

REGULATION
OF THE MINISTER FOR AGRICULTURE AND RURAL
DEVELOPMENT ¹⁾

of 2024

on the implementation of certain provisions of the Act on fertilisers and fertilisation^{2),3)}

Pursuant to Articles 10 to 11a of the Act of 10 July 2007 on fertilisers and fertilisation (Journal of Laws of 2024, item 105), the following is hereby decreed:

§ 1. The Regulation lays down:

- 1) organisational units authorised to carry out tests on fertilisers and plant growing aids or to issue opinions on fertilisers and plant growing aids;
- 2) the detailed scope of testing of fertilisers and plant growing aids, as well as the elements referred to in Article 4(6) of the Act of 10 July 2007 on fertilisers and fertilisation, hereinafter referred to as the ‘Act’, which should include an opinion on fertilisers and plant growing aids;
- 3) the detailed scope of the documentation on fertilisers and plant growing aids;
- 4) the requirements to be met by the content of instructions for the use and storage of fertilisers, soil improvers and growth promoters;
- 5) the permissible types of contaminants present in fertilisers, plant growing aids and digestate products obtained from agricultural biogas produced from feedstocks referred

¹)The Minister for Agriculture and Rural Development manages the government administration department of agriculture, pursuant to § 1(2)(1) of the Regulation of the Prime Minister for 18 December 2023 on the specific scope of activities of the Minister for Agriculture and Rural Development (Journal of Laws, item 2706).

²)This Regulation applies Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ EU L 300, 14.11.2009, p. 1, OJ EU L 276, 20.10.2010, p. 33, OJ EU L 216, 14.8.2012, p. 3, OJ EU L 354, 28.12.2013, p. 86, OJ EU L 95, 7.4. 2017, p. 1, OJ EU L 137, 24.5.2017, p. 40, OJ EU L 130, 28.5.2018, p. 11, OJ EU L 294, 21.11.2018, p. 44 and OJ EU L 170, 25.6.2019, p. 1).

³)This Regulation was notified to the European Commission on ... under number ... pursuant to § 4 of the Cabinet Regulation of 23 December 2002 on the functioning of the national system for notification of standards and legal acts (Journal of Laws, item 2039; and Journal of Laws of 2004, item 597) which implements 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 (codification) (OJ EU L 241, 17.9.2015, p. 1).

to in Article 2(1)(10b)(b) of the Act, or made from mixtures thereof with feedstocks referred to in Article 2(1)(10b)(a) of the Act, hereinafter referred to as ‘fermentation products’, and their values;

- 6) the minimum quality requirements to be met by the fertilisers referred to in Article 3(2) of the Act.

§ 2. 1. Research into fertilisers and plant growing aids shall cover:

- 1) physical, physico-chemical, and chemical tests to confirm:
 - a) the nutrient content, the physical, physico-chemical, and chemical parameters declared in the detailed documentation and compliance with the minimum quality requirements and the requirements for the presence of acceptable types of contaminants and, in the case of fertilisers, their values;
 - b) the physical, physico-chemical, and chemical parameters declared in the detailed documentation and compliance with the quality requirements and the requirements for the presence of acceptable types of contaminants and their values in the case of plant growing aids;
- 2) biological tests to confirm the health status of organic and organo-mineral fertilisers and organic and organo-mineral plant growing aids;
- 3) agricultural tests conducted for at least one growing season or cycle and intended to confirm:
 - a) the suitability of fertiliser for use in plant or soil fertilisation or soil reclamation;
 - b) beneficial effects of growth promoters on plant development or other plant life processes;
 - c) beneficial effects of the soil improver on soil properties or on its chemical, physical, physico-chemical or biological parameters, and confirm the suitability of the soil improver for soil reclamation.

2. The tests referred to in paragraph 1 are intended not only to confirm compliance with the requirements laid down in that provision, but also to establish:

- 1) the suitability of fertilisers for use in plant or soil fertilisation or soil reclamation;
- 2) beneficial effects of soil improvers on soil properties or on its chemical, physical, physico-chemical or biological parameters, and to determine the suitability of the soil improver for soil reclamation;

- 3) compliance by fertilisers with minimum quality requirements and of plant growing aids with quality requirements, and compliance by fertilisers and plant growing aids with requirements concerning the presence of acceptable types of contaminants and their levels in such fertilisers and products;
- 4) beneficial effects of growth promoters on plant development or other plant life processes;
- 5) effects on human or animal health or on the environment of fertilisers and plant growing aids.

3. Agricultural tests shall not be carried out on:

- 1) mineral fertilisers, where physical, physico-chemical, or chemical tests have confirmed that the fertiliser is suitable for plant or soil fertilisation or for soil reclamation;
- 2) organic fertilisers produced exclusively from animal by-products within the meaning of Article 3(1) in conjunction with Article 2(2) of Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ EU L 300, 14.11.2009, p. 1, as amended⁴⁾) or derived products within the meaning of Art. 3(2) of that Regulation which comply with the requirements of that Regulation, hereinafter referred to as ‘animal by-products’, or plant raw materials or mixtures of such raw materials and animal by-products, where the results of physical, physico-chemical, chemical or biological tests and the description of the technology used to produce the fertiliser or information on the plant raw materials or mixtures of such raw materials and animal by-products used to produce the fertiliser confirm that the fertiliser is suitable for use as a plant or soil fertiliser or for soil reclamation;
- 3) organo-mineral fertilisers produced exclusively from vegetable raw materials or animal by-products, or a mixture of such raw materials and animal by-products, and mineral fertilisers, where physical, physico-chemical, chemical or biological tests and a description of the technology used to produce the fertiliser, or information on the vegetable raw materials or mixtures of such raw materials and animal by-products used

⁴ Amendments to this Regulation were published in the OJ EU L 276, 20.10.2010, p. 33, OJ EU L 216, 14.8.2012, p. 3, OJ EU L 354, 28.12.2013, p. 86, OJ EU L 95, 7.4.2017, p. 1, OJ EU L 137, 24.5.2017, p. 40, OJ EU L 130, 28.5.2018, p. 11, OJ EU L 294, 21.11.2018, p. 44 and OJ EU L 170, 25.6.2019, p. 1.

in the production of the fertiliser, confirm that the fertiliser is suitable for use as a plant or soil fertiliser or for soil reclamation;

- 4) soil improvers, if the results of physical, physico-chemical, chemical or biological tests and a description of the manufacturing technology of the product or information on the raw materials used in its manufacture confirm that this measure shall have a beneficial effect on the chemical, physical, physico-chemical or biological characteristics of the soil or be useful for soil reclamation.

4. Paragraph 3 shall not apply to fertilisers and soil improvers produced from waste within the meaning of Article 3(1)(6), of the Waste Act of 14 December 2012 (Journal of Laws of 2023, items 1587, 1597, 1688, 1852, and 2029), hereinafter referred to as ‘waste’, or produced from by-products within the meaning of Article 10 of that Act, if their effect on agriculture is not known.

§ 3. Physical, physico-chemical, chemical, biological, and agricultural tests of fertilisers and plant growing aids are carried out on samples of a given fertiliser and plant growing aid taken by an employee of a district chemical and agricultural station or an accredited body for sampling on the territory of the Republic of Poland or another Member State of the European Union.

§ 4. Organisational units that are authorised to carry out:

- 1) physical, physico-chemical, and chemical tests of fertilisers:
 - a) Institute of Soil Science and Plant Cultivation — State Research Institute, hereinafter referred to as the ‘Institute of Soil Science and Plant Cultivation’,
 - b) Łukasiewicz Research Network — New Chemical Syntheses Institute, hereinafter referred to as the ‘New Chemical Syntheses Institute’,
 - c) units accredited in this field on the territory of the Republic of Poland or another Member State of the European Union;
- 2) the physical, physico-chemical, and chemical tests of plant growing aids:
 - a) Institute of Soil Science and Plant Cultivation;
 - b) New Chemical Syntheses Institute;
 - c) Institute of Horticulture — National Research Institute, hereinafter referred to as the ‘Institute of Horticulture’;

- d) units accredited in this field on the territory of the Republic of Poland or another Member State of the European Union;
- 3) biological tests of fertilisers and plant growing aids:
- a) Institute of Soil Science and Plant Cultivation;
 - b) National Veterinary Research Institute — State Research Institute, hereinafter referred to as ‘National Veterinary Research Institute’;
 - c) Institute of Environmental Protection — National Research Institute, hereinafter referred to as the ‘Institute for Environmental Protection’;
 - d) Witold Chodźko Institute of Rural Health, hereinafter referred to as the ‘Institute of Rural Health’;
 - e) units accredited in this field on the territory of the Republic of Poland or another Member State of the European Union;
- 4) research on agricultural fertilisers, growth promoters and soil improvers:
- a) Institute of Soil Science and Plant Cultivation — for fertilisers and growth promoters intended for use in field crops, or for fertilisers intended for soil reclamation, or for soil improvers;
 - b) Institute of Horticulture — or fertilisers and growth promoters intended for use on vegetable crops, fruit crops, ornamental plants and lawns, or soil improvers;
 - c) Forest Research Institute — for fertilisers intended for use on forest soils and growth promoters intended for use in nurseries and forest crops or for fertilisers intended for soil reclamation, or for soil improvers intended to improve soil properties or soil parameters;
 - d) Institute of Technology and Life Sciences — National Research Institute, hereinafter referred to as the ‘Institute of Technology and Life Sciences’ — for fertilisers and growth promoters intended for use on grassland or for soil improvers;
 - e) units accredited in this field on the territory of the Republic of Poland or another Member State of the European Union.

§ 5. Organisational units authorised to issue opinions on fertilisers and plant growing aids:

- 1) Institute of Soil Science and Plant Cultivation with regard to:

- a) compliance by organic and organo-mineral fertilisers, fertilising lime and fertilising lime containing magnesium with the minimum quality requirements and compliance by organic and organo-mineral plant growing aids with the quality requirements and compliance by these fertilisers, these limes and these plant growing aids with the requirements on the presence of acceptable types of contaminants and their levels;
 - b) the suitability of fertilisers or plant growing aids for soil reclamation or for use in field crops, as well as their effects on human or animal health or on the environment, with the exception of fertilisers and plant growing aids referred to in § 6;
- 2) Institute of Horticulture with regard to:
- a) compliance by organic and organo-mineral fertilisers with minimum quality requirements and of organic and organo-mineral plant growing aids with quality requirements and compliance by these fertilisers and plant growing aids with requirements on the presence of acceptable types of contaminants and their levels;
 - b) the suitability of fertilisers or plant growing aids for use on vegetable crops, orchards, ornamental plants and lawns, as well as its effects on human or animal health or the environment, with the exception of fertilisers and plant growing aids referred to in § 6;
- 3) Forest Research Institute with regard to:
- a) compliance by organic and organo-mineral fertilisers with minimum quality requirements and of organic and organo-mineral plant growing aids with quality requirements and compliance by these fertilisers and plant growing aids with requirements on the presence of acceptable types of contaminants and their levels;
 - b) the suitability of fertilisers or plant growing aids for soil reclamation or for use on forest soils and their effects on human or animal health or on the environment, with the exception of fertilisers and plant growing aids referred to in § 6;
- 4) Institute of Technology and Life Sciences with regard to:
- a) compliance by organic and organo-mineral fertilisers with minimum quality requirements and of organic and organo-mineral plant growing aids with quality requirements and compliance by these fertilisers and plant growing aids with requirements on the presence of acceptable types of contaminants and their levels;

- b) the suitability of fertilisers or plant growing aids for soil reclamation or for use on grassland, as well as their effects on human or animal health or the environment, with the exception of fertilisers and plant growing aids referred to in § 6;
- 5) New Chemical Syntheses Institute with regard to of compliance by mineral fertilisers with the minimum quality requirements and, by means of a product supporting the cultivation of plants of mineral origin, quality requirements and compliance by the fertiliser and the product with the requirements for the presence of acceptable types of contaminants and their values;
- 6) National Veterinary Research Institute with regard to whether organic and organo-mineral fertilisers or organic and organo-mineral plant growing aids:
- a) produced from raw materials which are animal by-products, or
 - b) produced from products obtained from animal by-products, or
 - c) containing animal by-products as ingredients
- requirements laid down in Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) and Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ EU L 54, 26.2.2011, p. 1, as amended⁵).

§ 6. 1. The bodies entitled to give opinions on the effects on human or animal health or the environment of organic and organo-mineral fertilisers or organic and organo-mineral plant

⁵ Amendments to this Regulation were published in the OJ EU L 198, 30.7.2011, p. 3, OJ EU L 314, 14.11.2012, p. 5, OJ EU L 326, 24.11.2012, p. 3, OJ EU L 98, 6.4.2013, p. 1, OJ EU L 164, 18.6.2013, p. 11, OJ EU L 201, 26.7.2013, p. 31, OJ EU L 289, 31.10.2013, p. 80, OJ EU L 57, 27.2.2014, p. 21, OJ EU L 165, 4.6.2014, p. 33, OJ EU L 3, 7.1.2015, p. 10, OJ EU L 28, 2.2.2017, p. 1, OJ EU L 119, 9.5.2017, p. 1, OJ EU L 138, 25.5.2017, p. 92, OJ EU L 182, 13.7.2017, p. 31 and 34, OJ EU L 61, 28.2.2019, p. 1, OJ EU L 171, 26.6.2019, p. 100, OJ EU L 185, 11.7.2019, p. 26, OJ EU L 321, 12.12.2019, p. 45 and 73, OJ EU L 43, 17.2.2020, p. 69, OJ EU L 172, 3.6.2020, p. 3, OJ EU L 179, 9.6.2020, p. 5, OJ EU L 182, 10.6.2020, p. 3, OJ EU L 194, 18.6.2020, p. 1, OJ EU L 386, 18.11.2020, p. 6, OJ EU L 197, 4.6.2021, p. 68, OJ EU L 336, 23.9.2021, p. 42, OJ EU L 384, 29.10.2021, p. 84, OJ EU L 393, 8.11.2021, p. 4, OJ EU L 394, 9.11.2021, p. 4, OJ EU L 402, 15.11.2021, p. 4, OJ EU L 78, 8.3.2022, p. 1, OJ EU L 100, 8.3.2022, p. 6, and OJ EU L 2023/2613, 4.11.2023

growing aids produced from raw materials which are waste or animal by-products, or produced from products derived from or containing waste or animal by-products, and of organic and organo-mineral fertilisers or organic and organo-mineral plant growing aids the chemical composition of which contains a substance previously unknown or not used in agriculture shall be:

- 1) Institute of Rural Health — with regard to the impact of fertilisers or plant growing aids on human health;
- 2) National Veterinary Research Institute — with regard to the effects of fertilisers or plant growing aids on animal health;
- 3) Institute for Environmental Protection — with regard to the effects of fertilisers or plant growing aids on the environment.

2. The bodies authorised to issue opinions on the effects on human or animal health or on the environment of a mineral or mineral fertiliser for the cultivation of plants produced from raw materials which are waste or animal by-products or derived from products derived from waste or animal by-products or containing waste or animal by-products, as well as a mineral or mineral fertiliser for plant cultivation in which the chemical composition contains a substance previously unknown or not used in agriculture shall be:

- 1) Institute of Rural Health — with regard to the impact of fertilisers or plant growing aids on human health;
- 2) National Veterinary Research Institute — with regard to the effects of fertilisers or plant growing aids on animal health;
- 3) Institute for Environmental Protection — with regard to the effects of fertilisers or plant growing aids on the environment.

§ 7. Opinions referred to in § 5 and § 6 shall contain the following data and information:

- 1) the name, type, type and form of the fertiliser or the name, type and form of the plant growing aid;
- 2) information on restrictions on the use of a fertiliser or plant growing aid, in the case of a fertiliser or plant growing aid produced from raw materials that are waste or animal by-products, or produced from or containing waste or animal by-products, and in the case of a fertiliser or plant growing aid the chemical composition of which contains a substance not yet known or not yet used in agriculture;

- 3) draft instructions for use and storage of fertilisers, soil improvers or growth promoters accepted by the body authorised to issue such opinions;
- 4) a declaration by the manufacturer containing details of the fertiliser or plant growing aid, including the name and address, or name and registered place of business of the manufacturer, the name of the fertiliser or plant growing medium, information on the composition of the fertiliser or plant growing medium, specifying the percentages of components or raw materials used in the manufacture of the fertiliser or plant growing aid, and the minimum quality requirements with which the fertiliser or plant growing aid must comply, and, in the case of a plant growing aid, the quality requirements, a simplified description of the manufacturing process of the fertiliser or plant growing aid, the method and conditions of use of the fertiliser or plant growing aid, and information on the conformity of the fertiliser or plant growing aid with the requirements specified by the manufacturer in the instructions for use and storage of the fertiliser or plant growing aid.

§ 8. In addition to the data and information referred to in § 7, the opinion issued by:

- 1) New Chemical Syntheses Institute also includes:
 - a) assessment of the compliance by mineral fertilisers with the minimum quality requirements laid down for this type of fertiliser and by mineral plant growing aids with the quality requirements;
 - b) confirmation that the mineral fertiliser and the mineral plant-enhancing agent comply with the requirements laid down for them as regards the admission of the permissible types of contaminants and their values;
- 2) Institute of Soil Science and Plant Cultivation also includes:
 - a) assessment of the compliance by organic and organo-mineral fertilisers, fertilising lime and fertilising lime containing magnesium with the minimum quality requirements laid down for them and by organic and organo-mineral plant growing aids with the quality requirements,
 - b) confirmation that the organic and organo-mineral fertiliser, fertilising lime and fertilising lime containing magnesium, as well as the organic and organo-mineral promoter for the cultivation of crops intended for soil reclamation or for use in field

crops, comply with the requirements laid down for them as regards the presence of acceptable types of contaminants and their values;

- 3) Institute of Horticulture or Forestry Research Institute, or Institute of Technology and Life Sciences, also include:
 - a) assessment of the compliance by organic and organo-mineral fertilisers with the minimum quality requirements laid down for them, and by an organic and organo-mineral plant growing aids with the quality requirements;
 - b) confirmation that the organic and organo-mineral fertilisers or organic and organo-mineral plant growing aids intended for use on vegetable, orchard, ornamental, lawn, forest or grassland crops comply with the requirements specified for them with regard to the presence of acceptable contaminants and their levels;
- 4) Institute of Rural Health — in addition, contains information on the effects on human health of fertilisers or plant growing aids used correctly;
- 5) State Veterinary Institute — it also contains information on the effects on animal health of fertilisers or plant growing aids used correctly;
- 6) Institute for Environmental Protection — it also contains information on the environmental impact of fertilisers or plant growing aids used correctly and the parameters of the production process affecting the safety of fertilisers or plant growing aids.

§ 9. Opinions referred to in § 5(1)(b), 2(b), 3(b) and (4) (b), in addition to the data and information referred to in § 7, also contain the following data and information:

- 1) assessment of the compliance of a given fertiliser with the minimum quality requirements laid down for that fertiliser and of a given plant growing aid with the quality requirements laid down for that product;
- 2) confirmation of the suitability of the fertiliser or plant growing aid when used as intended;
- 3) the effects on human or animal health or on the environment of fertilisers or plant growing aids used correctly;
- 4) the possibility of using fertilisers or plant growing aids, including plant protection products, where their use with plant protection products is authorised;

- 5) that no agricultural testing of the fertiliser or soil improver is required in the case of fertilisers and soil improvers as defined in § 2(3).

§ 10. The opinion within the scope referred to in § 5(6) also includes an assessment of whether the fertiliser or plant growing aid meets the requirements set out in Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) and Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive.

§ 11. 1. The documentation necessary to determine the scope of the tests referred to in § 2(1)(1) and (2) to which the fertiliser or plant growing aid concerned must be subjected shall include:

- 1) the name of the fertiliser or plant growing aid;
- 2) a description of the technology used to produce the fertiliser or plant growing aid, including information on the waste used as raw materials, the nature of the raw materials or products from which the fertiliser or product is made, the names of these raw materials or products, and the parameters of the manufacturing process that affect the safety of the fertiliser or product;
- 3) data on the form of nitrogen, if one of the raw materials from which the fertiliser or plant growing aid has been manufactured is a nitrogenous fertiliser or a compound fertiliser containing nitrogen;
- 4) a declaration by the manufacturer that the fertiliser meets the minimum quality requirements and that the plant growing aid meets the quality requirements;
- 5) a declaration by the manufacturer on the characteristics of the soil or its chemical, physical, physico-chemical or biological parameters, including soil class and pH, and on the content of soil constituents or types of contaminants in the soil affected by the soil improver.

2. The documentation on the basis of which the opinions referred to in § 5 and § 6 includes:

- 1) the data, information and declarations referred to in paragraph 1;
- 2) draft application and storage instructions for the fertiliser, soil improver or growth promoter.

3. The documentation on the basis of which the opinions referred to in § 5(1)(a), (2)(a), (3)(a) and (4)(a), (5) and (6) and § 6, are issued includes, in addition to the data, information and declarations specified in paragraph 2, in the case of an opinion issued by:

- 1) New Chemical Syntheses Institute and Forest Research Institute — the results of the tests referred to in § 2(1), required for the fertiliser or plant growing aid concerned;
- 2) Institute of Rural Health, National Veterinary Institute and Institute of Environmental Protection:
 - a) the results of the tests referred to in § 2(1)(1) and (2), as required for the fertiliser or plant growing aid concerned;
 - b) an opinion on the conformity of the fertiliser with the minimum quality requirements and of the plant growing aid with the quality requirements and on the conformity of the fertiliser or plant growing aid with the limit values for contaminants and their levels specified for that fertiliser or product;
 - c) physical, physico-chemical and biological test reports on stabilised municipal sewage sludge, if considered in the preparation of this opinion.

4. The documentation on the basis of which the opinions referred to in § 5 (1)(b), (2)(b), (3)(b) and (4)(b) are issued shall, in addition to the data, information and declarations specified in paragraph 2, also include:

- 1) tests and opinions required for the fertiliser or plant growing aid concerned;
- 2) an opinion issued by the Institute of Plant Protection — National Research Institute on the possibility of using fertilisers or plant growing aids containing plant protection products — where their combined use with plant protection products is acceptable.

§ 12. The application and storage instructions for the fertiliser, soil improver or growth promoter include:

- 1) the name of the fertiliser, soil improver or growth promoter;

- 2) information on the amount, dose, method and dates of application of the fertiliser, soil improver or growth promoter;
- 3) a description of the method of preparation of the useful liquid fertiliser, soil improver or growth promoter in the case of liquid fertilisers, soil improvers or growth promoters;
- 4) information on restrictions on the use of fertilisers or plant growing aids in the case of fertilisers or plant growing aids produced from waste or animal by-products or products derived from or containing waste or animal by-products;
- 5) information on the storage of fertilisers, soil improvers or growth promoters;
- 6) instructions for precautions in the use and storage of fertilisers, soil improvers or growth promoters.

§ 13. 1. The permissible content of contaminants in organic and organo-mineral fertilisers, organic and organo-mineral plant growing aids and digestate shall not exceed:

- 1) 100 mg of chromium (Cr);
- 2) 5 mg cadmium (Cd);
- 3) 60 mg nickel (Ni);
- 4) 140 mg lead (Pb);
- 5) 2 mg of mercury (Hg)

– per kilogram of dry matter of this fertiliser, plant growing aid or digestate.

2. In the fertilisers, plant growing aids and digestion products referred to in paragraph 1, the content of:

- 1) live eggs of the intestinal parasites *Ascaris* sp., *Trichuris* sp., *Toxocara* sp.;
- 2) *Salmonella* bacteria

— is 0.

3. The permissible content of contaminants in mineral fertilisers and plant growing aids for the cultivation of plants of mineral origin shall not exceed:

- 1) in agricultural lime:
 - a) 8 mg cadmium (Cd);
 - b) 200 mg lead (Pb)– per kilogram of calcium oxide (CaO);
- 2) in agricultural lime containing magnesium:
 - a) 15 mg cadmium (Cd);

- b) 600 mg lead (Pb)
– per kilogram of calcium oxide and magnesium oxide (CaO + MgO);
- 3) in mineral fertilisers and plant growing aids of mineral origin other than those mentioned in points 1 and 2:
 - a) 50 mg of arsenic (As),
 - b) 50 mg cadmium (Cd);
 - c) 140 mg lead (Pb);
 - d) 2 mg of mercury (Hg)– per kilogram of the weight of that fertiliser or that plant growing aid respectively.

§ 14. The fertilisers referred to in Article 3(2) of the Act shall meet the following minimum quality requirements:

- 1) in the case of solid organic fertilisers, the organic matter content, expressed as dry matter, shall be at least 30 % and, where nitrogen, phosphorus or potassium, or the sum thereof, is declared for these fertilisers, the content of the different components shall not be less than:
 - a) 0.3 % (m/m) of total nitrogen (N),
 - b) 0.2 % (m/m) of phosphorus calculated as phosphorus pentoxide (P₂O₅),
 - c) 0.2 % (m/m) of potassium expressed as potassium oxide (K₂O);
- 2) in the case of organic fertilisers in liquid form for which either the nitrogen content, the phosphorus content or the potassium content, or the sum thereof, is declared, the content of the different components shall not be less than:
 - a) 0.08 % (m/m) of total nitrogen (N),
 - b) 0.05 % (m/m) of phosphorus calculated as phosphorus pentoxide (P₂O₅),
 - c) 0.12 % (m/m) of potassium calculated as potassium oxide (K₂O).
- 3) in the case of solid organic-mineral fertilisers, the organic matter content, expressed as dry matter, shall be at least 20 % and, where nitrogen, phosphorus or potassium, or the sum thereof, is declared for these fertilisers, the content of each of these components shall not be less than:
 - a) 1 % (m/m) of total nitrogen (N),
 - b) 0.5 % (m/m) of phosphorus calculated as phosphorus pentoxide (P₂O₅),
 - c) 1 % (m/m) of potassium calculated as potassium oxide (K₂O).

- 4) In the case of liquid organo-mineral fertilisers for which the nitrogen, phosphorus or potassium content, or the sum thereof, is declared, the content of each component shall not be less than:
 - a) 0.5 % (m/m) of total nitrogen (N),
 - b) 0.2 % (m/m) of phosphorus calculated as phosphorus pentoxide (P)₂O₅),
 - c) 0.5 % (m/m) of potassium calculated as potassium oxide (K₂O).
- 5) in the case of solid mineral fertilisers for which the nitrogen, phosphorus or potassium content or the sum thereof is declared, the individual constituent content shall not be less than:
 - a) 2 % (m/m) of total nitrogen (N) and 1 % (m/m) of each of the forms of nitrogen present - if declared,
 - b) 2 % (m/m) of phosphorus calculated as phosphorus pentoxide (P)₂O₅),
 - c) 2 % (m/m) of potassium calculated as potassium oxide (K₂O).
- 6) in the case of liquid mineral fertilisers for which the nitrogen, phosphorus or potassium content, or the sum of these, is declared, the content of each component shall not be less than:
 - a) 1 % (m/m) of total nitrogen (N),
 - b) 1 % (m/m) of phosphorus calculated as phosphorus pentoxide (P)₂O₅),
 - c) 1 % (m/m) of potassium calculated as potassium oxide (K₂O);

§ 15. Opinions on fertilisers and plant growing aids issued before the date of entry into force of the Regulation are deemed to comply with the requirements of the Regulation.

§ 16. The Regulation shall enter into force 14 days after the date of publication, with the exception of § 6(2), which shall enter into force 3 months after the date of publication⁶.

⁶ This Regulation was preceded by the Regulation of the Minister for Agriculture and Rural Development of 18 June 2008 on the implementation of certain provisions of the Act on fertilisers and fertilisation (Journal of Laws, item 765 and Journal of Laws of 2009, item 1804) which, in accordance with Article 7(1) of the Act of 29 September 2022 amending the Act on fertilisers and fertilisation (Journal of Laws, item 2364) shall expire on the date of entry into force of this Regulation.

**MINISTER FOR AGRICULTURE
AND RURAL DEVELOPMENT**

JUSTIFICATION

The draft Regulation of the Minister for Agriculture and Rural Development on the implementation of certain provisions of the Act on fertilisers and fertilisation implements the authorisations contained in Articles 10–11a of the Act of 10 July 2007 on fertilisers and fertilisation (Journal of Laws of 2024, item 105), hereinafter referred to as the ‘Act’.

The current regulation of the Minister for Agriculture and Rural Development of 18 June 2008 on the implementation of certain provisions of the Act on fertilisers and fertilisation (Journal of Laws, item 765, as amended) implements the authorisations contained in Articles 10 and 11 of the Act. This Regulation was adopted in 2008 and needs to be amended and updated with regard to documentation, bodies issuing opinions on fertilisers and plant growing aids or the content of these opinions.

At the same time, the draft Regulation implements the authorisation provided for in Article 11a of the Act, resulting from the entry into force of the Act of 13 July 2023 on facilitating the preparation and implementation of investments in the field of agricultural biogas plants and their operation (Journal of Laws, item 1597).

The implementation of the authorisation contained in Article 11a of the Act provides for various facilitations for agricultural biogas plants, including, *inter alia*, the development of fertiliser digestate. The digestate product may only be produced from feedstocks included in the list set out in the Regulation of the Minister for Agriculture and Rural Development of 12 October 2023 on the detailed list of feedstocks that may be used in agricultural biogas plants (Journal of Laws, item 2230), *i.e.* agricultural products or agricultural by-products, by-products, waste or residues from the processing of agricultural products, plant biomass from areas other than those classified as agricultural, and animal excrements from activities other than agricultural activities. In the draft Regulation, the Minister responsible for agriculture specifies the permissible types and levels of contaminants that may be present in the digestate of agricultural biogas produced from raw materials that cause such risks, as an integral part of the monitoring and control system. Scientific research shows that the use of digestate as a fertiliser has far greater agricultural and environmental benefits than the use of unfermented feedstocks. On the other hand, in order to ensure environmental and food safety in the use of these products, it is necessary to indicate the parameters for the types and levels of contaminants that may be present. In this respect, the opinions of scientific and research units involved in the study of contaminants in organic, organo-mineral fertilisers and digestate

products have been taken into account.

In view of the above, it is necessary to issue a new regulation of the Minister for Agriculture and Rural Development on the implementation of certain provisions of the Act, which shall implement the statutory authorisations contained in Articles 10-11a of the Act.

The draft Regulation lays down the organisational units authorised to carry out tests on fertilisers and plant growing aids, the detailed scope of these tests and the documentation for fertilisers and plant growing aids, the requirements for the content of the instructions for use and storage of fertilisers, plant growing aids and growth promoters, the minimum quality requirements for certain fertilisers, and the types and levels of contaminants permitted in fertilisers, plant growing aids and digestate.

§ 2 of the draft Regulation specifies the tests to be carried out for fertilisers and plant growing aids and their specific scope. There are fertilisers and plant growing aids made from waste that have been tested in agriculture, but their performance has not been proven in agriculture. Waste means ‘any substance or object which the holder disposes of, intends to dispose of or is obliged to dispose of’, whether or not the provisions of the Waste Act of 14 December 2012 (Journal of Laws of 2023, item 1587, as amended) apply to it. Agricultural tests should also be carried out where the fertiliser or plant growing aid has been produced from a by-product, i.e. a raw material or non-waste material resulting from a production process the primary purpose of which is not the production of a by-product.

§ 3 specifies the persons authorised to take samples for the testing of fertilisers and plant growing aids. The provision has been amended in line with the Ministry of State Assets’ indication that there is no doubt as to the standards of diligence, integrity, and impartiality in this regard. A standardised test method has been introduced, regardless of the country of origin of the fertiliser products. Samples may be taken by employees of a district chemical and agricultural station or an accredited body for sampling on the territory of the Republic of Poland or another Member State of the European Union.

§ 4 to 6 of the draft Regulation list the bodies authorised to carry out tests and to issue opinions on fertilisers and plant growing aids. On defining these units, their names have been updated. § 6 introduces provisions for mineral fertilisers and mineral plant growing aids, for which there were no provisions in the current regulation for the evaluation of their effects on human or animal health or the environment. This is necessary due to the possibility of marketing mineral fertiliser products in accordance with the Act, thus ensuring that they are safe for the environment.

§ 7 to 10 of the draft Regulation specify which elements should be included in an opinion on fertilisers and plant growing aids. The manufacturer's declaration, which contains all the information about the fertiliser or plant growing aid, is important. As a large amount of fertiliser is produced from waste, the above declaration should also include information on the waste used as raw material for the production of the fertiliser or plant growing aid in question. This declaration is taken into account when authorising the marketing of fertiliser products.

§ 11 of the draft Regulation specifies the documentation on the basis of which the tests on fertilisers and plant growing aids are carried out. New elements of this documentation, which are necessary because of waste-based fertilisers, are information on the wastes used as raw materials for the production of the fertiliser or plant growing aid in question, and reports on the physical, physico-chemical, and biological tests to which the stabilised municipal sewage sludge has been subjected.

§ 12 of the draft Regulation specifies what should include instructions for the use and storage of fertilisers and plant growing aids.

§ 13 of the draft Regulation sets out the permissible types of contaminants present in digestate products and their values. The limit values for contaminants have been agreed with research institutes that have experts in testing contaminants in fertiliser products. It is proposed that digestate products, due to their composition and origin, should be included in a group with organic and organo-mineral fertilisers and plant growing aids.

The contaminants identified in the draft Regulation are: chromium, cadmium, nickel, lead, mercury and arsenic and their values have been determined per kilogram of dry matter organic and organo-mineral digestate. There is no provision in the draft Regulation for the permitted number of colony forming units of *Enterobacteriaceae*, which is contained in § 14(3) of the current regulation. The requirement for *Enterobacteriaceae* has been removed because this family also includes non-pathogenic saprophytic bacteria and the presence of bacteria from this family is therefore not a representative indicator of sanitary safety in veterinary legislation. The parameters for the processing and control of by-products were amended by Commission Regulation (EC) No 208/2006 of 7 February 2006 amending Annexes VI and VIII to Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards processing standards for biogas and composting plants and requirements for manure (<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006R0208&from=>). The change was to replace the indicators used previously, i.e. *Salmonella* and *Enterobacteriaceae*, with *Escherichia coli* and *Enterococcaceae*. The

regulation is based on the Opinion of the Scientific Panel on biological hazards of the European Food Safety Authority of 7 September 2005 on vis-à-vis biological risks of biogas and compost treatment standards of animal by-products.

§ 14 of the draft Regulation lays down minimum quality requirements for certain fertilisers, which do not differ from those contained in the current regulation.

§ 15 of the draft Regulation contains a transitional provision according to which opinions on fertilisers and plant growing aids issued before the date of entry into force of the draft Regulation shall be deemed to comply with the requirements laid down in this regulation. This provision eliminates the need for re-issuance of opinions by authorised organisational units and, consequently, the costs to applicants associated with such re-issuance.

§ 16 of the draft Regulation sets the date of entry into force of the draft Regulation, whereby the date of entry into force of the provision regulating the opinions on mineral fertilisers, organic and organo-mineral fertilisers and mineral and organo-mineral plant growing aids is later than the date of entry into force of the draft Regulation.

The entry into force of the draft Regulation within the prescribed time limit does not conflict with the principles of a democratic rule of law.

The draft Regulation contains technical regulations and is therefore subject to notification in accordance with the provisions of the Regulation of the Council of Ministers of 23 December 2002 on the functioning of the national system of notification of standards and legal acts (Journal of Laws, item 2039, as amended).

The draft Regulation does not require the presentation referred to in Article 27(4) of Resolution No 190 of the Council of Ministers of 29 October 2013 — Rules of Procedure of the Council of Ministers (Official Gazette of the Government of the Republic of Poland of 2022, item 348), the competent authorities and institutions of the European Union, including the European Central Bank, for the purpose of obtaining an opinion, notification, consultation, or consent.

Pursuant to Article 5 of the Act of 7 July 2005 on lobbying activities in the legislative process (Journal of Laws of 2017, item 248), the draft Regulation was published in the Public Information Bulletin on the website of the Ministry of Agriculture and Rural Development and in the Public Information Bulletin on the website of the Government Legislation Centre in the Government Legislation Process section.

The draft Regulation complies with European Union law.

The draft Regulation has been entered in the list of legislative works of the Minister for

Agriculture and Rural Development.