Commission Regulation (EU) No 463/2013 of 17 May 2013 amending Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers for the purposes of adapting Annexes I, II and IV thereto to technical progress (Text with EEA relevance)

COMMISSION REGULATION (EU) No 463/2013

of 17 May 2013

amending Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers for the purposes of adapting Annexes I, II and IV thereto to technical progress

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers[(1)], and in particular Article 31(1) and (3) thereof,

Whereas:

(1) The word ‘kainit’ has been used in Table A.3 of Annex I to Regulation (EC) No 2003/2003 as the fertiliser type designation for crude potassium salt. The word kainit has now come to be associated with only one specific crude potassium salt leading to a potential restriction of trade for manufacturers wishing to market other sources of potassium salts. In order to counter that restriction and thus facilitate access to a broader range of potassium salts for farmers across the Member States, a more generic type designation for those entries should be used for that fertiliser type, and the references to kainit should be adapted accordingly. A transitional period should be granted to producers of crude potassium salts to adapt the labelling to the new rules.

(2) Lignosulphonic acid is a complex material obtained from different sources of wood. As many different grades of quality are commercially available, it is important to adapt to technical progress the quality requirements which the products must comply with in order to be placed on the market as an EC fertiliser.

(3) Liming materials, also known as lime fertilisers, reduce soil acidity and, in doing so, can also provide the nutrients magnesium or calcium or both. Manufacturers of liming materials face a diversity of national rules leading to a distortion of the internal market. Liming materials should therefore be added to the fertiliser types described in Annex I to Regulation (EC) No 2003/2003 in order that they may circulate freely within the internal market. Furthermore, the European Committee for Standardisation (CEN) has developed EN standards for the methods of analysis of liming materials. In order to make compliance with those standards mandatory, they should be included in Annex IV to Regulation (EC) No 2003/2003 laying down the methods of sampling and analysis.

Changes to legislation: Commission Regulation (EU) No 463/2013 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(4) A transitional period should be granted to ensure that producers of liming materials are given time to adapt to the new EN Standards.

(5) Annex II to Regulation (EC) No 2003/2003 lays down the tolerances with regard to the declared nutrient content. Annex II should be amended to include tolerances for liming materials.

(6) Regulation (EC) No 2003/2003 requires the control of EC fertilisers in accordance with the methods of sampling and analysis that are laid down in Annex IV thereto. However, some of those methods are not internationally recognised and should be replaced by EN standards recently developed by the European Committee for Standardisation.

(7) Regulation (EC) No 2003/2003 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 32 of Regulation (EC) No 2003/2003,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments

1 Annex I to Regulation (EC) No 2003/2003 is amended in accordance with Annex I to this Regulation.

2 Annex II to Regulation (EC) No 2003/2003 is amended in accordance with Annex II to this Regulation.

3 Annex IV to Regulation (EC) No 2003/2003 is amended in accordance with Annex III to this Regulation.

Article 2

Transitional provisions

By way of derogation from the second paragraph of Article 3, manufacturers may apply the provisions in Annex I, point (1) before 7 December 2014.

Article 3

Entry into force

1 This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

2 Annex I, point (1) shall apply from 7 December 2014.

3 Annex I, point (3), Annex II, point (2) and Annex III, point (4) shall apply from 7 June 2014.

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This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 17 May 2013.

For the Commission

The President

José Manuel BARROSO

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ANNEX I

Annex I to Regulation (EC) No 2003/2003 is amended as follows:

(1) In Section A.3, entries 1 and 2 in the table are replaced by the following:

1	Crude potassium salt	Product obtained from crude potassium salts	10 % K_2O Potassium expressed as water-soluble K_2O 5 % MgO Magnesium in the form of water-soluble salts, expressed as magnesium oxide	Usual trade names may be added	Water-soluble potassium oxide Water-soluble magnesium oxide
2	Enriched crude potassium salt	Product obtained from crude potassium salts enriched by blending with potassium chloride	18 % K_2O Potassium expressed as water-soluble K_2O	Usual trade names may be added	Water-soluble potassium oxide Optional mention of the water-soluble magnesium oxide content where higher than 5 % MgO

(2) In Section E.3.2, the table is replaced by the following:

'No	**Designation**	**Alternative designation**	**Chemical formula**	**CAS number of the acid**[a]
1	Lignosulfonic acid	LS	No chemical formula available	8062-15-5[b]

a For information only.

b For quality reasons, the relative phenolic hydroxyl content and the relative organic sulphur content as measured by EN 16109 must exceed 1,5 % and 4,5 % respectively.'

(3) The following Section G is added:

G. **Liming materials**

The words "LIMING MATERIAL" shall be added after the term "EC FERTILISER".

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All the properties mentioned in the tables of Sections G.1 to G.5 refer to the product as supplied unless otherwise specified.

Granulated liming materials which are produced by aggregating smaller primary particles must break down when stirred in water into particles with fineness distributions as specified in the type descriptions, and as measured using Method 14.9 “Determination of the breakdown of granules”.

G.1. *Natural Limes*

No	**Type designation**	**Data on method of production and essential ingredients**	**Minimum content of nutrients (percentage by weight)Data on the expression of nutrientsOther requirements**	**Other data on the type designation**	**Nutrient content to be declaredForms and solubilities of the nutrientsOther criteria to be declared**
1	2	3	4	5	6
1(a)	Limestone — standard quality	Product containing as its essential ingredient calcium carbonate, obtained by grinding of natural deposits of limestone.	Minimum neutralising value: 42 Fineness determined by wet sieving: — at least 97 % to pass through a 3,15 mm sieve; — at least 80 % to pass through a 1 mm sieve; and — at least 50 % to	Usual trade names or alternative names may be added.	Neutralising value Total calcium Total magnesium (optional) Reactivity and method of determination (optional) Moisture (optional) Fineness determined by wet sieving (optional) Soil incubation results (optional)