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COUNCIL DIRECTIVE

of 13 April 1989

supplementing and amending Directive 76/116/EEC in respect of the calcium, magnesium, sodium and sulphur content of fertilizers

(89/284/EEC)

(OJ L 111, 22.4.1989, p. 34)

Amended by:

		Official Journal		
		No	page	date
►**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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supplementing and amending Directive 76/116/EEC in respect of the calcium, magnesium, sodium and sulphur content of fertilizers

(89/284/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 measures need to be adopted for the progressive completion of the internal market by 31 December 1992; whereas the internal market is an area without internal frontiers in which the free movement of goods, persons, services and capital is guaranteed;

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 88/183/EEC [5], laid down rules for the marketing of solid EEC fertilizers; whereas it has proved necessary to extend the said Directive to include the calcium, magnesium, sodium and sulphur contents of such fertilizers;

Whereas Directive 76/116/EEC may henceforth be applicable to fertilizers containing only calcium, magnesium and sulphur,

HAS ADOPTED THIS DIRECTIVE:

Article 1

A declaration of the magnesium, sodium and sulphur content of the ►**M1** EC fertilizers ◄ listed in Annex I to Directive 76/116/EEC may be made provided that these elements are present in at least the minimum quantities specified in Article 2 of this Directive and that the ►**M1** EC fertilizers ◄ continue to satisfy the requirements of Annex I to Directive 76/116/EEC. In such cases, the marking specified in point (b) of Article 6 of this Directive shall be added to the type designation.

Article 2

A declaration of the magnesium, sodium and sulphur content of the ►**M1** EC fertilizers ◄ referred to in Article 1 may be made only if they contain not less than:

— 2 % of magnesium oxide (MgO), i.e. 1,2 % Mg,

— 3 % of sodium oxide (Na_2O), i.e. 2,2 % Na,

— 5 % of sulphur trioxide (SO_3), i.e. 2 % S.

Article 3

1. Within the meaning of this Directive, a declaration of the calcium content considered to be a nutrient shall be made, without. prejudice to paragraph 2, only for fertilizers of types 1 and 2 as listed in Annex I.

Member States may stipulate that the calcium content of fertilizers marketed in their territories be expressed in the oxide form (CaO), in the elemental form (Ca), or in both of these forms.

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[1] OJ No C 20, 26. 1. 1988, p. 5.
[2] OJ No C 262, 10. 10. 1986, p. 82 and OJ No C 47, 27. 2. 1989.
[3] OJ No C 134, 24. 5. 1988, p. 6.
[4] OJ No L 24, 30. 1. 1976, p. 21.
[5] OJ No L 83, 29. 3. 1988, p. 33.

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The following formula shall be used to convert the calcium oxide content into a calcium content:

calcium (Ca) = calcium oxide (CaO) × 0,715

2. The soluble calcium content of the liquid fertilizers referred to in Part C of Annex I to Directive 76/116/EEC, which are intended for foliage spraying, may be stipulated when the content reaches a minimum of 8 % calcium oxide (= 5,7 % Ca).

Article 4

Fertilizers meeting the provisions of this Directive and the Annexes thereto may be marked '►**M1** EC FERTILIZER ◄'.

Article 5

Member States may stipulate that the magnesium, sodium and sulphur contents of fertilizers marketed in their territories shall be expressed:

— in the oxide form (MgO, Na_2O, SO_3),

— or in the elemental form (Mg, Na, S),

— or in both of these forms.

The following formulae shall be used to convert the sodium oxide and sulphur trioxide contents into sodium and sulphur contents:

— sodium (Na) = sodium oxide (Na_2O) × 0,742,

— sulphur (S) = sulphur trioxide (SO_3) × 0,400.

If the oxide content is calculated, the figure declared shall be rounded to the nearest decimal place.

Article 6

Compulsory marking for identification purposes:

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

(b) the designation of the type of fertilizer:

— either in accordance with Annex I to Directive 76/116/EEC, with the designation of the type being followed by 'containing …' and the names or chemical symbols of the elements referred to in this Directive which the fertilizer contains. The figures indicating the contents of the elements referred to in Directive 76/116/EEC may be followed by figures in brackets for the elements referred to in Annex I to this Directive,

— or in accordance with Annex I to this Directive;

(c) the guaranteed content in respect of each nutrient and the guaranteed content expressed as forms and/or solubilities, where these are apecified in the Annexes to the Directives on fertilizers.

The nutrient content of staight and compound fertilizers shall be given as a percentage by weight in whole numbers, or where necessary, to one decimal place.

If a fertilizer contains several declarable elements, their contents shall be indicated in the following order:

N, P_2O_5 and/or P, K_2O and/or K, CaO or Ca, MgO, and/of Mg, Na_2O and/or Na, SO, and/or S.

The forms and solubilities of the nutrients shall also be expressed as a percentage by weight of fertilizer, except where Annex I to Directive 76/116/EEC explicitly provides that this content shall be otherwise expressed.

Nutrients shall be indicated both in words and by appropriate chemical symbols, e.g. nitrogen (N), phosphorus (P), phosphorus pentoxide (P_2O_5), potassium (K), potassium oxide (K_2O), magnesium (Mg), magnesium oxide (MgO), sodium (Na), sodium oxide (Na_2O), sulphur (S) sulphur trioxide (SO_3), calcium (Ca) and calcium oxide (CaO).