



Serbia Accession Agreement

Free movement of EC fertilisers
Brussels, 19 June 2014

Title of the legal Act

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

OJ J 304, 21.11.2003, p 1 – 194

Old approach type legislation

Objectives

- Ensure the free circulation of safe EC fertilisers (listed in Annex I)
- Guarantee a minimum content of nutrients in EC fertilisers
- Declaration of the nutrient content
- Specific rules on ammonium nitrate fertilisers
 - **REACH prohibits (Annex XVII entry 58) the marketing of AN fertilisers containing more than 16 % N by weight of nitrogen in relation to ammonium nitrate to the general public**

Structure – Body of the text

General provisions

Scope and definitions

Placing on the market

General provisions on labelling, traceability, packaging and tolerances

Fertiliser requirements and safeguard clause

Provisions for specific types of fertilisers

Inorganic primary nutrient fertilisers

Inorganic secondary nutrient fertilisers

Inorganic micro-nutrient fertilisers

Ammonium nitrate fertilisers of high nitrogen content

Conformity assessment of fertilisers

Control measures

Laboratories

Final provisions

Structure - Annexes

- Annex I : list of EC fertiliser
 - **Method of production and essential ingredients, minimum nutrient content, specific labelling rules for each type**
- Annex II: tolerances
- Annex III: Technical provisions for ammonium nitrate fertilisers of high nitrogen content
- Annex IV: Methods of sampling and analysis
- Annex V: list of documents to be consulted for the registration of a new EC fertiliser type and standards of accreditation for competent laboratories

Enforcement, transposition, key ECJ cases

- The provisions of Regulation (EC) No 2003/2003 are fully applicable and must be implemented in its present shape (no transposition)
- No relevant European Court of Justice judgments
- No need to keep a register of EC fertilisers entering the Serbian territory
- Applicable sanctions for non-compliant products should be described in national legislation

Adaptation to technical progress

- Commission Regulation (EC) No 2076/2004
- Commission Regulation (EC) No 162/2007
- Commission Regulation (EC) No 1107/2008
- Commission Regulation (EC) No 1020/2009
- Commission Regulation (EC) No 137/20011
- Commission Regulation (EC) No 223/2012
- Commission Regulation (EC) No 463/2013
- http://ec.europa.eu/enterprise/sectors/chemicals/documents/specific-chemicals/fertilisers/index_en.htm

New legislation under preparation: objectives

- **Revision of Regulation (EC) No 2003/2003**
 - **Complete harmonisation – no more national legislation on fertilising materials**
 - **Extension of its scope to organic fertilisers, organo-mineral fertilisers, liming materials, soil improver, growing media, plant biostimulant and agronomic fertiliser additives**
 - **Improve the safety of products (limits on contaminants)**
 - **Correct information of end-users about the composition of the product**

New legislation under preparation: timing

- Commission proposal adopted for end 2014
- Commission proposal examined by the Council and the EU Parliament under the ordinary procedure
- Publication of the revised legislation expected for end 2016.
- Transitional provisions to give time to adapt to the new rules will be foreseen

Links to more information

- http://ec.europa.eu/enterprise/sectors/chemicals/documents/specific-chemicals/fertilisers/index_en.htm
- DG Enterprise and Industry – Unit F2
- Entr-chemicals-industry@ec.europa.eu