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Chemicals – Simplification and digitalization of labelling requirements

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Legislative Background

In 2019, [Regulation \(EU\) 2019/1009](#) laying down rules on the making available on the market of EU fertilizing products was adopted, introducing extensive labelling requirements and replacing the harmonization rules on EC fertilizers, as laid down in [Regulation \(EC\) No 2003/2003](#). The adoption of new rules concerning labelling requirements drastically opened the EU market to products that are innovative and unknown, reflecting new social demands and concerns: the need for better user information was evident. However, existing overloaded labels were difficult to read by interested people, difficult to manage by economic operators and came with increasing labelling costs due to their need for frequent updates.

Proposal for a New Regulation

Following an open public consultation confirming the interest in digital labels both from the industry and the users' side, the European Commission published on the 27th of February 2023 a [Proposal for a Regulation amending Regulation \(EU\) 2019/1009 as regards the digital labelling of EU fertilizing products](#) (hereinafter referred to as 'Proposal'), simplifying the compliance with labelling requirements by allowing for **voluntary digital labelling of EU fertilizing products**. According to the Proposal, economic operators will have a choice between providing the labelling elements on a physical or digital label. If a digital label is provided, said Proposal lays down general rules

to ensure a high level of protection for users of EU fertilizing products.

In consistency with similar EU legislative initiatives that establish the digital labelling of goods in other economic sectors such as batteries, and governed by the same general objectives as Regulation (EU) 2019/1009, this Proposal's rationale is provided by the effort to ensure a high level of protection for human health, the environment and the well-functioning of the internal market and by the attempt to streamline and modernize labelling requirements for certain types of chemical products. Moreover, it intends to improve the readability of labelling information and, apart from lowering labelling costs, to increase the cost-effectiveness and overall competitiveness of the EU fertilizers' industry, by deploying digital solutions such as QR codes. Lastly, it introduces a single set of technological requirements for all established labels, to ensure that labels are accessible free of charge, including vulnerable groups.

Objectives and Challenges of the Proposal

Digital labelling of EU fertilizing products has clear benefits as it contributes to the ongoing progress regarding the digitalization of the European agricultural sector and can facilitate the reporting obligations of farmers regarding the use of such products. Further, it can lead to a more efficient management of the labelling obligations by economic operators, by enabling

frequent updates of labelling information and permitting a more targeted information to users, resulting in the overall improvement of the communication of labelling information.

However, digital labelling may create new challenges for vulnerable population groups, in particular persons with no, or insufficient, digital skills or persons with disabilities, and thus accentuate the digital divide. In addition, digital labelling should be introduced under certain conditions, ensuring that economic operators have the flexibility to choose between a digital or physical label, so as not to create unjustified costs for small and medium-sized enterprises for which digital labelling might be challenging.

Evaluation

In general, this initiative seems to achieve the required quantum of proportionality in the sense that it does not go beyond what is necessary to achieve the objectives sought and aims to introduce voluntary digital labelling for EU fertilizing products, while promoting the use of digital technologies to improve the transparency and accessibility of information for consumers and authorities.

Next Steps

The Proposal will be subject to the approval of the European Parliament and the Council of the European Union. Once published in the Official Journal of the European Union, it shall enter into force on the twentieth day following that of its publication and shall be binding in its entirety and directly applicable in all Member States.

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