Commission Regulation (EC) No 1107/2008 of 7 November 2008 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 (EC) No 1107/2008

of 7 November 2008

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 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) Ammonium sulphate and calcium nitrate (nitrate of lime) are both listed as fertiliser types in Annex I to Regulation (EC) No 2003/2003. However, combinations of those two fertiliser types may not be designated ‘EC fertiliser’. As combinations of ammonium sulphate and calcium nitrate (nitrate of lime) have been used successfully in two Member States, such combinations should be recognised as ‘EC fertilisers’ so that they can be made more easily available to farmers throughout the Community.

(3) Many of the primary nutrient fertiliser types containing nitrogen that are listed in Annex I tend to release their nitrogen too rapidly for crops to benefit fully from it, and as a result the excess nitrogen may potentially cause harm to the environment.

(4) As regards two EC fertiliser types listed in Annex I to Regulation (EC) No 2003/2003, the addition of dicyandiamide, one of a number of substances known as nitrification inhibitors, may prevent any such potential harm to the environment. Other types of EC fertiliser may contain nitrogen in a different form for which nitrification inhibitors are not effective. For those other types, urease inhibitors may offer a satisfactory solution.

(5) To allow greater access to the agronomic and environmental benefits of nitrification or urease inhibitors, the use of nitrification or urease inhibitors should be allowed for most types of nitrogen fertilisers, and more types of inhibitors should be allowed.

(6) A list of authorised nitrification and urease inhibitors should therefore be introduced in Annex I to Regulation (EC) No 2003/2003.

Changes to legislation: Commission Regulation (EC) No 1107/2008 is up to date with all changes known to be in force on or before 27 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

(7) Annex IV to Regulation (EC) No 2003/2003 provides detailed descriptions of the methods of analysis to be used to measure the nutrient content of EC fertilisers. Those descriptions, insofar as they concern iodine concentration, need to be adjusted in order to have correct analysis values.

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

(9) 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

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

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, 7 November 2008.

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.1, the entry for fertiliser type 4 ‘sulphate of ammonia’ is replaced by the following:

4	Sulphate of ammonia	Chemically obtained product containing ammonium sulphate as its essential ingredient, possibly with up to 15 % calcium nitrate (nitrate of lime).	19,7 % N Nitrogen expressed as total nitrogen. Maximum content of nitric nitrogen 2,2 % N if calcium nitrate (nitrate of lime) is added.	When marketed in the form of a combination of ammonium sulphate and calcium nitrate (nitrate of lime), the designation must include “with up to 15 % calcium nitrate (nitrate of lime)”.	Ammoniacal nitrogen. Total nitrogen if calcium nitrate (nitrate of lime) is added

(2) in Table A.1, the entries for fertiliser types 16, 17 and footnote (a) are deleted. Type 18 becomes type 16:

(3) the following Section F is added:

F. Nitrification and urease inhibitors

The urease and nitrification inhibitors listed in the Tables F.1. and F.2. below may be added to the nitrogenous fertilisers types listed in Sections A.1., B.1., B.2., B.3., C.1. and C.2. of Annex I subject to the following provisions:

(1) at least 50 % of the total nitrogen content of the fertiliser consists of the nitrogen forms specified in column 3;

(2) they do not belong to the fertiliser types mentioned in column 4.

Fertilisers to which a nitrification inhibitor listed in Table F.1. has been added shall have the words “with nitrification inhibitor ([type designation of nitrification inhibitor])” added to their type designation.

Fertilisers to which a urease inhibitor listed in Table F.2. has been added shall have the words “with urease inhibitor ([type designation of urease inhibitor])” added to their type designation.

Technical information, as complete as possible, must be provided with each package or bulk consignment by the person responsible for marketing. This information must