II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE
of 22 March 1988
amending Directive 76/116/EEC in respect of fluid fertilizers

(88/183/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 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 the Act of Accession of Spain and Portugal, laid down rules governing the marketing of solid fertilizers; whereas it has proved necessary to extend the scope of the above-mentioned Directive to cover fluid fertilizers;

Whereas it is appropriate that Directive 76/116/EEC apply to both solid and fluid fertilizers and, in particular, that the designation 'EEC fertilizer' for fertilizers meeting the definition and having the composition of simple and compound fertilizers set out in this Directive should also so apply,

(1) OJ No C 12, 16. 1. 1987, p. 3.
(2) OJ No C 125, 11. 5. 1987, p. 163.
(3) OJ No C 232, 31. 8. 1987, p. 6.
(4) OJ No L 24, 30. 1. 1976, p. 21.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 76/116/EEC is hereby amended as follows:

1. Article 2 is replaced by the following:

   'Article 2

   Member States shall take all the necessary measures to ensure that the designation 'EEC fertilizer' is used only for fertilizers belonging to one of the fertilizer types listed in Annex I and complying with the conditions laid down by this Directive and by Annexes I to III thereof.'

2. The following paragraph is added to Article 4:

   '3. Fluid fertilizers may be marketed only if suitable directions are provided. These directions shall cover, in particular, storage temperature and prevention of accidents during storage.'

3. Part 'C — Fluid fertilizers' contained in the Annex to this Directive is added to Annex I.

4. The following is inserted after the second subparagraph in point 1 (c) of Annex II:

   'The additional information on the fertilizing components of fluid fertilizers may be expressed in approximately equivalent terms of weight versus volume (kilograms per hectolitre or grams per litre).

   Quantities of a fluid fertilizer shall be expressed by mass. The expression of quantities of fluid fertilizers by volume shall be optional.'

5. The following products and tolerances are added under A. I in Annex III:

'Nitrogen fertilizer solution	0,6 %
Ammonium nitrate — urea solution	0,6 %'.

Article 2

1. Member States shall take the measures necessary to comply with this Directive at the latest within one year of its notification. They shall forthwith inform the Commission thereof (1).

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

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 22 March 1988.

For the Council

The President

M. BANGEMANN

(1) This Directive was notified to the Member States on 25 March 1988.

ANNEX

C. FLUID FERTILIZERS

1. STRAIGHT FLUID FERTILIZERS

Number	Type designation	Data on method of production and essential ingredients	Minimum content of nutrients (percentage by weight) data on the expression of nutrients; other requirements	Other data or type designation	Nutrient content to be declared; forms and solubilities of the nutrients; other criteria
(1)	(2)	(3)	(4)	(5)	(6)
1	Nitrogen fertilizer solution	Product obtained chemically and by dissolution in water, in a form stable at atmospheric pressure, without addition of organic nutrients of animal or vegetable origin	15 % N Nitrogen expressed as total nitrogen or, if there is only one form, nitric nitrogen or ammoniacal nitrogen or ureic nitrogen. Maximum biuret content: ureic N × 0,026		Total nitrogen and, for any form that amounts to not less than 1 %, nitric nitrogen,ammoniacal nitrogen and/or ureic nitrogen. If the biuret content is less than 0,2 %, the words 'low in biuret' may be added
2	Ammonium nitrate-urea fertilizer solution	Product obtained chemically and by dissolution in water, containing ammonium nitrate and urea	26 % N Nitrogen expressed as total nitrogen, where the ureic nitrogen accounts for about half of the nitrogen present Maximum biuret content: 0,5 %		Total nitrogen Nitric nitrogen, ammoniacal nitrogen and ureic nitrogen. If the biuret content is less than 0,2 %, the words 'low in biuret' may be added