Commission Regulation (EU) No 137/2011 of 16 February 2011 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 137/2011

of 16 February 2011

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) Calcium formate (CAS 544-17-2) is a secondary nutrient fertiliser that is used as foliar fertiliser for fruit cultivation in one Member State. The substance is harmless for the environment and human health. Therefore to make it more easily available to farmers throughout the Union, calcium formate should be recognised as an 'EC fertiliser' type.

(3) Provisions on micro-nutrient chelates and micro-nutrient solutions should be adapted to allow the use of more than one chelating agent, to introduce common values for the minimum content of water-soluble micro-nutrient and to ensure that each chelating agent that chelates at least 1 % of the water-soluble micro-nutrient and that is identified and quantified by EN standards is labelled. A sufficient transitional period is necessary in order to allow economic operators to sell off their stocks of fertilisers.

(4) Zinc oxide powder (CAS 1314-13-2) is a zinc fertiliser listed in Annex I to Regulation (EC) No 2003/2003. Zinc oxide in powder form presents a potential dust hazard in use. The use of zinc oxide in the form of a stable suspension in water avoids this hazard. Zinc fertiliser suspension should therefore be recognised as an 'EC fertiliser' type to allow a safer use of zinc oxide. To allow flexibility within formulations, the use of zinc salts and one or more types of zinc chelate(s) should also be permitted in any such water-based suspensions.

(5) Article 23(2) of Regulation (EC) No 2003/2003 contains rules for the composition and labelling of mixed micro-nutrient fertilisers but such mixtures are not yet listed

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among the fertiliser types of Annex I. Mixed micro-nutrient fertilisers therefore cannot be sold as 'EC fertilisers'. Micro-nutrient fertiliser type designations should therefore be introduced in Annex I for solid and fluid fertilisers.

(6) Iminodisuccinic acid (hereinafter 'IDHA') is a chelating agent which is authorised for use in two Member States as foliar sprays, for soil application, in hydroponics and in fertigation. IDHA should be added to the list of authorised chelating agents in Annex I to make it more easily available to farmers throughout the Union.

(7) Article 29(2) of Regulation (EC) No 2003/2003 requires the control of 'EC fertilisers' in accordance with the methods of analysis that are described therein. However, some methods have not been internationally recognised. EN standards have now been developed by the European Committee for Standardisation and should replace those methods.

(8) Validated methods published as EN standards usually include a ring test (inter-laboratory test) to check the reproducibility and repeatability of the analytical methods between different laboratories. A distinction between validated EN standards and non-validated methods should therefore be made to help to identify the EN standards which have undergone an inter-laboratory test to correctly inform controllers about the statistical reliability of EN standards.

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

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

(11) 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

Transitional provisions

Points (a) to (e) of point (2) of Annex I shall apply from 9 October 2012 to fertilisers that are placed on the market before 9 March 2011.

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Article 3

Entry into force

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

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

Done at Brussels, 16 February 2011.

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 D, the following entries 2.1 and 2.2 are inserted:

2.1	Calcium formate	Chemically obtained product containing calcium formate as essential ingredient	33,6 % CaO Calcium expressed as water-soluble CaO 56 % formate		Calcium oxide Formate
2.2	Calcium formate fluid	Product obtained by dissolution in water of calcium formate	21 % CaO Calcium expressed as water-soluble CaO 35 % formate		Calcium oxide Formate

(2) Section E.1 is amended as follows:

(a) in Section E.1.2, entries 2b and 2c are replaced by the following:

2b	Cobalt chelate	Water-soluble product containing cobalt chemically combined with authorised chelating agent(s)	5 % of water-soluble cobalt and at least 80 % of the water-soluble cobalt is chelated by authorised chelating agent(s)	Name of each authorised chelating agent that chelates at least 1 % water-soluble cobalt and that can be identified and quantified by a European standard	Water-soluble cobalt (Co) Optional: Total cobalt (Co) chelated by authorised chelating agents Cobalt (Co) chelated by each authorised chelating agent that chelates at least 1 % water-soluble cobalt and that can be

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					identified and quantified by a European standard
2c	Cobalt fertiliser solution	Aqueous solution of types 2a and/or types 2b	2 % water-soluble cobalt	The designation must include: (1) the name(s) of the mineral(s) and/or the name of any authorised chelating agent that chelates at least 1 % water-soluble cobalt if present and that can be identified and quantified by a European standard (2) the name of any authorised chelating agent that chelates at least 1 % water-soluble cobalt and that can be identified and quantified by a European standard	Water-soluble cobalt (Co) Optional: (a) Total cobalt (Co) chelated by authorised chelating agents (b) Cobalt (Co) chelated by each authorised chelating agent that chelates at least 1 % water-soluble cobalt and that can be identified and quantified by a European standard

(b) in Section E.1.3, entries 3d and 3f are replaced by the following:

3d	Copper chelate	Water-soluble product containing copper	5 % of water-soluble copper and at least	Name of each authorised chelating agent that	Water-soluble copper (Cu)