

LAW ON MINERAL FERTILIZERS

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Pursuant to Article IV.4.a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the 42nd session of the House of Representatives held on 27 July 2004 and at the 28th session of the House of Peoples held on 9 September 2004, adopted

LAW ON MINERAL FERTILIZERS

I – GENERAL PROVISIONS

Article 1

Subject

1. This law shall regulate the conditions for the ingredients, quality and marking of the mineral fertilizers that are being launched on the market and their use, as well as the supervision over the enforcement of this Law and by-laws passed on the basis of this law and other regulations passed with regard to the application of this Law.
2. Apart from the conditions determined by this Law, for the trade and use of mineral fertilizers that contain the detrimental substances, the regulations on the chemicals are being applied.
3. In case that the mineral fertilizers contain, beside the nutrients, phyto-pharmaceuticals, the regulations on the phyto-pharmaceuticals are also being applied.

Article 2

Meaning of the terms as used in this law

1. In terms of this law, specific terms have the following meaning:
 - a) **Mineral fertilizers** relate to all compounds and substances, regardless of their physical condition, which are being manufactured by the industrial processes and contain the plant nutrients and are being added either to soil or to plants for the purpose of: growth enhancement, yield increase, improvement of the yield quality or improvement of the soil fertility;
 - b) **Ammonium-nitrate fertilizers** relate to mineral fertilizers that contain at least 28 per cent of nitrogen in the ammonium-nitrate form;
 - c) **Plant nutrients** (hereinafter: the nutrients) relate to chemical elements necessary for the growth and development of plants (e.g. nitrogen, phosphorus, potassium, calcium, magnesium, boron, copper, iron and zinc);
 - d) Trade is sales, i.e. supplying of the mineral fertilizers for the soil, i.e. plants;
 - e) Use signifies any form of application of the mineral fertilizers into the soil, i.e. plants;

- f) Competent organs, in terms of the provisions of this law, are as follows: B&H Authority for the Protection of Plants' Health (hereinafter: the Authority) and the competent organs of the Entities and Brcko District in Bosnia and Herzegovina (hereinafter: Brcko District).

II – TYPES OF MINERAL FERTILIZERS

Article 3

Types of mineral fertilizers

- 1) With regard to the nutrient composition, mineral fertilizers can be divided into simple and complex mineral fertilizers.
- 2) Simple (single-nutrient) mineral fertilizers contain only one of the following primary nutrients:
 - a) nitrogen
 - b) phosphorus
 - c) potassium
- 3) Composition of the complex (multi- nutrient) mineral fertilizers contains two primary nutrients.
- 4) Beside the primary nutrients, composition of the simple and complex mineral fertilizers can also contain: calcium, magnesium, sodium, as well as secondary nutrients: boron, copper, zinc, cobalt, manganese, molybdenum, iron and microelements.

III– TRADE WITH MINERAL FERTILIZERS

Article 4

Conditions for trade

- 1) Mineral fertilizers can be traded if they meet the prescribed conditions in terms of the minimum quality, if they are marked in a prescribed way, and, if properly used, they do not pose a threat to the fertility of the soil, health of the people and the environment.
- 2) Quality of the mineral fertilizers depends on the content and quantity of the nutrients, content of the detrimental substances, grain size, physical characteristics and moisture level.
- 3) Mineral fertilizers that meet more strict prescribed quality related conditions, when traded can be marked as 'EC FERTILIZER'
- 4) Detailed quality related conditions that mineral fertilizers need to meet, are prescribed by the Council of Ministers of Bosnia and Herzegovina (hereinafter: Council of Ministers) on the basis of the suggestion by the Administration, with previously obtained opinion from the competent organs of the Entities and Brcko District.

Article 5

Trade permit

1. Before trading with mineral fertilizer in Bosnia and Herzegovina, producer, i.e. importer needs to obtain a permit from the Administration and competent organs of the Entities and Brcko District.
2. Trade permit is not required in case if the mineral fertilizer meets the conditions prescribed for obtaining the mark 'EC FERTILIZER' and it is being marked with it;
3. The Administration prescribes the form of the permit from the Paragraph 1, as well as form of the request for the issuing of the permit.

Article 6

Content of the request for the issuing of the permit

1. The following needs to be enclosed with the request for the issuing of the permit for launching the mineral fertilizers on the market:
 - a) Information about the manufacturer, i.e. importer (company and seat, proof of the registration of the business activity);
 - b) Information on the type and brand name of the mineral fertilizer;
 - c) Results of the analysis of the fertilizer and opinion given by the laboratory authorised to conduct the analysis in Bosnia and Herzegovina, or in the state member of the European Union.
2. If the mineral fertilizer fulfils the prescribed conditions regarding the minimum quality, the competent organ will issue decision by which the trade with the mineral fertilizer is being allowed.

Article 7

Additional conditions for trade with the ammonium-nitrate fertilizers

1. Ammonium-nitrate fertilizers that are being launched on the market for the final users, have to be packed.
2. Apart from the prescribed conditions from the Article 4 of this Law, ammonium-nitrate fertilizers that are being subject of trade also have to meet the specific quality related conditions in terms of technical and chemical characteristics, as well as characteristics of the heavy metals and other substances.
3. Ammonium-nitrate fertilizers can also contain inorganic additives or inert substances, but those must not increase their sensitivity to heat and explosiveness.
4. Transportation of the ammonium-nitrate fertilizers has to be carried out in accordance with the regulations on the transportation of the dangerous substances.
5. Specific conditions in terms of the quality, methods of testing and procedures for identifying of the sensitivity to heat and resistance to the explosiveness of the ammonium-nitrate fertilizers, are prescribed by the Council of Ministers, along with the opinion obtained from the competent organs of the Entities and Brcko District,

IV – TESTING METHODS AND MARKING

Article 8

Laboratory

1. Quality of the mineral fertilizers and sensitivity to the heat, as well as sensitivity to the heat and explosiveness of the ammonium-nitrate fertilizers is being determined and verified (also/or) by the accredited laboratories, in accordance with the prescribed testing methods.
2. Methods of testing of the mineral fertilizers from the paragraph 1 are being prescribed by the Council of Ministers on the basis of the suggestion by the Administration, with previously obtained opinion from the competent organs of the entities and Brcko District.

Article 9

Marking

1. Mark of the mineral fertilizers that are being launched on the market has to contain the following:
 - a) Title of the company and seat of the manufacturer, i.e. importer;
 - b) Brand name of the mineral fertilizer;
 - c) Mark 'CE FERTILIZER', in case that mineral fertilizer meets the conditions for such mark;
 - d) Number of trade permit, in case that mineral fertilizer does not fulfil the conditions for the mark 'CE FERTILIZER';
 - e) Type of the mineral fertilizer (simple, complex)
 - f) Types and characteristics of the nutrients;
 - g) Names of other substances contained in the mineral fertilizer;
 - h) Net weight, i.e. volume of the mineral fertilizer;
 - i) Data on storage, use and handling of the mineral fertilizer.
2. If the mineral fertilizer that is launched on the market is packed, data from the paragraph 1 need to be printed on the packaging, or in some different way attached to the packaging.
3. If the mineral fertilizer that is launched on the market is in the scattered form, data from the paragraph 1 need to be provided in the supporting documentation.
4. If the packaging of the mineral fertilizer contains more than 100 kg, it is sufficient for the information from the paragraph 1 to be included solely in the supporting documentation.
5. The packaging, i.e. system for closing, or seal, need to be set in a such way that its opening results in the irreparable changes.
6. The information on the package and in the supporting documentation need to be provided in a clear, legible form, and in one of the official languages of Bosnia and Herzegovina in a way that their erasing or removal would not be possible.

7. Detailed conditions related to the mode of packing, declaring and marking of the mineral fertilizers are being prescribed by the Council of Ministers on the basis of the suggestion by the Administration, with previously obtained opinion from the competent organs of the Entities and Brcko District.

V – KEEPING A RECORD

Article 10

Keeping a record

1. The Authority and competent organs of the Entities and Brcko District establish and keep a record on the launching of the mineral fertilizers on the market, while, until the 31 March of the current year, the manufacturers, i.e. importers of the mineral fertilizers have to provide, as regulated and on the annual base, the following information to the competent organs:
 - a) The company title and the seat of the entity that launches the mineral fertilizers on the market;
 - b) Type and quantity of the mineral fertilizers launched on the market;
 - c) Mode of launching on the market (import, export, wholesale, retail sale, inventories);
 - d) Other information required in order to determine the quantity of the mineral fertilizers that is launched on the market and quantity of the used mineral fertilizers.
2. Mode of keeping a record and mode of exchange of the information from the paragraph 1 of this article are prescribed by the Authority.

VI – RESEARCH AND DEVELOPMENT

Article 11

Research and development

1. Legal and natural entities registered for performing the activities of research and development, are entitled to, for the purpose of research and testing new mineral fertilizers and based on the permit from the Authority, import and use samples of the mineral fertilizers that do not meet the prescribed conditions in terms of the minimum quality.
2. In the request for obtaining the permit from the previous paragraph, the submitter of the request needs to present the following data and provide the documentation to confirm them:
 - a) Title and seat of the submitter of the request;
 - b) Proof of the registration of the business activity;
 - c) Type and quantity of the mineral fertilizer that it intends to use;
 - d) Purpose of testing;
 - e) Area of testing;
 - f) Mode and time of testing.

3. Permit from the Paragraph 1 of this Article is not required if the testing does not include spreading of the mineral fertilizers into the environment.

Article 12

Use

Mineral fertilizers have to be used in accordance with the regulations on the performing of the good agricultural practice while fertilizing, on the application of dangerous substances and plant nutrients into the soil, as well as in accordance with the other regulations on the environmental protection.

VII – DATA COLLECTION

Article 13

Obtaining and use of data

1. For the purpose of the supervision over the trade and use of the mineral fertilizers, competent organs are entitled to obtain and use the following data:
 - a) Data recorded by the customs organs in terms of the import of the mineral fertilizers;
 - b) Land registries and cadastres in terms of area, type of use and ownership on the agricultural land.
2. Subjects from the paragraph 1 of this article are obliged to submit data to the Authority and competent organs of the entities and Brcko District per their request.

VIII – INSPECTION SUPERVISION

Article 14

Performing of the supervision

1. Supervision over the application of this Law and regulations passed on the basis of this Law is performed by the inspectors.
2. Legal and natural entity is obliged to allow the inspector to perform the undisturbed inspection supervision at which the inspector's activities must not be restricted.
3. Complaint against the decision of the inspector, passed on the basis of this Law, does not delay its execution.

Article 15

Taking samples and the analysis

1. During the procedure of the supervision over the trade with the mineral fertilizers, the inspector is taking a sample and divides it into two equal parts. One part of the sample is then being sent for the analysis to the authorised and/or accredited laboratory, which is obliged to conduct the analysis within 15 days as of the receipt of the sample and submit the findings to the inspector. Other part of the sample is being stored by the inspector in case that the repeated analysis is needed (post-analysis).
2. If the party in the findings related procedure disagrees with the findings, it is entitled to, within 15 days as of the date of the receipt of findings, request the repeated analysis (post-analysis) that is being performed in another authorised and/or accredited laboratory.
Repeated analysis (post-analysis) of the sample can be also requested by the inspector; if the findings of the analysis and the repeated analysis are not the same, the result of the repeated analysis shall be considered as valid.
3. Detailed conditions related to the mode of taking the samples, as well as costs of the laboratory examination are being prescribed by the Council of Ministers on the basis of the suggestion by the Administration, with previously obtained opinion from the competent organs of the Entities and Brcko District.

Article 16

Authorities of the agricultural inspector

- 1) Based on this Law and regulations passed on the basis of this Law, an agricultural inspector has the following authorities:
 - a) To check the fulfilment of the prescribed conditions in terms of the quality of the mineral fertilizers that are launched on the market;
 - b) To check whether the mineral fertilizers that are launched on the market are marked as it was prescribed;
 - c) To take samples of the mineral fertilizers from the storages, vehicles and other places, and send them to the authorised and/or accredited laboratory for the analysis;
 - d) To review business and warehousing premises, business records and other documents;
 - e) To check the accurateness of the submitted data with the documentation on the sold and purchased quantities of the mineral fertilizers and
 - f) To perform other actions which are necessary for the application of this Law and regulations passed on the basis of this Law.

Article 17

Measures of the agricultural inspector

1. While performing the inspection supervision based on this Law and regulations passed on the basis of this Law, the agricultural inspector is entitled to determine the following measures:
 - a) To order the manufacturer, i.e. importer of the mineral fertilizers to eliminate the defects, i.e. irregularities in terms of quality, marking and other conditions that mineral fertilizer needs to meet;
 - b) Ban on trade with the mineral fertilizers, in case of a threat for the health of the people and animals, as well as for the environment;
 - c) Ban on the use of the mark 'EC FERTILIZER' if the mineral fertilizer does not fulfil the prescribed conditions for that mark;
 - d) Ban on trade and use of the mineral fertilizer if it does not meet the minimum prescribed conditions in terms of the quality and marking in one of the official languages of Bosnia and Herzegovina; and
 - e) Other necessary measures for the application of this Law and the regulations passed on the basis of this Law.

IX – PENALTY CLAUSES

Article 18

Violations committed by legal entities and the self-employed businessmen-individuals

1. Legal entity that manufactures or imports the mineral fertilizers shall be fined from KM 1,000 to 50,000 for the violations as follows:
 - a) If the mineral fertilizer that is being launched on the market does not fulfil the prescribed conditions in terms of the minimum quality (Article 4, Paragraph 1);
 - b) If the mineral fertilizer that is being launched on the market is unjustifiably marked as 'EC FERTILIZER' (Article 4, Paragraph 3);
 - c) If the mineral fertilizer is being launched on the market without the prescribed permit (Article 5, Paragraph 1);
 - d) If the mineral fertilizer that is being launched on the market is not marked as prescribed (Article 9)
 - e) If the competent organs have not been provided data on the trade with the mineral fertilizers within the prescribed period (Article 10, Paragraph 1)
 - f) If the samples of the mineral fertilizers used by the legal entity, without the permit by the Authority, do not meet the prescribed conditions in terms of the minimum quality (Article 11, Paragraph 1).
2. Responsible person within the legal entity shall also be fined from KM 2,500 to KM 40,000 for the violation in the Paragraph 1 of this article.
3. The individual committing the violation from the Paragraph 1 of this article related to

the performing of the independent activities shall be fined from KM 1,500 to KM 40,000.

Article 19

Mandatory fines for the legal entities and self-employed businessmen

1. Legal entity shall be fined KM 2,500 that will be collected on the spot for the violations as follows:
 - a) If the ammonium-nitrate fertilizer that is being launched on the market is not packed (Article 7, Paragraph 1);
 - b) If the inspector is not allowed to perform the undisturbed inspection supervision based on this Law, or the inspector's activities are being restricted, or the inspector is not being provided requested documents, data, explanations or necessary items (article 14, Paragraph 2).
2. The individual committing the violation from the Paragraph 1 of this Article related to the performing of the independent activities shall be fined KM ,000 that will be collected on the spot.
3. For the violation in the Paragraph 1 of this Article, the responsible person within the legal entity shall also be fined KM 850 that will be collected on the spot.

Article 20

Mandatory fines for the individuals

The individual shall be fined KM 1,000 that will be collected immediately, on the spot, in case that the inspector is not allowed to perform the undisturbed inspection supervision based on this Law, or the inspector's activities are being restricted, or the inspector is not being provided requested documents, data, explanations or necessary items

X TRANSITIONAL AND FINAL PROVISIONS

Article 21

Transitional provisions

Prior to obtaining the accreditation, quality of the mineral fertilizers and sensitivity to the heat or explosiveness of the ammonium-nitrate fertilizers are being determined and verified by the authorised laboratories for determining the quality of the mineral fertilizers, which are, in accordance with the regulations in effect, authorised by the Council of Ministers, on the basis of the suggestion by the Administration, with previously obtained opinion from the competent organs of the entities and Brcko District.

Article 22

Deadline for passing the regulations

1. Within the period of one year after this Law comes into effect, the Administration and competent organs of the Entities and Brcko District shall have a duty to pass the by-laws prescribed by this Law.
2. Beside the by-laws prescribed by this Law, the Administration and competent organs of the Entities and Brcko District are also entitled to pass the other regulations that are necessary for the application of this Law.

Article 23

Regulations applied until the passing of the new regulations

1. Until the new regulations, passed on the basis of this Law, come into effect, the following regulations shall be applied:
 - a) Rule-book on the Technical Regulations on the Processing of the Ammonium-Nitrate, Handling and Storage of the Ammonium-Nitrate and its Mixtures ('Official Gazette of SFRY', no.31/61, 13/66 and 27/68);
 - b) Rule-book on the Quality and Uniformed Methods for Tests, i.e. Analysis, on the Mode of Taking, Preparation and Sending of Samples to the Analysis, on the Registry and Mode of Declaring of the Mineral Fertilizers ('Official Gazette of SRS, no. 36/74 and 12/75);
 - c) Rule-book on the Minimum and Maximum Content and Other Characteristics of Certain Types of the Mineral Fertilizers and on the Mode of Testing of the Mineral Fertilizers ('Official Gazette of SFRY, no. 35/64')
 - d) Rule-book on the Mineral Fertilizers Registry and on the Declaration of the Mineral Fertilizers ('Official Gazette of SFRY, no. 36/64)
 - e) Provision on the Technical Quality Conditions and on the Analytical Methods for the Mineral Fertilizers ('Official Gazette of RS, no. 17/96).

Article 24

Entity regulations on this field shall be applied solely if not colliding with this Law.

Article 25

Coming into force

This Law shall come into effect on the eighth day after it is published in the "Official Gazette of BiH". It shall be published in the official gazettes of the Entities and Brcko District in Bosnia and Herzegovina.

PS BiH No. 98/04

9 September 2004

Sarajevo

Chair
of the House of Representatives
of the Parliamentary Assembly
Martin Raguz

Chair
of the House of Peoples
of the Parliamentary Assembly
Goran Milojevic