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12 May 2010 [shall come into force from 19 May 2010].

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 76

Adopted 27 January 2009

Procedures for Monitoring and Control of Fertilisers with “EC Fertiliser” Marking

*Issued pursuant to
Section 4, Paragraph one, Clause 1,
Sub-paragraph “f”
of the Law On Circulation of Fertilisers*

I. General Provisions

1. This regulation prescribes the procedures for monitoring and control of fertilisers with “EC fertiliser” marking (hereinafter – fertiliser) in accordance with Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers (hereinafter – Regulation No 2003/2003).
2. Monitoring, control and accounting of fertilisers shall be performed by the State Plant Protection Service (hereinafter – Service) in accordance with Regulation No 2003/2003.

II. Accounting of Fertilisers

3. Not later than a month prior to placing on the market of a fertiliser the producer or importer, or packager of fertilisers (hereinafter – person) shall submit the following to the Service:
 - 3.1. an application for the accounting of the fertiliser (hereinafter – application) (Annex). The following information shall be indicated in the application:
 - 3.1.1. information regarding the person;
 - 3.1.2. the name (type) of the fertiliser in accordance with Annex 1 to Regulation No 2003/2003;
 - 3.1.3. the trade name (if any) of the fertiliser;
 - 3.1.4. the name and country of the producer;
 - 3.2. a statement or a copy thereof where the producer confirms that the fertiliser conforms to the requirements of Regulation No 2003/2003. The type of the fertiliser in accordance with Annex 1 to Regulation No 2003/2003 and the trade name (if any) shall be indicated in the statement;
 - 3.3. the text of the identification marking of the fertiliser in the original language and in the Latvian language in accordance with Regulation No 2003/2003;
 - 3.4. [12 May 2010]

[The requirements referred to in the Paragraph shall not be applied until 1 January 2013; see Paragraph 13.¹]

4. If the application has not been completely filled in 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. If the person has not eliminated the referred to deficiencies by the end of the specified time period, the Service shall reject the application.

[The requirements referred to in the Paragraph shall not be applied until 1 January 2013; see Paragraph 13.¹]

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

[The requirements referred to in the Paragraph shall not be applied until 1 January 2013; see Paragraph 13.¹]

6. If necessary, the person shall, within 15 days prior to placing on the market of a fertiliser, inform the Service in writing regarding changes in the application and append the statement of the producer referred to in Sub-paragraph 3.2 of this Regulation or a copy thereof and the text of the identification marking.

[The requirements referred to in the Paragraph shall not be applied until 1 January 2013; see Paragraph 13.¹]

7. The Service shall, within 15 days, enter the changes in the information referred to in the application in the State Information System for Monitoring of Agricultural Plants.

[The requirements referred to in the Paragraph shall not be applied until 1 January 2013; see Paragraph 13.¹]

III. Procedures for the Monitoring and Control of Fertilisers

8. A person shall provide information regarding fertilisers in accordance with the procedures specified in Section 5, Paragraph one, Clause 2 of the Law On Circulation of Fertilisers.

9. If a person terminates activities involving fertilisers, it shall inform the Service in writing regarding termination of operation.

[The requirements referred to in the Paragraph shall not be applied until 1 January 2013; see Paragraph 13.¹]

10. The Service shall:

10.1. take samples of fertilisers in accordance with Annex 4 to Regulation No 2003/2003 and submit them to an accredited laboratory;

10.2. on the basis of a test report issued by an accredited laboratory, assess the conformity of the quality of the control sample of the fertiliser with the requirements of Regulation No 2003/2003. If the quality of the fertiliser conforms to the relevant requirements, the control expenditure shall be covered from the funds from the State budget provided for this purpose;

10.3. send the second control sample of the fertiliser to an accredited laboratory if the quality of the fertiliser does not conform to the requirements referred to in Annexes 1 and 2 of Regulation No 2003/2003. Only such quality indicators of the fertiliser shall be tested in the second control sample, in relation to which a non-conformity was detected. If after repeated testing the quality of the fertiliser does not conform to the requirements of Regulation

No 2003/2003, all testing expenditure of control samples shall be covered by the person who manufactures, imports or packs the particular fertiliser. If the producer of the fertiliser, which manufactures the fertiliser outside Latvia, ensures the marking of the fertiliser in Latvian in accordance with the requirements of Regulation No 2003/2003, all expenditure for testing control samples shall be covered by the person who sells the fertiliser.

[12 May 2010]

11. A fertiliser shall be removed from the accounting, if a person has not submitted a report on the activities thereof involving fertilisers in accordance with Section 5, Paragraph one, Clause 2 of the Law On Circulation of Fertilisers.

[The requirements referred to in the Paragraph shall not be applied until 1 January 2013; see Paragraph 13.¹]

12. In the cases referred to in Paragraphs 9 and 11 of this Regulation the Service shall, within five working days after establishing the circumstances, delete information regarding the fertiliser from the State Information System for Monitoring of Agricultural Plants.

[The requirements referred to in the Paragraph shall not be applied until 1 January 2013; see Paragraph 13.¹]

IV. Closing Provisions

13. A person shall submit an application regarding fertilisers, which were in circulation until the date of coming into force of this Regulation, to the Service within three months after coming into force of this Regulation.

[The requirements referred to in the Paragraph shall not be applied until 1 January 2013; see Paragraph 13.¹]

13.¹ The requirements referred to in Paragraphs 3, 4, 5, 6, 7, 9, 11, 12 and 13 of this Regulation shall not be applied until 1 January 2013.

[12 May 2010]

14. This Regulation shall come into force on 1 January 2010.

Prime Minister

I. Godmanis

Minister for Agriculture

M.Roze

To be completed by the official of the State Plant Protection Service	Registration date _____ Registration No. _____
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Application for the Accounting of a Fertiliser with “EC Fertiliser” Marking

1. Information regarding the person applying the fertiliser:			
1.1. name and registration number			
1.2. legal address			
1.3. telephone, fax, e-mail address			
1.4. the person applying is (delete as appropriate)	PRODUCER	IMPORTER	PACKER

2. Information regarding the natural person submitting the application:	
2.1. given name	
2.2. surname	
2.3. position/grounds for representation for the	

3. Fertiliser

3.1. name (type) in accordance with Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003

3.2. trade name (if any) _____

3.3. producer (name, country) _____

I certify that

the information provided is _____
correct

(given name, surname of the submitter (signature)*
of the application)

(date)*

Note. * Do not complete if the electronic document has been prepared in accordance with the regulatory enactments regarding drawing up of electronic documents.