
STATUTORY INSTRUMENTS

2006 No. 2486

The EC Fertilisers (England and Wales) Regulations 2006

PART 2

Composition, labelling and records

Types of fertiliser for which designation “EC fertiliser” can be used

3.—(1) No manufacturer shall place on the market a fertiliser designated as an “EC fertiliser” unless—

- (a) it is of a type listed in Annex I; and
- (b) he is established in accordance with Article 4 (establishment within the Community).

(2) Any person who contravenes paragraph (1) shall be guilty of an offence.

Tolerances

4. Any manufacturer who—

- (a) places on the market a fertiliser designated as an “EC fertiliser” the content of which does not comply with the tolerances specified in paragraphs (1) and (3) of Article 13 (tolerances); or
- (b) fails to comply with Article 13(2),

shall be guilty of an offence.

General provisions relating to identification, marking, labelling and packaging of EC fertilisers

5.—(1) Any manufacturer who places on the market a fertiliser designated as an EC fertiliser shall be guilty of an offence unless the identification markings relating to it—

- (a) are borne as specified in paragraph (1) of Article 9 (markings);
- (b) comply with Article 9(2);
- (c) include a declaration of contents as specified in paragraphs (1)(a) and (d), (4), (5) and (6) of Article 6 (compulsory statements);
- (d) include the additional instructions called for by Article 9(3) if it is a fluid fertiliser; and
- (e) have been provided as specified in paragraph (1) of Article 7 (identification).

(2) Any manufacturer who places on the market a packaged fertiliser designated as an EC fertiliser shall be guilty of an offence unless—

- (a) the identification markings appear as specified in the first sentence of Article 7(2);
- (b) the packaging and labelling of the fertiliser complies with paragraphs (1) and (2) of Article 10 (labelling);
- (c) the packaging complies with Article 12 (packaging); and

(d) the language in which the identification markings appear complies with Article 11 (languages).

(3) Any manufacturer who places on the market a bulk fertiliser designated as an EC fertiliser shall be guilty of an offence unless—

- (a) the identification markings appear as specified in the second sentence of Article 7(2);
- (b) a copy of the documents containing them meets the requirements of Article 10(3); and
- (c) the language in which the identification markings appear complies with Article 11.

Additional provisions relating to the marking and identification of inorganic primary nutrient fertilisers

6. Any manufacturer who places on the market a fertiliser—

- (a) that is designated as an EC fertiliser;
- (b) that is a fertiliser of the type described in Article 16 (scope); and
- (c) for which a declaration of calcium, magnesium, sodium and sulphur content is made other than—
 - (i) in accordance with Articles 17 (declaration of secondary nutrients in primary nutrient fertilisers), 18 (calcium, magnesium, sodium and sulphur) and 19 (identification), and
 - (ii) as specified in Article 6(2)(c),

shall be guilty of an offence.

Additional provisions relating to the marking and identification of inorganic secondary nutrient fertilisers

7. Any manufacturer who places on the market a fertiliser—

- (a) that is designated as an EC fertiliser;
- (b) that is a fertiliser of the type described in Article 20 (scope);
- (c) that is not marked in accordance with Article 21 (identification); and
- (d) for which a declaration of calcium, magnesium, sodium and sulphur content is made otherwise than as specified in Article 6(2)(c),

shall be guilty of an offence.

Additional provisions relating to the identification and packaging of inorganic micro-nutrient fertilisers

8. Any manufacturer who places on the market a fertiliser that is—

- (a) designated as an EC fertiliser;
- (b) a fertiliser of the type described in Article 22 (scope);
- (c) not marked in accordance with Article 23 (identification); and
- (d) not packaged in accordance with Article 24 (packaging),

shall be guilty of an offence.

Records

9. Any manufacturer who fails to comply with the requirements of Article 8 (traceability) shall be guilty of an offence.

Compliance notices

10.—(1) This regulation applies where either or both the Secretary of State (in England) and the National Assembly for Wales (in Wales) is of the opinion that a person is a manufacturer placing on the market fertiliser that does not comply with the Community Regulation, but that person has not committed an offence under regulations 3 to 9.

(2) The Secretary of State and the National Assembly for Wales may each serve a notice in writing on the person in question giving reasons why he, or as the case may be, it, is of that opinion and requiring him to take such steps as are specified in the notice within such period (being not less than 14 days except in an emergency) as is so specified.

(3) The steps to be so specified are steps that the Secretary of State, or the National Assembly for Wales, as the case may be, regards as appropriate to cause him, or it, no longer to be of the opinion in paragraph (1).

(4) Failure to comply with such a notice is an offence unless the notice has been withdrawn.