (PFC 7) the manufacturer must draw up a declaration of conformity for the fertilising product blend and have in their technical documentation a declaration of conformity of each of the component fertilising products used (belonging to either PFC 1(C), PFC 2, PFC 5(A) and/or PFC 5(C)) at the first stage) when manufacturing the blend. It would not be possible to use a fertilising product blend to obtain a new fertilising product blend.

30. Do you foresee any issues with the proposed declaration of conformity requirements?

- no issues
- minor issues
- major issues
- don't know
- prefer not to say

31. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to proposals for placing products on the market, choice of conformity assessment modules for UK FPR, the applicability of standards and declaration of conformity or any other points you wish to raise about what you have read in Section 4.4?

- [free text box]

4.5 Obligations of economic operators

All economic operators involved in the fertiliser supply, and distribution, chain have a role to play in ensuring fertilising products placed on the UK market conform the requirements expressed in the provisions of the relevant legislation. To ensure their duties or obligations under UK FPR are proportionate to their respective roles we propose to set out requirements that economic operators must meet under UK FPR.

This section describes the proposed overarching obligations for economic operators to ensure that fertilising products are compliant, safe and correctly marked. The term economic operator encompasses any person or legal entity involved in placing fertilising products on the market in the UK, including:

- 'Manufacturers' who either:
 - manufacture a fertilising product themselves; or

- manufacturers who have a fertilising product designed or manufactured on their behalf but market that fertilising product under their own name or trademark.
- ‘Authorised representatives’ who have been appointed by a manufacturer to act on their behalf for specific tasks.
- ‘Importers’ who are responsible for importing fertilising products from outside of the UK for the purpose of placing it on the market.
- ‘Distributors’ who are involved in the fertiliser supply chain, other than as a manufacturer or importer.

See Section 4.5.4 for details of the circumstances where the obligations of manufacturers would also apply to importers and distributors.

4.5.1 Obligations of manufacturers

The proposed approach all four governments are considering is that to place fertilising products on the market, manufacturers must assume responsibility for ensuring that they have been designed and manufactured in a way which will ensure the product meets UK FPR regulatory requirements.

Manufacturers of UKCA marked products will be required to draw up technical documentation and carry out the relevant conformity assessment procedures, or have it carried out, before placing fertilising products on the market, as set out under Section 4.4.4.

We propose that manufacturers of UKCA marked products would be responsible for drawing up a declaration of conformity, as set out under Section 4.4.6 and affixing the UKCA mark to a fertilising product, where compliance of a fertilising product with the applicable requirements laid down in the regulation has been demonstrated by the applicable conformity assessment procedure.

Manufacturers of UKCA marked products must keep technical documentation and the declaration of conformity for UKCA marked products must be kept for 5 years after the fertilising product covered by those documents has been placed on the market. This information should be made available to appropriate authorities on request.

If a manufacturer considers or has reason to believe that a fertilising product they have placed on the market is not in conformity with the regulation, they would be required to immediately take corrective action to bring it into conformity, withdraw it

or recall it as appropriate. If a manufacturer considers or has reason to believe a fertilising product they have placed on the market presents a risk to human or animal health or the environment, they would be required to immediately inform the appropriate authorities and give details, in particular of any non-compliance and of any corrective actions taken.

Manufacturers must ensure that all fertilising products are accompanied by the required information specified in Section 4.9 when the fertilising product is made available on the market. This information must be accessible for inspection purposes, and it must be in English, clear, understandable and legible.

32. To what extent do you agree or disagree with the proposed obligations of manufacturers?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

We propose that manufacturers of UKCA marked products can appoint an authorised representative who would become responsible for certain manufacturer obligations under UK FPR. It is proposed that any authorised representative must be established in the UK and have a written mandate from the manufacturer to act on their behalf for specified tasks under UK FPR.

These specified tasks may include keeping the technical documentation and the declaration of conformity for 5 years after the fertilising product covered by those documents has been placed on the market and making this available to appropriate authorities on request. Or, cooperating with appropriate authorities, at their request, on any action taken to eliminate the risks posed by the fertilising product covered by the authorised representative's mandate, or other enforcement of the regime in relation to that product. This proposal offers an opportunity for UK businesses to provide an authorised representative service to non-UK manufacturers to help with documentation, regulatory compliance and communication with UK authorities. For manufacturers this reduces administrative burden, so they can focus on other business activities, and may mitigate the risk of non-compliance, penalties or product recalls.

The authorised representative's written mandate may not include ensuring the fertilising product has been designed and manufactured in accordance with UK FPR regulatory requirements or, drawing up technical documentation for the fertilising product.

If an authorised representative is also an importer, or distributor, they will also need to fulfil the obligations of those economic operators under the regulation.

33. To what extent do you agree or disagree with the proposal to allow manufacturers to appoint an ‘authorised representative’?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.5.2 Obligations of importers

It is proposed that importers must be established in the UK.

We propose that importers must ensure that the product complies with general requirements applicable to all fertilising products placed on the market under UK FPR, and for UKCA marked products the manufacturer has carried out the correct conformity assessment procedures before placing the product on the market.

If an importer considers or has reason to believe that a fertilising product is not in compliance with UK FPR, they must not place it on the market. Similarly, where a fertilising product poses a risk to human or animal health or the environment, the importer is obliged to inform the manufacturer of the product and the market surveillance authorities.

Importers must ensure that, for a fertilising product under their responsibility, its storage or transport conditions do not jeopardise its compliance with the requirements set out in UK FPR. If deemed appropriate (in relation to the performance or risks presented by the fertilising product), the importer must carry out sample testing of fertilising products made available on the market. They must keep distributors informed of any such monitoring, and if necessary, keep a register of complaints, of non-conforming fertilising products and recalls.

If an importer considers or has reason to believe that a fertilising product they have placed on the market is not in conformity with the regulation, they would be required to immediately take corrective action to bring it into conformity, withdraw it or recall it as appropriate. Similarly, we propose that if an importer considers or has reason to believe a fertilising product they have placed on the market presents a risk to human or animal health or the environment, it would be their responsibility to immediately inform the appropriate authorities and give details, in particular of any non-compliance and of any corrective actions taken.

Importers of UKCA marked products will need to keep a copy of the declaration of conformity for 5 years after the fertilising product has been placed on the market. This information should be made available to appropriate authorities on request.

Importers must ensure that all fertilising products are accompanied by the required information specified in Section 4.9 when the fertilising product is made available on the market. This information must be accessible for inspection purposes, and it must be in English, clear, understandable and legible.

34. To what extent do you agree or disagree with the proposed obligations of importers?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

35. Do you or your organisation import fertilising products or materials into the UK?

- yes
- no (if you answered no to question 35 please skip to Section 4.5.3)
- don't know
- prefer not to say

36. Do you or your organisation currently face any additional importation costs when importing fertilising products or materials to the UK?

- yes
- no (if you answered no to question 36 please skip to Section 4.5.3)
- don't know
- prefer not to say

If you answered yes to question 36, please describe the additional costs per tonne of product and reference any evidence that would help us understand the impact of those additional costs on your business.

- [free text box]

37. Do you believe that any of the additional importation costs you currently face could be reduced through the proposed implementation of UK FPR?

- yes
- no (if you answered no to question 37 please skip to Section 4.5.3)
- don't know
- prefer not to say

38. If you answered yes to question 37, please tell us what percentage reduction in these additional costs (per product) you think would be achievable if UK FPR was implemented in UK?

Please describe the reduction in costs you think would be achievable as a percentage per product.

- [free text box]

4.5.3 Obligations of distributors

We proposed that distributors are responsible for ensuring that any product they supply is in conformity with the requirements of UK FPR. This includes the responsibility of ensuring that a fertilising product is accompanied by the required information specified in Section 4.9 before being placed on the market, and that this is in English, clear, understandable and legible.

If a distributor considers or has reason to believe that a fertilising product is not in compliance with UK FPR they must not place it on the market. Similarly, where a fertilising product poses a risk to human or animal health or the environment, the distributor is obliged to inform the manufacturer or the importer of the product and the market surveillance authorities.

Distributors must also ensure that whilst a fertilising product is under their responsibility, they do not store it or transport it in a way that would affect its compliance with the regulation.

If a distributor considers or has reason to believe that a fertilising product they have placed on the market is not in conformity with the regulation, they would be required to make sure that action is taken to bring it into conformity with the regulation, withdraw it or recall it as appropriate. Similarly, we propose that if a distributor considers or has reason to believe a fertilising product they have placed on the market presents a risk to human or animal health or the environment, it would be their responsibility to immediately inform the appropriate authorities and give details, in particular of any non-compliance and of any corrective actions taken.

Distributors would need to provide the appropriate authorities with relevant documents and information which demonstrates the compliance of the product with the regulations if requested.

39. To what extent do you agree or disagree with the proposed obligations of distributors?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.5.4 Cases in which obligations of manufacturers apply to importers and distributors

We propose that an importer or a distributor will be considered to be a manufacturer under UK FPR if they are placing a fertilising product on the market under their name or trademark, or if they modify a fertilising product already placed on a market in a way which could affect the compliance of that product with the regulation. In cases where an importer or distributor is a manufacturer, they would be subject to the obligations we are proposing for manufacturers as set out throughout Section 4. This proposal would ensure that any modifications that might have an impact on the safety or efficacy of the product are assessed and it is clear who should take corrective action in the case of products not in conformity with UK FPR. It would also allow enforcement authorities to easily identify who is responsible for a product.

However, if a distributor or an importer either packages or repackages a fertilising product but does not fall under the conditions we propose above for them to be considered a manufacturer, we propose that they must ensure the packaging clearly indicates that it was packaged by them and they keep a copy of the original packaging/information provided.

40. To what extent do you agree or disagree with the circumstances where an importer or distributor will be considered a manufacturer under the proposed UK FPR?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

41. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to proposed obligations of manufacturers, authorised representatives, importers and distributors under UK FPR, or any other comments you wish to make about anything else you have read in this Section 4.5.

- [free text box]

4.6 Actors involved in UK FPR conformity assessment framework:

4.6.1 Management of the framework

All four governments would be responsible for overseeing the overall lawful and effective running of UK FPR across the UK.

Defra as the designated competent authority for UK FPR would have responsibility for setting up and carrying out the procedures for the assessment and approval of conformity assessment bodies (CABs).

In line with UK government accreditation policy, we propose that UKAS will undertake accreditation of the CABs involved in conformity assessment activities.

CABs will play a key role in laboratory testing and assessment of fertilising products against the applicable regulatory requirements for some UKCA marked products, as set out in the overview of the requirements under each module in Section 4.4.4.

4.6.2 Accreditation and location requirements for testing laboratories

This section sets out the overarching accreditation and location requirements which we propose testing laboratories would need to meet to undertake product testing at the first phase of implementation of UK FPR.

Valid and reliable testing is essential to ensure that fertilising products conform to the regulation. We therefore propose testing laboratories must be located in the following geographical areas and accredited to ISO/IEC 17025 to be able to undertake product testing against the requirements of UK FPR.

ISO/IEC 17025 is an international standard which sets out requirements for the competence, impartiality, and consistent operation of laboratories in a wide range of sectors and industries. One of the key aspects of ISO/IEC 17025 accreditation is the establishment of a quality management system which ensures laboratories have

well-implemented policies, processes, competent staff and well maintained and calibrated equipment to control the testing activities.

See Section 4.10.1 for additional requirements for testing laboratories based on the applicable conformity assessment modules involved.

UK testing laboratories

Testing laboratories in the UK must be accredited to standard ISO/IEC 17025 by UKAS for the relevant testing activities.

EU testing laboratories

Testing laboratories in the EU must be accredited to standard ISO/IEC 17025 by UKAS for the relevant testing activities. UKAS would take into account the accreditation of testing laboratories in the EU which are carrying out testing activities with respect to EU FPR, if they are the same standards that testing laboratories in the UK would be required to be accredited to under UK FPR. Providing their national accreditation body is a signatory to the multi-lateral agreement operated by the European cooperation for Accreditation, EU laboratories may benefit from a slightly accelerated accreditation process. However, UKAS accreditation remains a requirement for regulatory conformity under UK FPR.

Countries covered by applicable trade deals

In cases where the terms of a trade deal require the equivalent treatment of UK CABs (for example, testing laboratories) with CABs located in the countries covered by the applicable trade deals, CABs can also be located in these countries.

Such testing laboratories must be accredited to standard ISO/IEC 17025 by UKAS for the relevant testing activities.

Countries covered by Mutual Recognition Agreements (MRAs) on conformity assessment

For countries where the UK has a specific MRA relating to conformity assessment, testing laboratories in those countries may also be able to undertake the testing required under UK FPR, subject to them being accredited by their national accreditation body to ISO/IEC 17025 for the relevant testing activities and fertilisers policy being covered in the MRA.

42. To what extent do you agree or disagree with the proposed accreditation and location requirements for testing laboratories?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

43. What level of impact would the proposed accreditation and location requirements for testing laboratories have on you or your organisation?

- major positive impact
- moderate positive impact
- no impact
- moderate negative impact
- major negative impact
- don't know
- prefer not to say

4.6.3 Approved bodies

An approved body is a CAB that has been officially appointed by the competent authority to undertake third party conformity assessment activities required under UK FPR, for example, to determine and communicate if the applicable requirements under UK FPR have been satisfied. As a third party it is essential that approved bodies are independent from any commercial, financial, or other pressures that might influence their judgement or the results of their conformity assessment activities. They must also have satisfactory knowledge of the requirements of the assessments they carry out and an understanding of the technical requirements of UK FPR.

To ensure the independence, impartiality and technical competence of approved bodies we proposing to establish criteria for their appointment and approval, as well as changes to approval. Approved bodies will be required to undertake assessment activities under Modules A1, B and D1, as set out previously in Section 4.4.4.

Sections 4.10.5 and 4.10.6 provide details of the proposed duties of approved bodies in relation to the conformity assessment modules which are proposed to be used at the first stage of implementation of UK FPR.

4.6.3.1 Criteria for appointment of an approved body

To be considered for appointment as an approved body in relation to UK FPR, all four governments propose a CAB must meet the following criteria:

1. The CAB should be a third-party body independent of the organisation or the fertilising product it assesses.
2. The CAB must be established in the UK (save for the exceptions set out in Section 4.6.3.2) and have legal personality. It would be this legal entity that holds UKAS accreditation for the purposes of appointment as an approved body under UK FPR, and which would be appointed as an approved body. See Section 4.6.3.2 for further details of the proposed accreditation requirements for CABs.
3. The CAB, its top-level management and personnel responsible for carrying out the conformity assessment activities must not be the designer, manufacturer, supplier, purchaser, owner or user of fertilising products or a representative of any of those parties or involved in those activities (or other activities which conflict with their independence of judgement or integrity in relation to conformity assessment activities for which the CAB is approved, in particular consultancy services). However, this does not prevent use of fertilising products that are necessary for the operations of the conformity assessment body or the use of fertilising products for personal purposes.
4. The CAB must ensure that the activities of any subsidiaries or subcontractors they are responsible for do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.
5. The CAB and their personnel must carry out the conformity assessment activities with the highest degree of professional integrity and the required technical competence in the specific field and must be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.
6. The CAB must be capable of carrying out all the tasks in UK FPR conformity assessment procedures assigned to it and in relation to which it has been approved, whether those tasks are carried out by the CAB body itself or on its behalf by a subsidiary or subcontractor. See Section 4.6.3.4 for further details about subcontracting conformity assessment activities.
7. The CAB must be competent to technically manage all the conformity assessment activities assigned to it and in relation to which it has been appointed, whether those tasks are carried out by the CAB itself or on its behalf and under its responsibility.

8. The CAB must have a Management System and documented operational procedures. At all times the CAB must have at its disposal the necessary:
- personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment activities.
 - descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures. It must have appropriate policies and procedures in place that distinguish between tasks it carries out as an approved body and other activities.
 - procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.

9. The personnel responsible for carrying out the conformity assessment activities must have:
- technical and vocational training covering all the conformity assessment activities in relation to which the CAB has been approved.
 - satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments.
 - appropriate knowledge and understanding of the technical requirements set out in annexes of UK FPR, and applicable designated standards.
 - the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.

The CAB must have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and the CAB must have access to all necessary equipment or facilities.

10. The impartiality of the CAB, their top-level management and of the personnel responsible for carrying out the conformity assessment tasks must be guaranteed. The remuneration of the management and personnel responsible for carrying out the conformity assessment activities must not be dependent on the number of assessments carried out or on the results of those assessments.
11. All CABs must have adequate public liability and professional indemnity insurance for the activities they wish to carry out.
12. The personnel of a CAB must observe professional secrecy with regard to all information obtained in carrying out their conformity assessment activities

except in relation to the competent authority in which it is accountable. Proprietary rights must be protected.

13. CABs should participate in or ensure that their personnel responsible for carrying out the conformity assessment activities are informed of the relevant standardisation activities.

4.6.3.2 Application and appointment of approved bodies

The UK has adopted a designated standard approach for UK FPR to provide a consistent and comparable approach on accreditation requirements. In order to apply to become an approved body, a CAB would therefore need to be accredited to ISO/IEC 17065 or ISO/IEC 17020 by UKAS.

UKAS accreditation to standard ISO/IEC 17020 would be required for approved bodies to carry out conformity assessment activities under Module A1. UKAS accreditation to standard ISO/IEC 17065 would be required for approved bodies to carry out conformity assessment activities under Modules B and D1. There are no proposed requirements for approved bodies to carry out conformity assessment activities under Modules A and C.

All CABs wishing to become an approved body for UK FPR should make an application for accreditation to UKAS using the [accreditation application form](#). The applicant should indicate the conformity assessment procedure(s), activities and particular product(s) in respect of which they wish to be appointed.

UKAS will assess the applicant against UK FPR criteria for approved bodies (outlined in Section 4.6.3.1) and relevant standard (either ISO/IEC 17065 or ISO/IEC 17020).

The applicant must be established in the UK, countries covered by trade deals which require equivalent treatment of conformity assessment bodies, or countries with a Mutual Recognition Agreement with the UK which would allow approved bodies to be a legal entity in that country but undertake conformity assessment activities with respect to UK regulations. Applicants must also have legal personality. It must be this legal entity that holds UKAS accreditation for the purposes of appointment as an approved body under UK FPR, and which shall be appointed as an approved body.

UKAS will assess the adequacy of the internal organisation and the procedures adopted by the applicant. The applicant's Management System should cover all aspects of its work relating to the conformity assessment procedures for which it seeks approval. Under the appropriate conformity assessment procedures, applicants must be able to examine or inspect against the essential requirements

and other relevant provisions directly. They will also need to be able to inspect against the relevant standards and relate these to the essential requirements.

At the same time as the applicant makes an application to UKAS it should inform the competent authority (“Defra”). This will provide the Secretary of State with advance notice of their intention to apply for appointment.

Once UKAS has completed its assessment, it will issue an accreditation certificate and schedule to the applicant if the requirements have been met, and we propose this information will be copied to Defra together with a recommendation letter from UKAS.

Defra may request further information from UKAS about the applicant’s accreditation, as required. Defra will then make a decision on appointment on the basis of all of the evidence. If satisfied that the applicant is fit for appointment under UK FPR, Defra on behalf of the Secretary of State will issue a letter of appointment subject to acceptance of conditions. The precise terms will be set out in the individual letters of appointment, but they will include conditions that the applicant agrees:

- to take part in co-ordination activities at UK level.
- to undergo surveillance annually or at whatever intervals are thought appropriate by the Secretary of State (for newly appointed Approved Bodies an initial surveillance after six months may be required).
- to undergo a full reassessment every four years, or at whatever intervals are thought appropriate by the Secretary of State.

4.6.3.3 Changes to approval

If Defra is informed, ascertains or reasonably believes that an approved body no longer meets the applicable requirements they may restrict, suspend or withdraw approval of this CAB at any time.

If an approved body has its appointment withdrawn by the Secretary of State, it must inform its customers about the impact of the withdrawal of its appointment as an approved body, and where applicable the use of its identification number with the UKCA marking.

If an approved body decides to resign it must notify the Secretary of State in writing about its intent to resign at least 90 days in advance and inform its customers about the impact of its resignation as an approved body, and where applicable the use of its identification number with the UKCA marking.

In both cases (withdrawal or resignation) the approved body must also notify the Secretary of State of its arrangements for storing and / or transferring documents

related to conformity assessment activities and notify UKAS to discuss its accreditation status.

44. Do you foresee any issues with the proposed criteria for approved bodies?

- no issues
- minor issues
- major issues
- don't know
- prefer not to say

45. To what extent do you agree or disagree with the proposed process for the application and appointment of approved bodies and changes to approval?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.6.3.4 UKMCAB database

Once a CAB has been appointed as an approved body, Defra will upload this information onto the UKMCAB database and will assign an identification number to the approved body.

All approved bodies will be registered on the UK Market Conformity Assessment Bodies (UKMCAB) database. Defra will be responsible for inputting and maintaining information on the database.

Defra will make the list of CABs which have been appointed as approved bodies publicly available and each entry on that list will include the list of activities which that CAB is approved to carry out.

If an approved body resigns or their approval is withdrawn, Defra would remove the approved body's details from the UK Market of Conformity Assessment Bodies database when appropriate.

4.6.3.5 Presumption of conformity of approved bodies

Where a CAB demonstrates its conformity with relevant designated standards, we are proposing that it will be presumed to comply with the requirements for

appointment set out under Section 4.6.3.1 in so far as the applicable designated standards cover those requirements.

46. To what extent do you agree or disagree with the proposed approach, that where a conformity assessment body complies with a designated standard, it is presumed to meet the requirements for appointment as an approved body?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.6.3.6 Subsidiaries of and subcontracting by approved bodies

We are proposing that approved bodies would be able to subcontract specific tasks connected to conformity assessment, or delegate tasks to a subsidiary of that approved body. This means that certain conformity assessment activities under modules for which an approved body is required, such as product testing, could be outsourced by the approved body to a CAB (in this case, a testing laboratory).

The approved body would be responsible for ensuring the competence of the body they use, which includes ensuring they are accredited to the correct standard by UKAS, as detailed above in Section 4.6.3.2.

These outsourced activities must be under the direct management and technical control of an approved body, who must retain overall responsibility for certifying the product.

The approved body would need to ensure the subcontractor or subsidiary meets the same applicable regulatory requirements that apply to it and on request the CAB must be able to provide the competent authority information concerning the assessment of the qualifications of the subcontractor or the subsidiary and the conformity assessment activities performed by them within the scope of their own approval (for "approved body") issued by the competent authority.

Approved bodies would be required to take full responsibility for the tasks performed by subcontractors or subsidiaries.

47. To what extent do you agree or disagree with the proposal to allow approved bodies to subcontract specific conformity assessment tasks?

- agree

- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.6.3.7 Appeal against decisions of approved bodies

We propose approved bodies will be obligated to put in place an appeal procedure which forms part of their management system which gives their customers an opportunity to appeal against their decisions.

Where an approved body is minded to either:

- refuse to issue a certificate of conformity or grant an approval; or
- restrict, suspend or withdraw a certificate of conformity or approval.

The approved body must give the customer a notice in writing giving reasons and specifying the date on which the refusal, restriction, suspension or withdrawal is intended to take effect and give them an opportunity to make representations within a reasonable period from the date of the notice. The approved body must take account of any representations before making a final decision.

48. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to proposals for management of UK FPR, conformity assessment bodies (CABs) (including testing laboratories) the appointment of approved bodies and proposals for subsidiaries and subcontracting of approved bodies, or comments on anything else outlined in Section 4.6.

- [free text box]

4.7 Market surveillance and enforcement

4.7.1 Existing responsibilities

In England, Wales and Scotland it is the duty of the relevant local authority or county council, Trading Standards Officers (TSOs), to enforce fertilisers regulations (including the AN Safety Regulations for AN of high nitrogen content intended to be used as a fertiliser), within their respective areas, and the responsibility of DAERA in Northern Ireland. For the purposes of performing their duties these enforcement authorities are compelled by the Agriculture Act to appoint inspectors and an agricultural analyst responsible for taking and analysing samples of fertilisers.

Powers in the Agriculture Act enable inspectors to take samples in a prescribed manner to verify that material complies with applicable rules, which applies in addition to any right to take samples provided for in individual regulations. Samples may be taken at the request of the purchaser or by an inspector independently.

4.7.2 Enforcement Proposals

All four governments propose, for the purposes of assessing, monitoring, or enforcing compliance with the requirements of UK FPR, to delegate enforcement and market surveillance of UK FPR to a public authority or authorities (collectively referred to as “enforcement authorities”) as detailed below.

The enforcement authorities would have: powers of entry and inspection (including powers of taking samples, and taking with them other persons and such equipment as may be necessary, and of seizing or destroying any material); powers to require the carrying out of further assessment procedures; powers to prohibit or restrict the carrying out of an activity in relation to fertilisers; powers to require the taking of action in relation to fertilisers; and powers to require the withdrawal from sale, or the recall from purchasers, of fertiliser products.

At the first stage, we propose enforcement of UK FPR remains the responsibility of the relevant local authority or county council in England, Wales and Scotland, and Northern Ireland Executive (DAERA) in Northern Ireland. This is because the types of products and materials that have been prioritised for inclusion in UK FPR conformity assessment framework at the first stage are already in scope of the current legislative framework for fertilisers which is enforced by those authorities.

However, we propose to improve the enforcement options available to officers to rectify non-compliances with the regulation, by utilising updated enforcement powers in the Agriculture Act. These enforcement options outlined in Section 4.7.3 aim to resolve non-compliances in a proportionate and efficient manner and ensure that fertilisers placed on the market are compliant, safe and correctly marked.

We also propose to consolidate procedures for sampling and analysing fertilising products for enforcement purposes. This section provides a summary of the proposed general requirements for sampling and analysis by inspectors and appointed analysts under UK FPR. These provisions are largely the same as existing relevant provisions in the Fertiliser Regulations 1991 (and Northern Ireland equivalent), UK Fertiliser regime and AN Safety Regulations, and they have been replicated because they are reproducible and ensure that evidence collected is representative of the portion of material sampled, traceable and legally admissible.

At this stage we are asking for views on the overarching general requirements for sampling and analysis and not the detailed methods or procedures (which would depend on the form and nature of the material, for example, whether the material is in containers or fluid, and whether it is uneven in character and likely to get matted together. We propose to set the detailed parameters which would apply after further engagement with stakeholders. Please see Section 4.11 for more detail about this process.

The sample must be taken and prepared with all necessary precautions to avoid contamination, and ensure it remains representative of the sampled portion. Instruments, surfaces and containers used in sampling must be clean and dry.

Random incremental samples must be taken throughout the whole sampled portion, and they must be of approximately equal sizes. The incremental samples must be mixed thoroughly to form a single aggregate sample. The aggregate sample should be divided into 3 equal parts (4 equal parts when a sample should also be sent to the manufacturer), and each part must be placed in an individual appropriate airtight container.

The weight or volume of the aggregate sample and subsequent 3 final samples should be no less than a specified amount, depending on the form of the material and the number of containers in the sampled portion which would be specified in UK FPR.

The containers used to hold the final samples must preserve the characteristics of the fertiliser at the time of sampling. The containers used must be labelled secured and sealed in such way the contents cannot be removed without breaking the seal or the receptacle. The label should contain specified information so that it is traceable, for example, inspector name, place of sampling and name of material (together with batch or identification number).

The inspector must send one sample to the agricultural analyst for their area; another part to either the purchaser, seller, sellers' agent or the person on whose premises the sample was taken; and the remaining part must be retained for 3 months. If the manufacturer is neither the seller or person on whose premises the sample was taken, then the aggregate sample should be divided into 4 equal parts, and a sample should be sent to the manufacturer.

The samples must be sent by registered post or by the recorded delivery service or be delivered or given by hand. The sample sent to the agricultural analyst must be sent with a signed statement from the inspector confirming they followed the prescribed procedures, and relevant documentation about the product, for example,

the required technical documentation for UKCA marked products and product label for non-UKCA marked products.

The laboratory must be accredited to ISO/IEC 17025 and the accreditation body is established in one of geographical areas specified in Section 4.6.2.

An agricultural analyst and deputy agricultural analyst must possess appropriate qualifications such as a Mastership in Chemical Analysis awarded by the Royal Society of Chemistry or be a Chartered Chemist.

Where possible, analysts should use recognised standards for analytical methods, including preparing the sample for analysis. The analyst must send a certificate of analysis to the inspector, who must send a copy to any person they have sent a part of the sample.

If the certificate of analysis is intended to be used as prosecution evidence, it would be possible for offender to request the retained sample be sent for analysis by Government Chemist's providing they pay the cost of any analysis.

Samples taken at the request of the purchaser can only be analysed if the request is made no later than six months from the delivery of the material to the purchaser, and if the purchaser provides the inspector with sufficient information about the product, for example, details of the seller and product label, and pays a fee for the particular material and particular analyses planned, set by the enforcement authority.

You may wish to review Section 4.8 which provides more information on proposed technical requirements for UK FPR before answering these questions.

49. To what extent do you agree or disagree with the proposals for enforcement of UK FPR at the first stage of implementation, outlined in Section 4.7.2?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

50. Enforcement of fertilisers legislation may mean officers need access to specialist skills or advice. How can officers be best supported to enforce fertilisers legislation?

Please include examples from other areas of regulation where possible.

- [free text box]

4.7.3 Non-compliances

Any failure to comply with the requirements of UK FPR would constitute a non-compliance. Examples of non-compliance include: a UKCA mark being applied when a product does not satisfy the requirements of UK FPR; the identification number is in violation of the regulation or has not been affixed; the declaration of conformity has not been drawn up or has not been drawn up correctly; the technical documentation is either not available or not complete; required information which should be provided by the manufacturer or importer when a fertilising product is placed on the market is absent, false or incomplete or any other administrative requirements set out in the regulation is not fulfilled.

Pursuant to the powers identified in paragraph 4.7.2 above, it is proposed that:

When an enforcement authority reasonably suspects potential non-compliance, it can issue a suspension notice, which prohibits the person on whom it is served from making the product available on the market for a set period of time, in order to provide time for the enforcement authority to carry out necessary evaluations, checks and controls. The enforcement authority will then be required to carry out the relevant evaluation, checks and controls within a reasonable period of time.

Where the enforcement authority reasonably identifies a case of non-compliance, they can issue one or more of the following notices: a compliance notice, a stop notice or recall notice (or a notice which combines the following actions):

A compliance notice which would require the economic operator to take corrective action to put an end to the non-compliance. The compliance notice would identify the issue, specify the rectification action which must be taken and specify a reasonable period of time in which the relevant party must rectify the issue and provide evidence that the issue has been rectified.

The stop notice would prohibit the non-compliant activity and/or require the withdrawing from sale of the non-compliant products until the economic operator has taken the steps specified in the notice. The notice will specify the steps that must be taken, and the period within which they must be taken, in order to comply with the notice, which may include informing customers of any risks posed by using the fertilising product. The stop notice may require evidence to be provided, within a specified period, to satisfy the enforcement authority that the recipient of the notice is complying with it. A stop notice for example, may be served where the enforcement authority has reasonable grounds to suspect that an economic operator is continuing or likely to continue to fail to comply with the requirements of UK FPR.

A recall notice may be used to require economic operators to make arrangements, within a specified period, for the return of fertilising products that have been supplied to purchasers, when compliance cannot be reasonably achieved (or is not being achieved) through retrospective action. A recall notice for example may be served where the enforcement authority reasonably suspects a non-compliance and any action being taken in respect of the compliance failure by the economic operator is inadequate.

Before serving a compliance notice, stop notice or recall notice the enforcement authority will (subject to the below exception) notify the economic operator of their intention to serve the notice to allow the economic operator, to raise any concerns in relation to the proposed notice, for example, representations about the product's compliance with UK FPR or that the notice is not reasonable or proportionate in the circumstances, within 10 days (beginning on the day the notice is given). Once the period for making representations has expired, the enforcement authority will consider any representations and make a decision as soon as practicable. Where the enforcement authority decides to proceed with the proposed notice, with or without modifications, they will serve the notice. However, a compliance notice, stop notice or recall notice may be served without first notifying the economic operator where there is an urgent need to do so, such as to address a risk to purchaser or end-user health or safety.

In the above cases the enforcement authority will have discretion to accept late representations in exceptional circumstances or where the delay is due to matters outside of the reasonable control of the party served with the notice.

Affected parties will also have the right to apply to make an application to the courts to appeal the terms of the above notices within 28 days in line with standard timetable applicable for appeals before the First Tier Tribunal. The courts may vary or cancel the notice, or any part of it, if they are satisfied that the decision to give the notice, or to include any provision in the notice, was either: based wholly or partly on an error of fact; was wrong in law; or it was unfair or unreasonable for any other reason. If the court are not satisfied that any of these grounds apply, they will confirm the notice.

The lodging of an appeal will not automatically invalidate any notices issued or enforcement action previously taken.

Enforcement authorities can revoke or vary any applicable notices issued (including in response to late representations), by issuing a variation notice and economic operators will be entitled to make an application to the courts to appeal the variation.

In addition to, or in place of the above actions, the enforcement authority will have the ability to seize and destroy non-compliant fertilising product in cases where it poses a significant risk to the public (or other relevant parties). Destruction will only take place after the appeal window and appeal process has concluded, unless immediate destruction is required for health and safety reasons.

Affected parties will be subject to an obligation to provide any information requested, an obligation to take any steps reasonably requested by the enforcement authority in line with these enforcement actions and an obligation to not take any action which seeks to frustrate the effectiveness of future enforcement action during the representation period. Failure to comply with such directions or obligations will constitute a breach of UK FPR which can be subject to the enforcement actions and the penalties outlined.

Enforcement authorities will have the right to charge fees in respect to any assessment procedures conducted as part of enforcement procedures, for example, sampling and analysis. Such fees will not exceed the reasonable costs of carrying out the procedures.

In addition to cases of non-compliance, where a fertilising product is found to be in compliance with UK FPR but due to advances in scientific research and assessment may reasonably be expected pose a risk to human, animal or plant health or the environment, the enforcement authority has the discretion to take necessary actions (in line with the powers provided) to mitigate such risks.

Under UK FPR we do not propose a compensation scheme for losses suffered due to non-compliant enforcement action. A bespoke scheme is not necessary for the regulation because there are other avenues of redress available, and any losses suffered can be mitigated by using the appeal procedures which are built into the proposed enforcement proposals. Accordingly, the inclusion of a bespoke compensation scheme is not justified. It should also be noted that the power to include a compensation scheme was not expressly provided for in the powers we are using for implementation of UK FPR.

51. To what extent do you agree or disagree with the proposed formal non-compliances for UK FPR and the proposed measures the enforcement authority will take where the formal non-compliance persists?

- agree
- partly agree, partly disagree
- disagree
- don't know

- prefer not to say

4.7.4 Penalties

The criminal sanctions that could be applied for a non-compliance with UK FPR are set out in the Agriculture Act (section 74(A)(3)). Any person who fails to comply with the provisions of UK FPR (made under the relevant part of the Agriculture Act) will be liable on summary conviction to a fine not exceeding the amount for level 5 on the standard scale (which is £5,000 as per the Sentencing Act 2020), or on a second or subsequent conviction, to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

A defence to such an offence is provided for under Section 82 of the Agriculture Act, it can be proved the commission of the offence was due to a mistake, or to reliance on information supplied, or to the act or default of another person, or to an accident or some other cause beyond the offenders control; and that the offender took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself/herself or any person under his control.

We propose a similar defence will be expressly provided under UK FPR with respect to non-compliances regarding AN fertiliser of high nitrogen, to account for cases when Section 82 is not applicable.

In addition, the Agriculture Act also allows all four governments to confer on the enforcement authority of UK FPR powers to impose monetary penalties. We propose that in cases where the enforcement authority is satisfied that there has been a failure to comply with UK FPR they would be able to impose by notice a monetary penalty on a person who has committed the offence.

Imposing a monetary penalty, sometimes referred to a civil sanction, would mean the offender would need to pay a penalty determined by the enforcement authority (not exceeding the maximum fine they would have been liable for on summary conviction). The advantage of civil sanctions is that they are generally quicker and less resource-intensive than criminal prosecution, reducing burdens on enforcement authorities and the court system. Payments are made to the Consolidated Fund.

Before issuing a monetary penalty, the enforcement authority would issue a notice of what is proposed (a “notice of intent”) to the person who has committed the offence. The notice of intent would set out:

- the grounds for the proposal to impose the monetary penalty
- the right to make representations and objections

- the circumstances in which the enforcement authority will not impose a penalty
- and the period within which representations and objections may be made (no less than the period of 28 days (beginning with the day on which the notice of intent is given)).

At the end of the period for making representations and objections, the enforcement authority will decide whether to impose the monetary penalty, with or without modifications, before issuing a final notice. The final notice would set out the grounds for imposing the monetary penalty, payment information, rights of appeal and the consequences of non-compliance with the notice which are, recovery of the penalty through civil court.

Affected parties will have the right to apply to make an application to the courts to appeal against the decision to impose the monetary penalty within 28 days in line with standard timetable applicable for appeals before the First Tier Tribunal. The courts may vary the amount of penalty or the period for payment or cancel the penalty if they are satisfied that the decision to impose the monetary penalty was either: based wholly or partly on an error of fact; was wrong in law; or it was unfair or unreasonable for any other reason. If the court are not satisfied that any of these grounds apply, they will confirm the penalty. If the court decides to cancel the penalty, they may refer the matter back to the enforcement authority with a direction to reconsider.

Where the enforcement authority decides to impose a monetary penalty on a person that person would not be able to be convicted of the same offence.

52. Do you foresee any issues with the penalties for infringement of UK FPR regulatory requirements?

- no issues
- minor issues
- major issues
- don't know
- prefer not to say

53. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to the proposals relating to UK FPR enforcement, market surveillance, non-compliances and penalties or comments on anything else outlined in Section 4.7.

- [free text box]

4.8 Proposed technical requirements

This section describes the proposed technical regulatory requirements all four governments are considering for fertilising products placed on the market under UK FPR (as the first stage of implementation). For an overview of the applicability of the different requirements see Section 4.4.2. It should be noted these are requirements under UK FPR and that other requirements may apply under other legislation such as assimilated Regulation (EC) No. 1907/2006 (UK REACH) and assimilated Regulation (EC) No. 1272/2008 (CLP Regulation).

The technical requirements for UKCA marked products would be set out in the annexes of UK FPR and cover:

- product function category (PFC)
- component material category (CMC)

At this stage we are asking for views on the types of technical requirements applicable to the PFCs and CMCs prioritised for conformity assessment (namely PFC 1(C), PFC 2, PFC 5(A), PFC 5(B) and CMC 1)) at the first stage of implementation of UK FPR but not the exact limit values that will be set. If the outcome of this consultation and call for evidence is that the preferred option to implement conformity assessment framework is followed, we propose to set the detailed parameters which would apply after further engagement with stakeholders through a series of technical workshops. See Section 4.11 for more details about the proposed technical workshops.

Whilst the proposals for UKCA marked products are similar to EU FPR, we are exploring certain different requirements because stakeholder engagement over the past five years has raised a number of challenges with implementing EU FPR in the UK context.

This section sets out where we understand current issues might exist and ask for your views.

It is proposed that all fertilising products would also need to comply with labelling requirements. See Section 4.9 for further information on labelling requirements.

4.8.1 General requirements for all fertilising products placed on the market under UK FPR

We propose where possible that the following general requirements would apply to all fertilising products placed on the market under UK FPR (at the first stage):

- The residues of pharmacologically active substances covered by assimilated Regulation (EC) No 470/2009 may only be present in a fertilising product if that substance is either an allowed substance under that Regulation, or has a reference point for action established in accordance with Article 18 of assimilated Regulation (EC) No 470/2009 and the substance or its residues are present in the product at a level below that reference point.
- Nutrient values should all be expressed in oxide form, where the elemental form of a nutrient is used then conversion factors will be applied. This will also apply to the conversion of organic carbon and organic matter.

54. Do you foresee any issues with the proposed general requirements for all fertilising products placed on the market under UK FPR?

- no issues
- minor issues
- major issues
- don't know
- prefer not to say

4.8.2 Requirements for all product function categories (PFCs)

We propose the following requirements apply to all PFCs implemented at the first stage of UK FPR:

- fertilising products should meet specific requirements according to their claimed function detailed in the rest of Section 4.8 (for example, descriptions, nutrient value limits, contaminant limits and tolerances).
- any claims that a product meets those requirements should be supported by evidence in technical documentation produced by the manufacturer which allows for assessment of the fertilising product's conformity with the relevant requirements. This may include information about the product's component materials, their origin and manufacturing process, the product's mode of action, and any other relevant parameters in UK FPR.
- phosphonates would not be able to be intentionally added; although this does not mean phosphonates could not be used for future PFCs.

55. To what extent do you agree or disagree with the general requirements that would apply to all PFC categories implemented at the first stage of UK FPR?

- agree
- partly agree, partly disagree
- disagree

- don't know
- prefer not to say

4.8.3 PFC 1, PFC 2 and PFC 5 descriptions

This section sets out the description of each PFC. Manufacturers must meet the requirements of all subcategories of the claimed PFC.

PFC 1: Fertiliser

We propose that a fertiliser is a product the function of which is to provide nutrients to plants or mushrooms.

PFC 1(C): Inorganic fertiliser

We propose that an inorganic fertiliser would contain or release nutrients in a mineral form, other than an organic or organo-mineral fertiliser. Where an organic fertiliser contains organic carbon and nutrients of solely biological origin and no material which is fossilised or embedded in geological formations, and organo-mineral fertilisers are a formulation of one or more inorganic fertilisers and one or more materials containing organic carbon and nutrients of solely biological origin.

PFC 1(C)(I) Inorganic macronutrient fertiliser

An inorganic macronutrient fertiliser must be aimed at providing plants or mushrooms with one or more of the following macronutrients:

- (a) primary macronutrients: nitrogen (N), phosphorus (P) or potassium (K),
- (b) secondary macronutrients: calcium (Ca), magnesium (Mg), sodium (Na) or sulphur (S).

PFC 1(C)(I)(a) Solid inorganic macronutrient fertiliser

PFC 1(C)(I)(a)(i) Straight solid inorganic macronutrient fertiliser

A straight solid inorganic macronutrient fertiliser must have a declared content of:

- (a) only one macronutrient (nitrogen (N), phosphorus (P), potassium (K), calcium (Ca), magnesium (Mg), sodium (Na), sulphur (S)), or
- (b) only one primary macronutrient (nitrogen (N), phosphorus (P), potassium (K)) and one or more secondary macronutrients (calcium (Ca), magnesium (Mg), sodium (Na), sulphur (S)).

PFC 1(C)(I)(a)(ii) Compound solid inorganic macronutrient fertiliser

A compound solid inorganic macronutrient fertiliser must have a declared content of:

- (a) more than one primary macronutrient (nitrogen (N), phosphorus (P), potassium (K)), or
- (b) more than one secondary macronutrient (calcium (Ca), magnesium (Mg), sodium (Na), sulphur (S)) and no primary macronutrient (nitrogen (N), phosphorus (P), potassium (K)).

PFC 1(C)(I) (a)(i-ii)(A) Straight or compound solid inorganic macronutrient ammonium nitrate fertiliser of high nitrogen content

A straight or compound solid inorganic macronutrient ammonium nitrate (AN) fertiliser of high nitrogen (N) content (herein after referred to as AN fertiliser of high nitrogen content) would be ammonium nitrate (NH₄NO₃)-based and contain 28 % or more by mass of nitrogen (N) as a result of ammonium nitrate (NH₄NO₃).

Any matter other than ammonium nitrate (NH₄NO₃) in the product must be inert towards ammonium nitrate (NH₄NO₃).

See Section 4.8.7 for information about the specific requirements for AN fertiliser of high nitrogen content under UK FPR.

PFC 1(C)(I)(b) Liquid inorganic macronutrient fertiliser

PFC 1(C)(I)(b)(i) Straight liquid inorganic macronutrient fertiliser

A straight liquid inorganic macronutrient fertiliser must have a declared content of:

- (a) only one macronutrient (nitrogen (N), phosphorus (P), potassium (K), calcium (Ca), magnesium (Mg), sodium (Na), sulphur (S)), or
- (b) only one primary macronutrient (nitrogen (N), phosphorus (P), potassium (K)) and one or more secondary macronutrients (calcium (Ca), magnesium (Mg), sodium (Na), sulphur (S)).

PFC 1(C)(I)(b)(ii) Compound liquid inorganic macronutrient fertiliser

A compound liquid inorganic macronutrient fertiliser must have a declared content of:

- (a) more than one primary macronutrient (nitrogen (N), phosphorus (P), potassium (K)), or
- (b) more than one secondary macronutrient (calcium (Ca), magnesium (Mg), sodium (Na), sulphur (S)), and no primary macronutrient (nitrogen (N), phosphorus (P), potassium (K)).

PFC 1(C)(II) Inorganic micronutrient fertiliser

An inorganic micronutrient fertiliser must be an inorganic fertiliser other than an inorganic macronutrient fertiliser aimed at providing plants or mushrooms with one or more of the following micronutrients:

- (a) boron (B), cobalt (Co), copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo) or zinc (Zn).

Inorganic micronutrient fertilisers shall be made available to the end-user only in packaged form.

PFC 1(C)(II)(a) Straight inorganic micronutrient fertiliser

A straight inorganic micronutrient fertiliser must belong to one of the following types:

- micronutrient salt fertiliser: a chemically obtained straight solid inorganic micronutrient fertiliser containing a mineral ion salt as its essential ingredient.
- micronutrient oxide or hydroxide fertiliser: a chemically obtained straight solid inorganic micronutrient fertiliser containing oxide or hydroxide as its essential ingredient.
- micronutrient-based fertiliser: a straight inorganic micronutrient fertiliser combining a micronutrient salt fertiliser with one or more other micronutrient salt fertilisers and or with a single micronutrient chelate.
- micronutrient solution fertiliser: an aqueous solution of different forms of a straight inorganic micronutrient fertiliser.
- micronutrient suspension fertiliser: a suspension of different forms of a straight inorganic micronutrient fertiliser.
- micronutrient chelate fertiliser: a water-soluble straight inorganic micronutrient fertiliser in which the declared micronutrient is chemically combined with chelating agent(s) fulfilling the requirements of CMC 1.
- UVCB (5) iron chelates: a water-soluble straight inorganic micronutrient fertiliser in which the declared iron is chemically combined with chelating agent(s) fulfilling the requirements of CMC 1.
- micronutrient complex fertiliser: a water-soluble straight inorganic micronutrient fertiliser in which the declared micronutrient is chemically combined with complexing agent(s) fulfilling the requirements of CMC 1.

PFC 1(C)(II)(b) Compound inorganic micronutrient fertiliser

A compound inorganic micronutrient fertiliser must have a declared content of more than one micronutrient (boron, cobalt, copper, iron, manganese, molybdenum, or zinc).

In addition to the above requirements for inorganic fertilisers there will be requirements set for the level of nutrients (depending on the applicable subcategory of the claimed PFC) in the fertilising product. See section 4.8.5 on proposals for minimum and maximum nutrient values in inorganic fertilisers.

PFC 2: Liming material

We propose a liming material must be a fertilising product the function of which is to correct soil acidity. A liming material must contain oxides, hydroxides, carbonates or silicates of the nutrients calcium (Ca) or magnesium (Mg). See section 4.8.8 on proposed parameters for liming materials.

PFC 5: Inhibitor

We propose that an inhibitor must improve the nutrient release patterns of a product, providing plants with nutrients by delaying or stopping the activity of specific groups of micro-organisms or enzymes.

PFC 5(A): Nitrification inhibitor

We propose nitrification inhibitors must specifically inhibit the biological oxidation of ammoniacal nitrogen ($\text{NH}_3\text{-N}$) to nitrite nitrogen (NO_2^-), thus slowing the formation of nitrate nitrogen (NO_3^-).

PFC (5(C): Urease inhibitors

We propose urease inhibitors must specifically inhibit hydrolytic action on urea ($\text{CH}_4\text{N}_2\text{O}$) by the urease enzyme, primarily targeted to reduce ammonia volatilisation.

In addition to these descriptions for inhibitors there will be requirements to ensure the efficacy of the product. See section 4.8.9 on inhibitor efficacy requirements.

56. To what extent do you agree or disagree with the proposed descriptions for PFC 1, PFC 2 and PFC 5 (including sub-categories)?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.8.4 CMC 1 requirements

We propose the following requirements would apply to CMC 1: Virgin materials and substances at the first stage of implementation of UK FPR.

Where the substance or one of the substances in the mixture is intended to enhance the long-term availability to plants of micronutrients in the fertilising product, that substance must be either a chelating agent or a complexing agent and the following rules must apply.

The chelating agent must be an organic substance consisting in a molecule which:

- (i) has two or more sites that donate electron pairs to a central transition metal cation (zinc (Zn), copper (Cu), iron (Fe), manganese (Mn), magnesium (Mg), calcium (Ca) or cobalt (Co)), and
- (ii) is large enough to form a five- or six- membered cyclic structure.

The fertilising product must remain stable for at least 3 days in a solution having any pH within the range declared as guaranteeing acceptable stability.

The complexing agent must be an organic substance forming a flat or steric structure with one di- or tri- valent transition metal cation (zinc (Zn), copper (Cu), iron (Fe), manganese (Mn) or cobalt (Co)).

The fertilising product must remain stable in water solution at pH 6 and 7 for at least 1 day.

It is proposed that CMC 1 will not include polymers, with one exception to this: polymer-based technical additives may be used, providing they are the result of a polymerisation process that has taken place in nature, independently of the extraction process with which they have been extracted and that have not been chemically modified. These polymer-based technical additives must be used for increasing agronomic efficiency and/or the safety of products.

57. To what extent do you agree or disagree with the proposed general requirements that would apply to CMC 1 at the first stage of implementation of UK FPR?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.8.5 PFC 1(C) minimum and maximum nutrient value limits

Most fertiliser legislation sets out the product types (for example, an NPK fertiliser), along with a minimum content of nutrients (for example N+P+K must equal more than 20% and a minimum of 3%N, 5%P, 5%K individually). Together with tolerance levels this requirement ensures that end-users can have confidence in the products they purchase having a certain amount of nutrient in them. EU FPR follows this methodology and applies minimum and maximum nutrient levels nutrient values for fertilisers (belonging to PFC 1). For example, in CE marked straight solid inorganic macronutrient fertiliser the sodium oxide (Na_2O) content shall not exceed 40% by mass.

The problem with this approach is that it is inflexible for products to be tailored to the exact agronomic need. Stakeholders have told us that there are instances where more than the maximum nutrient content is necessary for remediating a deficiency, improving efficiency of application, or simplifying the manufacturing process. For example, sodium oxide can be applied from materials that have a high sodium content. Due to the high sodium content, the materials can be applied at lower application rates to meet the agronomic need of the specific crop. Setting a low maximum limit may mean these materials have to be blended with a bulking material to dilute the product, which increases cost for both manufacturer and user and does not benefit the soil or crop.

There have also been examples where lower nutrient contents are necessary for tailor made products. This is the case in the blending sector where specific soil analysis may determine that 2% of phosphorus pentoxide (P_2O_5) is needed due to high levels of P in the soil. However, to comply with a regulation that has a limit of 10% minimum, it would mean additional P has to be added to that product to fit the legislative category and not the agronomic need.

For PFC 1(C): inorganic fertiliser (and subcategories), we propose there would be requirements for:

- a minimum level of primary and secondary macronutrient content in straight or compound solid inorganic macronutrients fertiliser, as well as a minimum total level of nutrients in the product.
- a minimum level of primary and secondary macronutrient content in straight or compound liquid inorganic macronutrients fertiliser, as well as a minimum total level of nutrients in the product.
- a minimum level of micronutrient content in straight or compound micronutrient inorganic fertiliser

However, we propose no upper maximum limit for nutrients in inorganic fertiliser on the basis that actual soil loading will be determined by application and use of fertilisers which is not covered by these proposals.

It should be noted we propose to set the exact value limits at technical workshops with relevant stakeholders after this consultation and call for evidence process.

58. To what extent do you agree or disagree with the proposals for nutrient levels in inorganic fertiliser (PFC 1(C))?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

59. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to the technical proposals for all fertilising products marketed under UK FPR and the proposed technical requirements for UKCA marked products.

Furthermore, if you have any specific comments regarding the proposed general requirements for all PFCs, the requirements specifically for PFC 1, PFC 2 and PFC 5(A) and PFC 5(C), the proposed general requirements applying to CMC 1 and the proposals for minimum nutrient levels in inorganic fertilisers outlined so far in Section 4.8 please share your comments.

- [free text box]

4.8.6 PFC 1(C) and PFC 2 contaminant limits

Current fertilisers legislation does not set out contaminant limits in fertilisers. This is a concern as fertilisers and organic materials are known to contain a wide range of contaminants, including potentially toxic elements such as cadmium and hexavalent chromium, plastics, polyaromatic hydrocarbons, and microorganisms. These contaminants vary greatly according to the product type, the materials used in that product, the specific geological deposits used, additives, fillers or coatings. We also know that there are risks involving long term accumulation in soils and potential risks to the food supply chain.

Stakeholders have told us that there are issues with setting product specific limits on certain contaminants, because they do not take account of the actual soil loading of contaminants in fertilisers when applied at field application rate.

For example, a phosphate fertiliser could contain a relatively high amount of cadmium per kg of product but be applied at a much lower rate in the field. Whereas an organic manure may contain relatively low cadmium content per kg of material but be applied at a far higher rate leading to greater soil accumulation.

While we acknowledge that setting product specific limits does not tackle the whole issue of long-term soil accumulation, it is a proportionate way of limiting contaminants to land and should be used in conjunction with other soil protection measures.

We propose to establish contaminant limits and at the first stage the approach we are taking is to apply contaminant limits on PFC 1(C) and PFC 2 to ensure that they are being measured and limited in fertiliser production where possible. It should be noted, if the outcome of this consultation and call for evidence is that these proposals are followed, the limits set will be determined through technical workshops with relevant stakeholders after this consultation and call for evidence process.

The contaminants we propose to establish limits on for PFC 1(C): Inorganic fertiliser are:

- cadmium (Cd)
- hexavalent chromium (Cr VI)
- mercury (Hg)
- nickel (Ni)
- lead (Pb)
- inorganic arsenic (As)
- biuret (C₂H₅N₃O₂)
- copper (Cu)
- zinc (Zn)
- Salmonella spp.
- Escherichia coli or Enterococaceae

The contaminants we propose to establish limits on for PFC 2: Liming material are:

- cadmium (Cd)
- hexavalent chromium (Cr VI)
- mercury (Hg)
- nickel (Ni)

- lead (Pb)
- inorganic arsenic (As)
- biuret (C₂H₅N₃O₂)
- copper (Cu)

We propose to establish additional contaminant limits for AN fertiliser of high nitrogen content. See Section 4.8.7 for information about the specific requirements for AN fertiliser of high nitrogen content under UK FPR.

60. What level of impact would introducing limits for the contaminants listed above in straight, compound liquid and solid inorganic fertiliser and liming material have on you or your organisation?

- major positive impact
- moderate positive impact
- no impact
- moderate negative impact
- major negative impact
- don't know
- prefer not to say

61. Are there any other contaminants not listed above which we should consider in relation to straight, compound liquid and solid inorganic fertiliser and liming material consisting of CMC 1?

- yes
- no
- don't know
- prefer not to say

If you answered yes, please tell us the name of the additional contaminant(s) which should be together with relevant evidence that would help us understand why this should be considered in relation to straight, compound liquid and solid inorganic fertiliser and liming material consisting of CMC 1.

- [free text box]

4.8.7 PFC 1(C)(I) (a)(i-ii)(A) AN fertiliser of high nitrogen content

There are multiple pieces of legislation applying to the manufacture and import of AN material of high nitrogen content, and additional rules on the marketing of said material as a fertiliser (outlined above in the preceding sections). In order to simplify

manufacturing and marketing rules for all types of fertilising products we therefore propose to consolidate these rules so that manufacturers, importers and persons supplying and keeping of AN fertiliser of high nitrogen content follow one set of regulatory requirements in UK FPR.

This section sets out the proposed requirements for AN of high nitrogen content under UK FPR which are largely the same as existing relevant provisions in The Fertiliser Regulations 1991 (and 1992 Northern Ireland equivalent), UK Fertiliser regime and the [AN Safety Regulations](#). You may wish to read these Regulations before answering the questions to follow. AN of high nitrogen content not intended to be used as a fertiliser would still be controlled by the existing requirements in the AN Safety Regulations.

At this stage we are asking for views on the types of requirements applicable to AN of high nitrogen content not the exact limit values or parameters. We propose to set the detailed parameters which would apply after further engagement with stakeholders. Please see Section 4.11 for more detail about this process.

The proposals for UK FPR conformity assessment framework mean that AN fertiliser of high nitrogen content (straight or compound) would only be able to be placed on the market in the UK if the product is UKCA marked. The conformity assessment requirements for AN fertiliser of high nitrogen content would specify:

- limits on combustible material, copper, chlorine, oil retention, pH and product grain size.
- a sample certified as being a representative sample by a sampling body from each batch of AN fertiliser of high nitrogen content to must be DRT tested as soon as reasonably practicable after manufacture. Where 'batch' means the quantity of material manufactured in a production run without alteration of composition or characteristics, or in the case where such a production run lasts for more than 92 days, the quantity of the material manufactured:
 - in the first 92 day period of the run,
 - in each subsequent 92 day period of the run, and
 - in any part of the production run after the final such 92 day period.
- the product must go through thermal cycling prior to oil retention and DRT testing by an accredited testing laboratory (see Section 4.6.2 for details of accreditation and location requirements for testing laboratories under UK FPR).
- the DRT testing method should use a steel tube and supporting lead cylinders
- a limit on the degree of crushing of the lead cylinders on which the steel tube rests horizontally in two detonation resistance tests.

- the accredited testing laboratory should issue a detonation resistance certificate which confirms that the tested sample is resistant to detonation.
- manufacturers must follow the applicable conformity assessment procedures (see Section 4.10.1 for details of UK FPR module for AN fertiliser of high nitrogen content).
- manufacturers must keep the detonation resistance certificate for each batch together with details of the manufacture and disposal of the batch (this should form part of technical documentation).
- each batch should be kept separate, and the detonation resistance certificate should clearly identify the batch to which it relates.
- AN fertiliser of high nitrogen content must be made available to the end-user only in packaged form, where 'package' means a sealable receptacle used to hold, protect, handle, and distribute fertilisers and holding not more than 1,000 kg.
- in the event of a failed DRT test or the detonation resistance certificate relating to it ceases to be valid, either because a test indicates that it is not resistant to detonation or the rest of the batch is at variance with a pre-existing detonation resistance certificate or unique numbered copy, the manufacturer must notify the enforcing authority and Health & Safety Executive of the fact, and the action they will take to reduce the risk of detonation of the batch concerned to an insignificant level or to have another sample taken by a sampling body and of the time period it will take them (unless a shorter period is required by a notice served by the enforcing authority on the manufacturer), and take the according action as soon as practicable.

In the case of imports UK FPR would require:

- AN fertiliser of high nitrogen content imported into the UK to be UKCA marked and accompanied by a detonation resistance certificate and identification (ID) document.
- importers must ensure that the product complies with general requirements applicable to all fertilising products placed on the market under UK FPR, and that the manufacturer has carried out the correct conformity assessment procedures.
- the importer must send the detonation resistance certificate and ID document to Defra at least 5 days before the anticipated date of arrival of the product at the borders of the United Kingdom.
- the detonation resistance test which the detonation resistance certificate relates must not have been conducted more than 60 days before the arrival of the product into the UK.

- the importer must keep a record of the details of any batch or part batch imported into the UK, together with an ID document covering it and a detonation resistance certificate relating to it for a period of two years after the date of import of any batch.
- importers to ensure they do not import any product, which is AN fertiliser of high nitrogen content, that is described as containing a lower proportion of nitrogen than would classify it as such.

UK FPR would require economic operators involved in the supplying of AN fertiliser of high nitrogen content to:

- send an updated version of the ID document to Defra before supplying any product to which the document relates, if any of the details in ID document sent by the importer turn out to be inaccurate.
- have in their possession a valid denotation resistance certificate for the whole batch, or unique numbered copy of a valid detonation resistance certificate for tested parts of a batch.
- have in their possession an ID document relating to it and a copy of any updated version of that document sent to Defra (if applicable).
- not supply AN fertiliser of high nitrogen content where it is apparent that the product is contaminated or is in such poor condition that it might reasonably be expected to fail a detonation resistance test.
- ensure any batch or part of a batch (which was already divided into parts before it came into their control) which they supply is accompanied by either a valid detonation resistance certificate or unique numbered copy detonation resistance certificate relating to it. Or, if a batch or part batch is divided by them into new parts, they must ensure the new part is accompanied by a unique numbered copy detonation resistance certificate issued by him and relating to that new part.
- keep details of the any unique numbered copy detonation resistance certificates issued by them, the quantity of product supplied with each unique numbered copy and details of who the numbered copies are given to.
- to ensure that each batch or part batch is kept separate, and that each detonation resistance certificate or unique numbered copy relating to that batch or part batch clearly identifies the product to which it relates (unless they are supplying the product to a final end user for use as fertiliser in packaged form).
- keep a record of the details of any batch or part batch they have supplied for two years after the date of supply, together with any detonation resistance certificate or unique numbered copy detonation resistance certificate which they have supplied (supported by copies of all of them), and any identification

document and any updated versions, if applicable, relating to that product or any of it (supported by copies of all of them).

- economic operators must not misdescribe AN fertiliser of high nitrogen content as a product containing 28% by weight of nitrogen or less.

UK FPR would require economic operators involved in keeping AN fertiliser of high nitrogen content to:

- ensure they have in their possession a valid detonation resistance certificate or unique numbered copy which clearly identifies the batch or part batch to which it relates, (unless they are the manufacturer and they are arranging for it to either be tested after manufacturer or retested (in the event of a failed DRT test)).
- where the detonation resistance certificate relating to a batch or part batch ceases to be valid or it might reasonably be expected to fail a DRT test the economic operator keeping the product must notify the enforcing authority and Health & Safety Executive of the fact, and the action they will take as soon as practicable to reduce the risk of detonation of the batch concerned to an insignificant level or to have another sample taken by a sampling body and subjected to a further DRT test and of the time period in which they will take them (unless alternative measures, a shorter period or both, is required by a notice has been served by the enforcing authority), and take the according action as soon as practicable.
- to ensure that each batch or part batch is kept separate, and has a detonation resistance certificate or unique numbered copy which clearly identifies the batch or part batch to which it relates (unless they are the manufacturer and they are arranging for it to either be tested after manufacturer or retested (in the event of a failed DRT test)).
- keep a record of the details of any batch or part batch they keep for two years after they cease to keep the product, together with any detonation resistance certificate and a copy of any unique numbered copy relating to it.
- economic operators must not misdescribe AN fertiliser of high nitrogen content as product containing 28% by weight of nitrogen or less.

Although we are proposing the requirements for AN of high nitrogen content under UK FPR would largely be the same as existing relevant provisions in The Fertiliser Regulations 1991 (and 1992 Northern Ireland equivalent), UK Fertiliser regime and the [AN Safety Regulations](#). There will need to be some changes to bring the requirements up to date and conducive with UK accreditation and conformity assessment policy.

The proposed changes are:

- thermal cycling and product tests for oil retention and detonation resistance must be carried out in accordance with the updated procedures in [Regulation \(EC\) 2019/1009](#) (EU FPR) – Module A1 in Part II of Annex IV
- ‘competent laboratory’ would mean an accredited testing laboratory. See sections 4.6.2 and 4.10 for details of the requirements for accredited testing laboratories.
- ‘sampling body’ would mean an accredited approved body. See section 4.6.3 for further information about approved bodies
- the flexibility which allowed DRT certificates to be more than 60 days old before the product arrives into the UK when the increase was due to circumstances beyond the control of the importer is removed in the interests of safety.

62. To what extent do you agree or disagree with our proposal to consolidate rules for AN fertiliser of high nitrogen content into UK FPR?

- agree
- partly agree, partly disagree
- disagree
- don’t know
- prefer not to say

Please explain your response.

- [free text box]

4.8.8 PFC 2 quality requirements

We propose that PFC 2: liming materials will have to meet parameters for:

- minimum neutralising value
- minimum reactivity
- minimum grain size

63. To what extent do you agree or disagree with the proposed requirements for liming materials?

- agree
- partly agree, partly disagree
- disagree
- don’t know
- prefer not to say

4.8.9 PFC 5 efficacy requirements

Urease inhibitors (UIs) and nitrification inhibitors (NIs) improve the release pattern of nitrogen in inorganic fertilisers and organic manures by delaying or stopping the activity of specific groups of bacteria or enzymes. Depending on their mode of action they have the potential to reduce both ammonia and nitrous oxide emissions and reduce the risk of nitrate leaching by improving nutrient use efficiency.

There are currently requirements for NIs and UIs in the UK Fertiliser regime. However, these requirements only set minimum and maximum concentrations of an inhibitor permitted to be applied to a fertiliser containing urea (for UIs) or urea and ammonium (for NIs) but no efficacy requirements. There are no requirements for inhibitors in The Fertiliser Regulations 1991 (Great Britain) (or the 1992 Northern Ireland equivalent). Therefore, we propose to establish efficacy requirements in UK FPR conformity assessment framework for UIs and NIs. This means that before NIs and UIs can be placed on the market (either as standalone products or where they are used as a component material in an inhibited fertilising product), they will need to demonstrate conformity with applicable requirements.

In this section, we are asking for views on the appropriate test methods and minimum level of reduction in emissions which NIs and UIs should achieve in the UK, and any other comments on regulating the safe and effective use of inhibitors in the UK.

PFC 5(A): Nitrification inhibitor (NI)

We propose that the efficacy of NIs must be determined by the products effect on ammoniacal nitrogen ($\text{NH}_3\text{-N}$) oxidation rate. The ammoniacal nitrogen ($\text{NH}_3\text{-N}$) oxidation rate must be measured by:

- (a) ammoniacal nitrogen ($\text{NH}_3\text{-N}$) disappearance, or
- (b) the sum of nitrite nitrogen (NO_2^-) and nitrate nitrogen (NO_3^-) production with respect to time.

Compared to a control sample where the NI has not been added, a soil sample containing the nitrification inhibitor must meet a minimum level of reduction in ammoniacal nitrogen ($\text{NH}_3\text{-N}$) oxidation rate based on an analysis carried out 14 days after application at the 95% confidence level.

64. To what extent do you agree or disagree with the proposal for demonstrating the efficacy of nitrification inhibitors?

- agree

- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

65. For nitrification inhibitors, compared to a control sample what do you think is the minimum level of percentage reduction in ammoniacal nitrogen oxidation rate these products should achieve in the UK?

- [number entry box]
- don't know
- prefer not to say

66. If you answered question 65 with a minimum level of percentage reduction in ammoniacal nitrogen oxidation rate, please explain why you think this minimum level of reduction should be considered.

Please share any information or evidence that you have to help us understand your response.

- [free text box]

PFC 5(C): Urease inhibitor (UI)

We propose that the efficacy of UIs must be determined by the products effect on inhibiting the hydrolytic action on urea ($\text{CH}_4\text{N}_2\text{O}$) by the urease enzyme.

Compared to a control sample where the urease inhibitor has not been added, an in vitro test containing the UI must meet a minimum level of reduction in the rate of hydrolysis of urea ($\text{CH}_4\text{N}_2\text{O}$), based on an analysis carried out 14 days after application at the 95% confidence level.

67. To what extent do you agree or disagree with the proposal for demonstrating the efficacy of urease inhibitors?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

68. For urease inhibitors, compared to a control sample what do you think the minimum level of percentage reduction in the rate of hydrolysis of urea these products achieve in the UK?

- [number entry box]
- don't know
- prefer not to say

69. If you answered question 68 with a percentage reduction in the rate of hydrolysis of urea, please explain why you think this minimum level should be considered.

Please share any information or evidence that you have to help us understand your response.

- [free text box]

If the outcome of this consultation and call for evidence is that these proposals are followed the limits we will set will be determined through technical workshops with relevant stakeholders after this consultation and call for evidence process. Please see Section 4.11 for more detail about this process.

Where the inhibiting substance is a component material in a fertiliser product (belonging to CMC 1) for the purpose of improving the products nutrient release patterns the following requirements must apply:

The nitrification inhibiting compound must be present in the product in a concentration, which is within the range of concentrations that ensures the achievement of such a required/specified minimum level of reduction. At least 50 % of the total nitrogen (N) content of the product must consist of the nitrogen (N) forms ammonium (NH_4^+) and urea ($\text{CH}_4\text{N}_2\text{O}$).

70. To what extent do you agree or disagree with the proposed requirements for nitrification inhibiting compounds where they are a component material in a fertiliser product?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

It is proposed that the urease inhibiting compound must be present in the product in a concentration, which is within the range of concentrations that ensures the

achievement of such a reduction. At least 50% of the total nitrogen (N) content of the product must consist of the nitrogen (N) form urea (CH₄N₂O).

71. To what extent do you agree or disagree with the proposed requirements for urease inhibiting compounds where they are a component material in a fertiliser product?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

72. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to proposals for setting contaminant limits for inorganic fertiliser and liming material, parameters for liming materials, inhibitor efficacy requirements (including appropriate test methods and efficacy requirements inhibitors should achieve in the UK, and any other comments on regulating the safe and effective use of inhibitors) or any other comments about the proposals in Section 4.8 so far.

- [free text box]

4.9 Proposed labelling requirements

Domestic fertiliser regulations set out prescribed names and descriptions, limits of variation for declared nutrients and provisions for marking and labelling specific materials. The information requirements vary according to product. They include mandatory and optional information for specified products and materials, and for some products there are currently no specific requirements.

Streamlining the regulations offers an opportunity to introduce consistent labelling requirements for all fertilising products to help end-users compare different products and make informed decisions about the best products to meet their individual needs. However, the needs of different end-users will vary, with many farmers purchasing fertilising products based on advice or guidance from FACTS qualified advisers, and this is reflected in the proposed labelling requirements.

We propose that all fertilising products placed on the market under UK FPR would need to meet general labelling requirements and in addition, UKCA marketed products would need to meet specific requirements depending on the product's claimed function(s) (PFCs).

4.9.1 General labelling requirements for all fertilising products

This section outlines the proposed labelling information required by UK FPR.

It would be the manufacturer or importers responsibility to label the products with the required information, and this should be on the product's package or a label affixed to the package. Or where fertilising products are supplied without packaging or the package is too small to contain all the required information, the required information should be provided in a document accompanying each fertilising product. 'Package' means a sealable receptacle used to hold, protect, handle, and distribute fertilisers and holding not more than 1,000 kg.

The general labelling information must include:

- manufacturers or importers name, registered trade name or registered trademark and the postal address at which they can be contacted
- batch number or other element allowing for their identification
- the quantity of the product in mass or volume
- the form of the product (granule, prill, powder, solution, pellet and so on)
- instructions for intended use, suggested application rates, timing, frequency, target plants (as applicable)
- storage recommendations
- information on measures recommended to manage risks from the composition of fertilising products on human, animal, or plant health, to safety or to the environment
- a list of all ingredients above a certain percentage by weight or volume, or in the case of products in liquid form by dry weight
- a product identifier as specified by Article 18 of assimilated Regulation (EC) No. 1272/2008 (CLP Regulation).
- declared nutrient content by mass (if applicable)
- for non-UKCA marked fertilising products (if applicable) the name of the material

Additionally, we propose the manufacturer or importer must inform the end-user on the product's packaging or label affixed to the packaging (or document accompanying the package if the package is too small) if the fertilising product contains a component material and, if present, residue(s) from the material (including but not limited to metabolites, breakdown products and reaction products) which if placed on the market as food or feed, would have been subject to and exceeds the maximum limits or levels set in assimilated Regulations (EC) No 470/2009 or (EC) No 396/2005, in accordance with Regulation (EEC) No 315/93, or in The Animal Feed (Composition, Marketing and Use) (England) Regulations 2015. This will

enable the end-user to take all necessary measures to ensure that the crop is compliant with the food and feed rules.

At the first stage of implementation of UK FPR, we propose that instructions for intended use, suggested application rates, timing, frequency and target plants for UKCA-marked products are optional for inclusion on the packaging, label or document (unless mandatory requirements are specified for the relevant PFC) where economic operators are selling to businesses or professional users.

A business customer or professional user would be someone who is acquiring fertilising products for purposes connected with their trade, business or profession and either:

- has FACTS-Qualified staff or receives advice and guidance from a FACTS Qualified Adviser or,
- are a routine customer for the purchase of AN fertiliser of high nitrogen content, and the economic operator has already obtained and recorded information including photo ID to supply to that business customer in accordance with the Control of Explosives Precursors and Poisons Regulations 2023.

73. To what extent do you agree or disagree with the proposed general labelling requirements for all fertilising products?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.9.2 Product-specific labelling requirements for UKCA marked products

This section outlines the additional product-specific information which must be provided for UKCA marked products, we ask for your views and evidence about the impact of these requirements.

The information provided for each UKCA marked product should include the Product Function Category (PFC) corresponding to the fertilising product's claimed function. This would be either PFC 1(C), PFC 2 and PFC 5(A) or PFC 5(C) at the first stage of implementation of UK FPR.

In the case of fertilising product blends (PFC 7), the information would need to include all PFCs corresponding to the claimed functions of the component fertilising products in the blend which have successfully gone through conformity assessment.

The information for UKCA marked products must also include the relevant Component Material Category (CMC) for each ingredient. As the proposed conformity assessment requirements only allow UKCA marked products to consist of CMC 1, the products will have only one CMC at the first stage of implementation of UK FPR.

4.9.2.1 Labelling for PFC 1(C): Inorganic fertiliser

The content of nutrients may be declared only where they are present in the minimum quantity that will be specified in the relevant PFC category (which will be decided after the consultation and call for evidence process if proposals for UK FPR are followed). The term 'mineral fertiliser' may be used only if the fertiliser belongs to PFC 1(C) and fulfils the following additional conditions:

- a) The mineral fertiliser must not contain more than a certain amount by mass of organic carbon, other than organic carbon from:
 - chelating or complexing agents included within CMC 1,
 - coating agents, or
 - urea ($\text{CH}_4\text{N}_2\text{O}$)
- b) Where applicable, the declared primary nutrients nitrogen (N), phosphorus (P) or potassium (K), by their chemical symbols in the order N-P-K.
- c) Where applicable, the declared secondary nutrients calcium (Ca), magnesium (Mg), sodium (Na) or sulphur (S) by their chemical symbols in the order Ca-Mg-Na-S.
- d) Where nitrogen (N) is a declared nutrient, the declared N content must consist only of the sum of nitric N, ammoniacal N, ureic N, and N from methylene-urea, from isobutylidenediurea, and from crotonylidenediurea and should be labelled in that order.
- e) Where phosphorus (P) is a declared nutrient, the declared P content must consist only of P in the phosphatic form, and the mineral fertiliser must fulfil at least one of the following solubility criteria:
 - water solubility: minimum level as percentage of total P,
 - solubility in neutral ammonium citrate: minimum level as percentage of total P,
 - solubility in formic acid (only for soft rock phosphate): minimum level as percentage of total P
- f) Water soluble potassium oxide (K_2O)

- g) Calcium oxide (CaO), magnesium oxide (MgO), sodium oxide (Na₂O) and sulphur trioxide (SO₃), expressed:
- where those nutrients are totally soluble in water, only as the content soluble in water
 - where the soluble content of those nutrients is at least a quarter of the total content of those nutrients, as the total content and as the content soluble in water
 - in other cases, as the total content
- h) The label must state the words 'nitrification inhibitor' or 'urease inhibitor', as relevant
- i) nitrification inhibiting compound content must be expressed as a % by mass of the total nitrogen (N) present as ammonium nitrogen (NH₄⁺) and urea nitrogen (CH₄N₂O)
- j) the urease inhibiting compound content must be expressed as a % by mass of the total nitrogen (N) present as urea nitrogen (CH₄N₂O)
- k) The granulometry of a solid inorganic macronutrient fertiliser must be indicated, expressed as % by mass of the product passing through a determined sieve [PFC 1(C)(I)(a)].

4.9.2.2 Labelling for PFC 2: Liming material

The following parameters must be declared in the following order:

- neutralising value;
- granulometry, expressed as % by mass of product passing through a sieve of 1,0 mm;
- total calcium oxide (CaO), expressed as % by mass;
- total magnesium oxide (MgO), expressed as % by mass;
- reactivity and method of determination of reactivity, except for oxide and hydroxide limes.

4.9.2.3 Labelling for PFC 5: Inhibitor

- a) All ingredients must be declared by product weight or volume in descending order of magnitude.
- b) The content of the inhibiting compound(s) as % by mass or volume must be declared.
- c) Information on the types of products with which the inhibitor may be mixed and, the minimum and maximum recommended concentration of inhibiting compound(s) when mixed with a fertiliser prior to its use.

74. To what extent do you agree or disagree with the proposed product-specific labelling requirements for PFC 1, PFC 2 and PFC 5?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.9.3 Tolerance value limits

We propose that the declared nutrient content or physio-chemical characteristics of a UKCA marked product may deviate from the actual value only in accordance with tolerances value limits established for each PFC category (which will be decided after the consultation and call for evidence process if proposals for UK FPR are followed). The tolerances are intended to allow for deviations in manufacture, in the distribution chain, and during sampling and analysis.

The tolerances allowed in respect of the declared parameters would be both negative and positive values. The actual content of a component, in the fertilising product, for which a minimum content has been specified may never be lower than the minimum content.

75. To what extent do you agree or disagree with the proposal to establish tolerance value limits for each PFC?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.9.4 Digital labelling of fertilising products

We propose that economic operators will be able to provide labelling information in a digital format. This will be voluntary, which will provide flexibility for manufacturers, importer and distributors to select their preferred mode of communication for labelling information – in either a physical label a digital label, or a combination of both. However, we propose some restrictions which are outlined in this section.

We propose that for fertilising products made available to other economic operators, with or without packaging, manufacturers and importers may opt only for labelling digitally, but if they choose to provide both a physical label and a digital label, they can decide which labelling information outlined in Section 4.9 to include on the physical label.

However, where economic operators opt for digital labelling with respect to fertilising products which are supplied to end-users in packaging, we propose they ensure that key information with respect to human and environmental health and safety and the intended use of the product (the key information detailed below) must still be provided on a physical label in addition.

For fertilising products supplied without packaging to end users but with a digital label, the economic operators may in addition, provide labelling information in an accompanying document, and they can choose what to information to include in the accompanying document.

The digital label must include all the necessary labelling information set out in Section 4.9 (even if there is a physical label or accompanying document) except for information which may update frequently such as batch number and the production date and quantity.

Batch number, production date and quantity must be provided but can either be provided physically or digitally.

Economic operators must ensure that the digital label is available for a period of 10 years from the date that the fertilising product was placed on the market, and the digital label should be accessible to all end-users through an easy to use data carrier for example, a QR code. The data carrier must lead directly to the digital label.

For products supplied to end-users without packaging and with a digital label only, the labelling information set out in Section 4.9 should be visible on the premises at the point of sale to the end-user.

We propose key information which must be provided to end-users would be:

- manufacturers or importers name, registered trade name or registered trademark and the postal address at which they can be contacted
- instructions for intended use, suggested application rates, timing, frequency, target plants (as applicable)
- storage recommendations
- information on measures recommended to manage risks from the composition of fertilising products on human, animal, or plant health, to safety or to the environment
- declared nutrient content for inorganic fertilisers
- neutralising value, granulometry, total calcium oxide (CaO) and total magnesium oxide (MgO) for liming material

Where economic operators provide information in a digital label to end-users, the data carrier must be accompanied by a statement which explains that more comprehensive information about the product is available online (in the form of the digital label) or you can ask your supplier to provide that information in an alternative format.

76. To what extent do you agree or disagree with our proposals for digital labelling of fertilising products?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

77. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to general labelling requirements for all fertilising products, product specific labelling requirements according to the product's claimed function, and digital labelling proposals or anything else you have read in section 4.9.

- [free text box]

4.10 Conformity assessment procedures for UK FPR

This section describes the modules which are proposed to be used at the first stage of implementation of UK FPR in more detail, including specific requirements for testing laboratories under each module, and which product function categories (PFCs) each module would apply to. Whilst UK accreditation policy allows CABs, for

example testing laboratories, be in-house within the manufacturer's organisation or external providing they are accredited to a relevant standard. All four governments have considered whether this would be appropriate for UK FPR, in particular with regards to AN fertiliser of high nitrogen content which is subject to more extensive requirements than those for other fertilising products due to its explosive properties.

As the proposed conformity assessment requirements for UK FPR only allow UKCA marked products to consist of virgin material substances and mixtures ("CMC 1"), at the first stage of implementation, the products will have only have this one CMC.

In this section, we refer to various 'bodies' involved in conformity assessment:

- 'conformity assessment body' (CAB) is the collective term for any organisation involved in conformity assessment activities, for example, laboratory testing, certification, inspection or verification. Conformity assessment bodies demonstrate they have the technical competence to perform the specific conformity assessment activities which they are involved in through accreditation to a relevant standard.
- 'testing laboratory' are a CAB. They must be accredited to a relevant standard for the tests they perform. They can in-house within the manufacturer's organisation or external.
- 'approved body' are a CAB which has been officially appointed by a UK competent authority to undertake conformity assessment activities where a third party is required. They must be independent from the designer, manufacturer, supplier, purchaser, owner or user of the product and they must be accredited to demonstrate their competence as an approved body.

4.10.1 Applicability of each module

The proposed route to conformity for inorganic fertiliser (PFC 1(C)) and liming material (PFC 2), consisting of CMC 1, is Module A. This will allow the majority of products that have specific requirements in current fertilisers legislation to be assessed by the manufacturer of the fertilising product, with no third-party CAB ("approved body") involvement (although products would be required to be tested by an accredited laboratory). This mirrors the current situation where there is no formal approval or registration processes for fertilising products and if they are marketed, labelled and satisfy all relevant requirements (and it is the manufacturer's responsibility to ensure this) then they can be sold in Great Britain or Northern Ireland. Module A would be proportionate for these products which have a high

degree of certainty around their benefits and risks and keep regulatory requirements to a minimum.

The proposed route to conformity for straight or compound solid inorganic macronutrient AN fertiliser of high nitrogen content (PFC 1(C)(I) (a)(i-ii)(A)) is Module A1. This module has a mandatory requirement for specific tests on aspects of the product to be carried out on an ongoing basis. The mandatory tests for AN fertiliser of high nitrogen content would be oil retention and DRT test outlined Section 4.8.7, and this module would enable those tests to be supervised by an approved body chosen by the manufacturer. Approved bodies supervising products tests under Module A1 have obligations outlined in Section 4.10.6 to pass information about these tests to the competent authority.

The proposed route to conformity for nitrification inhibitors (PFC5 (A)) and urease inhibitors (PFC 5(C)) would be Module B+C. Module B would enable the design and efficacy of the product can be tested and it can be verified by an approved body as being in conformity with regulatory requirements before being placed on the market.

It is proposed that fertilising product blends ("PFC 7") must go through the conformity assessment procedures applicable to each of the PFCs within the blend (as described above).

Due to the proposed product types prioritised for conformity assessment at the first stage if implementation of UK FPR all four governments propose to implement three of the proposed routes to conformity for UK FPR (Modules A, A1 and B+C). The operation obligations of approved bodies involved in assess the conformity of the products which fall within the scope of Module A1 and Module B are set out in Section 4.9.5.

78. To what extent do you agree or disagree with the proposed module(s) each PFC will be required to go through before being placed on the market?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.10.2 Module A

Module A is based on internal production control, it covers design and production, and conformity can be assessed by the manufacturer of the fertilising product.

The proposed process for Module A is as follows:

1. The manufacturer will be required to produce technical documentation, which is documentation which allows for an assessment of the fertilising product's conformity with the relevant regulatory requirements. It must include the following:
 - a. A description of the fertilising product
 - b. The corresponding product function category
 - c. A description of the intended use of the product
 - d. A list of the component materials, information about their origin or manufacturing process
 - e. The declaration of conformity for the component materials if the fertilising product is a blend
 - f. An explanation of the manufacturing process of the fertilising product
 - g. A copy of the label
 - h. A list of any designated standards or other relevant technical specifications which may have been applied
 - i. Results of examinations carried out
 - j. Supporting evidence, including test reports
2. Samples of the fertilising product are tested by an accredited testing laboratory so the manufacturer can satisfy themselves the product complies with relevant regulatory requirements. The laboratory undertakes the required tests and sends a test report back to the manufacturer. The testing laboratory may be in-house within the manufacturer's organisation or external providing they are accredited to ISO/IEC 17025 and the accreditation body is established in one of geographical areas specified in Section 4.6.2.
3. The manufacturer affixes a UKCA mark to the product packaging, and draws up and signs the declaration of conformity, which confirms the product conforms to the conformity assessment requirements. The declaration of conformity should be kept together with the technical documentation.
4. The manufacturer makes a declaration of sole responsibility, where they take responsibility for the products having met the regulatory requirements.
5. The manufacturer must take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the manufactured fertilising products with the technical documentation referred to in point 1 and with the requirements of UK FPR that apply to them.
6. The fertilising product can be placed on the market.

7. All documentation must be kept for 5 years after the fertilising product covered by those documents has been placed on the market.

4.10.3 Module A1

Module A1 is based on internal production control plus supervised product testing. It covers design and production, and it is the proposed route to conformity for AN fertiliser of high nitrogen content.

The proposed process for module A1 is as follows:

1. The manufacturer will draw up the technical documentation, which will make it possible to assess the fertilising product's conformity with the relevant regulatory requirements. It must include the following:
 - a. A description of the fertilising product
 - b. The corresponding product function category
 - c. A description of the intended use of the product
 - d. A list of the component materials, information about their origin or manufacturing process
 - e. The declaration of conformity for the component materials if the fertilising product is a blend
 - f. An explanation of the manufacturing process of the fertilising product
 - g. A copy of the label
 - h. The names and addresses of the sites and their operators at which the product and its component materials were manufactured
 - i. A list of any designated standards or other relevant technical specifications which may have been applied
 - j. Supporting evidence and test reports, including the reports from product tests for oil retention and detonation resistance (including the detonation resistance certificate).
2. Samples of the fertilising product should be tested by an accredited testing laboratory so the manufacturer can satisfy themselves the product complies with relevant regulatory requirements. Thermal cycling, and oil retention and detonation resistance tests must be carried out on a representative sample of batch of the fertilising product as soon as practicable after manufacture in order to verify conformity with the oil retention and the detonation resistance conformity requirements for AN of high nitrogen content. These tests must be

carried out by an accredited testing laboratory independent from any person having an interest in the outcome of such test.

3. The testing laboratory must also be accredited to ISO/IEC 17025 and the accreditation body must be established in one of geographical areas specified in Section 4.6.2. The sampling and testing must be carried out under the supervision of an approved body chosen by the manufacturer. Test reports and detonation resistance certificate issued by the accredited laboratory should form part of the technical documentation.
4. The manufacturer must take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the manufactured fertilising products with the technical documentation referred to in point 1 and with the requirements of UK FPR that apply to them.
5. The manufacturer affixes a UKCA mark to the product packaging, and under the supervision of the approved body, their identification number.
6. The manufacturer must draw up and sign the declaration of conformity. The declaration of conformity should be kept together with the technical documentation.
7. The manufacturer makes a declaration of sole responsibility, where they take responsibility for the products having met the regulatory requirements.
8. The fertilising product can be placed on the market.
9. All documents must be kept for 5 years after the fertilising product covered by those documents has been placed on the market.

4.10.4 Module B + C

Module B+C are combined together to form one route to conformity. This route to market would be selected for products which require their product design and performance to be verified. Module B introduces examination of the product technical design by a third-party CAB (“approved body”) to verify that it meets regulatory requirements. Module C requires ongoing internal production control to be carried out by the manufacturer.

The proposed process for Module B: Type examination is as follows:

1. The manufacturer will draw up the technical documentation, which will make it possible to assess the fertilising product’s conformity with the relevant regulatory requirements. It must include the following:

- a. a general description of the fertilising product, the PFC corresponding to the claimed function of the fertilising product and description of the intended use,
 - b. a list of component materials used, including corresponding CMCs which they belong and information about their origin or manufacturing process,
 - c. if applicable, the declaration of conformity for the component fertilising products in the fertilising product blend, which have successfully gone through conformity assessment.
 - d. drawings, schemes, descriptions and explanations necessary for the understanding of the manufacturing process of the fertilising product,
 - e. a specimen of the label or the leaflet, or both, containing the information required,
 - f. a list of the designated standards
 - g. production control plans, and the results of any relevant test reports, calculations and examinations carried out on the product.
2. Samples of the fertilising product are tested by an accredited testing laboratory so the manufacturer can satisfy themselves the product complies with relevant regulatory requirements (for example, efficacy). The laboratory undertakes the required tests and sends a test report back to the manufacturer. The testing laboratory may be in-house within the manufacturer's organisation or external providing they are accredited to ISO/IEC 17025 and the accreditation body is established in one of geographical areas specified in Section 4.6.2.
 3. The manufacturer will apply to an accredited approved body of their choice to undertake a Type examination. The manufacturer may only apply to one single approved body and with their application they must include a written declaration that the same application has not been lodged with any other approved body.
 4. The manufacturer would need to provide the approved body with the technical documentation referred to in point 1, a sample representative of the product envisaged and supporting evidence for the adequacy of the technical design solution. This supporting evidence must mention any documents that have been used, in particular where the relevant designated standards or common specifications have not been applied in full. The supporting evidence must include, where necessary, the results of tests carried out in accordance with other relevant technical specifications by the accredited testing laboratory.

5. The approved body must draw up an evaluation report that records the activities undertaken to assess the technical design of the fertilising product, their outcomes. Without prejudice to its obligations vis-à-vis the competent authority, the approved body must release the content of that report, in full or in part, only with the agreement of the manufacturer. The approved body will examine the technical documentation and supporting evidence to assess the technical design of the fertilising product; and verify the sample of the product has been manufactured in conformity with the technical documentation. Where the manufacturer has chosen to apply relevant designated standards or common specifications, the approved body will check these have been applied correctly. Where the manufacturer has not applied relevant designated standards or common specifications, the approved body will carry out appropriate examinations and test.
6. Following assessment of the product design, the approved body will draw up an evaluation report that includes the activities undertaken to assess the product and their outcomes.
7. Where the product type meets the requirements of UK FPR that apply to the product concerned, the approved body will issue a Type examination certificate to the manufacturer. The certificate must contain the name and address of the manufacturer, the conclusions of the examination, the conditions (if any) for its validity and the necessary data for identification of the approved type. We propose Type examination certificates should be valid for up to 5 years.
8. Where the product type does not satisfy the requirements of UK FPR, the approved body must refuse to issue a Type examination certificate and inform the applicant, accordingly, giving detailed reasons for its refusal.

The process for Module C: conformity to type based on internal production control would be as follows:

1. The manufacturer must take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the manufactured fertilising products with the technical documentation referred to in Module B, point 1 and with the requirements of UK FPR that apply to them.
2. The manufacturer affixes a UKCA mark to the product packaging.
3. The manufacturer must draw up and sign the declaration of conformity. The declaration of conformity should be kept together with the technical documentation.

4. The manufacturer makes a declaration of sole responsibility, where they take responsibility for the products having met the regulatory requirements.
5. The fertilising product can be placed on the market.
6. All documents must be kept for 5 years after the fertilising product covered by those documents has been placed on the market.

79. Do you foresee any issues with the requirements for manufacturers and testing laboratories under Module A, Module A1, Module B+C?

- no issues
- minor issues
- major issues
- don't know
- prefer not to say

80. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to the additional burdens and costs for manufacturers as result of the proposed requirements for manufacturers under Module A, Module A1 and Module B+C of UK FPR?

- [free text box]

4.10.5 Operational obligations of approved bodies

This section sets out the operational obligations of approved bodies under Module A1 and Module B at the first stage of implementation of UK FPR.

These conformity assessment procedures involve the use of the approved body's identification number (Module A1) and issuing a Type examination certificate (Module B).

Approved bodies involved in these activities should have reasonably adequate policies and procedures in place to prevent inappropriate use of their certificates and identification number, with guidelines on action to be taken in cases of misuse in their Management System and must comply with such policies and procedures.

Approved bodies supervising products tests under Module A1 must notify the manufacturer, without undue delay, if test results demonstrate non-conformity with the detonation resistance requirement for AN fertiliser of high nitrogen content. The approved body must request the manufacturer immediately takes the corrective

measures necessary to reduce the risk of detonation of the batch of AN fertiliser concerned to an insignificant level, to bring the fertilising product into conformity, have another sample tested for detonation resistance and withdraw it or recall it as appropriate.

Approved bodies carrying out Type examination under Module B, should keep up to date with any changes which may affect the conformity of the fertilising product which they have issued a Type examination certificate, and must determine whether such changes require further investigation. If so, the approved body should inform the manufacturer for the need for further investigation.

The manufacturer must inform the approved body that holds the technical documentation relating to the Type examination certificate of all modifications to the approved type that may affect the conformity of the fertilising product with the requirements of UK FPR or the conditions for validity of the Type examination certificate. Such modifications would require additional approval in the form of an addition to the original Type examination certificate.

If in the course on monitoring following the issue of a Type examination certificate an approved body finds that a fertilising product no longer complies, it must instruct the manufacturer to take corrective measures.

An approved body may restrict, suspend or withdraw a Type examination certificate it has issued, as deemed appropriate.

81. To what extent do you agree or disagree with the proposed operational obligations of approved bodies?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.10.6 Information obligation on approved bodies

This section sets out the information obligations on approved bodies at the first stage of implementation of UK FPR.

We propose that approved bodies must inform the competent authority of requests they have received from market surveillance authorities regarding conformity assessment activities. Approved bodies take responsibilities in areas of public interest, and therefore, must remain accountable to the competent authority.

An approved body must inform the Secretary of State and UKAS promptly of any changes within itself which, in any way, affect its ability to carry out the duties with which it was appointed. This includes any change in its status, ownership, location, key personnel, technical competence, facilities etc.

Approved bodies supervising products tests under Module A1 must notify the competent authority (and other bodies that are carrying out similar conformity assessment activities) without undue delay where a manufacturer has not complied with the 92 day period for supervised testing or, if any detonation resistance tests do not conform to the detonation resistance test conformity requirements.

Each approved body must inform the competent authority (and other bodies that are carrying out similar conformity assessment activities) about the Type examination certificates (and/or any additions to certificates) which it has issued or withdrawn under Module B. The approved body must also periodically or upon request, make available to the competent authority a list of the Type examination certificates (and/or any additions to certificates) refused, suspended or otherwise restricted.

On request other approved bodies may also obtain a copy of Type examination certificate(s) (and/or additions to the certificates).

82. To what extent do you agree or disagree with the proposal for approved bodies to be required to share specific information with the competent authority, market surveillance authorities and other approved bodies (as required)?

- agree
- partly agree, partly disagree
- disagree
- don't know
- prefer not to say

4.11 Technical workshops

We are proposing 10 technical workshops for setting detailed parameters for PFC 1, PFC 2, PFC 5 and CMC 1 at the first stage of implementation, and to determine the procedures for the sampling and analysing fertilisers for enforcement purposes. The outcome of this joint consultation and call for evidence may highlight further areas where we need to get more technical input, the proposed technical workshops are not limited to 8. The following is a provisional list of workshops.

Workshop 1 - General requirements for all fertilising products – reviewing general requirements for all fertilising products placed on the market under UK FPR including labelling requirements.

Workshop 2 - Inhibitor efficacy requirements - setting the effectiveness criteria for inhibitors and the testing methodologies that help demonstrate these criteria.

Workshop 3 - Contaminant limits – reviewing evidence and setting contaminant levels for inorganic fertilisers and liming materials.

Workshop 4 - Liming material standards – Review evidence and decide the technical requirements for PFC 2: Liming materials.

Workshop 5 - Ammonium Nitrate (AN) – workshop to review proposals to consolidate existing requirements for AN of high nitrogen content into UK FPR. This will include discussion around the technical requirements for DRT testing specifically.

Workshop 6 - Nutrient content – reviewing evidence to determine proposed minimum nutrient levels in inorganic fertilisers.

Workshop 7 – Testing and analysis standards – review and evaluate the test methodologies and standards including latest CEN standards being developed for EU FPR, required for UK FPR (excluding thermal cycling, oil retention and DRT testing).

Workshop 8 – Additives (CMC 1) – review the potential inclusion of polymer-based technical additives to CMC 1 under UK FPR.

Workshop 9 – Labelling requirements – reviewing general labelling requirements for all fertilising products under UK FPR and product-specific labelling requirements for UKCA marked products.

Workshop 10 – Sampling and analysis of fertilisers – review methods and procedures for sampling and analysing fertilisers for enforcement purposes.

83. Please tell us if you would be willing to attend any of the above workshops and provide a summary of your experience, skills and the reasons why you are interested in attending the workshop?

- [free text box]

84. In addition to the suggested workshops, are there any other issues or topics that you think the technical workshops should cover in relation to the first stage of implementation of UK FPR?

- [free text box]

4.12 Next steps

The response to the consultation and call for evidence will be developed by Defra in conjunction with the Scottish Government, Welsh Government and the Northern Ireland Executive. Defra on behalf of the Scottish Government, Welsh Government and the Northern Ireland Executive, will summarise the responses and place a summary on the UK government's website.

If the outcome of this consultation and call for evidence is that these proposals are followed, all four governments will be involved in the final approach to planning and delivering the proposed technical workshops.

We propose a two-year period of transition for the implementation from the point the implementing legislation for UK FPR come into force.

85. Regarding the proposed transition to UK FPR as outlined in Section 4.12, please share any information, evidence or points of interest that you would like to be considered.

Please explain your response.

- [free text box]

Please share any other comments that you have in regard to this consultation.

- [free text box]

86. Do you have any comments about the proposals in this stakeholder engagement in relation to impacts on people on the basis of any of the following protected characteristics under the Equality Act 2010: age; disability; pregnancy and maternity; race; religion or belief; sex; sexual orientation; gender reassignment; marriage or civil partnership? How might such impacts be mitigated?

- [free text box]

5. Call for evidence

5.1 Introduction

All four governments are committed to promoting a vibrant and sustainable fertiliser sector in the UK. Reform of fertilisers legislation aims to develop a harmonised regulatory framework that can support innovation, whilst also reducing the risks and hazards to the environment and human health from a diverse range of fertilising products.

There has been a lot of innovation in the fertiliser sector since the existing legislative framework was developed, with the creation of products intended to reduce the environmental impact of fertiliser production (for example, green ammonia), new types of products that aim to improve nutrient uptake (for example, plant biostimulants), as well as novel fertilising products emerging from biological waste treatment and energy generation technologies. This innovation offers potential to reduce pinch points in supply chains and bolster UK fertiliser supply and resilience, as well as move towards a more circular economy. However, at present, the capacity of alternative technologies as well as the crop available nutrient content of many of the waste-derived or processed organic materials is unclear. There are also gaps in knowledge about the benefits and wider environmental and human health impacts of newer and novel products.

Therefore, there are no proposals to introduce conformity assessment requirements for fertilising products containing recovered nutrients, as well as newer and novel fertilising products. The products and materials proposed for conformity assessment at the first stage of implementation of UK FPR are outlined in Section 4.4.2. These products have been prioritised for conformity assessment due to the high certainty around their benefits and risks, which is not the case with newer and novel fertilising products.

To assist us in answering some of these knowledge and evidence gaps and inform future development of UK fertilisers legislation, we are interested in receiving your views and evidence on the following types of fertilising products and materials.

5.2 Plant biostimulants

Plant biostimulants are claimed to stimulate plants' natural processes, and although the definition of biostimulant varies, several common efficacy terms appear, across the various definitions. These include the expectation that plant biostimulants will improve plant nutrient uptake or efficiency, abiotic stress tolerance, and/or quality traits. They act in addition to fertilisers, with the aim of optimising nutrient uptake by plants, potentially reducing the amount of fertiliser that needs to be applied.

Defra-funded a research ([project nm0102](#)) included an examination of evidence needs to enable effective usage of plant biostimulants and found some evidence that they can benefit crop growth. There was less evidence of benefits for improved nutrient uptake and quality, and little evidence of improved nutrient use efficiency and tolerance to abiotic stress. The review also found a substantial number of studies in which biostimulants had no beneficial effects, or variable effects depending on factors such as crop species, environment and application practice. There were key knowledge gaps surrounding human and environmental safety, and environmental impacts and benefits of plant biostimulants. There was little evidence that the economic benefits of biostimulants have been adequately investigated.

To address key research priorities, in Autumn 2023 Defra commissioned a [further evidence project](#) to determine the most appropriate methods to enable the effective and safe use of plant biostimulant products in the UK. The project includes a programme of field trials to explore the suitability of CEN standards for demonstrating efficacy claims for plant biostimulants under UK conditions, and the suitability of CEN testing requirements for biostimulants manufactured in the UK. The project also aims to investigate the toxicology and environmental persistence of biostimulants, and develop guidance for standardised testing methods, best practice, knowledge exchange and economic assessment of plant biostimulants.

This call for evidence is running parallel to the ongoing plant biostimulants project and to supplement the project and inform future policy development, we are seeking views and evidence on:

- the usage and perception of plant biostimulants in the UK;
- the impact of plant biostimulants on human health (or mammalian health) and the environment; and
- approaches to independent efficacy and safety testing for plant biostimulants.

5.2.1 The usage and perception of plant biostimulants in the UK

The target audience for these questions are end-users. If you are not involved in using fertilising products, please skip to section 5.2.2.

87. Do you use plant biostimulants as part of your usual crop inputs?

- yes (please answer questions 88-100)
- no (please skip to question 101)
- don't know
- prefer not to say

88. Please provide the name of the plant biostimulant product that you use.

- [free text box]

If you use more than one plant biostimulant product you may submit details of other product(s) using the email template available on Citizen Space under 'Related documents and links'.

89. Is the product (named in question 88) used on broadacre crops?

- yes
- no (please skip to question 91)

90. If you answered yes to question 89, please select which broadacre crops the product is used on (select all that apply):

- wheat
- barley
- oilseed rape
- oats
- sugar beet
- grassland
- linseed
- maize
- pea
- bean
- potato
- unknown
- other

If you selected other, please specify the name of the 'other' broadacre crop(s).

- [free text box]

91. Is the product (named in question 88) used on vegetable, fruit, ornamental or Aromatic and Medicinal Plant (AMP) crop, including herbs but excluding woody perennials such as bush and cane fruit?

- yes
- no (please skip to question 93)

92. If you answered yes to question 91, please select which vegetable, fruit, ornamental or Aromatic and Medicinal Plant (AMP) crops the product is used on (select all that apply):

- asparagus
- brussel sprout
- onion
- cabbage
- carrot
- cauliflower
- courgette and summer squash
- garlic
- leek
- lettuce
- parsnip
- pepper
- pumpkin and winter squash
- rhubarb
- sage or other soft herb
- rosemary or other woody herbs
- strawberry
- tomato
- unknown
- other

If you selected other, please specify the name of the 'other' vegetable, fruit, ornamental or AMP crop(s).

- [free text box]

93. Is the product (named in question 88) used on woody perennial crops?

- yes
- no (please skip to question 95)

94. If you answered yes to question 93, please select the woody perennial crops the product is used on. Please select all that apply:

- apple
- bilberry
- blackcurrant
- blackberry
- blueberry
- cherry
- elderberry
- pear
- plum
- raspberry
- unknown
- other

If you selected other, please specify the name of the 'other' woody perennial(s).

- [free text box]

95. Does the product (named in question 88) have one component material or is it a mixture (of two or more component materials for example, mixture of seaweed extract, amino acids, micronutrient, and so on)?

- yes, the product contains only one component material
- no, the product is a mixture (of two or more component materials (please skip to question 97))
- don't know
- prefer not to say

96. If you answered yes to question 95, please select the one component material which applies:

- seaweed extract
- amino acids
- micronutrients
- macronutrients
- synthetics of chemicals
- fulvic acids
- humic acids
- plant growth promoting bacteria
- protein hydrolysates
- glutacetine
- microalgae

- cyanobacteria
- nitrophenol based
- other

If you answered other, please describe the component material or upload a photo of the product label.

- [free text box]

97. If you selected no to question 95, please select all the component materials in the mixture.

Please select all that apply.

- seaweed extract
- amino acids
- micronutrients
- macronutrients
- synthetics of chemicals
- fulvic acids
- humic acids
- plant growth promoting bacteria
- protein hydrolysates
- glutacetine
- microalgae
- cyanobacteria
- nitrophenol based
- other

If you have answered 'other' please describe the other component material(s) or upload a photo of the product label.

- [free text box]

98. Where has the product (named in question 88) been manufactured?

- UK
- outside of the UK, within the EU
- outside of the UK, outside of the EU
- don't know

99. What other fertilising products (including organic fertiliser such as livestock manure) do you generally use in combination with plant biostimulants?

Please select all that apply.

- straight nitrogen (N) (+/-sulphur (S))
- straight phosphate (P) (+/-sulphur (S))
- straight potash (K)
- compound fertiliser
- livestock manure / slurry
- farm digestate
- bio-solids
- imported digestate
- compost
- don't know
- prefer not to say

100. When you use plant biostimulants do you generally apply nutrients below the level recommended by the [Nutrient Management Guide \(RB209\)](#), or do you use plant biostimulants with the recommended amount of nutrients for your crop?

- below the recommended amount
- nutrients are applied at the recommended amount
- don't know
- prefer not to say

101. If you do not use plant biostimulants as part of your usual crop inputs please indicate the reasons.

Please select all reasons that apply.

- lack of information on benefits
- cost
- availability/no appropriate products available
- their effectiveness is not proven
- not aware of any plant biostimulant products
- plan to use next year
- practicality (difficult to spread)
- don't know
- prefer not to say
- other

If other, please state:

- [free text box]

5.2.2 Benefits and risks of plant biostimulants

Assimilated Regulation (EC) No 1107/2009 (operable in England, Scotland and Wales) defines plant biostimulant as “a product stimulating plant nutrition processes independently of the product’s nutrient content with the sole aim of improving one or more of the following characteristics of the plant or the plant rhizosphere:

- nutrient use efficiency;
- tolerance to abiotic stress;
- quality traits;
- availability of confined nutrients in soil or rhizosphere.

102. Do you think that there are any issues with the definition of plant biostimulant in Assimilated Regulation (EC) No 1107/2009?

- no issues
- minor issues
- major issues
- don’t know
- prefer not to say

Please explain your response and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to other characteristics of the plant or the plant rhizosphere (not including tolerance to biotic stress) which are improved by plant biostimulant products which should be considered.

- [free text box]

103. Please name any plant biostimulants product(s) that you believe has a negative impact on human health (or mammalian health) and where available provide associated evidence.

Please explain your response. In particular, any comments you may have on the nature of these impacts and share any information or evidence that you have to help us understand your response.

- [free text box]

104. Please name any plant biostimulant product(s) that you believe has a negative impact on the environment including soil health, air quality or effects on water?

Please explain your response. In particular, any comments you may have on the nature of these impacts and share any information or evidence that you have to help us understand your response.

- [free text box]

105. There is less certainty about the risks and benefits of plant biostimulants, compared to inorganic fertilisers. Are there any examples of how plant biostimulants have been regulated in other countries which have worked well or would work well in the UK?

Please explain your response and share any information or evidence that you have to help us understand your response. Please include examples from other countries or areas of regulation where available and any comments you may have regarding independent efficacy and safety testing for a variety of product types, now and in future.

- [free text box]

5.3 Green claims on fertilising products

[Green claims](#) (also called ‘environmental claims’, ‘sustainability claims’ or ‘eco-friendly claims’) are claims that suggest or create the impression that a product:

- has a positive environmental impact or no negative impact on the environment, or,
- is less damaging to the environment than a previous version of the same product, or,
- is less damaging to the environment than competing goods or services.

We are aware that many businesses are using a range of green claims to market their fertilising products.

For example, some of the terms that are currently being used to make green claims about fertilising products include ‘low-carbon’ fertiliser and ‘low-emission’ fertiliser. Defra-funded research ([project NM0102](#)) identified that these two terms were often used to describe inorganic nitrogen-based fertiliser that has been produced with lower GHG emissions. An example, of this would be fertilisers manufactured from ‘green’ or ‘blue’ ammonia. However, what constitutes ‘low’ is uncertain, since there is no maximum threshold for embedded GHG emissions for ‘low carbon’ fertiliser production.

The lack of definitions allows these terms to be used generically to promote any fertilising product that has lower emissions than traditionally manufactured fertilisers, regardless of how much lower, which could be misleading for the end-user. This issue also carries across for other terms used on fertilising products, such as ‘sustainable’ or ‘green’, as similarly there are no definitions or parameters for using such terms.

In the UK, there is an existing [legal framework](#) which protects consumers from misleading green claims. Whilst these general laws are largely aimed at protecting consumers, they may apply to claims made by a manufacturer or distributor with no direct contact with a consumer. The framework also covers business to business claims to a more limited extent and for specific sectors and products other regulations may apply. These regulations generally set out specific requirements relating to how businesses provide information (in relation to particular defined products and services). There are no sector specific requirements relating to green claims for fertilising products.

To support future policy development, we are seeking views and evidence on:

- terms being used to make green claims about fertilising products;

- methods or standards for calculating the carbon footprint or GHG emissions of fertilising products; and
- approaches to regulating green claims on fertilising products.

5.3.1 Definitions

106. If you are involved in placing fertilising products on the market do you or your organisation, make any 'green' claims about your product?

- yes (please answer question 107)
- no (please skip to section 5.3.2)
- don't know
- prefer not to say

If you answered yes to question 106, please explain what terms you are using to define your fertilising product(s) and the basis for marketing your product(s) in this way. Please share any information or evidence that you have to help us understand your response. In particular, the metrics you are using to compare your fertilising product(s) with those not using the terms you have mentioned.

- [free text box]

107. If you answered yes to question 106, do you provide information to end-users about why the product is considered to be more environmentally friendly?

- yes
- no (please skip to section 5.3.2)
- don't know
- prefer not to say

108. If you answered yes to question 107, how are you sharing this information with end-users?

Please select all that apply.

- label
- a document accompanying the product
- website
- social media
- via trader or distributor
- other
- don't know

- prefer not to say

If you answered other, please specify how you are sharing information with the end user about how your product(s) are considered environmentally friendly.

- [free text box]

5.3.2 Carbon footprint data

The provision of carbon footprint data for fertilisers enables end-users to make judgements about the fertilisers they are buying. Defra-funded research ([project NM0102](#)) found that carbon footprints of fertilisers are becoming increasingly available, and that fertiliser companies are starting to provide information on the GHG emissions of their products.

109. If you are involved in placing fertilising products on the market, do you or your organisation calculate the carbon footprint or GHG emissions of your fertilising product(s)?

- Yes (please answer questions 110-113)
- No (please skip to section 5.4)
- don't know
- prefer not to say

If you answered yes to question 109, please explain what calculation method or standard you are using to generate the carbon footprint or GHG emission for your fertilising product(s). Please share any information or evidence that you have to help us understand your response. In particular, the metrics you are using to compare your fertilising product(s) with those not using the terms you have mentioned.

- [free text box]

110. If you answered yes to question 109, how often do you update your calculations?

- more than once a year
- once a year
- every 2 to 4 years
- every 5 years or more
- don't know
- prefer not to say

111. If you answered yes to question 110, are you making this information available to end-users?

- yes
- no
- don't know
- prefer not to say

112. If you answered yes to question 111, how are you sharing this information with end-users?

Please select all that apply.

- product label
- a document accompanying the product
- website
- social media
- via trader or distributor
- don't know
- prefer not to say

113. What level of impact would there be from sector specific requirements relating to green claims on fertilising products?

- major positive impact
- moderate positive impact
- no impact
- moderate negative impact
- major negative impact
- don't know
- prefer not to say

Please explain your response and share any information or evidence that you have to help us understand your response. In particular, any comments you may have about criteria for regulating 'low-carbon' or 'low emission' claims. Please include examples from other countries or areas of regulation where available.

- [free text box]

5.4 Alternative processing technologies and nutrient recovery

All four governments are committed to moving towards a more circular economy by converting wastes into high value products.

At present there are no regulatory requirements in fertilisers legislation for novel fertilising products from alternative biological sources of nutrients and processing technologies, for example: anaerobic digestion, compost, phosphorous from struvite precipitation and ammonia stripping for recovery of nitrogen from digestate and wastewater; and thermochemical conversion of organic material via various procedures (for example incineration, pyrolysis) into ash-based products and biochar for fertiliser production.

There are various technologies which could potentially be used to transform compost and digestate to make them easier to handle, transport and more consistent in nutrient composition. Making these materials more transportable could help to distribute nutrients more widely, improve nutrient use efficiency and resource efficiency, and could also add value. There are however, various costs, barriers and trade-offs with the options, which were examined as part of the work to consider the potential environmental [impacts of food and farm digestates](#).

Nutrient recovery technologies were examined by The Environment and Climate Change Committee (appointed by the House of Lord's) [nitrogen inquiry](#), and to enable fairer access to market, the committee recommended the Government revise fertiliser product regulations. This was to ensure products derived from quality recycled organic materials can be classified as high-value products.

The [Nutrient Management Expert Group \(NMEG\)](#) recommended that government considers how to encourage nutrient recycling and whether other policy measures might help to promote recycling of nutrients across both the inorganic and the organic material sectors.

This section seeks views and evidence on the market readiness and demand for alternative fertilising products.

114. What are the main barriers that need to be overcome to drive the use and manufacture of fertilising products made from alternative biological sources of nutrients and processing technologies in the UK?

Please explain your response and share any information or evidence that you have to help us understand your response. In particular, any comments you may have about regulatory barriers. Please include examples from other countries or areas of regulation where available.

- [free text box]

Composting and anaerobic digestion (AD) are established technologies used to treat various biodegradable materials, for example, manure and slurry, biodegradable wastes and crops grown specifically for AD. These technologies produce outputs which can be applied directly to land as organic fertiliser or soil improver or used in horticulture.

Compost and anaerobic digestate (digestate) produced from source-segregated waste can be spread on land (land spreading) if one of the following applies:

- it meets the requirements of an environmental permit, exemption or other relevant waste regulatory control
- it has been produced in accordance with a resource framework (or Scotland equivalents)
- it can be demonstrated that the material has met the conditions in the [end of waste test](#)

The Compost Certification Scheme (CCS) and Biofertiliser Certification Scheme (BCS) are the current UK-wide certification schemes for waste derived products. The schemes are overseen by Renewable Energy Assurance Limited (REAL), and management of the schemes is contracted to certification bodies approved by REAL. There are currently three certification bodies (Organic Farmers & Growers, NSF Certification, and Ardvark Certification Limited) appointed by REAL to certify compost and digestate. It's a requirement of the Resource Frameworks (and Scotland equivalents) that certification bodies are accredited for a 4-year period, with annual surveillance visits by UKAS, to ISO/IEC 17065. ISO/IEC 17065 is the same designated standard which is proposed for approved bodies undertaking conformity assessment under modules B and D1 of UK FPR, see Section 4.4.4 for further details.

115. What would be the benefits or drawbacks of expanding the scope of UK fertilisers legislation to fertilising products made from compost and digestate?

Please explain your response and share any information or evidence that you have to help us understand your response. In particular, any comments you may have about whether it would incentivise you or your organisation to use, manufacture or market fertilising products made from compost and digestate, and impacts (if any) on existing frameworks and end markets. Please include examples from other countries or areas of regulation where available.

- [Free text box]

116. Inorganic fertiliser products must comply with declared nutrient value limits as stated on each product's label. What evidence do you have that fertilising products containing organic nutrients can supply consistent levels of nutrients?

Please explain your response and share any information that you have to help us understand your response. In particular, any comments you have about whether further processing that would be necessary to make a consistent product and the costs and benefits of further processing particularly relating to compliance costs (i.e. environmental permitting) and/or capital costs for new equipment.

- [free text box]

Despite the intention to lower the carbon footprint and emissions of fertiliser products through the manufacturing process, unless fertiliser products are handled and used to maximum efficiency during storage, application, and uptake by a crop, the scope to reduce emissions is limited. Therefore, any nutrient recovery processes should be coupled with wider action on nutrient management best practice.

117. What would be the impact of requiring a certain level of 'recycled' nutrient in fertilising products

- major positive impact
- moderate positive impact
- no impact
- moderate negative impact
- major negative impact
- don't know
- prefer not to say

Please explain your response and share any information or evidence that you have to help us understand your response. In particular, any comments you have about the types of fertilising products which could contain a percentage of recycled nutrient, and the sectors where there are opportunities to recover nutrients for fertiliser manufacturer. Please also comment on any alternative regulatory changes or other proposals which could increase recycling of valuable nutrients into fertilising products. Please include examples from other countries or areas of regulation where available.

6. Feedback on online survey

Dear Responder

Thank you for taking your time to participate in this online survey. It would be appreciated if you can provide us with an insight into how you view the tool and the area(s) you feel are in need of improvement, by completing our feedback questionnaire.

118. Overall, how satisfied are you with our online tool?

Please give us any comments you have on the tool, including suggestions on how we could improve it.

- very satisfied
- satisfied
- neither satisfied nor dissatisfied
- dissatisfied
- very dissatisfied
- don't know
- prefer not to say

Please give us any comments you have on the tool, including suggestions on how we could improve it.

- [free text box]

Annex 1 – Product Function Categories (PFCs) and Component Material Categories (CMC)s in EU FPR which have not been prioritised for conformity assessment at the first stage of implementation of UK FPR.

PFC 1(A): Organic fertiliser

PFC 1(B): Organo-mineral fertiliser

PFC 3: Soil improver

PFC 4: Growing media

PFC 6: Plant biostimulant

CMC 2: Plants, plant parts or plant extracts

CMC 3: Compost

CMC 4: Fresh crop digestate

CMC 5: Digestate other than fresh crop digestate

CMC 6: Food industry by-products

CMC 7: Micro-organisms

CMC 8: Nutrient polymers

CMC 9: Polymers other than nutrient polymers

CMC 10: Derived products within the meaning of Regulation (EC) No 1069/2009

CMC 11: By-products within the meaning of Directive 2008/98/EC

CMC 12: Precipitated phosphate salts and derivates

CMC 13: Thermal oxidation materials and derivates

CMC 14: Pyrolysis and gasification materials

CMC 15: Recovered high purity materials

Annex 2 - Current legislation on the statute book

1. Primary legislation

Agriculture Act 1970 – Part IV

Agriculture Act 2020 – Section 33

2. Secondary legislation

The Fertilisers and Feeding Stuffs (Amendment) Regulations 1977

The Agriculture Act 1970 Amendment Regulations 1982

The Fertilisers Regulations 1990

The Fertilisers Regulations 1991

The Fertilisers Regulations (Northern Ireland) 1992

The Fertilisers (Amendment) Regulations 1995

The Fertilisers (Amendment) Regulations (Northern Ireland) 1995

The Fertilisers (Sampling and Analysis) Regulations 1996

The Fertilisers (Sampling and Analysis) Regulations (Northern Ireland) 1996

The Fertilisers (Amendment) Regulations 1997

The Fertiliser (Amendment) Regulations (Northern Ireland) 1997

The Fertilisers (Amendment) Regulations 1998

The Fertiliser (Amendment) Regulations (Northern Ireland) 1998

Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers

The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003

The EC Fertilisers (England and Wales) Regulations 2006

The EC Fertilisers Regulations (Northern Ireland) 2006

The EC Fertilisers Regulations (Scotland) 2006

The Pesticides, Genetically Modified Organisms and Fertilisers (Miscellaneous Amendments) Regulations (Northern Ireland) 2018

The Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2019

The Pesticides and Fertilisers (Miscellaneous Amendments) (EU Exit) Regulations 2019

The Fertilisers and Pesticides (EU Exit) (Scotland) (Miscellaneous Amendments etc.) Regulations 2019

The Fertilising Products Regulations 2020

The EU Fertilising Products Regulations (Northern Ireland) 2020

The Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2020

The Fertilisers and Ammonium Nitrate Material (Amendment) (EU Exit) Regulations 2021

The Ammonium Nitrate Materials (High Nitrogen Content) Safety (Amendment) Regulations 2022

The Ammonium Nitrate Materials (High Nitrogen Content) Safety (Amendment) (No. 2) Regulations 2022

3. Regulation (EU) 2019/1009

Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003 (Text with EEA relevance) is fully operable in Northern Ireland under the Windsor Framework. The complete regulation is on the statute book in Northern Ireland.

Only those articles of Regulation (EU) 2019/1009 which already applied on IP completion day are on the statute book in Great Britain. As a result, Regulation (EU) 2019/1009 is not fully operable in Great Britain.

Annex 3 - Consolidated questions

1. Would you like your response to be confidential? (Required)	31
2. What is your name as the respondent? Please note, organisation names will be asked later (Required).....	31
3. What is your email address?	31
4. Do you consent to us using your contact details for future purposes relating to this joint consultation and call for evidence? (Required)	31
5. Please specify whether you are responding as an individual or on behalf of an organisation.....	31
6. If you are responding on behalf of an organisation, what type of organisation do you represent?	32
7. If you are responding on behalf of an organisation, what is the name of the organisation?.....	32
8. Which part of the fertiliser value chain are you involved in?	32
9. If you are involved in placing fertilising products on the market, are you a:.....	33
10. Where are you or the organisation you represent based?.....	33
11. What would be the impact of repealing the above regulations, including relevant parts of the AN Safety Regulations, and replacing them with one framework which would be applicable to the whole of the UK?.....	37
12. To what extent do you agree or disagree that conformity assessment would be an appropriate framework for regulating fertilisers in the UK?.....	39
13. Please explain your response(s) and share any information or evidence that you have to help us understand your response, including examples from other countries or areas of regulation where available. In particular, any comments you may have with regards to proposals for UK FPR to be based on conformity assessment and whether a conformity assessment framework for fertilisers would help improve product safety and deliver environmental benefits, and any other points you wish to raise about what you have read in Section 4.3.....	39
14. What impact would reform of UK fertilisers legislation and the implementation of the proposed UK FPR have on you or your organisation?	40

15. To what extent could the proposed UK FPR affect how companies compete in the UK fertiliser market?	40
16. Are you or your organisation involved in placing fertilising products on the market?	40
17. What number of different products do you or your organisation place on the market in the UK per year?	40
18. How frequently do you or your organisation change product offerings?	40
19. Approximately how long do you or your organisation currently spend on administration in relation to the current regulatory framework per product?	41
20. Do you anticipate that you or your organisation will see a reduction in administrative costs as result of implementation of the proposed UK FPR?	41
21. If you answered yes to question 20, please tell us what percentage reduction in administrative costs you think would be achievable if UK FPR was implemented in the UK.	41
22. To what extent do you agree or disagree with the proposals for fertilising products which have gone through conformity assessment as set out in UK FPR to use the UKCA mark?.....	43
23. To what extent do you agree or disagree with the product function categories (PFCs) and component material category (CMC 1) which have been prioritised for inclusion in UK FPR conformity assessment framework?	47
24. To what extent do you agree or disagree with all fertilising products being required to meet general product requirements and labelling requirements, and for UKCA marked products needing to comply with specific requirements in relation to the products claimed function (PFC) and component material (CMC)?	47
25. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with respect to UK FPR using the UKCA mark, the proposed staged implementation of UK FPR conformity assessment requirements for specific PFCs and CMCs and the proposal for all fertilising products to meet the same general product and labelling requirements and for UKCA marked products to comply with specific requirements in relation to the products claimed function and component material, and any other points you wish to raise about what you have read so far in Section 4.4.	48

26. How beneficial do you think it would be for the UK to recognise CE marking for certain fertilising products placed on the market in Great Britain?	48
27. To what extent do you agree or disagree with of the circumstances when a product is placed on the market and when it should comply with the requirements of UK FPR?	49
28. To what extent do you agree or disagree with the choice of conformity assessment modules for UK FPR?	53
29. To what extent do you agree or disagree with the proposal to consider adopting British Standards developed by CEN (to support EU FPR) as designated standards to give presumption of conformity under UK FPR (if appropriate for the UK)?	54
30. Do you foresee any issues with the proposed declaration of conformity requirements?	56
31. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to proposals for placing products on the market, choice of conformity assessment modules for UK FPR, the applicability of standards and declaration of conformity or any other points you wish to raise about what you have read in Section 4.4?	56
32. To what extent do you agree or disagree with the proposed obligations of manufacturers?	58
33. To what extent do you agree or disagree with the proposal to allow manufacturers to appoint an 'authorised representative'?	59
34. To what extent do you agree or disagree with the proposed obligations of importers?	60
35. Do you or your organisation import fertilising products or materials into the UK? 60	
36. Do you or your organisation currently face any additional importation costs when importing fertilising products or materials to the UK?	60
37. Do you believe that any of the additional importation costs you currently face could be reduced through the proposed implementation of UK FPR?	60

38. If you answered yes to question 37, please tell us what percentage reduction in these additional costs (per product) you think would be achievable if UK FPR was implemented in UK?	61
39. To what extent do you agree or disagree with the proposed obligations of distributors?.....	62
40. To what extent do you agree or disagree with the circumstances where an importer or distributor will be considered a manufacturer under the proposed UK FPR? 62	
41. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to proposed obligations of manufacturers, authorised representatives, importers and distributors under UK FPR, or any other comments you wish to make about anything else you have read in this Section 4.5.....	63
42. To what extent do you agree or disagree with the proposed accreditation and location requirements for testing laboratories?.....	64
43. What level of impact would the proposed accreditation and location requirements for testing laboratories have on you or your organisation?.....	65
44. Do you foresee any issues with the proposed criteria for approved bodies?.....	70
45. To what extent do you agree or disagree with the proposed process for the application and appointment of approved bodies and changes to approval?	70
46. To what extent do you agree or disagree with the proposed approach, that where a conformity assessment body complies with a designated standard, it is presumed to meet the requirements for appointment as an approved body?	71
47. To what extent do you agree or disagree with the proposal to allow approved bodies to subcontract specific conformity assessment tasks?	71
48. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to proposals for management of UK FPR, conformity assessment bodies (CABs) (including testing laboratories) the appointment of approved bodies and proposals for subsidiaries and subcontracting of approved bodies, or comments on anything else outlined in Section 4.6.	72
49. To what extent do you agree or disagree with the proposals for enforcement of UK FPR at the first stage of implementation, outlined in Section 4.7.2?	75

50. Enforcement of fertilisers legislation may mean officers need access to specialist skills or advice. How can officers be best supported to enforce fertilisers legislation?	75
51. To what extent do you agree or disagree with the proposed formal non-compliances for UK FPR and the proposed measures the enforcement authority will take where the formal non-compliance persists?	78
52. Do you foresee any issues with the penalties for infringement of UK FPR regulatory requirements?	80
53. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to the proposals relating to UK FPR enforcement, market surveillance, non-compliances and penalties or comments on anything else outlined in Section 4.7.	80
54. Do you foresee any issues with the proposed general requirements for all fertilising products placed on the market under UK FPR?	82
55. To what extent do you agree or disagree with the general requirements that would apply to all PFC categories implemented at the first stage of UK FPR?	82
56. To what extent do you agree or disagree with the proposed descriptions for PFC 1, PFC 2 and PFC 5 (including sub-categories)?	86
57. To what extent do you agree or disagree with the proposed general requirements that would apply to CMC 1 at the first stage of implementation of UK FPR?	87
58. To what extent do you agree or disagree with the proposals for nutrient levels in inorganic fertiliser (PFC 1(C))?	89
59. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to the technical proposals for all fertilising products marketed under UK FPR and the proposed technical requirements for UKCA marked products.	89
60. What level of impact would introducing limits for the contaminants listed above in straight, compound liquid and solid inorganic fertiliser and liming material have on you or your organisation?	91

61. Are there any other contaminants not listed above which we should consider in relation to straight, compound liquid and solid inorganic fertiliser and liming material consisting of CMC 1?	91
62. To what extent do you agree or disagree with our proposal to consolidate rules for AN fertiliser of high nitrogen content into UK FPR?	96
63. To what extent do you agree or disagree with the proposed requirements for liming materials?	96
64. To what extent do you agree or disagree with the proposal for demonstrating the efficacy of nitrification inhibitors?.....	97
65. For nitrification inhibitors, compared to a control sample what do you think is the minimum level of percentage reduction in ammoniacal nitrogen oxidation rate these products should achieve in the UK?.....	98
66. If you answered question 65 with a minimum level of percentage reduction in ammoniacal nitrogen oxidation rate, please explain why you think this minimum level of reduction should be considered.	98
67. To what extent do you agree or disagree with the proposal for demonstrating the efficacy of urease inhibitors?	98
68. For urease inhibitors, compared to a control sample what do you think the minimum level of percentage reduction in the rate of hydrolysis of urea these products achieve in the UK?	99
69. If you answered question 68 with a percentage reduction in the rate of hydrolysis of urea, please explain why you think this minimum level should be considered.	99
70. To what extent do you agree or disagree with the proposed requirements for nitrification inhibiting compounds where they are a component material in a fertiliser product?	99
71. To what extent do you agree or disagree with the proposed requirements for urease inhibiting compounds where they are a component material in a fertiliser product?	100
72. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to proposals for setting contaminant limits for inorganic fertiliser and liming material, parameters for liming materials, inhibitor efficacy requirements (including appropriate test methods and efficacy requirements inhibitors should	

achieve in the UK, and any other comments on regulating the safe and effective use of inhibitors) or any other comments about the proposals in Section 4.8 so far. 100

73. To what extent do you agree or disagree with the proposed general labelling requirements for all fertilising products? 102

74. To what extent do you agree or disagree with the proposed product-specific labelling requirements for PFC 1, PFC 2 and PFC 5? 105

75. To what extent do you agree or disagree with the proposal to establish tolerance value limits for each PFC? 105

76. To what extent do you agree or disagree with our proposals for digital labelling of fertilising products? 107

77. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to general labelling requirements for all fertilising products, product specific labelling requirements according to the product's claimed function, and digital labelling proposals or anything else you have read in section 4.9. 107

78. To what extent do you agree or disagree with the proposed module(s) each PFC will be required to go through before being placed on the market? 109

79. Do you foresee any issues with the requirements for manufacturers and testing laboratories under Module A, Module A1, Module B+C? 115

80. Please explain your response(s) and share any information or evidence that you have to help us understand your response. In particular, any comments you may have with regards to the additional burdens and costs for manufacturers as result of the proposed requirements for manufacturers under Module A, Module A1 and Module B+C of UK FPR? 115

81. To what extent do you agree or disagree with the proposed operational obligations of approved bodies?..... 116

82. To what extent do you agree or disagree with the proposal for approved bodies to be required to share specific information with the competent authority, market surveillance authorities and other approved bodies (as required)? 117

83. Please tell us if you would be willing to attend any of the above workshops and provide a summary of your experience, skills and the reasons why you are interested in attending the workshop? 118

84. In addition to the suggested workshops, are there any other issues or topics that you think the technical workshops should cover in relation to the first stage of implementation of UK FPR?	118
85. Regarding the proposed transition to UK FPR as outlined in Section 4.12, please share any information, evidence or points of interest that you would like to be considered.....	119
86. Do you have any comments about the proposals in this stakeholder engagement in relation to impacts on people on the basis of any of the following protected characteristics under the Equality Act 2010: age; disability; pregnancy and maternity; race; religion or belief; sex; sexual orientation; gender reassignment; marriage or civil partnership? How might such impacts be mitigated?	119
87. Do you use plant biostimulants as part of your usual crop inputs?	122
88. Please provide the name of the plant biostimulant product that you use.....	122
89. Is the product (named in question 88) used on broadacre crops?	122
90. If you answered yes to question 89, please select which broadacre crops the product is used on (select all that apply):	122
91. Is the product (named in question 88) used on vegetable, fruit, ornamental or Aromatic and Medicinal Plant (AMP) crop, including herbs but excluding woody perennials such as bush and cane fruit?	123
92. If you answered yes to question 91, please select which vegetable, fruit, ornamental or Aromatic and Medicinal Plant (AMP) crops the product is used on (select all that apply):	123
93. Is the product (named in question 88) used on woody perennial crops?.....	123
94. If you answered yes to question 93, please select the woody perennial crops the product is used on. Please select all that apply:.....	124
95. Does the product (named in question 88) have one component material or is it a mixture (of two or more component materials for example, mixture of seaweed extract, amino acids, micronutrient, and so on)?	124
96. If you answered yes to question 95, please select the one component material which applies:.....	124

97. If you selected no to question 95, please select all the component materials in the mixture.	125
98. Where has the product (named in question 88) been manufactured?.....	125
99. What other fertilising products (including organic fertiliser such as livestock manure) do you generally use in combination with plant biostimulants?	125
100. When you use plant biostimulants do you generally apply nutrients below the level recommended by the Nutrient Management Guide (RB209), or do you use plant biostimulants with the recommended amount of nutrients for your crop?	126
101. If you do not use plant biostimulants as part of your usual crop inputs please indicate the reasons.	126
102. Do you think that there are any issues with the definition of plant biostimulant in Assimilated Regulation (EC) No 1107/2009?	127
103. Please name any plant biostimulants product(s) that you believe has a negative impact on human health (or mammalian health) and where available provide associated evidence.....	127
104. Please name any plant biostimulant product(s) that you believe has a negative impact on the environment including soil health, air quality or effects on water? ...	128
105. There is less certainty about the risks and benefits of plant biostimulants, compared to inorganic fertilisers. Are there any examples of how plant biostimulants have been regulated in other countries which have worked well or would work well in the UK?	128
106. If you are involved in placing fertilising products on the market do you or your organisation, make any 'green' claims about your product?.....	130
107. If you answered yes to question 106, do you provide information to end-users about why the product is considered to be more environmentally friendly?	130
108. If you answered yes to question 107, how are you sharing this information with end-users?	130
109. If you are involved in placing fertilising products on the market, do you or your organisation calculate the carbon footprint or GHG emissions of your fertilising product(s)?	131

110. If you answered yes to question 109, how often do you update your calculations?	131
111. If you answered yes to question 110, are you making this information available to end-users?	132
112. If you answered yes to question 111, how are you sharing this information with end-users?	132
113. What level of impact would there be from sector specific requirements relating to green claims on fertilising products?	132
114. What are the main barriers that need to be overcome to drive the use and manufacture of fertilising products made from alternative biological sources of nutrients and processing technologies in the UK?	133
115. What would be the benefits or drawbacks of expanding the scope of UK fertilisers legislation to fertilising products made from compost and digestate?	134
116. Inorganic fertiliser products must comply with declared nutrient value limits as stated on each product's label. What evidence do you have that fertilising products containing organic nutrients can supply consistent levels of nutrients?	135
117. What would be the impact of requiring a certain level of 'recycled' nutrient in fertilising products	135
118. Overall, how satisfied are you with our online tool?.....	136