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COUNCIL DIRECTIVE

of 18 September 1989

supplementing and amending Directive 76/116/EEC in respect of the trace elements boron, cobalt, copper, iron, manganese, molybdenum and zinc contained in fertilizers

(89/530/EEC)

(OJ L 281, 30.9.1989, p. 116)

Amended by:

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►**M1**	Directive 97/63/EC of the European Parliament and of the Council of 24 November 1997	L 335	15	6.12.1997

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(89/530/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 100a thereof,

Having regard to the proposal from the Commission [1],

In cooperation with the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Whereas it is necessary to adopt measures with the aim of progressively establishing the internal market over a period expiring on 31 December 1992; whereas the internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured;

Whereas Council Directive 76/116/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to fertilizers [4], as last amended by Directive 89/284/EEC [5], lays down rules on the marketing of EEC-type fertilizers; whereas it has proved necessary to extend this Directive to cover the seven trace elements (boron, cobalt, copper, iron, manganese, molybdenum and zinc) contained in these fertilizers;

Whereas Directive 76/116/EEC should henceforth apply to soluble fertilizers or fluids containing one or more trace elements marketed individually and mixtures thereof and to certain chelated trace elements;

Whereas the Directives on fertilizers should be continually developed and updated as regards the adaptation to scientific and technical progress of the products listed in the Annexes to those Directives; whereas for this purpose it is considered necessary to extend the functions of the Committee provided for in Directive 76/116/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Solid or fluid fertilizers listed in Chapter A of the Annex, containing only one of the following trace elements: boron, cobalt, copper, iron, manganese, molybdenum or zinc and meeting the requirements of the said Chapter A, may be marked ►**M1** 'EC FERTILIZER' ◄.

2. Mixtures of two or more of the fertilizers referred to in paragraph 1 containing at least two different trace elements may be marked ►**M1** 'EC FERTILIZER' ◄ if they meet the requirements of Chapter B of the Annex.

Article 2

►**M1** EC fertilizers ◄ complying with the provisions of Article 1 shall be packaged.

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(1) OJ No C 304, 29. 11. 1988, p. 8.
(2) OJ No C 47, 20. 2. 1989, p. 75 and Decision of 15 September 1989 (not yet published in the Official Journal).
(3) OJ No C 102, 24. 4. 1989, p. 9.
(4) OJ No C 304, 29. 11. 1988, p. 8.
(5) OJ No C 47, 20. 2. 1989, p. 75 and Decision of 15 September 1989 (not yet published in the Official Journal).

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Article 3

1. The content of one or more of the following trace elements: boron, cobalt, copper, iron, manganese, molybdenum or zinc in the ►M1 EC fertilizers ◄ listed in Annex I to Directive 76/116/EEC shall be declared where the following two conditions are fulfilled:

(a) the trace elements are added and present at least in the minimum quantities specified in Chapters C and D of the Annex to this Directive;

(b) the ►M1 EC fertilizers ◄ must continue to satisfy the requirements of Annex I to Directive 76/116/EEC.

2. Where the trace elements are the normal ingredients of the raw materials intended to supply major and secondary elements, their declaration shall be optional, provided that these trace elements are present at least in the minimum quantities specified in Chapters C and D of the Annex to this Directive.

Article 4

The compulsory markings for the identification of the fertilizers covered by this Directive shall be as follows:

(a) ►M1 'EC FERTILIZER' ◄ in capital letters,

(b) the designation of the type of fertilizer:

— either in accordance with Chapter A of the Annex,

— or as the type designation 'Mixture of trace elements', followed by the names of the trace elements present or their chemical symbols,

— or in accordance with Annex I to Directive 76/116/EEC, by adding to the type designation either:

'with trace elements',

or

'with' followed by the name or names of the trace elements present or by their chemical symbols.

Only the numbers stating the contents of the major and secondary elements covered by Directive 76/116/EEC shall follow the type designation.

Where several trace elements are present they shall be listed in the alphabetical of their chemical symbols: B, Co, Cu, Fe, Mn, Mo, Zn;

(c) the guaranteed content in respect of each nutrient and the guaranteed content expressed as forms and/or solubilities where these are specified in the Annexes to Directive 76/116/EEC and, for each trace element present, as required by Article 6;

(d) where all or part of the trace element is chemically linked with an organic molecule, the name of that element is then followed by one of the following qualifiers:

— 'chelated by …' (name of chelating agent or its abbreviation as set out in Chapter E (1) of the Annex),

— 'complexed by …' (name of complexing agent as set out in Chapter E (2) of the Annex).

The trace-element content shall be expressed as a percentage by weight, in whole numbers or where necessary to one decimal place for fertilizers containing only one trace element (Chapter A of the Annex). Where fertilizers contain several trace elements the number of decimal places may, for a given element, be as set out in Chapters B, C and D of the Annex.

Trace-element content shall be expressed both in words and by the appropriate chemical symbols.

The following shall be entered on the label or accompanying papers, with regard to the products appearing in Chapters A and B of the Annex below the obligatory or optional declarations: 'To be used

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only where there is a recognized need. Do not exceed the appropriate dose rates.'

Article 5

Member States may require on their territory without impeding trade and on the responsiblity of the person in charge of marketing that an indication be given of the dose rates and conditions of use suitable for the soil and crop conditions under which the fertilizer is used. This information must be clearly separated from the obligatory declarations provided for in Article 4.

Article 6

Member States shall require that the trace-element content of ►**M1** EC fertilizers ◄ placed on the market must be stated in the form of elements (B, Co, Cu, Fe, Mn, Mo, Zn).

The trace-element content of a fertilizer shall be declared in the following manner:

(a) for the fertilizers referred to in Article 1 (1): in accordance with the requirements set out in Chapter A (column 6) of the Annex;

(b) for the fertilizers referred to in Article 1 (2) and Article 3 by indicating:

— the total content, expressed as a percentage by weight of the fertilizer, and

— the water-soluble content, expressed as a percentage by weight of the fertilizer, where that solubility is at least half of the total content.

Where a trace-element is totally water-soluble, only the water-soluble content shall be declared.

The trace-element content of a fertilizer shall be determined under the conditions laid down in the methods of analysis provided for in Article 8 of Directive 76/116/EEC.

Where a trace element is chemically linked with an organic molecule the content present in the fertilizer shall be declared immediately following the water-soluble content as a percentage by weight of the product, followed by one of the terms: 'chelated by' or 'complexed by' with the name of the organic molecule as set out in Chapter E of the Annex. The name of the organic molecule may be replaced by its initials.

Article 7

The tolerance allowed in respect of the declared trace-element content shall be:

— 0,4 % in absolute terms for a content of more than 2 %,

— one-fifth of the declared value for a content not exceeding 2 %.

Article 8

Article 9 (1) of Directive 76/116/EEC is replaced by the following:

'Amendments required to adapt the Annexes to technical progress shall be adopted in accordance with the procedure laid down in Article 11.

Where such amendments are made, a fertilizer shall be included only if:

(a) it does not adversely affect human or animal health or the environment;

(b) it provides nutrients in an effective manner according to the needs of a particular crop or according to growing conditions of particular crops.'

Article 9

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within

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eighteen months of its notification. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the provisions of national law which they adopt in the field governed by this Directive.

Article 10

This Directive is addressed to the Member States.