

*Royal Decree amending Royal Decree 1051/2022 of 27 December 2022 laying down rules for sustainable nutrition in agricultural soils.*

Royal Decree 1051/2022 of 27 December 2022 laying down rules for sustainable nutrition in agricultural soils establishes certain basic rules for rational fertilisation of crops, through minimum good agricultural practices to be taken into account when applying nutrients in agricultural soils. In addition, the general register of manufacturers and other economic operators of fertilising products is established, with the dual objective of improving market surveillance, in compliance with the provisions of 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 Royal Decree 506/2013 of 26 June 2013 on fertilising products, and with Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products, while facilitating the implementation of data collection to improve the calculation of air emissions arising from the use of fertilising products. Among other issues, this Royal Decree regulates the profession of fertilisation advisor, which is not a regulated profession according to Article 36 of the Spanish Constitution.

After more than a year of applying this regulation, it is now necessary to facilitate the implementation of certain technical aspects, to strengthen coherence with other sectoral regulations and to clarify unclear wording. To this end, the provisions relating to the farm register, the fertilising plan and those facilitating the use of manure and organic fertilisers are amended.

This Royal Decree was drafted according to the principles of good regulation set out in Article 129 of Law 39/2015 of 1 October 2015 on the Common Administrative Procedure of Public Administrations. In accordance with the principles of necessity and effectiveness, the draft is justified by the need for a better application of European Union regulations in Spain, with this regulation being the most appropriate instrument to ensure its achievement, since it is mandatory that the regulation is contemplated in a basic regulation. It also complies with the principle of proportionality, and with the objective of limiting regulation to the essential minimum in order to reduce regulatory intensity. In turn, the principle of legal certainty is guaranteed by the introduction in a general provision of new stipulations consistent with the rest of the legal system. Furthermore, pursuant to the principle of transparency, the entities representing the sectors concerned have been consulted during the processing of the regulation, and the procedure for public hearing and public information has been carried out. Finally, the principle of efficiency is considered to be fulfilled as no new administrative burdens are imposed compared to the current regulation.

This Royal Decree is issued under Article 149(1), provisions 13, 16 and 23, of the Spanish Constitution, which confer on the State exclusive competences in matters of, respectively, bases and coordination of the general planning of economic activity, bases and general coordination of health, and basic legislation on environmental protection, without prejudice to the powers of the Autonomous Communities to establish additional protection rules.

This regulation is issued in accordance with the provisions of the sixteenth final provision of Law 30/2022 of 23 December 2022 regulating the management system of the Common Agricultural Policy and related matters.

The regulation has been submitted to the consultation process of the Autonomous Communities and the cities of Ceuta and Melilla, based on the general duty of cooperation between public administrations imposed by Article 3(1)(k) of Law 40/2015 of 1 October 2015 on the Legal Regime of the Public Sector.

It has also been subjected to the information procedure on technical standards and regulations provided for in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, regulated by Royal Decree 1337/1999 of 31 July 1999 regulating the transmission of information in the field of technical standards and regulations and rules on information society services.

By virtue of the foregoing, on a proposal from the Minister for Agriculture, Fisheries and Food, with the prior approval of the Minister for Finance and the Civil Service, in agreement with the Council of State, and after deliberation of the Council of Ministers at its meeting on 23 January 2023,

**Sole Article.** *Amendment of Royal Decree 1051/2022 of 27 December 2022 laying down rules for sustainable nutrition in agricultural soils.*

Royal Decree 1051/2022 of 27 December 2022 laying down rules for sustainable nutrition in agricultural soils is amended as follows:

One. Article 3(d) reads as follows:

‘d) Compost: material obtained from the aerobic biological and thermophilic treatment of separately collected biodegradable waste which, when obtained by aerobic composting in accordance with the requirements of Component Material Category 3 (CMC3) of Annex II to Regulation (EU) 2019/1009, may reach end-of-waste status.’

Two. Article paragraphs (4)(c), (2) and (5) of Article 4 read as follows:

‘c) In those soils that, due to their topographic features, as well as their distance, can produce nutrient trawls to natural habitats such as wetlands, ravines and salt marshes, except in those Autonomous Communities that have already regulated it.’

‘2. The above shall also be responsible for drawing up and implementing a fertilising plan in each production unit which forms part of the holding owned, from 1 September 2024. Production units intended only for grasslands that are not fertilised, and those not exceeding 10 hectares of area, are exempted from

this obligation, provided that they are for dry farming or are dedicated solely to pasture or forage crops for self-consumption. The fertilising plan shall have the minimum content and requirements set out in Article 6.'

'5. Unless localised irrigation systems are available or precision farming techniques are used, as defined in Royal Decree 948/2021 of 2 November 2021, aimed at adapting the input of nutrients to the needs of the crop over time, the periods of prohibition of nitrogen fertilisation set out in Annex II must also be respected. However, the Autonomous Communities may establish periods other than those set out in the said Annex, justified in so far as it does not affect the environmental impact of nutrients and, in particular, their emissions of ammonia and greenhouse gases, as well as compliance with Royal Decree 47/2022 of 18 January 2022, and the effects on soil biodiversity.'

Three. Article 5(a) reads as follows:

'a) The following details of the fertilising plan referred to in Article 6, where it is mandatory to be drawn up, at the start of the farm year: expected yield, previous crop, needs for N, P<sub>2</sub>O<sub>5</sub> and K<sub>2</sub>O, and the date on which the plan was drawn up.'

Four. The first subparagraph of and paragraph 4 of Article 6 read as follows:

'The holding's owner shall draw up and implement a fertilising plan for each production unit, subject to the conditions laid down in this Article. The plan may be amended throughout the farm year, adapting it to crop trends and climatic conditions, provided that the principles of Parts I and II of Annex III or those established instead by the Autonomous Community are maintained.'

'4. The plan shall include the recommended dose of the various nutrients, the time at which they are intended to be applied, as well as the type of fertiliser or material, the application method and the distribution machinery.'

Five. Article 9(2)(g) reads as follows:

'g) The stacks may generally not remain in the enclosures for more than 10 days. If the stacked material is composted or digested, this period may be extended up to 20 days. Enclosures which are impossible to access by the machinery due to rainfall, shall be exempted from this obligation until this circumstance ceases.'

Six. Article 10 is amended as follows:

Paragraph 2 reads as follows:

'2. The application of other organic or organo-mineral materials, including waste, using plate, fan and cannon systems, shall be prohibited, if the moisture

of these materials is 90 % or more and their ammoniacal nitrogen content exceeds 0.1 % on fresh matter.'

The first and last subparagraphs of paragraph 3 read as follows:

'Manure and organic or organa-mineral products or materials, including waste, must be buried as soon as possible after application, and always within the first 24 hours, by means of mouldboard plough, chisel plough, rotary plow, or equipment ensuring equivalent work, unless one of the following circumstances applies.'

'The competent authorities of the Autonomous Communities, taking into account the agroclimatic characteristics of their territories and the type of material applied, may set a maximum period of less than 24 hours to carry out this burial, when compulsory.'

Seven. Paragraphs (2), (3) and (4) of Article 12 read as follows:

'2. The use of fertilising products that produce less ammonia emissions, less greenhouse gas emissions, or reduce the risk of nitrate leaching, shall be encouraged as far as possible, taking into account soil, climate and crop characteristics.

3. When urea, or urea nitrogen solutions are used, at least one of the methods listed in Part B of Annex V, any other method for which similar efficiency has been demonstrated at the time of ammonia emission reduction or the keeping of a digital farm register shall be implemented without being obliged to do so by the rest of the provisions of this Royal Decree.

4. If, in the course of one year, it is found that the nitrogen supplied by urea and urea nitrogen solutions exceeds 30 % of the total nitrogen placed on the market at national level, in the following season the holdings applying more than 20 % of their nitrogen needs using urea or urea nitrogen solutions shall choose from the methods in Part B of Annex V, those that ensure a reduction in emissions of at least 30 % compared to the reference technique, in accordance with the estimates of the guidance developed by the United Nations Economic Commission for Europe (UNECE) Task Force on Reactive Nitrogen "Options for ammonia mitigation". To this end, by decision of the Directorate-General for Agricultural Productions and Markets, the amount of nitrogen marketed in the form of urea and urea nitrogen solutions as a proportion of the total shall be published annually. In the event that the Ministry for Ecological Transition and the Demographic Challenge determines national reduction coefficients for these techniques, they shall replace those set out in the above-mentioned UNECE guidance.'

Eight. Article 14(4) reads as follows:

'4. At the time applying the waste in agricultural soils, the waste manager shall provide the holding's owner with his or her environmental identification number (NIMA), issued by the environmental authority, in accordance with Law

7/2022 of 8 April 2022, which shall be incorporated into the farm register, as referred to in Article 5.'

Nine. Article 15(1) is amended, and a new paragraph 6 inserted to read as follows:

'1. The materials referred to in the previous article, when used as soil improvers, shall be applied only on uncultivated soils and, when applied on woody plantations or on permanent arable crops such as banana and papaya, this shall be done directly to the soil and before the end of the winter dormancy. In the case of permanent pastures, they may be applied with the authorisation of the Autonomous Community. When applied for the use of their nutrients as fertilisers, if applied on land with a planted crop, they shall not come into contact with the part of the crop intended for consumption.'

'6. In Autonomous Communities that do not have any applicable legislation prior to the regulation provided for in this rule, liquid recoverable wastes, except sludge, which are used to provide nutrients to crops, shall be applied allowing for at least two months to pass between application and harvesting. However, this period may be reduced to 21 days in the following cases:

- a) the harvest is not intended for human or animal consumption; or
- b) the form of cultivation or the application system of the material ensure that the wastes do not come into contact with the edible parts of the crop.'

Ten. The first subparagraph of Article 20 reads as follows:

'The advice on the different aspects of fertilisation referred to in this Royal Decree shall be provided by a technician who can prove his or her status of fertilisation advisor according to the requirements established in Article 21. However, where the competent authority of the Autonomous Community so provides, advisory obligations may be fulfilled if the holding's owner employs fertilising recommendation software, approved by that competent authority, in accordance with the minimum requirements laid down in Part III of Annex III, provided that the owner keeps a digital farm register.'

Eleven. The single transitional provision reads as follows:

'Single transitional provision. Application of waste through operation R1001 Waste Recovery in Agricultural Soils and Gardening.

In the case of waste that has been authorised by the competent environmental authority to be managed as R1001 Waste Recovery in Agricultural Soils and Gardening, certifying for this purpose documentation with a description of the process and analytical characterisations, prior to the entry into force of this Royal Decree, the producer of the waste shall have a period of 3 years from the publication of this Royal Decree to continue with its management, and to submit a report for the amendment, where appropriate, of Annex VIII.'

Twelve. Subparagraph (iii), and the first row of the table in Annex II are amended to read as follows:

‘iii) if leach mitigation techniques such as polymers, inhibitors, etc. are used, certain delayed-release products may be excluded from prohibition of applying during certain periods’.

‘Winter cereals	June to August (inclusive)’.
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Thirteen. Annex III is amended as follows:

1. The first sentence of paragraph 1 of Part I reads as follows:

‘1. Without prejudice to regional rules governing this aspect, the calculation of crop fertilisation needs shall comply the following general guidelines.’

2. Paragraphs 3 and 4 of Part I read as follows:

‘3. The actual annual N contributions per crop shall not exceed by more than 20 %, the values calculated in accordance with the first point of this Annex for this nutrient. However, in the event there are analytical determinations of the real needs of the plant at any given time (which may include foliar analysis or other technique admitted in the scientific literature), or depending on the evolution of the agricultural year and provided that the farmer carries a digital farm register, these contributions may be modified, adapting them to the results obtained. All this applies without prejudice to compliance with stricter limits established by the Autonomous Communities in order to achieve the objectives of Royal Decree 47/2022 of 18 January 2022.

4. The effective supplies of P<sub>2</sub>O<sub>5</sub> per crop shall take into account the levels of this nutrient in the soil. The values to be contributed shall not exceed by 30 %, the sum for the values determined for 5 consecutive years. This percentage may be higher in soils deemed to be low on this nutrient, and provided that there is a technical report justifying the measure, and the farmer keeps a digital farm register. However, the Autonomous Communities may establish their own doses, in order to reduce the environmental impact of fertilising products.

3. The first subparagraph of Part III reads as follows:

‘Advisory obligations established by this Royal Decree shall be deemed to be fulfilled when the farmer keeps a digital farm register, and if tools or IT applications are used to prepare the calculations of the nutrient needs of the crops and provide a proposal for a fertiliser, provided that they have been

approved by the competent authority of the Autonomous Community where they are to be used.'

Fourteen. Annex IV is amended as follows:

The last row of the table set out in paragraph 1 of Part A is replaced by the following two rows:

'Total arsenic (As)	40	0.8
Chromium (Cr)	1000	20'

The following row is added at the end of the table in Part B with the following content:

'Chromium (Cr)	60	100'
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A row is added at the end of the table set out in paragraph 1 of Part C with the following content:

'Chromium (Cr)	2400	48'
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Paragraph 2 reads as follows:

'2. The values of heavy metals of waste applied to soils shall be recorded in the farm register referred to in Article 5 of this Royal Decree.'

Thirteen. Points (f) and (g) of Part A of Annex V are amended, and two new points (h) and (i) are added with the following content:

'f) Use of acidified slurry or urease inhibitors.

g) Use of urease inhibitors or nitrification inhibitors, with professional supervision in case of direct application to soil.

h) Composting or biodigestion ensuring a final ammoniacal nitrogen content of less than 0.6 %, expressed as nitrogen (N) with respect to the fresh weight of the material.

i) Burying of manure within the first 12 hours after application, by means of mouldboard plough, chisel plough, rotary plow, or equipment ensuring equivalent work, except in direct seeding, in conservation agriculture or in pastures.'

Fifteen. Annex VIII is amended as follows:

Point (e) of paragraph 1 of Part 1 reads as follows:

'e) Sludges from treatment of urban waste water (WTP sludge), included in Royal Decree 1310/1990 of 29 October 1990, provided that they have been treated in compliance with the provisions of that Royal Decree.'

New points (g), (h), (i) and (j) are inserted in paragraph 1 of Part 1, reading as follows:

'g) Materials that, although not complying with the treatment requirements set out in CMCs 3, 4 and 5, as applicable, of Regulation 2019/1009, do meet the requirements for input materials in regards to stability, impurities and contaminants.

h) Oil mill waste.

i) Wine lees.

j) Mixtures of the above, provided that the most limiting restrictions of each of the components are complied with.'

Paragraph 1 of Part 2 reads as follows:

'1. Materials of CMCs 3, 4 and 5, obtained in accordance with Annex II to Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019:

Comply with all the requirements of that Annex, including the origin of the input materials, and the following parameters:

- Total organic matter  $\geq 13$  %.

- Declare *Salmonella* content.

- Declare *Escherichia coli* content.

- Provide analysis of the nutrients that provide, in particular, nitrogen, phosphorus (expressed as  $P_2O_5$ ) and potassium (expressed as  $K_2O$ ), and pH and electrical conductivity.

- Meet all additional requirements included in its R1001 waste recovery authorisation.'

Paragraph 2 of Part 2 reads as follows:

'2. Similarly, any composted or digested material, to be applied to agricultural soil and obtained from input materials other than those in the previous paragraph, shall comply with the requirements of impurities and stability laid down respectively in CMC3 or CMC5 of Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019, in addition to complying with the following parameters:



- Total organic matter  $\geq 13 \%$
- Declare *Salmonella* content.
- Declare *Escherichia coli* content.
- Provide analysis of the nutrients that provide, in particular, nitrogen, phosphorus (expressed as  $P_2O_5$ ) and potassium (expressed as  $K_2O$ ), and pH and electrical conductivity.
- Meet all additional requirements included in its R1001 waste recovery authorisation.'

Sixteen. Paragraphs 1 and 4 of Annex IX read as follows:

'1. In general, the dose and frequency of irrigation shall be adjusted to the needs of the crop, and shall be adapted to the moisture retention capacity of the soil to avoid the loss of nutrients by leaching, taking as reference the recommendations of the advisory services to the irrigator of the Autonomous Community or the Agroclimatic Information System for Irrigation (SIAR) of the Ministry of Agriculture, Fisheries and Food, in the case of being in the Autonomous Communities in which any of them operate; the use of sensors for checking soil moisture content is recommended, as a support tool to know the state of the soil. In the event that the material used in the fertilising in itself provides a considerable amount of water to the crop (such as when using liquid manure), the volume of water incorporated by it will be considered for the calculation of the dose of irrigation water and the frequency of its application.'

'4. In crops with localised irrigation, fertilisation will be conducted by dissolving the nutrients in the irrigation water and applying them to the soil through the water. These will be dosed fractionally, during the period of vegetative activity of the crop, while the concentrations and partial amounts contributed can be adapted to the times of maximum requirement within the crop cycle.'

**Sole final provision.** *Entry into force.*

This Royal Decree shall come into force the day after its publication in the 'Official State Gazette'.

TO BE SUBMITTED TO THE COUNCIL OF MINISTERS  
Madrid, ..... 2024

MINISTER FOR AGRICULTURE, FISHERIES AND FOOD

Luis Planas Puchades