

Regulations amending Regulations concerning trade  
with fertilisers, liming materials etc.

Laid down by the Ministry of Agriculture and Food xx.xx 2014 pursuant to Act 19 December 2003 No. 124 on Food Production and Food Safety (Food Act) §§ 5, 9, 10, 12, 13, 14 og 33 first paragraph, cf. Decision on Delegation of authority 19. December 2003 No. 1790 and by the Norwegian Directorate for Civil Protection pursuant to Act No. 20 of 14 June 2002 relating to the Prevention of Fire, Explosion and Accidents involving Hazardous Substances and the Fire Services' Duties connected with Rescue Operations (Fire and Explosion Prevention Act) §§ 26 og 43 cf. Decision on Delegation of authority 1. September 2003 No. 1161. Confirmed by the Ministry of Justice and Public Security.

I

In Regulations 4. July 2000 No. 1063 relating to trade with fertilisers, liming materials etc. the following amendments are made:

In the legal basis the EEA References is removed.

In §§ 19, 23, 25 and 26 and annex 2, 3 5 and 8 the expression weight percentage is changed to mass percentage.

The following chapter titles are repealed:

- Chapter 3.1 Liming material
- Chapter 3.2 Fertiliser
- Chapter 4.1 Labelling og fertilisers
- Chapter 4.2 Labelling of liming material
- Chapter 4.3 Labelling of biostimulants and compost additives

§ 3 new paragraph seven shall read

The new seventh paragraph to Section 3 shall read: In sections 13a to 13d the responsible party/person is as stated in each individual section.

§ 9 first paragraph shall read

Liming material belonging to one of the type designation given in annex 8 shall follow the quality criteria given for that type designation.

The following is added in a new chapter 3A:

*Particular regulations relating to ammonium nitrate fertilisers of high nitrogen content*

*§ 13a Requirements relating to a test of resistance to detonation and other technical requirements for ammonium nitrate fertilisers of high nitrogen content*

*Ammonium nitrate fertilisers of high nitrogen content shall not be placed on the marked or imported, cf. Regulations 30. May 2008 No. 516 concerning the Registration,*

*Evaluation, Authorisation and Restriction of Chemicals, unless they meet the requirements relating to a test of resistance to detonation and other technical requirements according to Regulations 9. November 2005 No. 1313 concerning fertilisers which are placed on the market as EC-fertilisers section 1 cf. annex III of Regulation (EC) No 2003/2003 relating to fertilisers.*

*The test of resistance to detonation shall be carried out by one of the approved laboratories referred to in Regulations 9. November 2005 No. 1313 concerning fertilisers which are placed on the market as EC-fertilisers section 1 implementing Article 30 of Regulation (EC) No 2003/2003 relating to fertilisers. The test-report shall identify the batch that has been tested.*

#### *§ 13b Packaging of ammonium nitrate fertilisers of high nitrogen content*

*Ammonium nitrate fertilisers of high nitrogen content shall be made available to the final user only in packaged form.*

#### *§ 13c Requirements to submit an analysis-report on the test of resistance to detonation*

*Anyone importing nitrate fertilisers of high nitrogen content from countries outside the EEA-area shall submit an analysis-report on the test of resistance to detonation of the products to the Norwegian Directorate for Civil Protection at least 5 days before the arrival of the fertilisers at the Norwegian borders.*

*Anyone importing from countries in the EEA-area ammonium nitrate fertilisers of high nitrogen content that has not earlier been placed on the market in an EEA-country or producing such fertilisers in this country, shall submit an analysis-report as described in the first paragraph, to the Norwegian Directorate for Civil Protection at least 5 days before the fertilisers are placed on the market*

#### *§ 13d Requirements for information following the analysis-report on the test of resistance to detonation*

*When an analysis-report is submitted cf. Section 13c it shall be followed by the following information:*

- a) the trade-name of the fertiliser*
- b) a description of the composition of the fertiliser , i.e its content of raw materials and processing aids*
- c) the name and address of the manufacturer*
- d) the identification of the batch*
- e) the precise identification between the analysis-report on the test of detonation and the batch that is to be imported or placed on the market.*
- f) the means of transportation*
- g) the place of arrival*
- h) the time of arrival*

*The information indicated in the letters f)-h) is to be given only when importing fertilisers.*

§ 15 shall read

The Norwegian Food Safety Authority decides the type designation for other products than those that already are designated at type designation in §§ 18, 26, 28, in annex 2 or annex 8.

§ 24 shall read

Liming material that is in correspondence with a type designation given in annex 8 shall be labelled with that type designation.

§ 25 letter h) shall read

The content of calcium (Ca) and magnesium (Mg) given as mass percentage of product as delivered. The content of magnesium (Mg) should only be given if it is at least 0,5 percent.

§ 26 first paragraph shall read

For compost additives the type designation should be given as inorganic compost additive or organic compost additive. For biostimulants the type designation should be given as biostimulant.

§ 27 Official control

The Norwegian Food Safety Authority perform controls and make the individual decisions in accordance with the Food Act § 23 to ensure implementation of the provisions laid down in this regulation with the exception of §§ 13 a to 13 d. The Norwegian Food Safety Authority may also make decisions in accordance with the Food Act. §§ 24 to 26.

The Norwegian Directorate for Civil Protection perform controls and make the necessary decisions in accordance with the Fire and Explosion Prevention Act §§ 37 to 40 to ensure compliance with the provisions laid down in or pursuant to this regulation § 13 second subsection to 13d.

§ 33 shall read

§ 33 Derogation

The Norwegian Food Safety Authority may in special cases derogate from provisions laid down in this regulation with the exemption of §§ 13a to 13d provided that this is not in conflict with Norway's obligations under international law, including the EEA Agreement.

The Norwegian Directorate for Civil Protection may in special cases derogate from provisions laid down in this regulation §§ 13a to 13d provided that this is not in conflict with Norway's obligations under international law, including the EEA Agreement.

§§ 28, 29, 34 and 35 are repealed.

§ 36 shall read

§ 36 *Penal measures*

Contraventions of the provisions laid down in or pursuant to this regulation, or decisions taken pursuant to this regulation, with the exemption of §§ 13 a to 13d, is liable penal measures according the Food Act. § 28

Contraventions of the provisions laid down in or pursuant to this regulation, or decisions taken pursuant to this regulation §§ 13a to 13d is liable penal measure according the Fire and Explosion Prevention Act § 42.

The definition of pure ammonium nitrate fertilisers in annex 1 is replaced by the following definition:

Ammonium nitrate fertilisers of high nitrogen content: Straight or compound ammonium nitrate based products manufactured for use as fertilisers and containing more than 28 % by mass of nitrogen in relation to ammonium nitrate. This means that the contents of both ammonium and nitrate are more than 14 percent. These types of fertilisers may contain both inorganic and inactive substances.

Annexes 6 and 7 are repealed

The title of annex 8 shall read:

Designation Type, requirements for neutralizing value and magnesium in product as delivered and particle size distribution.

In annex 8 the text “ types of liming material not defined any places in point to 2.2” shall be replaced with types of liming material not defined any other places.

## II

In regulation 4<sup>th</sup> November 2005 number 1313 relating to fertiliser marketed as EC fertiliser the following changes are made:

New § 6a shall read:

§ 6a Requirements for submission of the test of resistance to detonation

The results of the test of resistance to detonation given in § 1 *cf.* Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers article 27 shall be submitted to The Norwegian Directorate for Civil Protection.

Entry into force dd.mm.yyyy