II
(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 137/2011
of 16 February 2011
fertilisers for the purposes of adapting Annexes I and IV thereto to technical progress
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European
Union,

Having regard to Regulation (EC) No 2003/2003 of the
relating to fertilisers (1), 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) Calcium formate (CAS 544-17-2) is a secondary nutrient
fertiliser that is used as foliar fertiliser for fruit cultivation
in one Member State. The substance is harmless for the
environment and human health. Therefore to make it
more easily available to farmers throughout the Union,
calcium formate should be recognised as an ‘EC fertiliser’
type.

(3) Provisions on micro-nutrient chelates and micro-nutrient
solutions should be adapted to allow the use of more
than one chelating agent, to introduce common values
for the minimum content of water-soluble micro-nutrient
and to ensure that each chelating agent that chelates at
least 1 % of the water-soluble micro-nutrient and that is
identified and quantified by EN standards is labelled. A

(4) Zinc oxide powder (CAS 1314-13-2) is a zinc fertiliser
oxide in powder form presents a potential dust hazard in
use. The use of zinc oxide in the form of a stable
suspension in water avoids this hazard. Zinc fertiliser
suspension should therefore be recognised as an ‘EC
fertiliser’ type to allow a safer use of zinc oxide. To
allow flexibility within formulations, the use of zinc
salts and one or more types of zinc chelate(s) should
also be permitted in any such water-based suspensions.

(5) Article 23(2) of Regulation (EC) No 2003/2003 contains
rules for the composition and labelling of mixed micro-
nutrient fertilisers but such mixtures are not yet listed
among the fertiliser types of Annex I. Mixed micro-
nutrient fertilisers therefore cannot be sold as ‘EC
fertilisers’. Micro-nutrient fertiliser type designations
should therefore be introduced in Annex I for solid
and fluid fertilisers.

(6) Iminodisuccinic acid (hereinafter ‘IDHA’) is a chelating
agent which is authorised for use in two Member
States as foliar sprays, for soil application, in hydroponics
and in fertigation. IDHA should be added to the list of
authorised chelating agents in Annex I to make it more
easily available to farmers throughout the Union.

(7) Article 29(2) of Regulation (EC) No 2003/2003 requires
the control of ‘EC fertilisers’ in accordance with the
methods of analysis that are described therein. However, some methods have not been internationally
recognised. EN standards have now been developed by
the European Committee for Standardisation and should
replace those methods.

Validated methods published as EN standards usually include a ring test (inter-laboratory test) to check the reproducibility and repeatability of the analytical methods between different laboratories. 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.

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 the European Committee for Standardisation.


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**

Amendments


**Article 2**

Transitional provisions

Points (a) to (e) of point (2) of Annex I shall apply from 9 October 2012 to fertilisers that are placed on the market before 9 March 2011.

**Article 3**

Entry into force

This Regulation shall enter into force on the 20th day following 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, 16 February 2011.

For the Commission
The President
José Manuel BARROSO
ANNEX I

Annex I to Regulation (EC) No 2003/2003 is amended as follows:

(1) In Section D, the following entries 2.1 and 2.2 are inserted:

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Description</th>
<th>Composition</th>
<th>Identity</th>
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</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Calcium formate</td>
<td>Chemically obtained product containing calcium formate as essential ingredient</td>
<td>33.6 % CaO Calcium expressed as water-soluble CaO 56 % formate</td>
<td>Calcium oxide Formate</td>
</tr>
<tr>
<td>2.2</td>
<td>Calcium formate fluid</td>
<td>Product obtained by dissolution in water of calcium formate</td>
<td>21 % CaO Calcium expressed as water-soluble CaO 35 % formate</td>
<td>Calcium oxide Formate</td>
</tr>
</tbody>
</table>

(2) Section E.1 is amended as follows:

(a) in Section E.1.2, entries 2b and 2c are replaced by the following:

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Description</th>
<th>Composition</th>
<th>Identity</th>
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<tbody>
<tr>
<td>2b</td>
<td>Cobalt chelate</td>
<td>Water-soluble product containing cobalt chemically combined with authorised chelating agent(s)</td>
<td>5 % of water-soluble cobalt and at least 80 % of the water-soluble cobalt is chelated by authorised chelating agent(s)</td>
<td>Name of each authorised chelating agent that chelates at least 1 % water-soluble cobalt and that can be identified and quantified by a European standard Water-soluble cobalt (Co) Optional: Total cobalt (Co) chelated by authorised chelating agents Cobalt (Co) chelated by each authorised chelating agent that chelates at least 1 % water-soluble cobalt and that can be identified and quantified by a European standard</td>
</tr>
<tr>
<td>2c</td>
<td>Cobalt fertiliser solution</td>
<td>Aqueous solution of types 2a and/or types 2b</td>
<td>2 % water-soluble cobalt</td>
<td>The designation must include: (1) the name(s) of the mineral anion(s) (2) the name of any authorised chelating agent that chelates at least 1 % water-soluble cobalt if present and that can be identified and quantified by a European standard</td>
</tr>
</tbody>
</table>
(b) in Section E.1.3, entries 3d and 3f are replaced by the following:

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<tbody>
<tr>
<td><strong>3d</strong></td>
<td>Copper chelate</td>
<td>Water-soluble product containing copper chemically combined with authorised chelating agent(s)</td>
<td>5 % of water-soluble copper and at least 80 % of the water-soluble copper is chelated by authorised chelating agent(s)</td>
<td>Name of each authorised chelating agent that chelates at least 1 % water-soluble copper and that can be identified and quantified by a European standard</td>
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<tr>
<td><strong>3f</strong></td>
<td>Copper fertiliser solution</td>
<td>Aqueous solution of types 3a and/or types 3d</td>
<td>2 % water-soluble copper</td>
<td>The designation must include: (1) the name(s) of the mineral anion(s) (2) the name of any authorised chelating agent that chelates at least 1 % water-soluble copper if present and that can be identified and quantified by a European standard</td>
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</table>

(c) in Section E.1.4, entries 4b and 4c are replaced by the following:

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<tbody>
<tr>
<td><strong>4b</strong></td>
<td>Iron chelate</td>
<td>Water-soluble product containing iron chemically combined with authorised chelating agent(s)</td>
<td>5 % of water-soluble iron, of which the chelated fraction is at least 80 % and at least 50 % of the water-soluble iron is chelated by authorised chelating agent(s)</td>
<td>Name of each authorised chelating agent that chelates at least 1 % water-soluble iron and that can be identified and quantified by a European standard</td>
</tr>
<tr>
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<tr>
<td><strong>4c</strong></td>
<td>Iron fertiliser solution</td>
<td>Aqueous solution of types 4a and/or types 4b</td>
<td>2 % of water soluble iron</td>
<td>The designation must include: (1) the name(s) of the mineral anion(s) (2) the name of any authorised chelating agent that chelates at least 1 % water-soluble iron if present and that can be identified and quantified by a European standard</td>
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</tbody>
</table>
(d) in Section E.1.5, entries 5b and 5e are replaced by the following:

<table>
<thead>
<tr>
<th>Entry</th>
<th>Description</th>
<th>Composition</th>
<th>Specification</th>
<th>Identification</th>
</tr>
</thead>
<tbody>
<tr>
<td>5b</td>
<td>Manganese chelate</td>
<td>Water-soluble product containing manganese chemically combined with authorised chelating agent(s)</td>
<td>5 % of water-soluble manganese and at least 80 % of the water-soluble manganese is chelated by authorised chelating agent(s)</td>
<td>Name of each authorised chelating agent that chelates at least 1 % water-soluble manganese and that can be identified and quantified by a European standard</td>
</tr>
<tr>
<td>5e</td>
<td>Manganese fertiliser solution</td>
<td>Aqueous solution of types 5a and/or types 5b</td>
<td>2 % water-soluble manganese</td>
<td>The designation must include: (1) the name(s) of the mineral anion(s) (2) the name of any authorised chelating agent that chelates at least 1 % water-soluble manganese if present and that can be identified and quantified by a European standard</td>
</tr>
</tbody>
</table>

(e) in Section E.1.7, entries 7b and 7e are replaced by the following:

<table>
<thead>
<tr>
<th>Entry</th>
<th>Description</th>
<th>Composition</th>
<th>Specification</th>
<th>Identification</th>
</tr>
</thead>
<tbody>
<tr>
<td>7b</td>
<td>Zinc chelate</td>
<td>Water-soluble product containing zinc chemically combined with authorised chelating agent(s)</td>
<td>5 % of water-soluble zinc and at least 80 % of the water-soluble zinc is chelated by authorised chelating agent(s)</td>
<td>Name of each authorised chelating agent that chelates at least 1 % water-soluble zinc and that can be identified and quantified by a European standard</td>
</tr>
<tr>
<td>7e</td>
<td>Zinc fertiliser solution</td>
<td>Aqueous solution of types 7a and/or types 7b</td>
<td>2 % water-soluble zinc</td>
<td>The designation must include: (1) the name(s) of the mineral anion(s) (2) the name of any authorised chelating agent that chelates at least 1 % water-soluble zinc if present and that can be identified and quantified by a European standard</td>
</tr>
</tbody>
</table>
(f) In Section E.1.7, the following entry 7f is added:

| 7f  | Zinc fertiliser suspension | Product obtained by suspending type 7(a) and/or 7(c) and/or types 7(b) in water | 20 % total zinc | The designation must include: (1) the name(s) of the anions (2) the name of any authorised chelating agent that chelates at least 1 % water-soluble zinc if present and that can be identified and quantified by a European standard | Total zinc (Zn) Water-soluble zinc (Zn) if present Zinc (Zn) chelated by each authorised chelating agent that chelates at least 1 % water-soluble zinc and that can be identified and quantified by a European standard |
(3) Section E.2 is amended as follows:

(a) the title of Section E.2 is replaced by the following:

‘E.2. Minimum micro-nutrient content, percentage weight of fertiliser; mixed micro-nutrient fertiliser types’;

(b) the title of Section E.2.1 is replaced by the following:

‘E.2.1. Minimum micro-nutrient content in solid or fluid mixtures of micro-nutrient fertilisers, percentage weight of fertiliser’;

(c) in Section E.2.1, the two sentences below the table are deleted;

(d) the title of Section E.2.2 is replaced by the following:

‘E.2.2. Minimum micro-nutrient content in EC fertilisers containing primary and/or secondary nutrient(s) with micro-nutrient(s) applied to the soil, percentage weight of fertiliser’;

(e) the title of Section E.2.3 is replaced by the following:

‘E.2.3. Minimum micro-nutrient content in EC fertilisers containing primary and/or secondary nutrient(s) with micro-nutrient(s) for leaf sprays, percentage weight of fertiliser’;

(f) the following Section E.2.4 is added:

‘E.2.4. Solid or fluid mixtures of micro-nutrient fertilisers

| No | Type designation | Data on method of production and essential ingredients | Minimum total content of micro-nutrients (percentage by weight) | Data on expression of nutrients | Other requirements on the type designation | Nutrient content to be declared
|----|------------------|------------------------------------------------------|---------------------------------------------------------------|---------------------------------|---------------------------------------------|----------------------------------|
| 1  | Mixture of micro-nutrients | Product obtained by mixing two or more E.1 type fertilisers | Total of micro-nutrients: 5 % by mass of the fertiliser | Individual micro-nutrient according to Section E.2.1 | The designation must include: (1) the names of any mineral anions if present (2) the name(s) of any authorised chelating agents if present | Total content of each nutrient Water soluble content of each nutrient if present Micro-nutrient chelated by each authorised chelating agent(s) if present
| 2  | Fluid mixture of micro-nutrients | Product obtained by dissolving two or more E.1 type fertilisers in water | Total of micro-nutrients: 2 % by mass of the fertiliser | Individual micro-nutrient according to Section E.2.1 | The designation must include: (1) the names of any mineral anions if present (2) the name(s) of any authorised chelating agents if present | Total content of each nutrient Water soluble content of each nutrient if present Micro-nutrient chelated by each authorised chelating agent(s), if present

(4) In Section E.3.1, the following entry is added:

‘Iminodisuccinic acid IDHA C₈H₁₁O₂₃N 131669-35-7’.
ANNEX II

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

(1) Method 2.6.2 is replaced by the following:

Method 2.6.2

Determination of total nitrogen in fertilisers containing nitrogen only as nitric, ammoniacal and urea nitrogen by two different methods

EN 15750: Fertilizers. Determination of total nitrogen in fertilizers containing nitrogen only as nitric, ammoniacal and urea nitrogen by two different methods.

This method of analysis has been ring-tested.

(2) The following method 2.6.3 is added:

Method 2.6.3

Determination of urea condensates using HPLC — Isobutyleneurea and crotonyldenediurea (method A) and methylene-urea oligomers (method B)

EN 15705: Fertilizers. Determination of urea condensates using high-performance liquid chromatography (HPLC). Isobutyleneurea and crotonyldenediurea (method A) and methylene-urea oligomers (method B)

This method of analysis has been ring-tested.

(3) The following title of method 5 is inserted:

‘Carbon dioxide’

(4) The following method 5.1 is inserted:

Method 5.1

Determination of carbon dioxide — Part I: method for solid fertilisers


This method of analysis has been ring-tested.

(5) Method 8.9 is replaced by the following:

Method 8.9

Determination of the sulfates content using three different methods

EN 15749: Fertilizers. Determination of sulfates content using three different methods

This method of analysis has been ring-tested.