



Ministeriet for Fødevarer,
Landbrug og Fiskeri
Landbrugsstyrelsen

Guidance document on mutual recognition of fertilising products in Denmark

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Mutual recognition of fertilising products in Denmark

This guide is relevant to you if you want to market a fertilising product in Denmark under the EU-regulation on mutual recognition

How to market a fertilising product using mutual recognition

Do you already lawfully market a “non-harmonised” fertilising product in another EU Member State or in Iceland, Liechtenstein, Norway, Turkey or Northern Ireland and want to start selling it in Denmark under the EU-regulation on mutual recognition?

Before you start marketing a fertilising product in Denmark, you are required to notify the product to the Danish Agricultural Agency. The notification requirement applies to organic and inorganic fertilisers, composting preparation products, peat, compost and other types of plant growth media, liming materials, soil improvers and plant biostimulants.

You notify the product by filling in the Danish notification form (“Anmeldesskema til gødning og jordforbedringsmidler m.v.”).

[Find the Danish notification form: "Anmeldesskema til gødning og jordforbedringsmidler m.v" at the Danish Agricultural Agency webpage](#)

If you want to sell a non-harmonised fertilising product under the EU-regulation on mutual recognition, you are invited to inform the Danish Agricultural Agency about it when you fill in the Danish notification form, as this will ease the process in case there is a control of your product.

“Non-harmonised” fertilising products mean fertilising products that are not so-called “EU fertilising products” or “EC fertilisers”. “EU fertilising products” are CE marked and are regulated by EU-regulation on fertilising products ((EU) Regulation no 2019/1009). “EC fertilisers” are regulated by the Fertiliser Regulation ((EC) Regulation No 2003/2003), and were placed on the market - that is stock was already in the distribution chain - before before 16 July 2022.

The national Danish legislation on fertilising products includes rules on i.a. contents, labelling and traceability, and states that fertilising products must have an effect that can be proved, must be of good quality and must not by normal use be harmful to human, animal or plant health or to the environment and must not pose a risk to public safety.

If you are interested in reading the legislation

Throughout this guidance document we refer to EU-legislation, acts, executive orders, articles, paragraphs etc. in the green boxes in the end of each section of relevance.

You can find the Danish national legislation on retsinfo.dk. To find the correct act, search for the number and year for the act or executive order in question.

You can find the EU-regulations on eur-lex.europa.eu. Use the search function "Hurtigsøgning" and type in the number and year for the regulation in question.

If you are interested in reading the rules and legislation

EU-regulation on mutual recognition, Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008:

- Article 1 relates to the subject matter of the regulation
- Article 2 relates to the scope of the regulation.

EU-regulation on fertilising products, 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

- The regulation lays down rules for the making available on the market EU fertilising products.

Fertiliser Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers:

- The regulation lays down rules for the making available on the market EC fertilisers.

Danish Act on fertilising products and soil improvers etc., cf. Consolidated Act No 16 of 4 January 2017 as amended by § 3 of Act No 2214 of 29 December 2020 and by Act No 416 of 5 April 2022:

- § 1 describes that the a product regulated by the act must have an effect that can be proved, must be of good quality and must not by normal use be harmful to human, animal or plant health or to the environment and must not pose a risk to public safety.

Danish Executive Order No 862 of 27 August 2008 on fertilising products and soil improvers etc. as amended by Executive Order No 1592 of 7 July 2021 and by Executive Order no 1135 of 9 July /2022:

- § 1 regarding which products are covered by the executive order
- § 6 regarding notification of the Danish Agricultural Agency before placing on the market a fertilising product in Denmark
- § 8 regarding the description of the content in the product
- §§ 7-11 regarding labelling and packaging
- § 19 regarding traceability
- § 21 regarding how to notify the Danish Agricultural Agency before placing on the market a fertilising product in Denmark.

How to inform The Danish Agricultural Agency

You have to fill in the Danish notification form ("Anmeldesskema til gødning og jordforbedringsmidler m.v.") with the information needed and attach a copy of the labelling with which you intend to sell the fertilising product in Denmark, and submit the information to the Danish Agricultural Agency by e-mail to:

jordbrugskontrol@lbst.dk

or by ordinary mail to

Landbrugsstyrelsen,
Augustenborg Slot 3,
DK 6440 Augustenborg.

[Find the Danish notification form: "Anmeldesskema til gødning og jordforbedringsmidler m.v" at the Danish Agricultural Agency webpage](#)

The Danish Agricultural Agency may ask you further questions in order to establish whether the product falls within the categories that should be notified to the Danish Agricultural Agency.

If you are interested in reading the rules and legislation

Danish Act on fertilising products and soil improvers etc., cf. Consolidated Act No 16 of 4 January 2017 as amended by § 3 of Act No 2214 of 29 December 2020 and by Act No 416 of 5 April 2022:

- § 2 describes the product categories regulated by the act.

Danish Executive Order No 862 of 27 August 2008 on fertilising products and soil improvers etc. as amended by Executive Order No 1592 of 7 July 2021 and by Executive Order no 1135 of 9 July /2022:

- § 1 regarding which products are covered by the executive order
- § 6 regarding notification of the Danish Agricultural Agency before placing on the market a fertilising product in Denmark
- § 21 regarding how to notify the Danish Agricultural Agency before placing on the market a fertilising product in Denmark

The assessment and your responsibilities

When you have submitted all the information needed to the Danish Agricultural Agency, the Danish Agricultural Agency will inform you that notification of the fertilising product has been completed, and then you can start selling the product in Denmark under the EU-regulation on mutual recognition.

Please note that the Danish Agricultural Agency does not conduct an assessment or examination of the product in connection with your notification of the fertilising product for sale in Denmark or whether the product can be marketed in Denmark according to the rules on mutual recognition.

Thus, the completed notification to the Danish Agricultural Agency is not equivalent with an official approval of the product, and the completed notification is not equivalent with an official approval that the product can be marketed in Denmark according to the rules on mutual recognition.

It is entirely your responsibility to secure that the fertilising product complies with the relevant rules and standards. However, the Danish Agricultural Agency can at any time - as a part of its obligation to conduct inspection of fertilising products in Denmark – decide to assess the fertilising product you have begun selling in Denmark under the EU-regulation on mutual recognition.

The Danish Agricultural Agency can assess if the fertilising product is already lawfully marketed in another EU Member State or in Iceland, Liechtenstein, Norway, Turkey or Northern Ireland. The Danish Agricultural Agency can also assess e.g. if the product have an effect that can be proved, is of good quality and is not by normal use harmful to human, animal or plant health or to the environment and does not pose a risk to public safety.

If the Danish Agricultural Agency decides to assess the fertilising product the Danish Agricultural Agency will inform you and ask you to submit documentation that:

- describes the characteristics of the goods or type of goods
- proves that that goods have been lawfully marketed in another EU Member State or in Iceland, Liechtenstein, Norway, Turkey or Northern Ireland.

A mutual recognition declaration can help you provide information needed to establish that a fertilising product is lawfully marketed in another EU-country or in Iceland, Liechtenstein, Norway, Turkey or Northern Ireland. See below for further information on the mutual recognition declaration.

During the assessment period, you can still sell the fertilising product freely. You will only have to stop if the Danish Agricultural Agency issues an administrative decision to this effect.

When the assessment has been completed, the Danish Agricultural Agency will decide – on the basis of the principle of mutual recognition and the applicable Danish rules - whether you can continue marketing the fertilising product in Denmark, or if marketing of the fertilising product should be restricted e.g. by a denial of access to the market, denial of requests for mutual recognition or by setting specific conditions for the marketing of the fertilising product in Denmark.

The Danish Agricultural Agency can decide to restrict or deny marketing of a fertilising product in Denmark or to set specific conditions for marketing, if the decision is authorized by the Danish legislation and is justified on grounds of public security, the protection of health of humans, animals or plants, consumer protection or protection of the environment, and the decision is proportionate, meaning that the measure is appropriate for securing the attainment of the objective and necessary (it does not go beyond what is necessary for attaining the objective).

As a result of an assessment the Danish Agricultural Agency may e.g. ask you to label the fertilising product in accordance with the Danish national rules on fertilising products. This may be based on grounds of the protection of the environment and the protection of plants.

Danish farmers are required to account for the total amount of nitrate and phosphorus that they use for fertilising purposes every year. This is a part of the Danish implementation of the EU-rules on the protection of ground water and coastal waters etc. Therefore it is necessary that the fertilising products are labelled in a way that makes it possible for farmers to calculate the amounts used, and for the Danish Agricultural Agency to control this. In addition end users should be informed of the contents of the fertilising substances and other substances in a way that makes it possible for them to make an informed decision, whether the product is suitable or harmful for the purpose.

The Danish Agricultural Agency may also ask you to comply with other parts of the national Danish rules on fertilising products and soil improvers etc.

If you are interested in reading the rules and legislation

EU-regulation on mutual recognition, Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008:

- Article 4 relates to the mutual recognition declaration
- Article 5 relates to assessment of goods by a competent authority of the Member State of destination
- Article 6 relates to temporary suspension of market access.

Danish Act on fertilising products and soil improvers etc., cf. Consolidated Act No 16 of 4 January 2017 as amended by § 3 of Act No 2214 of 29 December 2020 and by Act No 416 of 5 April 2022:

- § 1 describes that the a product regulated by the act must have an effect that can be proved, must be of good quality and must not by normal use be harmful to human, animal or plant health or to the environment and must not pose a risk to public safety
- §§ 5-6 relates to prohibitions and injunctions and temporary suspension of market access.

Danish Executive Order No 862 of 27 August 2008 on fertilising products and soil improvers etc. as amended by Executive Order No 1592 of 7 July 2021 and by Executive Order no 1135 of 9 July /2022:

- § 8 regarding the description of the content in the product
- §§ 7-11 regarding labelling and packaging of fertilizer products covered by the executive order
- § 20 regarding inspection on fertilizing products conducted by the Danish Agricultural Agency.

The mutual recognition declaration

The voluntary self-declaration allows producers, importers and distributors to show to the Danish Agricultural Agency that the fertilising product comply with the rules in another EU country, where they are already being sold.

The full name of the declaration is Mutual recognition declaration for the purposes of Article 4 of Regulation (EU) 2019/515 of the European Parliament and of the Council.

[Find The mutual recognition declaration at European Commission DocRoom](#)

If you are interested in reading the rules and legislation

EU-regulation on mutual recognition, Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008:

- Article 4 relates to the mutual recognition declaration.

How to write a mutual recognition declaration

The declaration consists of two parts, described in detail in the EU regulation on mutual recognition. There are 3 possibilities regarding the drafting:

- The producer (or their authorised representative) fills in Parts I and II.
- The producer (or representative) fills in Part I, and the importer/distributor fills in Part II.
- The importer/distributor fills in Parts I and II (if they can supply evidence supporting the information in the declaration).

Part I – information about the goods

Part I describes the goods and any applicable rules in the EU country where they are already being sold. It must contain:

1. A number or other reference marker that uniquely identifies the goods or type of goods.
2. Name and address of the producer, importer or distributor filling out Part I of the declaration.
3. Description of the (type of) goods, sufficient to enable them to be identified for traceability reasons.
This can include a photograph.
4. Declaration that the goods:
 - 4.1.a. have already been lawfully sold in EU country X (give the title and official publication reference of the relevant rules and/or authorisation decision); or
 - 4.1.b. are not subject to any relevant rules in EU country X
 - 4.2. reference information for any conformity-assessment procedure or test undergone by the goods (including the name and address of the assessment body).
5. Any other documentation showing the goods have already been lawfully sold in EU country.
6. Signature of the producer, importer or distributor identified in point 2 above:
Signed for and on behalf of:
(place and date):
(name, function) (signature)

Part II – information about the selling of the goods

Part II focuses on the selling of the goods. It must contain:

- 7.1 EU country in which the goods are already sold (as indicated in 4.1).
- 7.2 Date on which the goods were first sold in that country. For example, you can prove this by attaching an invoice.
8. Any additional information that can help the authorities assess whether the goods are already being lawfully sold in EU country X.
9. Signature of the producer, importer or distributor who has filled out Part II:
Signed for and on behalf of:
(place and date):
(name, function) (signature)

The mutual recognition declaration must be drafted in one of the official EU languages or Icelandic, Norwegian or Turkish. The Danish Agricultural Agency requires you to translate the declaration into Danish or English.

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