



# **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](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](http://ec.europa.eu/enterprise/sectors/chemicals/documents/specific-chemicals/fertilisers/index_en.htm)
- DG Enterprise and Industry – Unit F2
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