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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,

Draft

**COMMISSION REGULATION (EC) No .../..**

**of [...]**

**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**

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**COMMISSION REGULATION (EC) No .../..**

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**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<sup>1</sup>, 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

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<sup>1</sup> OJ L 304, 21.11.2003, p. 1.

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 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 micronutrients. 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 fertilisers 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,

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 III to Regulation (EC) No 2003/2003 is amended in accordance with Annex II to this Regulation.
- (3) Annex IV to Regulation (EC) No 2003/2003 is amended in accordance with Annex III to this Regulation.
- (4) Annex V to Regulation (EC) No 2003/2003 is amended in accordance with Annex IV to this Regulation.

*Article 2*

This Regulation shall enter into force on the twentieth day following that of 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, [...]

*For the Commission*  
*Günter Verheugen*  
*Vice President*

**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 declared  Forms and solubilities of the nutrients  Other 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 <sub>2</sub> O <sub>5</sub> , 6 % MgO.  Phosphorus expressed as P <sub>2</sub> O <sub>5</sub> soluble in mineral acids, at least 40 % of the declared content of P <sub>2</sub> O <sub>5</sub> being water-soluble.  Particle size:  – at least 90 % able to pass through a sieve with a mesh of 0,160 mm,  – at least 98 % able to pass through a sieve with a mesh of 0,630 mm.		Total phosphorus pentoxide (soluble in mineral acids).  Phosphorus pentoxide soluble in water.  Total magnesium oxide.  Water-soluble magnesium oxide.

”

(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 nutrients Other requirements	Other data on the type designation	Nutrient content to be declared Forms and solubilities of the nutrients Other criteria
1	2	3	4	5	6
5	Magnesium sulphate.	Product containing heptahydrated magnesium sulphate as main ingredient.	15 % MgO, 28 % SO <sub>3</sub> .  Where micronutrients are added, and declared in accordance with Article 6(4) and 6(6):  10 % MgO, 17 % SO <sub>3</sub> .  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.

”

## ANNEX II

Section 3 of Annex III to Regulation (EC) No 2003/2003 is amended as follows:

- (1) In Method 2, point 6.2 is replaced by the following:

“6.2. Remove particles smaller than 0.5 mm using the test sieve (5.4). Weigh to the nearest 0.01 gram approximately 50 grams of the sample into the beaker (5.2). Add sufficient gas oil (section 4) to cover the prills or granules completely and stir carefully to ensure that the surfaces of all the prills or granules are fully wetted. Cover the beaker with a watch glass and leave to stand for one hour at  $25 (\pm 2) ^\circ\text{C}$ .”

- (2) In Method 3, point 4.3.5 is replaced by the following:

“4.3.5. Dreschel bottle D acting as a trap for any excess of acid which may distil over.”

- (3) In Method 3, the first paragraph of point 5.2 is replaced by the following:

“5.2. Place the sample for analysis in the reaction flask B. Add 100 ml of  $\text{H}_2\text{SO}_4$ (3.2). The prills or granules dissolve in about 10 minutes at ambient temperature. Assemble the apparatus as indicated in the diagram: connect one end of the absorption tube (A) to the nitrogen source (4.2) via a non-return flow device containing a pressure of 667 to 800 Pa and the other end to the feed tube which enters the reaction flask. Place the Vigreux fractionating column (C') and the condenser (C) with cooling water supply in position. Adjust the nitrogen to provide a moderate flow through the solution, bring the solution to boiling point and heat for two minutes. At the end of this time there should be no more effervescence. If effervescence is seen, continue heating for 30 minutes. Allow solution to cool for at least 20 minutes with the nitrogen flowing through it.”



### **ANNEX III**

Section B of Annex IV to Regulation (EC) No 2003/2003 is amended as follows:

- (1) Method 1 is replaced by the following:

"Method 1

#### **Preparation of the sample for analysis**

EN 1482-2: Fertilizers and liming materials-Sampling and sample preparation-Part2: Sample preparation"

- (2) Methods 2 are replaced as follows:

- (a) Method 2.1 is replaced by the following:

"Method 2.1

#### **Determination of ammoniacal nitrogen**

EN 15475: Fertilizers - Determination of ammoniacal nitrogen

This method of analysis has been ring tested."

- (b) Method 2.2.1 is replaced by the following:

"Method 2.2.1

#### **Determination of nitric and ammoniacal nitrogen according to Ulsch**

EN 15558: Fertilizers - Determination of nitric and ammoniacal nitrogen according to Ulsch

This method of analysis has not been ring tested."

- (c) Method 2.2.2 is replaced by the following:

"Method 2.2.2

#### **Determination of nitric and ammoniacal nitrogen according to Arnd**

EN 15559: Fertilizers – Determination of nitric and ammoniacal nitrogen according to Arnd

This method of analysis has not been ring tested."

- (d) Method 2.2.3 is replaced by the following:

"Method 2.2.3

#### **Determination of nitric acid and ammoniacal nitrogen according to Devarda**

EN 15476: Fertilizers - Determination of nitric and ammoniacal nitrogen according to Devarda

This method of analysis has been ring tested."

- (e) Method 2.3.1 is replaced by the following:

"Method 2.3.1

**Determination of the total nitrogen in calcium cyanamide nitrate free**

EN 15560: Fertilizers - Determination of total nitrogen in calcium cyanamide nitrate free

This method of analysis has not been ring tested"

- (f) Method 2.3.2 is replaced by the following:

"Method 2.3.2

**Determination of total nitrogen in calcium cyanamide containing nitrates**

EN 15561: Fertilizers - Determination of total nitrogen in calcium cyanamide containing nitrates

This method of analysis has not been ring tested."

- (g) Method 2.3.3 is replaced by the following:

"Method 2.3.3

**Determination of total nitrogen in urea**

EN 15478: Fertilizers - Determination of total nitrogen in urea

This method of analysis has been ring tested."

- (h) Method 2.4 is replaced by the following:

"Method 2.4

**Determination of cyanamide nitrogen**

EN 15562: Fertilizers - Determination of cyanamide nitrogen

This method of analysis has not been ring tested."

- (i) Method 2.5 is replaced by the following:

"Method 2.5

**Spectrophotometric determination of biuret in urea**

EN 15479: Fertilizers - Spectrophotometric determination of biuret in urea

This method of analysis has been ring tested."

- (j) Method 2.6.1 is replaced by the following:

"Method 2.6.1

**Determination of different forms of nitrogen in the same sample in fertilisers containing nitrogen as nitric, ammoniacal, urea and cyanamide nitrogen**

EN 15604: Fertilizers - Determination of different forms of nitrogen in the same sample containing nitrogen, as nitric, ammoniacal, urea and cyanamide nitrogen

This method of analysis has not been ring tested."

(k) Method 4.1 is replaced by the following:

"Method 4.1

**Determination of the water-soluble potassium content**

EN 15477: Fertilizers - Determination of the water-soluble potassium content

This method of analysis has been ring tested."

(3) The following methods are added:

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Methods 11

**Chelating agents**

Method 11.1

**Determination of the chelated micro-nutrient content and of the chelated fraction of micro-nutrients**

EN 13366: Fertilizers - Treatment with a cation exchange resin for the determination of the chelated micro-nutrient content and of the chelated fraction of micro-nutrients.

This method of analysis has been ring tested.

Method 11.2

**Determination of EDTA, HEDTA and DTPA**

EN 13368-1: Fertilizers - Determination of chelating agents in fertilizers by ion chromatography - Part 1: EDTA, HEDTA and DTPA.

This method of analysis has been ring tested.

Method 11.3

**Determination of iron chelated by o,o EDDHA and o,o EDDHMA**

EN 13368-2: 2007 Fertilizers - Determination of chelating agents in fertilizers by chromatography. Part 2: Determination of Fe chelated by o,o EDDHA and o,o EDDHMA by ion pair-chromatography.

This method of analysis has been ring tested.

Method 11.4

#### **Determination of iron chelated by EDDHSA**

EN 15451: Fertilizers - Determination of chelating agents-Determination of iron chelated by EDDHSA by ion pair-chromatography.

This method of analysis has been ring tested.

Method 11.5

#### **Determination of iron chelated by o,p EDDHA**

EN 15452: Fertilizers - Determination of chelating agents-Determination of iron chelated by o,p EDDHA by reversed phase HPLC.

This method of analysis has been ring tested.

Methods 12

#### **Nitrification and urease inhibitors**

Method 12.1

#### **Determination of dicyandiamide**

EN 15360: Fertilizers - Determination of dicyandiamide – Method using high-performance liquid chromatography (HPLC).

This method of analysis has been ring tested.

Method 12.2

#### **Determination of NBPT**

EN 15688: Fertilizers - Determination of urease inhibitor N-(n-butyl)thiophosphoric triamide (NBPT) using high-performance liquid chromatography (HPLC).

This method of analysis has been ring tested.

Methods 13

#### **Heavy metals**

Method 13.1

#### **Determination of cadmium content**

EN 14888: Fertilizers and liming materials - Determination of cadmium content.

This method of analysis has been ring tested.

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## ANNEX IV

Section B of Annex V to Regulation (EC) No 2003/2003 is replaced by the following:

**“B. REQUIREMENTS TO AUTHORISE LABORATORIES THAT ARE COMPETENT TO PROVIDE THE NECESSARY SERVICE FOR CHECKING COMPLIANCE OF EC FERTILISERS WITH THE REQUIREMENTS OF THIS REGULATION AND ITS ANNEXES.**

(1) Standard applicable at the level of the laboratories.

- Laboratories accredited in accordance with EN ISO/IEC 17025, General requirements for the competence of testing and calibration laboratories, for at least one of the methods of Annexes III and IV.
- Until [five years after entry into force of this Regulation\*], laboratories not yet accredited provided that the laboratory:
  - Demonstrates that it has initiated and is pursuing the necessary accreditation procedures in accordance with EN ISO/IEC 17025 in one or more of the methods of Annexes III and IV, and
  - Provides the competent authority with evidence that the laboratory is participating in inter-laboratory tests with good results.

(2) Standard applicable at the level of accreditation bodies:

EN ISO /IEC 17011, Conformity assessment: General requirements for accreditation bodies accrediting conformity assessment bodies.

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\*OJ: Please insert date