Republic of Latvia

Cabinet

Regulation No. 318

Adopted 24 May 2022

**Procedures for Monitoring and Controlling Circulation of EU Fertilisers bearing CE Marking**

*Issued pursuant to*

*Section 4, Paragraph one, Clause 1, Sub-clause “f” of the Law on Circulation of Fertilisers*

**I. General Provisions**

1. The Regulation prescribes the procedures for monitoring and controlling the circulation of the EU fertilisers bearing the CE marking (hereinafter – the fertiliser) in accordance with Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003 (hereinafter – Regulation 2019/1009), and Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No. 305/2011 (hereinafter – Regulation 2019/1020).

2. Monitoring, controlling, and accounting the fertiliser circulation is within the competence of the State Plant Protection Service (hereinafter – the Service) in accordance with Article 10(2) of Regulation (EU) 2019/1020.

**II. Accounting of Fertilisers**

3. No later than a month prior to placing the fertiliser on the market, the producer or importer, or packer of fertilisers (hereinafter – the person) shall submit to the Service:

3.1. an application for the accounting of the fertiliser (hereinafter – the application) in accordance with the information specified in the Annex to this Regulation. The fertiliser applied for accounting by the producer may be imported freely;

3.2. the text of the fertiliser producer’s identification marking, label, or accompanying document in the original language and its translation into Latvian which conforms to Annex III to Regulation 2019/1009. If the application is submitted in printed form, the submitter shall also submit the text of the label or marking electronically;

3.3. a copy of the producer’s EU declaration of conformity in the original language and its translation into Latvian in accordance with Annex V to Regulation 2019/1009.

4. If the packer changes the name or trademark of the fertiliser applied for accounting or introduces other changes, or includes additional information, it shall be considered as producer and shall be subject to the producer’s obligations provided for in Article 6 of Regulation 2019/1009.

5. If an application has not been filled in completely or all the documents referred to in Paragraph 3 of this Regulation have not been submitted, the Service shall request that the person submits the necessary information and documents within 20 working days after receipt of the request. If the person has not eliminated the abovementioned deficiencies until the end of the specified deadline, the Service shall reject the application.

6. The Service shall enter information on the fertiliser in the State Information System for the Monitoring of Agricultural Plants within a month after the receipt of the application referred to in Section 5, Paragraph one, Clause 1 of the Law on Circulation of Fertilisers.

7. The Service shall make amendments to the State Information System for the Monitoring of Agricultural Plants within 20 working days after the receipt of the producer’s, importer’s, or packer’s application and its accompanying documents.

**III. Procedures for Monitoring and Controlling Fertilisers**

8. The person shall provide information on fertilisers in accordance with the procedures provided for in Section 5, Paragraph one, Clause 2 of the Law on Circulation of Fertilisers.

9. If the person terminates activity with fertilisers, it shall notify the Service of the termination of such activity in writing within 20 working days.

10. The Service shall:

10.1. cooperate with the customs institution selected in accordance with Article 25(1) of Regulation 2019/1020 and perform the functions in accordance with the requirements provided for in Article 25(5), Article 26(3), Articles 27 and 28 of Regulation 2019/1020;

10.2. take fertiliser samples and submit those to an accredited laboratory which shall test the samples in accordance with the laws and regulations provided for in Article 14(1) or Article 13(2) of Regulation 2019/1009;

10.3. on the basis of the test report issued by an accredited laboratory, assess the conformity of the quality of the control sample of the fertiliser to the requirements set out in Annex I and Annex III, Parts II and III of Regulation 2019/1009. If the quality of the fertiliser conforms to the corresponding requirements, the control costs shall be covered from the funds provided from the State budget for such purpose;

10.4. send a second control sample of the fertiliser to an accredited laboratory if the quality of the fertiliser does not conform to the requirements set out in Annex I and Annex III, Parts II and III of Regulation 2019/1009. Only such quality indicators of the fertiliser shall be tested in the second control sample in which non-conformity was detected. If, after the retesting, the quality of the fertiliser does not conform to the requirements set out in Annex I and Annex III, Parts II and III of Regulation 2019/1009, all control sample testing costs shall be covered by the person producing, importing, or packaging the specific fertiliser;

10.5. assess the fertiliser and implement the actions provided for in Paragraphs 38, 40, and 41 of Regulation 2019/1009 if non-conformity of the fertiliser is established.

11. The fertiliser shall be removed from records if the person does not provide a report on its activity with fertilisers for two consecutive years in accordance with Section 5, Paragraph one, Clause 2 of the Law on Circulation of Fertilisers. The stocks of fertilisers may be in a trade network for three years after the decision was made if they are not hazardous to human and animal health, and the environment.

12. In the cases referred to in Paragraphs 9 and 11 of this Regulation, the Service shall exclude information on the fertiliser from the State Information System for the Monitoring of Agricultural Plants within 20 days after the circumstances are established.

**IV. Closing Provisions**

13. Cabinet Regulation No. 76 of 27 January 2009, Procedures for Monitoring and Control of Fertilisers with “EC Fertiliser” Marking (*Latvijas Vēstnesis*, 2009, No. 17; 2010, No. 77), is repealed.

14. Fertilisers bearing the marking “EC fertiliser” which conform to the requirements of Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers and which were placed on the European Union market by 16 July 2022 may be sold off after this date. These can be applied for accounting, and the Service shall monitor and control this in accordance with the laws and regulations which had been in force before the day this Regulation came into force.

15. The Regulation shall come into force on 16 July 2022.

Prime Minister A. K. Kariņš

Minister for Agriculture K. Gerhards

**Annex**

Cabinet Regulation No. 318

24 May 2022

**Application for Accounting EU Fertiliser bearing CE Marking**

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| (day) |  | (month) |  | (year) |

**I. General Information**

1. The submitter of the application is (mark as appropriate with an x):

producer  importer  packer

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 2. Registration number of the submitter  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| in the register of  |
| the competent authority |

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| 3. Submitter: |
| 3.1. name |  |
| 3.2. legal address |  |
| 3.3. telephone number |  | fax number |  |
| 3.4. e-mail address |  |

4. Information on the person submitting the application:

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 4.1. personal identity number |  |  |  |  |  |  | - |  |  |  |  |  |
| 4.2. given name |  |
| 4.3. surname |  |
| **II. Information on the Fertiliser**5. Fertiliser: |

5.1. name (function category) in accordance with Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019

5.2. the trade name (if any)

5.3. producer (name, country)

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| I certify that the information provided is correct |
|  |
| (name, surname and signature\* of the submitter of the application) |

Note. \* The detail of the document “signature” need not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding drawing up of electronic documents.