

KINGDOM OF BELGIUM

MINISTRY OF SMALL FIRMS AND TRADERS AND AGRICULTURE

Royal Decree amending the Royal Decree of 7 January 1998 on the marketing on fertilisers, soil conditioners and growth substrates.

ALBERT II, KING OF THE BELGIANS,

To all those, present and to come, Greetings.

Having regard to the Law of 11 July 1969 on pesticides and raw materials for agriculture, horticulture, forestry and livestock farming, as amended by the Law of 21 December 1998 and by the Law of 5 February 1999, in particular Article 2;

Having regard to the Law of 14 July 1991 on business practices and on consumer information and protection, in particular Article 124(3);

Having regard to the Royal Decree of 7 January 1998 on the marketing of fertilisers, soil conditioners and growth substrates, as amended by the Royal Decree of 18 May 1998;

Having regard to Council Directive 90/667/EEC of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin and amending Directive 90/425/EEC;

Having regard to Council Decision 1999/534/EC of 19 July 1999 on measures applying to the processing of certain types of animal waste to protect against transmissible spongiform encephalopathies and amending Commission Decision 97/735/EC;

Having regard to the opinion of the Scientific Committee of the Federal Agency for the Safety of the Food Chain;

Having regard to the agreement of the Minister with responsibility for Economic Affairs;

Whereas organic fertilisers are manufactured from products of animal origin;

Whereas the spread of the agents responsible for transmissible spongiform encephalopathies via fertilisers cannot be completely ruled out;

Whereas the veterinary rules applying to products of animal origin that are ingredients of fertilisers should therefore be stipulated and their use restricted in order to provide protection against transmissible spongiform encephalopathies;

Whereas, finally, it should be specified which companies must be approved in the fertiliser, soil conditioner and growth substrate sector;

Having regard to the opinion of the Council of State;

At the proposal of Our Minister for Consumer Protection, Public Health and the Environment and Our Minister

We have decreed and hereby decree:

Article 1. Article 6 of the Royal Decree of 7 January 1998 on the marketing of fertilisers, soil conditioners and growth substrates shall be replaced by the following article:

“**Article 6.** Whosoever imports compound fertilisers or trace element mixtures from a country situated outside the territory of the European Union, organic compound fertilisers or mixed organic conditioners from a country situated outside the Benelux Economic Union, or compost, must first be approved for this purpose by the Minister. Whosoever manufactures, prepares, packages for marketing or has manufactured by a third party for marketing under their own name compound fertilisers, trace element mixtures, mixed organic conditioners or compost must also be approved. The approval conditions shall be determined by Ministerial Decree.”

Article 2. A point 8, worded as follows, shall be added to Article 8 of the same Decree:

“8. The person responsible for marketing products wholly or partly composed of animal by-products other than guano and manure must be able to provide proof at any time of the conformity of the products concerned with the veterinary criteria laid down in Annex III to this Decree.”

Article 3. A point 10, worded as follows, shall be added to Article 9 of the same Decree:

“10. For all fertilisers, soil conditioners and growth substrates containing animal by-products as authorised in Chapter I, Division II of the table, with the exception of guano, the statement: “contains animal proteins. Use prohibited on meadows.””

Article 4. Article 11(1) of the same Decree shall be amended as follows:

“When products are transported for sale without packaging or delivered loose, they must be accompanied by a document bearing the information cited in Articles 9(1) to (10) and 10. The seller shall be obliged to give this document to the buyer at the time of delivery.”

Article 5. Article 13(1) of the same Decree shall be amended as follows:

“The information laid down in Articles 9(1) to (5), (8) to (10), and 10 for the label or packaging and the document accompanying the product must also appear on invoices and the list price.”

Article 6. Annex I to the same Decree shall be amended as indicated in Annex I to this Decree.

Article 7. An Annex III, as laid down in Annex II to this Decree, shall be added to the same Decree.

Article 8. This Decree shall enter into force on the first day of the second month following its publication.

Article 9. Our Minister for Consumer Protection, Public Health and the Environment and Our Minister for Economic Affairs shall be responsible, each for their own part, for the implementation of this Decree.

Done at

By the King:

The Minister for Consumer Affairs, Public Health and the Environment,

M. AELVOET

The Minister for Economic Affairs,

C. PICQUE

ANNEX I

1. Chapter I, Division II, Section I(A)(a) of Annex I to the Royal Decree of 7 January 1998 on the marketing of fertilisers, soil conditioners and growth substrates shall be replaced by:

Division II – Fertilisers that cannot be designated as CE fertiliser

Section I. Solid fertilisers

A. Simple fertilisers

| a Type designation | b Description (Information regarding the obtention method and essential ingredients) | c Criteria (Minimum content in fertilising elements – percentages in weight. Information regarding the assessment of fertilising elements. Other requirements) | d Substances whose content must be guaranteed (Form and solubility of fertilising elements. Other substances) |
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a) Nitrogenous fertilisers

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| Sulphur-coated urea. | Product obtained by coating urea with sulphur in order to delay the release of nitrogen. | At least: 30% total nitrogen assessed as ureic nitrogen. After immersion in cold water for one day, a maximum of 25% of the nitrogen present and after 10 days, a maximum of 50% of the nitrogen present may be solubilised. Maximum: 0.8% biuret. The sulphur content must be at least 16% and must not exceed 32%. | Total nitrogen (N) expressed as ureic nitrogen. Option: nitrogen soluble in cold water after one day provided that the content is at least 1%. |
| Mixed nitrogenous fertiliser | Mixture of nitrogenous chemical fertilisers containing nitric nitrogen and ureic nitrogen, possibly in addition to ammoniacal nitrogen. | At least: 20% total nitrogen as nitric nitrogen and ureic nitrogen and possibly ammoniacal nitrogen. At least: 2% nitric nitrogen. At least: 4% ureic nitrogen. | Total nitrogen (N). Nitric nitrogen. Ureic nitrogen. Possibly also ammoniacal nitrogen, provided that its content is at least 1%. |
| Mixture of nitrogenous fertilisers. | Mixture of nitrogenous chemical fertilisers containing at least two of the following forms of nitrogen: nitric nitrogen, ammoniacal nitrogen, ureic nitrogen. | At least: 14% total nitrogen as nitric nitrogen and/or ammoniacal or ureic nitrogen. At least: 2% nitric nitrogen and/or 2% ureic nitrogen and/or 2% ammoniacal nitrogen. Maximum: 0.8% biuret. | Total nitrogen (N) and depending on the individual case: Nitric nitrogen; Ammoniacal nitrogen; Ureic nitrogen. |
| Dried blood for fertilising purposes | Product obtained by powdering dried blood, compliant with the veterinary conditions laid down in Annex III. | At least: 12% organic nitrogen. | Organic nitrogen (N). |
| Fish meal, animal meal, meat meal and bone meal, feather meal, powdered bone, wool, fish | Product or by-product of animal origin, containing organic nitrogen and compliant | At least: 4% organic nitrogen. At least: 50% of the organic nitrogen stated | Organic nitrogen (N). Optional: Phosphorus pentoxide (P ₂ O ₅), |

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| emulsion, leather-working by-products, powdered galalith, horn meal, hide meal or other products and by-products of animal origin to be permitted, followed by the statement “for fertilising purposes” (Designation to be used according to the nature of the product). | with the veterinary conditions laid down in Annex III. These products must be marketed in a practically pure state. Where products under this heading are mixed, the ingredients must be specified in the designation. | must be soluble in pepsin hydrochloride. Fineness: At least 70% should be able to pass through a sieve with a mesh of 1mm and 90% through a mesh of 2mm (with the exception of wool waste and fish emulsion and hide by-products). | soluble in a mineral acid and/or potassium oxide (K ₂ O), soluble in water provided that these contents are at least 1% for each of these substances. |
| Oilcake meal. Cocoa shells. Malt radicles or other products and by-products of plant origin permitted followed by the statement “for fertilising purposes”. (Designation to be used according to the nature of the product). | Product or by-product of plant origin, containing organic nitrogen. These products must be marketed in a practically pure state. Where the products under this heading are mixed, they should be specified in the designation. | At least: 2% organic nitrogen. | Organic nitrogen (N). Optional: phosphorus pentoxide (P ₂ O ₅), soluble in mineral acid and/or potassium oxide (K ₂ O), soluble in water provided that these contents are at least 1% for each of these substances. |

2. Chapter I, Division II, Section 1(A)(b) of Annex I to the same Decree, shall be replaced by:

b) Phosphatic fertilisers

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| Basic dephosphoration slag: - basic Thomas phosphates; - basic Thomas slag; | Product obtained in iron-smelting by treatment of melts with average phosphorus content and calcium silicophosphates as essential ingredients. | 8% phosphorus pentoxide soluble in 2% citric acid. Sieving fineness: - not less than 75% should pass through a sieve with a mesh of 0.160mm. - not less than 96% should pass through a sieve with a mesh of 0.630mm. | Phosphorus pentoxide (P ₂ O ₅), soluble in 2% citric acid, expressed as two numbers with a difference of two units |
| De-gelatinised powdered bone for fertilising purposes | Product obtained by grinding defatted and de-gelatinised bone, compliant with the veterinary conditions laid down in Annex III. | At least: 27% phosphorus pentoxide soluble in a mineral acid. Sieving fineness: - not less than 80% should pass through a sieve with a mesh of 0.630mm. | Phosphorus pentoxide (P ₂ O ₅), total (soluble in mineral acids). Optional: Organic nitrogen (N) |

3. Chapter I, Division II, Section 2(A) of Annex I to the same Decree shall be replaced by:

Section 2. Liquid fertilisers

A. Simple fertilisers

| A | b | c | d |
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| Type designation | Description (Information regarding the obtention method and the essential ingredients) | Criteria (Minimum content in fertilising elements – percentage in weight. Information on the assessment of the fertilising elements. Other requirements) | Substances whose content must be guaranteed (Form and solubility of the fertilising elements. Other substances) |

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| Liquefied ammonia: | Product obtained by chemical means containing liquefied ammonia as an essential ingredient. | At least: 80% ammoniacal nitrogen. | Ammoniacal nitrogen (N). |
| Hydrolysed animal proteins for fertilising purposes. | Product containing organic nitrogen, obtained by hydrolysing products or by-products of animal origin, compliant with the veterinary conditions laid down in Annex III. | At least: 8% water-soluble organic nitrogen. | Water-soluble organic nitrogen (N). |
| Nitrogenous fertiliser solution. | Product obtained by chemical means and by dissolution in water, in a form stable at atmospheric pressure, of nitrogenous fertiliser containing at least two of the following forms of nitrogen: nitric nitrogen, ammoniacal nitrogen, ureic nitrogen, organic nitrogen. | At least: 10% total nitrogen in the form of nitric nitrogen and/or ammoniacal and/or ureic and/or organic nitrogen. At least: 2% nitric nitrogen and/or 2% ammoniacal nitrogen and/or 2% ureic nitrogen and/or 2% organic nitrogen. The maximum biuret content must not exceed 2.6% of the ureic nitrogen content. | Total nitrogen (N) and depending on the individual case: Nitric nitrogen; Ammoniacal nitrogen; Ureic nitrogen; Organic nitrogen. If the guarantee concerns the organic nitrogen content, it must also mention the name of the product(s) from which the nitrogen derives. |
| Vinasse. | By-product of molasses, containing organic nitrogen. | At least: 2% organic nitrogen. | Organic nitrogen (N). Optional: phosphorus pentoxide (P ₂ O ₅), soluble in mineral acids and/or potassium oxide (K ₂ O), soluble in water if the contents of these substances is 1%. |

To be annexed to Our Royal Decree of

By the King:

The Minister for Consumer Protection, Public Health and the Environment,

M. AELVOET

The Minister for Economic Affairs,

C. PICQUE

ANNEX II

“ANNEX III

VETERINARY CONDITIONS APPLICABLE TO PRODUCTS AND BY-PRODUCTS OF ANIMAL ORIGIN USED AS FERTILISERS.

All the products and by-products of animal origin authorised in Chapter I, Division II of Annex I, with the exception of guano, and intended for the manufacture of fertiliser, must be produced from animals solely for human consumption from which the specified risk material has been removed. They must also have been subject to an approved processing method which guarantees compliance with the following microbiological standards:

Samples taken directly after heat treatment

- Absence of *Clostridium perfringens* in 1g of product.

Samples taken during or at the end of destocking in the processing plant

- Salmonella: absence in 25g n=5, c=0, m=0, M=0

- Enterobacteriaceae n=5, c=2, m=10, M=3 x 10⁵ in 1 g

Where:

n = number of units constituting the sample;

m = threshold for number of bacteria; the result shall be considered satisfactory if the number of bacteria in the sample units as a whole does not exceed m;

M = the maximum value for the number of bacteria; the result shall be considered unsatisfactory if the number of bacteria in one or more sample units is greater than or equal to M;

c = number of sample units in which the number of bacteria may be between m and M, with the sample still being considered acceptable if the number of bacteria in the other sample units is less than or equal to m.

Furthermore, processed mammalian animal proteins from animal meal, meat meal and bone meal, powdered bone, leather-working by-products and degelatinised powdered bone used as fertiliser must have been subject to the following processing method:

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| a) Maximum particle size: | 50 mm |
| b) Temperature: | > 133 °C |
| c) Time: | 20 minutes uninterrupted |
| d) (Absolute) pressure produced using saturated steam (1): | 3 bar |

Processing may be conducted in a continuous or discontinuous system.

(1) “Saturated steam” means that all the air is removed from the sterilisation chamber, which is then filled with steam.

Finally, hydrolysed animal proteins used as fertiliser must derive from a process comprising brining, liming and intensive washing, followed by:

- Exposure of the materials concerned to a pH > 11 for > 3 hours at a temperature > 8 °C, then a heat treatment at a temperature > 140 °C for 30 minutes and at a pressure > 3.6 bar, or
- Exposure of the materials concerned to a pH of 1 or 2, then to a pH > 11, and then a heat treatment at 140 °C for 30 minutes and at a pressure of 3 bar, or
- An approved equivalent production process.”

To be annexed to Our Royal Decree of

By the King:

The Minister for Consumer Protection, Public Health and the Environment,

M. AELVOET

The Minister for Economic Affairs,

C. PICQUE