



**RE: Arrangements for the control of Fertilisers originating from
outside of the European Union.**

To: Manufacturers, Importers and Distributors of Fertilisers in Ireland

The Department of Agriculture, Food and the Marine (DAFM) wish to bring to your attention the responsibilities of importers, manufacturers and distributors of fertilisers in relation to the withdrawal of the United Kingdom from the EU in the event of a no-deal.

The Regulation that allows for the free trade of fertilisers within the EU, Regulation (EC) No 2003/2003 of the European Parliament and of the Council, would no longer apply to the United Kingdom. This has implications for importers of fertiliser from the UK and those exporting fertiliser to the UK.

The Irish Fertiliser Regulation SI No 248/1978, Marketing of Non-EC Fertiliser Regulation, will continue to apply to Fertilisers that are not EC fertilisers

1. Responsibilities for Importers, distributors and Manufacturers

What an importer of fertiliser from the UK will need to do once the UK leave without a deal:

(a) EC fertilisers

Article 4 of Regulation (EC) 2003/2003 states that; “the manufacturer shall be established within the Community and shall be responsible for the conformity of the ‘EC fertiliser’ with the provisions of this Regulation”. An EC fertiliser is a fertiliser that belongs to the types listed in Regulation (EC) No 2003/2003 and complying with that regulation.

Article 2 (x) states that a Manufacturer means the natural or legal person responsible for placing a fertiliser on the market. In particular, a producer, an importer, a packager working for its own account, or any person changing the characteristics of a fertiliser, shall be deemed to be a manufacturer. Currently a distributor who does not change the characteristics of the fertiliser shall not be deemed to be a manufacturer.

If the UK withdraws from the EU without a deal, a manufacturer of fertiliser in the UK will no longer be established in the EU.

- As a consequence, distributors of EC fertilisers coming from the UK on to the Irish market will become an EU importer and therefore have to comply with the obligations of a manufacturer.
- The importer of the EC fertiliser will take on the responsibility of the manufacturer.

The manufacturer is responsible for providing identification markings listed in Article 7 and 9, ensuring traceability (article 8 of Regulation (EC) 2003/2003).

Any necessary sampling or analysis must be carried out by a competent laboratory included in the Commission's published list.

(b) Other (non-EC) fertilisers

Where the fertiliser product being imported is not an EC fertiliser it must comply with the requirements of SI No. 248/1978 in relation to nutrient content, solubility, labelling etc.

2. Placing EC fertilisers on the UK market

What an exporter of fertiliser to the UK will have to comply with in event of No Deal Brexit:

(a) EC fertilisers

The UK has indicated that there would be a suitable time-limited adjustment period during which 'EC fertiliser' could be placed on the UK market. It is envisaged to be no more than two years. There would be an option to use a new 'UK fertiliser' label for fertilisers placed on the UK market in accordance with the EU Regulation as converted into UK law.

(b) Other (non-EC) Fertilisers

Exporters of Non EC fertilisers will have to comply with the relevant fertiliser regulation in the UK- Fertilisers Regulations 1991 (for Great Britain) and the Fertiliser Regulations 1992 (for Northern Ireland). These set out the requirements on the composition, nutrient content, marking, labelling and enforcement of material described as fertiliser, but do not include material designated as 'EC fertiliser' under the EU framework.

If you require any further information please email CropProduction@agriculture.gov.ie

Yours sincerely,

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