Changes to legislation: *Commission Regulation (EC) No 1020/2009 is up to date with all changes known to be in force on or before 15 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*

Commission Regulation (EC) No 1020/2009 of 28 October 2009 amending Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers for the purposes of adapting Annexes I, III, IV and V thereto to technical progress (Text with EEA relevance)

COMMISSION REGULATION (EC) No 1020/2009

of 28 October 2009

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

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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) Partially solubilised rock phosphate is a primary nutrient fertiliser type listed in Annex I to Regulation (EC) No 2003/2003. Article 16 of that Regulation permits the addition of secondary nutrients to all primary nutrient fertiliser types. However, the minimum content of phosphorous pentoxide laid down for the existing partially solubilised phosphate rock fertiliser type is set too high to allow the addition of secondary nutrients. A new fertiliser type should therefore be introduced to allow mixtures of partially solubilised rock phosphate with magnesium secondary nutrients to be marketed as ‘EC fertiliser’.

(3) Magnesium sulphate or magnesium oxide is added to ground phosphate rock to remedy phosphate and magnesium deficiencies in certain agricultural soils. The partial solubilisation makes phosphate and magnesium rapidly available to crops for a short period, whereas the non-solubilised constituents provide a slower but more sustained supply of phosphate and magnesium. Both phosphate and magnesium nutrients should be available in a single fertiliser type in order to benefit farmers.

(4) Magnesium sulphate is a secondary nutrient fertiliser type listed in Annex I to Regulation (EC) No 2003/2003. Article 20 of that Regulation permits the addition of micro-nutrients to all secondary nutrient fertiliser types. However, the minimum content of sulphur trioxide and magnesium oxide laid down for the existing magnesium sulphate fertiliser type is set too high to allow the addition of micro-nutrients. Due to a growing

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interest in balanced plant nutrition the use of micro-nutrients has increased. A blend of magnesium sulphate with micro-nutrients would make it easier for farmers to use such micro-nutrients. The magnesium sulphate fertiliser type should therefore be revised to allow mixtures of magnesium sulphate with micro-nutrients to be marketed as 'EC fertiliser'.

(5) Annex III to Regulation (EC) No 2003/2003 gives technical provisions for the control of ammonium nitrate fertilisers of high nitrogen content. It should be clarified that the methods of analysis may be used for the different ammonium nitrate fertiliser forms (prills or granules). Furthermore, those descriptions of the analysis methods make use of obsolete units of pressure rather than the current SI units.

(6) Article 29(2) to Regulation (EC) No 2003/2003 requires that controls of EC fertilisers belonging to fertiliser types listed in Annex I to that Regulation are made in accordance with the methods of analysis that are described in detail in Annexes III and IV to that Regulation. As those methods are not internationally recognised, the European Committee for Standardisation (CEN) was mandated to develop equivalent EN standards to replace the existing methods.

(7) As a partial outcome of the CEN Mandate M/335 concerning the modernisation of analytical methods on fertilisers and liming materials, 20 EN standards have been developed and should be introduced in Annex IV to Regulation (EC) No 2003/2003. Some of those standards should replace existing methods of analysis, whilst others are new.

(8) Validated methods published as EN standards usually include a ring-test (inter-laboratory test) to check the reproducibility of the analytical methods between different laboratories. However, a preliminary evaluation of the methods to be introduced in the mandate showed that some of them are little used. In this case, an editorial revision was found sufficient and no ring-test was deemed necessary. 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 CEN.

(10) Article 30 of Regulation (EC) No 2003/2003 requires laboratories to be competent and approved by a Member State when they carry out analysis on fertiliser samples for official controls. Such approved laboratories must meet the accreditation standards mentioned in Section B of Annex V. Since accreditation has proved in practice to take longer than originally foreseen, Annex V should be amended to ensure efficient control actions by allowing Member States to authorise laboratories that are competent for official controls, but not yet accredited.

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

(12) 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,

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HAS ADOPTED THIS REGULATION:

Article 1

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

1. Annex I is amended in accordance with Annex I to this Regulation.

2. Annex III is amended in accordance with Annex II to this Regulation.

3. Annex IV is amended in accordance with Annex III to this Regulation.

4. Annex V is amended in accordance with Annex IV to this Regulation.

Article 2

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, 28 October 2009.

For the Commission

Günter VERHEUGEN

Vice-President

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ANNEX I

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

1. in Table A.2, the following entry 3(a) is inserted:

No	Type designation	Data on method of production and essential ingredients	Minimum nutrient content(percentage by weight)Data on the expression of nutrients, other requirements	Other data on the type designation	Nutrient content to be declaredForms and solubilities of the nutrientsOther criteria
1	**2**	**3**	**4**	**5**	**6**
‘3(a)	Partially solubilised rock phosphate with magnesium	Product obtained by partial solubilisation of ground rock phosphate with sulphuric acid or phosphoric acid with the addition of magnesium sulphate or magnesium oxide, and containing as essential ingredients monocalcium phosphate, tricalcium phosphate, calcium sulphate and magnesium sulphate	16 % P_2O_5 6 % MgO Phosphorus expressed as P_2O_5 soluble in mineral acids, at least 40 % of the declared content of P_2O_5 being water-soluble Particle size: — at least 90 % able to pass through a sieve with a mesh of 0,160 mm — at least 98 %		Total phosphorus pentoxide (soluble in mineral acids) Phosphorus pentoxide soluble in water Total magnesium oxide Water-soluble magnesium oxide’

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			able to pass through a sieve with a mesh of 0,630 mm		

2. in Table D, entry 5 is replaced by the following:

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
1	**2**	**3**	**4**	**5**	**6**
‘5	Magnesium sulphate	Product containing heptahydrated magnesium sulphate as main ingredient	15 % MgO 28 % SO_3 Where micro-nutrients are added, and declared in accordance with Article 6(4) and 6(6): 10 % MgO 17 % SO_3 Magnesium and sulphur expressed as water-soluble magnesium oxide and sulphur trioxide	The usual trade names may be added	Water-soluble magnesium oxide Water-soluble sulphur trioxide’