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26 October 2006 (shall come into force from 21 November 2006);
27 November 2008 (shall come into force from 31 December 2008);
11 February 2010 (shall come into force from 26 February 2010);
17 June 2010 (shall come into force from 1 July 2010);
17 October 2013 (shall come into force from 20 November 2013);
23 October 2014 (shall come into force from 6 November 2014);
17 January 2019 (shall come into force from 13 February 2019).

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 Saeima¹ 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 fertilisers or growing media, prepares mixtures of fertilisers, packs, imports or sells fertilisers, mixtures of fertilisers or growing media;

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 promote growth and development of plants or is used for the renewal, activation and regulation of microbiological processes in soil or other substrate to improve its biological, physical or chemical features;

3) **circulation of fertilisers** – production of fertilisers, preparation of their mixtures, packaging, importation and sale thereof;

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

5) **circulation of growing media** – production, packaging, importation and sale of growing media.

[17 June 2010; 17 October 2013]

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]

¹ The Parliament of the Republic of Latvia

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 subject to any customs procedure, except for those fertilisers and substrates to which the customs procedure – putting into free circulation – is applied.

(2) Provisions of this Law regarding the following shall apply to fertilisers with “EC fertiliser” marking (hereinafter – the EC marking):

- 1) maximum permissible concentration of all undesirable impurities in fertilisers (Section 4, Paragraph one, Clause 1, Sub-clause “d”);
- 2) monitoring, control and accounting of fertilisers, and also receipt of detonation tests or copies thereof and provision of information (Section 4, Paragraph one, Clause 1, Sub-clause “f”, Section 4, Paragraph three, Section 8, Paragraph one, Section 9, Paragraph one, Clauses 7, 8, 9 and 10 and Paragraph two, Clauses 1, 2 and 5);
- 3) procedures for quality conformity assessment of fertilisers when performing monitoring and control (Section 4, Paragraph one, Clause 1, Sub-clause “g”);
- 4) control sampling of fertilisers, and also procedures for sampling and sampling preparation (Section 4, Paragraph one, Clause 2);
- 5) notification of the cases of non-conformity to the European Commission (Section 4, Paragraph two);
- 6) obligations of performers of activities (Section 5, Paragraphs one, two, three, four, six and seven);
- 7) actions with poor quality fertilisers (Section 7);
- 8) payment of the State monitoring and control expenses (Section 14).

[27 November 2008; 17 June 2010; 17 October 2013; 17 January 2019 / Amendments to Paragraph six, Clause 6 shall come into force on 1 January 2020 and shall be included in the wording of the Law as of 1 January 2020. See Paragraph 15 of the Transitional Provisions]

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 sale 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, in performing monitoring and control,
 - h) procedures by which a permit for the sale 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) If the information is received from the State Plant Protection Service (hereinafter – the Service) that a fertiliser having the EC marking does not conform to the requirements specified in Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 concerning fertilisers (hereinafter – Regulation No 2003/2003), the Ministry of Agriculture shall notify the European Commission of the cases of non-conformity.

(3) Customs institutions shall ensure the monitoring and control of the compliance with the requirements specified in this Law in respect of import of fertilisers and substrates from countries other than European Union Member States (hereinafter – the third countries).

[27 November 2008; 17 October 2013]

Chapter II Performer of Activities

Section 5. Obligations of a Performer of Activities

(1) A producer, packer and importer of fertilisers and substrates, and also a maker of mixtures of these fertilisers shall submit the Service the following:

1) an application for the registration of a fertiliser or substrate produced, packaged or imported for sale or the mixture prepared from fertilisers (except for an individual order) or an application for the accounting of fertilisers with the EC marking or the accounting of the fertiliser and substrate which are imported in Latvia in accordance with Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC (hereinafter – the notified fertilisers and substrates);

2) each year by 31 January – data on fertilisers (with or without the EC marking) and substrates produced or imported or mixtures of fertilisers prepared for sale by 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, packaging and marketing premises, vehicles, and also fertiliser and substrate accounting documents and accompanying documents, and provide the requested information regarding the circulation of fertilisers and substrates.

(3) Before registering such straight or compound fertiliser in Latvia in the composition of which the nitrogen content in ammonium nitrate exceeds 28 per cent of the fertiliser weight (hereinafter – the ammonium nitrate fertiliser of high nitrogen content), or prior to the receipt of the relevant permit referred to in Section 8, Paragraph two of this Law, a producer, importer or maker of mechanical mixture shall submit a detonation test or a copy thereof to the Service and a guarantee letter of the producer of the fertiliser or a copy thereof on the compliance of the produced fertiliser with the requirements of Regulation No. 2003/2003 in relation to the detonation test. If the ammonium nitrate fertiliser of high nitrogen content has the EC marking, and it is intended to be sold in Latvia, a producer or importer shall, at least five days before the first importation into Latvia or sale thereof, submit a detonation test of the fertiliser or a copy thereof to the Service.

(4) When importing a fertiliser and substrate from a third country and applying customs procedures – putting into free circulation – thereto, a performer of activities shall present a registration certificate of the fertiliser and substrate to the customs institution (except when the fertiliser and substrate has been registered in Latvia by a producer from a third country) or the relevant permit referred to in Section 8, Paragraph two of this Law for the import of the

fertiliser and substrate. Identification marking shall be presented for fertilisers with the EC marking which has been drawn up in accordance with the conditions of Regulation No 2003/2003 in relation to packaging or the label, or the relevant accompanying documents. Marking, label or accompanying document shall be presented for the notified fertilisers and substrates.

(5) A maker of mechanical mixture of mineral fertilisers in Latvia shall keep records of the ingredients of the mixture and their origin, but, if the mechanical mixture of mineral fertilisers is prepared by an individual order in Latvia – additional record of the amount of each such mixture shall also be performed additionally.

(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 the 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 conduct and organisation of accounting, shall provide the following in the accounting register:

- 1) name and basic content 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) [1 January 2020 / See Paragraph 15 of the Transitional Provisions]

(9) [1 January 2020 / See Paragraph 15 of the Transitional Provisions]

(10) [1 January 2020 / See Paragraph 15 of the Transitional Provisions]

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

Section 6. Self-monitoring

(1) A producer of fertilisers and substrates and a maker of fertiliser mixtures 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 determined 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 or a maker of fertiliser mixtures shall inform the Service thereof in writing within one week.

[17 October 2013; 17 January 2019]

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 sell 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 fertilisers with the EC marking that have been applied for accounting, and fertilisers and substrates that have been included in the list of the notified fertilisers and substrates. Mechanical mixtures may be prepared for sale from fertilisers with the EC marking and the fertilisers included in the Register, complying with the requirements of the laws and regulations regarding the identification, quality conformity assessment and sale of the fertiliser. This condition shall apply also to mechanical mixtures of fertilisers which are produced upon an individual order.

(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 are not 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 concrete 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]

Section 9. Service Functions and Rights 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 sale 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 perform fertiliser and substrate conformity assessment. Control samples shall be taken in the required quantity in accordance with laws and regulations regarding fertilisers and substrates;

7) perform monitoring, control and accounting of those fertilisers having the EC marking in accordance with Regulation No 2003/2003, and also receive detonation tests or copies thereof for all types of ammonium nitrate fertilisers of high nitrogen content, which are placed on the market with the EC marking;

8) inform in writing the Ministry of Agriculture if a fertiliser having the EC marking does not conform to the requirements of Regulation No 2003/2003 which refer to the type of a fertiliser and declared content of nutrients, whether there is a reason to think that such fertiliser can cause a risk to human, animal or plant health or to the environment;

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

a) within five working days – regarding fertilisers with the EC 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 – regarding the fertilisers and substrates registered in the previous month, regarding those fertilisers and substrates for which the permit referred to in Section 8, Paragraph two of this Law has been issued, and also regarding those fertilisers and substrates the registration certificate of which has been cancelled;

10) when specifying the data necessary for identification, the information regarding fertilisers and substrates for which the customs procedure – putting into free circulation – has been applied 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 the performance of 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 sold, and in the respective vehicles;

3) to suspend until the elimination of non-conformity or prohibit the sale 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 eliminated the established violations;

5) in the cases laid down in Law and in accordance with the procedures prescribed by the Law, draw up an administrative violation report and impose an administrative fine for violations of the laws and regulations in activities with fertilisers (with or without the EC marking) and substrates, and also for violations of those laws and regulations laying down the protection of water and soil from pollution with nitrates caused by agricultural activity in the use of fertilisers and failure to comply with the procedures for the preparation and submission of documents;

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]

Section 10. Information to be Included in the Register

(1) Information regarding 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 this 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 and Renewal 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, and also the maker of mixtures of these fertilisers;

2) by the 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 producers, has not provided the information referred to in Section 5, Paragraph one, Clause 2 of this Law for two consecutive years or has not produced or imported the fertiliser for two consecutive years in accordance with the provided information.

(2) If the registration certificate has been cancelled, after elimination of the reasons for its cancellation the person referred to in Paragraph one of this Section may submit an application for the inclusion of the fertiliser and substrate in the Register.

[27 November 2008; 17 October 2013; 17 January 2019]

Section 12. Disclosure of Information of the Register

The Service shall once a year disclose information regarding 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 regarding the method of 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; 10 November 2013 / Amendment to the Section regarding the supplementation of the title and text with words “and substrate” (in the appropriate number and case) after the word “fertiliser” (in the appropriate number and case) shall come into force on 29 December 2015. See Paragraph 14 of the 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 this 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 this 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, packager or importer of these fertilisers shall submit to the Service the application specified in Section 5, Paragraph one, Clause 1 of this Law for the accounting of fertilizers with 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) conduct the accounting referred to in Section 9, Paragraph one, Clause 7 of this Law regarding fertilisers with the EC marking;

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

[27 November 2008; 11 February 2010]

9. Section 8, Paragraph three of this 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 this 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 this 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 this 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 this 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 Duties.

[17 October 2013]

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

[17 January 2019 / *The abovementioned amendments shall be included in the wording of the Law as of 1 January 2020*]

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