SCOTTISH STATUTORY INSTRUMENTS

2006 No. 543

The EC Fertilisers (Scotland) Regulations 2006

PART II

Composition, labelling and records

Types of fertiliser for which the designation "EC fertiliser" may 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 (list of types of EC fertilisers); and

(b) the manufacturer is established in accordance with Article 4 (establishment within the Community).

(2) Any manufacturer 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 provisions in respect of tolerances set out 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 the marking, identification, 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 an expression 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 required by paragraph (1) of Article 7 (identification).

(2) In addition to the requirements of paragraph (1), 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 those identification markings appear complies with Article 11 (languages).

(3) In addition to the requirements of paragraph (1), 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 the identification markings 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 that is–

(a) designated as an EC fertiliser;

(b) a fertiliser of the type described in Article 20 (scope); and

(c) not marked in accordance with Article 21 (identification) or 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 marking, 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); and

(c) not marked in accordance with Article 23 (identification) or 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 the Scottish Ministers are of the opinion that a manufacturer is placing on the market fertiliser that does not comply with the Community Regulation but that manufacturer has not committed an offence under regulations 3 to 9.

(2) If the Scottish Ministers are of the opinion described in paragraph (1) they may serve a notice in writing on the manufacturer giving reasons why they are of that opinion and requiring that manufacturer 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 referred to in paragraph (2) are those that the Scottish Ministers regard as appropriate to cause them to cease to be of the opinion referred to in paragraph (1).

(4) Any manufacturer who fails to comply with a notice served under paragraph (2) shall be guilty of an offence unless the notice has been withdrawn.

Status:
Point in time view as at 04/12/2006.

Changes to legislation:
There are currently no known outstanding effects for the The EC Fertilisers (Scotland) Regulations 2006, PART II.