Commission Regulation (EU) No 223/2012 of 14 March 2012 amending Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers for the purposes of adapting Annexes I and IV thereto to technical progress (Text with EEA relevance)

COMMISSION REGULATION (EU) No 223/2012

of 14 March 2012

amending Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers for the purposes of adapting Annexes I 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) Article 3 of Regulation (EC) No 2003/2003 provides that a fertiliser belonging to a type of fertiliser listed in Annex I thereto and complying with the conditions laid down in that Regulation may be designated EC fertiliser.

(2) The fertiliser types listed in Annex I to Regulation (EC) No 2003/2003 include some types that may be sold only in the form of fine powders, and other types that may also be sold in the form of suspensions. Fertilisers in the form of suspensions pose less risk to the health of farmers when used in conditions under which the use of fine powders would result in the inhalation of dusts. To reduce the exposure of farmers to dusts, the option of using suspensions should be extended to include manganese micronutrient fertiliser types, and the range of ingredients permitted in existing boron and copper fertiliser suspensions should also be extended.

(3) Regulation (EC) No 2003/2003 foresees the use of complexing agents as ingredients in micro-nutrient fertilisers. However, no such fertilisers have been designated EC fertiliser because no list of authorised complexing agents has yet been established in Annex I to that Regulation and because there are no type designations for fertiliser containing complexing agents. Given that suitable complexing agents (lignosulfonic acid salts – hereinafter ‘LS’) are now available, they should be added to the list of authorised complexing agents and corresponding type designations should be created. Existing type designations for fertiliser solutions should also be adapted to allow the use of complexing agents, but each such solution should not contain more than one complexing agent to facilitate official controls.

Changes to legislation: *Commission Regulation (EU) No 223/2012 is up to date with all changes known to be in force on or before 16 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) The new rules for micronutrient solutions and suspensions require relabelling of those fertiliser types. However, fertilisers labelled according to the old rules will remain in stock for some time. Manufacturers should therefore be allowed sufficient time to prepare new labels and to sell off all existing stocks.

(5) Regulation (EC) No 2003/2003 provides a set of rules for the labelling of mixed micro-nutrient fertilisers but does not provide for the corresponding type designations in its Annex I. Regulation (EU) No 137/2011 introduced Table E.2.4 in Section E.2 of Annex I to Regulation (EC) No 2003/2003 containing the corresponding type designations and clearer rules for mixtures of micro-nutrient fertilisers. However, Table E.2.4 requires some labelling information, which in certain cases would not be in conformity with that required by Articles 6(6) and 23(2) of Regulation (EC) No 2003/2003. Table E.2.4 should therefore be amended accordingly. A transitional period should be granted to allow economic operators to adapt to the new rules and sell off their stocks of mixed micro-nutrient fertilisers.

(6) N,N'-di(2-hydroxybenzyl)ethylenediamine-N,N'-diacetic acid (hereinafter 'HBED') is an organic chelating agent for micro-nutrients. In particular, iron chelated with HBED is used to correct iron shortages and to remedy ferric chlorosis for a large variety of fruit trees. The elimination of ferric chlorosis and its symptoms ensures green foliage, good growth and development of the fruit. The iron chelated form of HBED has been authorised in Poland without any damage for the environment. HBED should therefore be added to the list of authorised organic chelating agents for micro-nutrients in Annex I to Regulation (EC) No 2003/2003. However, it is appropriate to provide for a transitional period so that HBED is authorised after the publication of the corresponding EN Standard.

(7) Dicyandiamide/1,2,4 triazole (hereinafter 'DCD/TZ') and 1,2,4 triazole/3-methylpyrazole (hereinafter 'TZ/MP') are nitrification inhibitors that are used in combination with fertilisers containing the nutrient nitrogen in the form of urea and/or ammonium salts. Those inhibitors prolong the availability of nitrogen to crops, reduce nitrate leaching, and reduce emissions of nitrous oxide to the atmosphere.

(8) N-(2-nitrophenyl)phosphoric triamide (hereinafter '2-NPT') is a urease inhibitor designed for urea-containing nitrogen fertilisers to increase the availability of nitrogen to plants while reducing emissions of ammonia to the atmosphere.

(9) DCD/TZ, TZ/MP and 2-NPT have been used in Germany and DCD/TZ and TZ/MP in the Czech Republic for many years where they have been shown to be efficient and to pose no risk to the environment. DCD/TZ, TZ/MP and 2-NPT should therefore be added to the list of authorized nitrification and urease inhibitors in Annex I to Regulation (EC) No 2003/2003 to make them more widely available to farmers throughout the Union.

(10) Regulation (EC) No 2003/2003 requires the control of EC fertilisers in accordance with the methods of sampling and analysis that are described 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.

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(11) EN standards are usually validated by means of an inter-laboratory comparison to quantify the reproducibility and repeatability of the analytical methods. A distinction between validated EN Standards and non-validated methods should therefore be made to identify those EN Standards which have proven statistical reliability.

(12) To simplify legislation and facilitate future revision, it is appropriate to replace the full text of the analytical methods in Annex IV to Regulation (EC) No 2003/2003 with references to the EN standards published by the European Committee for Standardisation.

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

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

Article 2

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Point (1)(a), points (b)(i), (c)(i), (c)(ii), (d)(i), (e)(i), (f)(i) and point (2) of Annex I shall apply by 4 April 2013.

Annex I, point (3) entry 11 shall apply from 4 July 2012.

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

Done at Brussels, 14 March 2012.

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) Section E.1 is amended as follows:

(a) In Section E.1.1, entry 1f is replaced by the following:

1f	Borated fertiliser in suspension	Product obtained by suspending types 1a and/or 1b and/or 1c and/or 1d in water	2 % total B	The designation must include the names of the constituents present	Total boron (B) Water-soluble boron (B) if present

(b) Section E.1.2 is amended as follows:

(i) entry 2c is replaced by the following:

2c	Cobalt fertiliser solution	Aqueous solution of types 2a and/or 2b or 2d	2 % water-soluble Co When types 2a and 2d are mixed, the complexed fraction must be at least 40 % of the water-soluble Co	The designation must include: (1) the Cobalt (Co) name(s) of the chelated the by each authorised chelating agent(s), if present that chelates the at name least of 1 % a water-soluble cobalt and that can be identified at and least quantified 1 % by a water European soluble standard Cobalt if (Co) present complexed and by the that authorised