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26 October 2006 [shall come into force on 21 November 2006];
27 November 2008 [shall come into force on 31 December 2008];
11 February 2010 [shall come into force on 26 February 2010];
17 June 2010 [shall come into force on 1 July 2010];
17 October 2013 [shall come into force on 20 November 2013];
23 October 2014 [shall come into force on 6 November 2014];
17 January 2019 [shall come into force on 13 February 2019];
21 November 2019 [shall come into force on 24 December 2019];
9 June 2022 [shall come into force on 16 July 2022].

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

The *Saeima*¹ has adopted and
President has proclaimed the following law:

Law on Circulation of Fertilisers

Chapter I General Provisions

Section 1. Terms Used in this Law

The following terms are used in this Law:

1) **performer of activities** - a natural or legal person who produces, imports, packages or sells a fertiliser or growing medium;

1¹) **producer** - a natural or legal person who produces a fertiliser or growing medium or has it designed or produced and markets such fertiliser or growing medium under its own name or trademark;

1²) **importer** - a natural or legal person who performs economic activity in Latvia and imports a fertiliser or growing medium into Latvia;

1³) **packer** - a natural or legal person who performs economic activity in Latvia and packages or repackages, on its own account, a fertiliser or growing medium produced or imported by others;

2) **fertiliser** - any substance containing one or several such chemical elements which are recognised as necessary for plants, if such substance is used due to the content of its elements and is intended or offered for plant growth promotion, or a microbiological preparation containing live micro-organisms which promotes growth and development of plants or is used for the renewal, activation and regulation of microbiological processes in soil or growing medium to improve its biological, physical or chemical properties;

3) [9 June 2022];

4) **growing mediums** - a material other than in situ soil (soil formed in a natural way in its natural environment) where plants are grown;

5) **circulation of fertilisers and growing media** - production, import, packaging and marketing of fertilisers and growing media;

6) **EU fertiliser bearing the CE marking** - the fertiliser within the meaning of Article 2(1) of 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) which has been made available on the market and conforms to the requirements of this Regulation.

[17 June 2010; 17 October 2013; 9 June 2022]

Section 2. Purpose of this Law

Purpose of this Law is to protect consumers of fertilisers and growing media (hereinafter - the substrate) from the use of poor quality fertilisers and substrates, which are dangerous to human and animal health and to the environment, as well as to ensure identical requirements for natural and legal persons who perform activities with fertilisers and substrates.

[17 October 2013]

Section 3. Exceptions to the Application of this Law

(1) This Law shall not apply to:

1) sewage sludge if such is used as a fertiliser the use of which is regulated by laws and regulations regarding the use, monitoring and control of sewage sludge and its compost;

2) unprocessed organic fertilisers and unprocessed liming materials;

3) [17 June 2010];

4) [17 October 2013];

5) fertilisers and substrates that are placed under any customs procedure, except for those fertilisers and substrates which are placed under the customs procedure - putting into free circulation.

(2) Provisions of this Law for the following shall apply to EU fertilisers bearing the CE marking:

1) monitoring, control, accounting of fertilisers, providing information and notifying any cases of non-conformity to the European Commission (Section 4, Paragraph one, Clause 1, Sub-clause "f" and Paragraph three, Section 8, Paragraph one, Section 9, Paragraph one, Clauses 7, 9, 10, and 11 and Paragraph two, Clauses 1, 2, and 6, as well as Section 17);

2) procedures for quality conformity assessment of fertilisers when carrying out monitoring and control (Section 4, Paragraph one, Clause 1, Sub-clause "g");

3) control sampling of fertilisers, and also procedures for sampling and sampling preparation (Section 4, Paragraph one, Clause 2);

4) obligations of the performer of activities (Section 5, Paragraphs one, two, five, six, seven, eight, nine and ten);

5) actions with poor quality fertilisers (Section 7 and Section 9, Paragraph one, Clause 7);

6) coverage of the State monitoring and control expenses (Section 14).

[27 November 2008; 17 June 2010; 17 October 2013; 17 January 2019; 21 November 2019; 9 June 2022]

Section 4. Competence of State Authorities in the Field of the Circulation of Fertilisers and Substrates

(1) The Cabinet shall issue:

1) regulation regarding the identification, quality conformity assessment and marketing of fertilisers and substrates, which shall prescribe:

a) requirements for the identification, quality and marketing of fertilisers and substrates;

b) conditions and procedures for the registration of fertilisers and substrates;

c) acceptable deviations from the declared quality of a fertiliser and substrate,

d) maximum permissible concentration of all undesirable impurities in fertilisers and substrates;

e) requirements for the labelling and packaging of fertilisers and substrates,

f) procedures for monitoring and controlling fertilisers and substrates,

g) procedures for quality conformity assessment of fertilisers and substrates, when carrying out monitoring and control;

h) procedures by which a permit for the marketing or import of those fertilisers and substrates which are not included in the State Fertiliser Register of the State Information System for Monitoring of Agricultural Plants (hereinafter - the Register) or do not conform to the declared quality or quality requirements, or identification requirements;

2) requirements for taking control samples of fertilisers and substrates, and also procedures for sampling and preparation of samples.

(2) [9 June 2022]

(3) Customs institutions shall ensure the monitoring and control of the compliance with the requirements specified in this Law regarding the import of fertilisers and substrates from countries other than European Union Member States (hereinafter - the third countries). Control of the EU fertilisers bearing the CE marking by placing them under the customs procedure - putting into free circulation - shall be carried out in accordance with the requirements included in Chapter VII of 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).

[27 November 2008; 17 October 2013; 9 June 2022]

Chapter II

Performer of Activities

Section 5. Obligations of a Performer of Activities

(1) The producer, importer and packer of fertilisers and substrates shall submit to the State Plant Protection Service (hereinafter - the Service):

1) an application for the registration of a fertiliser or substrate produced, packaged, or imported for marketing or an application for the accounting of an EU fertiliser bearing the CE marking or for the accounting of a fertiliser or substrate which is imported in Latvia in accordance with Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No. 764/2008 (hereinafter - the notified fertilisers and substrates). If a fertiliser or substrate is produced in Latvia by an end-user's individual order, its registration is not required;

2) each year by 31 January - data on fertilisers and substrates produced or imported for marketing during the previous year indicating the type, name and quantity of the fertiliser and substrate.

(2) The performer of activities shall ensure a service inspector access to the fertiliser and substrate production, storage, packing and sales premises, vehicles, and also fertiliser and substrate accounting documents and accompanying documents, and provide the requested information on the circulation of fertilisers and substrates.

(3) [9 June 2022]

(4) [9 June 2022]

(5) A producer who produces a fertiliser or substrate by an end-user's individual order shall maintain records of the volume of each order, the ingredients of the prepared fertiliser or substrate and of their origin. Individual orders shall be prepared from the fertilisers which have been registered and EU fertilisers bearing the CE marking which have been applied for accounting.

(6) A performer of activities is allowed to sell fertiliser in the composition of which the nitrogen content in ammonium nitrate is 16 per cent or more of the fertiliser weight, additionally indicating in the transaction supporting document provided for in the laws and regulations governing accounting the certification of the buyer that the fertiliser shall be used only for plant fertilisation, or if the person presents a permit issued in accordance with the laws and regulations regarding the handling of explosives for civil uses.

(7) A performer of activities who is selling fertiliser in the composition of which the nitrogen content in ammonium nitrate is 16 per cent or more of the fertiliser weight, in addition to the requirements specified in the laws and regulations regarding the keeping and organisation of records, shall provide the following in the accounting register:

1) name and basic composition of the fertiliser containing ammonium nitrate;

2) taxpayer registration number of the State Revenue Service (for a legal person) or personal identification number (for a natural person).

(8) Before placing potassium nitrate, sodium nitrate, calcium nitrate, calcium ammonium nitrate and fertilisers in the composition of which the nitrogen content in ammonium nitrate is 16 per cent or more of the fertiliser weight on the market, a performer of activities shall submit to the Service a list of sales locations, indicating the actual address of the sales location. If the performer of activities changes the sales location, it shall immediately inform the Service of the actual address of the new sales location.

(9) A performer of activities shall, each year by 31 January, submit to the Service information on the amount in which the potassium nitrate, sodium nitrate, calcium nitrate, calcium ammonium nitrate and fertilisers in the composition of which the nitrogen content in ammonium nitrate is 16 per cent or more of the fertiliser weight was sold in the previous year.

(10) A performer of activities shall keep documents on the sold potassium nitrate, sodium nitrate, calcium nitrate, calcium ammonium nitrate and fertilisers in the composition of which the nitrogen content in ammonium nitrate is 16 per cent or more of the fertiliser weight for five years.

[26 October 2006; 27 November 2008; 11 February 2010; 17 June 2010; 17 October 2013; 17 January 2019; 9 June 2022]

Section 6. Self-monitoring

(1) A producer of fertilisers and substrates shall assess the conformity of the quality of the fertiliser and substrate with the requirements laid down in laws and regulations regarding fertilisers and substrates (hereinafter - the self-monitoring) at least once a year.

(2) Results of the self-monitoring shall be documented, registered and kept for at least three years.

(3) If during the self-monitoring it is established that the quality of a fertiliser and substrate does not conform to the quality declared in the Register and its conformity cannot be achieved, the producer of the relevant fertiliser and substrate shall inform the Service thereof in writing within one week.

[17 October 2013; 17 January 2019; 9 June 2022]

Section 7. Actions with Poor Quality Fertilisers and Substrates

A fertiliser and substrate of poor quality that is dangerous to human and animal health, and to the environment, and which cannot be made harmless and suitable for use by additional processing shall be buried by the producer in accordance with the procedures laid down in laws and regulations regarding waste management. If such fertiliser and substrate have been imported, the importer shall return them to the producer. The producer or processor thereof shall cover the costs related to the burial of dangerous fertilisers and substrates.

[17 October 2013]

Chapter III Registration of Fertilisers and Substrates, Monitoring and Control of their Circulation

[17 October 2013]

Section 8. Registration of Fertilisers and Substrates, and Issue of Permits

(1) It is allowed to produce, package, import and market the fertilisers and substrates that have been included in the Register, fertilisers and substrates for which the respective permit referred to in Paragraph two of this Section has been issued, and also EU fertilisers bearing the CE marking that have been applied for accounting and fertilisers and substrates that have been included on the list of the notified fertilisers and substrates.

(2) The Service shall issue the following permits in conformity with laws and regulations regarding the requirements for the identification, quality conformity assessment and marketing of fertilisers and substrates:

1) sale of a registered fertiliser and substrate, if the testing results show non-conformity with the quality declared in the Register;

2) sale or importation of such fertiliser and substrate which has not been referred to in laws and regulations regarding the requirements for the identification, quality conformity assessment and marketing of fertilisers and substrates;

3) importation of unregistered fertiliser for effectiveness trials and research;

4) importation of a fertiliser and substrate for testing and registration;

5) marketing of relevant lots of fertiliser and substrate imported for testing and registration;

6) importation and marketing of specific lots of fertiliser if the fertiliser lot does not conform to the laws and regulations regarding the quality requirements specified for fertilisers.

(3) [17 January 2019]

[26 October 2006; 17 October 2013; 17 January 2019; 9 June 2022]

Section 9. Functions and Rights of the Service in the Field of Circulation of Fertilisers and Substrates

(1) The Service shall:

1) accept, examine and evaluate application for the registration of a fertiliser and substrate and the documents related therewith;

2) issue and cancel fertiliser and substrate registration certificates;

3) keep the register and ensure updating of the data therein;

4) issue permits for the import or marketing of fertilisers and substrates in accordance with Section 8 of this Law;

5) monitor and control circulation of fertilisers and substrates;

6) take free-of-charge control samples of fertilisers and substrates for analysis to carry out fertiliser and substrate conformity assessment. Control samples shall be taken in the required amount in accordance with laws and regulations regarding fertilisers and substrates;

7) carry out the monitoring, control, and accounting of EU fertilisers bearing the CE marking and shall be the market surveillance authority in accordance with Article 10(2) of Regulation (EU) 2019/1020 and shall perform the functions specified in Articles 38, 40, and 41 of Regulation 2019/1009;

8) [9 June 2022];

9) provide the following information to the State Revenue Service on fertilisers and substrates produced in the third countries one of the circulation stages of which is import:

a) within five working days - on the EU fertilisers bearing the CE marking applied for accounting, notified fertiliser and substrates, and also fertilisers and substrates registered by a producer;

b) by the fifth day of each month - on the fertilisers and substrates registered in the previous month, on those fertilisers and substrates for which the permit referred to in Section 8, Paragraph two of the Law has been issued, and also on those fertilisers and substrates the registration certificate of which has been cancelled;

10) when specifying the data necessary for identification, the information on fertilisers and substrates placed under the customs procedure - putting into free circulation - may be requested from the State Revenue Service;

11) publish on its website a list of fertilisers indicating the potassium nitrate, sodium nitrate, calcium nitrate, calcium ammonium nitrate and fertilisers in the composition of which the nitrogen content in ammonium nitrate is 16 per cent or more of the fertiliser weight.

(2) Inspectors of the Service have the right to:

1) request and receive the information required for carrying out monitoring in accordance with laws and regulations regarding fertilisers and substrates from the performer of activities free of charge;

2) control the conformity of packaging, marking, label and accompanying documents with the requirements laid down in laws and regulations regarding fertilisers and substrates which must be complied with at the sites where the fertilisers and substrates are produced, stored, packaged and marketed, and in the respective vehicles;

3) to suspend until the elimination of non-conformity or prohibit the marketing or distribution by any other means of a fertiliser and substrate if a person fails to comply with the requirements laid down in laws and regulations regarding fertilisers and substrates;

4) set a deadline by which the performer of activities must eliminate the established violations;

5) [21 November 2019 / See Paragraph 16 of the Transitional Provisions];

6) submit to the law-enforcement institutions materials regarding persons whose actions cause significant harm to consumer rights and interests, and also to human and animal health, and the environment.

[27 November 2008; 11 February 2010; 17 June 2010; 17 October 2013; 17 January 2019; 21 November 2019; 9

June 2022]

Section 10. Information to be Included in the Register

(1) Information on the performer of activities and the fertiliser and substrate to be registered shall be included in the Register in accordance with the procedures laid down in laws and regulations regarding fertilisers and substrates.

(2) Information which has been submitted in accordance with the procedures laid down in Section 5 of the Law regarding the quantity of fertilisers and substrates produced or imported for sale in the State shall be included and kept in the Register each year.

[17 October 2013]

Section 11. Cancellation of a Registration Certificate

(1) A registration certificate shall be cancelled:

1) upon receipt of an application from the producer, packer or importer of the fertiliser and substrate;

2) under a respective decision of the Service if the produced or imported fertiliser and substrate do not conform with the requirements laid down in laws and regulations regarding fertilisers and substrates;

3) if a person, except for foreign producer, has not provided the information referred to in Section 5, Paragraph one, Clause 2 of the Law for two consecutive years or has not produced or imported the fertiliser for two consecutive years in accordance with the provided information.

(2) [9 June 2022]

[27 November 2008; 17 October 2013; 17 January 2019; 9 June 2022]

Section 12. Disclosure of Information from the Register

The Service shall once a year disclose information on the total quantity of fertilisers and substrates produced or imported separately by types thereof in the previous year, as well as data on such fertilisers and substrates obtained as a result of State monitoring and control.

[17 October 2013]

Section 13. Availability of Information

Data of the Register, and also information on the method for the production of fertilisers and substrates and raw materials shall be available to a restricted group of persons for the performance of their work duties.

[17 October 2013]

Section 14. Payment of State Monitoring and Control Expenses

Expenses for the State monitoring and control of fertilisers and substrates shall be covered from the State budget resources, except when the requirements of laws and regulations governing the requirements for the identification, quality conformity assessment and marketing of fertilisers and substrates provide otherwise.

[27 November 2008; 17 October 2013; 20 November 2013]

Section 15. Principle of Mutual Recognition

In Latvia, such fertilisers and substrates which in accordance with laws and regulations regarding fertilisers and substrates have been produced or put into free circulation in any of the European Union Member States or Turkey or which in accordance with the laws and regulations regarding fertilisers and substrates have been produced in any of the European Economic Area States are allowed to be marketed.

[17 October 2013]

Section 16. State Fee for the Registration of a Fertiliser and Substrate and Receipt of a Permit

A person shall pay a State fee for the registration of a fertiliser and substrate or receipt of a permit for the production, importation or marketing of a fertiliser and substrate. The amount of the State fee and procedures for its payment shall be determined by the Cabinet.

[26 October 2006; 17 October 2013 / Amendment to the Section regarding the supplementation of the title and text with words "and substrate" after the word "fertiliser" shall come into force on 29 December 2015. See Paragraph 14 of Transitional Provisions]

Chapter IV

Administrative Offences in the Field of the Circulation of Fertilisers and Substrates and Competence within the Administrative Offence Proceedings

[21 November 2019 / Chapter shall come into force on 1 July 2020. See Paragraph 16 of Transitional Provisions]

Section 17. Violation of the Provisions for the Circulation of Fertilisers and Substrates

For the violation of the provisions for the circulation of fertilisers and substrates, a warning or a fine of up to one hundred units of fine shall be imposed on a natural person, but from five to five hundred units of fine - on a legal person.

[21 November 2019 / This Section shall come into force on 1 July 2020. See Paragraph 16 of Transitional Provisions]

Section 18. Competence in Administrative Offence Proceedings

Administrative offence proceedings for the offence referred to in Section 17 of the Law shall be conducted by the Service.

[21 November 2019 / This Section shall come into force on 1 July 2020. See Paragraph 16 of Transitional Provisions]

Transitional Provisions

1. With the coming into force of this Law, the Law on Circulation of Fertilisers (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2001, No. 23; 2002, No. 23) is repealed.

2. The Cabinet shall issue the regulations referred to in Section 4, Paragraph one of the Law until 1 September 2006.

3. Until the day of coming into force of the Cabinet regulations referred to in Section 4, Paragraph one of this Law, but not longer than until 1 September 2006, the Cabinet Regulation No. 247 of 25 June 2002, Regulations Regarding the Identification, Conformity Assessment and Sale of Fertilisers (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2002, No. 17; 2003, No. 15; 2004, No. 5., 18), shall be applied insofar as the Regulation is not in conflict with this Law.

4. The Cabinet shall issue the regulations referred to in Section 16 of this Law until 1 September 2006. Until the day of coming into force of these regulations, the Cabinet Regulation No. 285 of 2 July 2002, Regulations regarding the State Fee for the Registration of Fertilisers and Procedures for Payment Thereof (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2002, No. 18), shall be applied insofar as the Regulation is not in conflict with this Law.

5. Importers who until the day when Section 5, Paragraph three of the Law shall come into force have registered a straight or compound ammonium nitrate fertiliser of high nitrogen content, shall, until 30 June 2009, submit a guarantee letter of a producer or its copy to the Service on the compliance of this fertiliser with the requirements of Regulation No 2003/2003 in relation to the detonation test.

[27 November 2008]

6. A producer of fertilisers, maker of mixtures, packer or importer of these fertilisers shall submit to the Service the application specified in Section 5, Paragraph one, Clause 1 of the Law for the accounting of fertilizers bearing the EC marking starting from 1 January 2013.

[27 November 2008; 11 February 2010]

7. *[11 February 2010]*

8. Starting from 1 January 2013, the Service shall:

1) keep the records referred to in Section 9, Paragraph one, Clause 7 of the Law regarding fertilisers bearing the EC marking;

2) provide the information specified in Section 9, Paragraph one, Clause 9 of the Law regarding fertilisers bearing the EC marking.

[27 November 2008; 11 February 2010]

9. Section 8, Paragraph three of the Law shall come into force on 1 January 2013.

[27 November 2008; 11 February 2010]

10. Between the time period from 1 July 2010 until 1 July 2014, Section 5, Paragraph six and seven of the Law shall be applied to fertilisers in the composition of which the nitrogen content in ammonium nitrate is 20 per cent or more of the fertiliser weight.

[17 June 2010]

11. The requirements of this Law shall not be applied to the circulation of microbiological preparations until 1 February 2011.

[17 June 2010]

12. The Cabinet shall issue the regulations referred to in Section 4, Paragraph one of the Law regarding substrates until 1 July 2015.

[17 October 2013; 23 October 2014]

13. Section 5, Paragraph one and Section 9, Paragraph one, Clause 9 of the Law regarding the notified fertilisers and substrates shall be applied from 1 July 2015.

[17 October 2013; 23 October 2014]

14. The State fee laid down in Section 16 of the Law for the registration of substrates and receipt of a permit shall come into force concurrently with the relevant amendments to the law On Taxes and Fees.

[17 October 2013]

15. Amendments to Section 3, Paragraph two, Clause 6 of the Law, and also amendments to Section 5 of the Law regarding its supplementation with Paragraphs eight, nine and ten shall come into force on 1 January 2020.

[17 January 2019]

16. Amendment to Section 3, Paragraph two, Clause 2 of the Law, amendment to Section 9, Paragraph two of the Law regarding the deletion of Clause 5, and also Chapter IV of the Law shall come into force concurrently with the Law on Administrative Liability.

[21 November 2019]

17. The producer and importer of fertilisers and substrates shall, by 31 January 2023, submit to the Service the information referred to in Section 5, Paragraph one, Clause 2 of this Law on the fertilisers bearing the marking "EC fertiliser" that have been produced or imported for marketing in 2022.

[9 June 2022]

Informative Reference to European Union Directives

[17 October 2013]

Legal norms have been harmonised with the European Commission and the Member States of the European Union in conformity with Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998 amending Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations.

This Law has been adopted by the *Saeima* on 26 January 2006.

President V. Vīķe-Freiberga

Rīga, 9 February 2006

¹The Parliament of the Republic of Latvia

