



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2018/0531/NL (Netherlands)

**Regulation of the Minister of Agriculture, Nature and Food Quality of [pm date], no WJZ / 18090520 amending the Implementation Regulation for Fertilisers Act in connection with several modifications of the provisions concerning weighing, independent sampling, the transport certificate for animal fertilisers, the addition of several substances in Annex Aa and on the adjustment of various fixed amounts and on the use of the base card ON.**

Date received : 18/10/2018

End of Standstill : 21/01/2019

**Message**

Message 002

Communication from the Commission - TRIS/(2018) 02897

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2018/0531/NL

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késéket - Ma' jiftaħx il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201802897.EN)

1. MSG 002 IND 2018 0531 NL EN 18-10-2018 NL NOTIF

2. NL

3A. Ministerie van Financiën

Belastingdienst/Douane centrale dienst voor in- en uitvoer

3B. Ministerie van Landbouw, Natuur en Voedselkwaliteit

Directie Wetgeving en Juridische Zaken

4. 2018/0531/NL - S40E

5. Regulation of the Minister of Agriculture, Nature and Food Quality of [pm date], no WJZ / 18090520 amending the Implementation Regulation for Fertilisers Act in connection with several modifications of the provisions concerning weighing, independent sampling, the transport certificate for animal fertilisers, the addition of several substances in Annex Aa and on the adjustment of various fixed amounts and on the use of the base card ON.

6. Weight determination of solid animal fertilisers (Article I(F)); admission of six residues that can be traded as fertiliser, one of which can also be used for the production of fertilisers (Article I(T)); accreditation programme for the sampling of



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solid animal fertilisers (Article I(U)); fixed mineral content for liquid manure and filtrate after manure separation from cattle and pigs, and for slurry from rabbits (Article I(V)); yield and nitrogen and phosphate content of wheat, peas, barley and rye (Article I(W)).

7. -

8. A number of additional requirements are laid down for the determination of the weight of solid animal manure (Article I(F)). A cargo of manure must be weighed immediately after the start of the transport and the weight of the empty vehicle must henceforth always be determined before the transport. During transport, the carrier must have proof of weighing of both the cargo and the empty vehicle, and this proof must include a number of specified data. The carrier must store the proofs of weighing in its administration for a period of five years.

It is permitted to trade six residues as fertiliser. One of these residues may also be used for the production of fertilisers. (Article I(T))

In the accreditation programme for the sampling of solid animal fertilisers (Article I(U)), a new sampling method is added for sampling in the body of a loaded vehicle and for sampling big bags. Further rules are laid down regarding the number of samples required from the body of a loaded vehicle or a cargo of big bags and the distribution of the samples across the cargo. In addition, the formal transfer of the sample to the laboratory is defined in more detail and the quality assurance is amended on several points.

The fixed mineral levels for liquid manure and filtrate after manure separation in the animal species cattle and pigs are split (Article I(V)). There are new, separate fixed mineral contents determined for liquid manure and for filtrate after manure separation. The fixed mineral content for slurry from rabbits is corrected on one point.

Corrections have been made in the values for yield and nitrogen and phosphate content of wheat, peas, barley and rye (Article I(W)).

9. The requirements for weight determination of solid animal manure are supplemented to increase the reliability of the weight determination and further restrict the risk of manipulation. Determining the amount of discharged and supplied manure is essential for the accountability of the flows of manure and nutrients. In practice, various incidents with regard to weight determination have been observed so that a higher weight of discharged solid manure was registered than was actually discharged.

Four of the residues admitted to be traded as fertiliser, are intended to be used as co-attenuation material. The other two residues concern a lime fertiliser, that may be traded as fertiliser, and a substance that provides calcium and sulphur and can be considered to be inorganic fertiliser or as raw material for fertiliser. The Expert Committee on the Fertilisers Act has tested these residues against the 'Fertilisers Act Substances assessment protocol, version 3.1' and has arrived at a positive assessment. These substances may be used as fertiliser or co-attenuation material if they satisfy the description as included in the list.

Because sampling in a closed manure storage location within the framework of the Working Conditions Act can be problematic, it is permitted to take a sample from a cargo of solid manure immediately after loading or shortly before unloading in the body of the loaded vehicle. For this purpose a new sampling method is added in the accreditation programme for sampling organisations for sampling in a body of a loaded vehicle and for the sampling of big bags. Amongst other things, requirements are laid down for the minimum number of samples from a cargo and the location and distribution of the samples across the cargo. For the formal transfer of the sample from the sampling organisation to the laboratory, the physical environment is no longer of concern. This is no longer considered important for the transfer of responsibility for the sample. Furthermore, the quality assurance of sampling by sampling organisations is amended on several points. The purpose of the harmonisation discussion is described in more detail and the advising role is clarified. In addition, the existing practice to outsource ring tests to an independent third party is included in the accreditation programme. The requirement of a second-line check is scrapped because in practice this turned out to say little about the



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quality of the sampling by the sampling organisation. For the quality of the sampling it is primarily important that the prescribed method for sampling is followed.

Splitting the fixed amounts for nitrogen and phosphate contents into liquid manure and filtrate after manure separation from cattle and pigs, follows from an assessment of the Fertilisers Act by Wageningen University & Research in 2016. For the new fixed amounts the technical memo from Wageningen University & Research about the composition of the thin fraction and the thick fraction of manure after manure separation is taken as the basic assumption. Furthermore, the average composition of slurry and the technical processing of the manure (processing with the screw press for cattle manure and processing with the centrifuge for pig manure). The fixed content of rabbit manure with a dry material content of less than 2.5 % has been incorrectly determined as of 1 January 2018 and is corrected in this regulation. The amendment means that less manure needs to be discharged than in the current situation.

When determining the yield and nitrogen and phosphate contents of wheat, peas, barley and rye, on 1 gram per kilogram dry substance was incorrectly assumed instead of 1 gram per kilogram product. This is corrected in this regulation.

10. Numbers or titles of the basic texts: Order implementing the Dutch Fertilisers Act

11. No

12. -

13. No

14. No

15. -

16. TBT aspect

No - the draft is neither a technical regulation nor a conformity assessment procedure.

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

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European Commission

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