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THE LAW

of March 17, 2000

about fertilizers

The National Council of the Slovak Republic resolved on this law:

§ 1

Subject of modification

This law establishes a) the conditions for the introduction of fertilizers, growing substrates and soil auxiliaries for improving soil properties into circulation, b) the registration of fertilizers, c) the conditions for the storage and use of fertilizers, d) the conditions for agrochemical testing of agricultural soils and the determination of soil properties of land, e) the authority of state professional control bodies over compliance with the obligations established by this law.

§ 2

Basic terms

- (1) For the purposes of this Act, fertilizer is understood as
- a substance containing nutrients for the nutrition of plants and forest trees to maintain or improve soil fertility and to favorably influence the harvest or the quality of production,
 - an auxiliary substance for modifying soil properties, which, without an effective amount of plant nutrients, affects the soil biologically, chemically or physically by improving its properties or increases the effectiveness and usability of nutrients from fertilizers, c) growing substrate used for rooting and growing plants; the substrate is mainly peat, soil or their mixtures.

(2) Livestock manure, manure, slurry, manure, straw, green manure, as well as other residues of plant origin arising in agricultural primary production without further processing are economic fertilizer.

§ 3

Putting fertilizer into circulation

(1) Only fertilizers that have been tested for effectiveness, quality and health may be put into circulation

water safety and safety registered in the register of fertilizers, as well as commercial fertilizers.

(2) The provision of paragraph 1 does not apply to fertilizer provided in the necessary quantity for experimental purposes, for research or for development.

(3) Putting fertilizer into circulation means its production, import, supply, sale and storage.

§ 4

Register of fertilizers

(1) The register of fertilizers is a list of registered fertilizers, which contains data on registered fertilizers within the scope of the provisions of § 5 par. 2 with the exception of data on the production process and raw materials used.

The Register of Fertilizers is maintained by the Central Agricultural Inspection and Testing Institute (hereinafter referred to as the "inspection institute") as a legal entity, the founder of which is the Ministry of Agriculture of the Slovak Republic (hereinafter referred to as the "Ministry").

(2) The state administration authorities can inspect and make extracts from the register of fertilizers if they need it for the performance of their tasks, natural persons or legal entities who demonstrate the need to inspect the register.

The control institute may not provide or publish such data that is subject to protection according to special regulations, or data marked by the manufacturer or the holder of the registration as the subject of a trade secret,¹⁾ if it is not publicly known data.

(3) The Ministry regularly publishes the list of registered fertilizers in the Bulletin of the Ministry of Agriculture and Rural Affairs of the Slovak Republic, which can be consulted at the Ministry.

§ 5

Fertilizer registration

(1) Fertilizer registration is carried out by the control institute based on the request of the manufacturer or importer, who is authorized to do business according to a special regulation²⁾ (hereinafter referred to as

the "applicant"). (2) The application for registration of fertilizer is submitted by the applicant on the form issued by the inspection institute. The application must contain

¹⁾ For example, Act No. 527/1990 Coll. on inventions, industrial designs and improvement proposals, as amended, Act of the National Council of the Slovak Republic No. 100/1996 Coll. on the protection of state secrets, official secrets, on the encryption protection of information and on the amendment of the Criminal Code, as amended, and Act No. 513/1991 Coll. Commercial Code.) § 2 of the Commercial

²⁾ Code. § 25 and 26 of Act no.

455/1991 Coll. on trade entrepreneurship (Trade Act).

- a) data on name, surname, place of permanent residence, social security number, if the applicant is a natural person, or business name, registered office and identification number, if the applicant is a legal entity,
- b) data on the manufacturer within the scope of letter a), if applicable given by the importer,
- c) commercial name of the fertilizer and type of fertilizer, d) data on the content of individual components, as well as trace elements in the fertilizer, including the content of risk elements and risk substances; in the case of nutrients, also their form and solubility, e) the method of packaging and the weight or volume of the package, f) the extent and method of use of the fertilizer and its conditions storage, g) a description of the production process, including an indication of the raw materials used for the production of fertilizer,
- h) a statement from the competent authorities,^{3) i) a statement from the manufacturer that it has a control mechanism guaranteeing permanent compliance with the quality of the fertilizer. (3) The}

applicant is obliged to provide the inspection institute with the necessary fertilizer samples free of charge or to enable their collection and to provide other documents and information necessary for the registration procedure.

(4) The control institute shall issue a decision on the registration of the fertilizer within two months from the delivery of the application for the registration of the fertilizer, if the type of fertilizer specified in the application [paragraph 2 letter c)] corresponds to the type specified in the generally binding legal regulation [§ 17 letter b)] and complies with the results of laboratory tests.

(5) If the fertilizer does not match the type of fertilizer specified in the generally binding legal regulation [§ 17 letter b)], the control institute will also test its biological effectiveness with vegetation tests and, based on the results of the tests, decide on the registration of the fertilizer a) within 18 months from the delivery of the application, if the vegetation tests are carried out in a greenhouse or in a vegetation hall, b) within 24 months from the delivery of the application, if vege

tration tests are carried out in the field.

(6) The inspection institute will immediately notify the applicant of the need to test the biological effectiveness of the fertilizer.

(7) The inspection institute may recognize the results of laboratory and vegetation tests of fertilizer by other professionally qualified domestic and foreign natural persons or legal entities, if they are in accordance with the provisions of this Act. In this case, the inspection institute will decide on the application without delay.

(8) Costs for actions related to proceedings for registers cii fertilizer is paid by the applicant.

§ 6

Decision on registration of fertilizer

- (1) The decision on the registration of the fertilizer contains

- a) the commercial name of the fertilizer and the type of fertilizer, b) the number of the decision on its registration, c) data on the name, surname, place of permanent residence, social security number, if the applicant is a natural person, or business name, registered office and identification number, if the applicant is legal person,
- d) data on the manufacturer within the scope of letter c), if applicable given by the importer,
- e) restrictions on placing fertilizer into circulation and its use, f) data on the content of individual components as well as trace elements in the fertilizer, including the content of risk elements, risk substances and their permissible deviations; in the case of nutrients, also their form and solubility, g) time of validity of the decision, h) method of packaging and warning labels of the fertilizer necessary from the point of view of protecting the health and safety of people, animals and the environment.

(2) The decision on the registration of the fertilizer is valid for five years from the date of its entry into force, unless a shorter period is stipulated in the decision; the provision of a shorter time must be justified in the decision.

(3) The holder of a decision on the registration of a fertilizer may apply in writing to the inspection institute for an extension of its validity period. The application must be delivered to the inspection institute no later than six months before the date of expiry of the decision on fertilizer registration.

(4) The validity of the decision on the registration of the fertilizer can be extended for another five years, even repeatedly. The provisions of § 5 par. 1 and 2.

§ 7

Cancellation of registration

- (1) The control institute shall cancel the registration of fertilizer
- a) on the basis of a written request of the holder of the decision on registration of fertilizer or
- b) if the state expert control (§ 14) finds that the fertilizer does not meet the requirements stated in the registration decision.

(2) If the registration of the fertilizer was canceled according to paragraph 1 letter a), the produced fertilizer can be put into circulation during its useful life.

(3) If the registration of the fertilizer was canceled according to paragraph 1 letter b), the fertilizer may not be put into circulation after the decision to cancel the registration of the fertilizer becomes valid.

(4) In the decision to cancel the registration of fertilizer according to paragraph 1 letter b) the control institute shall determine whether the fertilizer should be withdrawn from circulation by the person to whom the decision on the registration of the fertilizer was issued, or whether it should be disposed of according to special regulations.^{4))}

³⁾ For example, § 21 Act of the Slovak National Council No. 51/1988 Coll. on mining activity, explosives and the state mining administration, as amended, § 27 par. 2 letters g) Act of the National Council of the Slovak Republic No. 272/1994 Coll. on the protection of people's health, as amended.

⁴⁾ Act no. 238/1991 Coll. on waste as amended by Act of the National Council of the Slovak Republic no. 255/1993 Coll.

§ 8

Fertilizer labeling and packaging

(1) The person who puts the fertilizer into circulation is obliged to indicate in its labeling a) information about the manufacturer, including the foreign manufacturer, and the importer, by indicating the name, surname, place of permanent residence, if it is a natural person, or business name, registered office, if it is a legal entity, b) the

commercial name of the fertilizer and the type of fertilizer, c) the number of the decision on its registration, d) data on the content of individual components as well as trace elements in the fertilizer, including the content of risk elements and risk substances; in the case of nutrients, also their form and solubility, e) extent and method of use of fertilizer and its storage conditions,

f) weight or volume of the packaging unit or do benefits,

g) production date of the fertilizer and its shelf life, h) warning label and information on handling and precautions from the point of view of protecting the health and safety of people and animals and protecting the environment. (2) The

information on the label and accompanying documents of the fertilizer must be clear, indelible and easily legible for the consumer under the usual conditions of sale and must be stated in the national language.

(3) If the fertilizer is delivered in a loosely stored state or in wholesale packaging, the weight of which exceeds 100 kg, the label must be indicated in the sprie water documents.

(4) Fertilizer may not be labeled with the attributes "ecological" or "biological", not even their abbreviations.

(5) Fertilizer, other than loosely stored, can only be circulated in such a package that allows its handling, reliable and safe storage, which does not adversely affect the properties of the fertilizer in the prescribed or usual way of use and prevents its undesirable effect on health or on human and animal life, or the quality of the environment. The packaging must be made in such a way that it does not empty spontaneously. Packaging that is not suitable for repeated use must be disposed of. 4)

§ 9

Storage of fertilizers

(1) Natural persons managing agricultural or forest land, carrying out agricultural or forestry production, registered according to a special regulation⁶⁾ and legal entities managing agricultural or forest land, carrying out agricultural or forest production (hereinafter referred to as "entrepreneurs in land management"), manufacturers, importers,

sellers or suppliers who store fertilizers are obliged to a) store fertilizers separately and mark them in a permanent and legible way, b) ensure that fertilizers are not mixed with other substances, c) continuously keep records of income, expenditure and quantity of fertilizers.

(2) Agricultural fertilizers must be stored in such a way that to prevent environmental pollution.

§ 10

Use of fertilizers

(1) Entrepreneurs in agriculture are obliged to use fertilizers and fertilizers in the amount and in a manner that ensure the necessary nutrition, growth of plants and sustainable soil fertility.

(2) Risk elements and risk substances that could disrupt the development of cultivated plants or endanger the food chain or pollute the soil may not be introduced into agricultural fertilizers.

(3) Fertilizers may not be used on agricultural land if a) a special regulation⁷⁾ prohibits or restricts the use of fertilizers, b) the soil is wet, covered with a layer of snow over five centimeters or frozen to a depth of 8 centimeters or more, c) the method of their use threatens the environment

around the fertilized plot.

(4) Forest land may not be fertilized if it is prohibited or limited by a special regulation.⁷⁾

(5) Entrepreneurs in agriculture are obliged to keep permanent records of the receipt and use of fertilizers on agricultural land or forest land.

At the request of the control institute, they are obliged to submit records for verification.

(6) Records according to paragraph 5 are kept on the amount, type and time of use of fertilizers according to land, crops, achieved harvests and years and are kept for at least 10 years.

(7) Upon request, entrepreneurs in the agricultural sector are obliged to provide the control institute with an overview of the consumption of fertilizers from the records kept according to paragraph 5 in the required structure every year by the end of the calendar year.

§ 11

Agrochemical testing of agricultural soil

(1) Agrochemical testing of agricultural soil is the regular detection of selected parameters of its chemical properties related to soil fertility and its contamination with risk elements and

⁵⁾ Act of the National Council of the Slovak Republic No. 270/1995 Coll. on the state language of the Slovak Republic, as amended.

⁶⁾ § 12a to 12e of Act no. 105/1990 Coll. on private business of citizens, as amended.

⁷⁾ For example, Act of the National Council of the Slovak Republic No. 287/1994 Coll. on nature and landscape protection as amended by Act of the National Council of the Slovak Republic no. 222/1996 Coll., Slovak National Council Act No. 307/1992 Coll. on the protection of agricultural land fund and Act no. 138/1973 Coll. on Water (Water Act) as amended.

substances, the aim of which is to regulate the use of fertilizers in such a way as to achieve or maintain the permanent productive capacity of the soil and to exclude its pollution.

(2) Control institute

a) conducts and ensures full-scale agrochemical testing of agriculturally used soil at least once every six years, b) determines the binding methodology of the soil sampling procedure, binding methods of agrochemical soil testing and evaluation criteria for determined nutrient contents and other soil indicators, c) verifies agrochemical testing methods of land and prepares binding assessments on fertilization projects, for the implementation of which funds are to be provided from the state budget, d) conducts field stationary fertilization experiments to the extent that allows obtaining sufficient data for repeated review of evaluation criteria and categorization of the soil fund according to analytically determined soil reaction values and soil nutrient content,

e) evaluates and archives the results of agrochemical soil testing for ten years.

(3) Entrepreneurs in the agricultural sector are obliged, upon invitation and according to the instructions of the inspection institute, to carry out or ensure the collection of soil samples from the agricultural land they manage, and to deliver them to the designated place.

(4) The results of the agrochemical testing of agricultural soil will be evaluated by the inspection institute and handed over to entrepreneurs in the agricultural sector.

(5) After the end of each cycle of agrochemical testing of agricultural land, the control institute prepares a summary national report on the status of monitored agrochemical parameters in agricultural land and in the regional breakdown.

(6) In order to ensure the collection of soil samples for agrochemical testing of agricultural soils, the bodies of local state administration and municipalities are obliged to provide the control institute with data on agricultural land and its users.⁶⁾

§ 12

Determination of soil properties of forest plots

(1) The investigation of soil properties of forest land⁸⁾ carried out for the purpose of preparing proposals for remedial measures and adjusting the water regime in forests includes taking samples, their chemical analyzes and evaluating the results of these analyses.

(2) The territorial scope of determining the soil properties of forest land, including the density of sampling areas, will be determined by the Ministry in areas,

a) where signs of disorders of growth, development or forest health have been detected on forest stands, b) burdened by polluted air, c) with stands intended for production seeds.

(3) The owner, manager or user of forest land is obliged to undergo actions related to the determination of the soil properties of forest land.

(4) Chemical analyzes of samples and evaluation of the results of these chemical analyzes are carried out by the Forestry Research Institute.

§ 13

In order to carry out the collection of samples for the testing of agriculturally used land or for the collection of samples to determine the soil properties of forest land, the inspection institute or the Forestry Research Institute, the founder of which is the Ministry, may enter into agreements a) with a natural person who proves that they have successfully completed study at an agricultural, chemical or biological school and has the appropriate technical equipment for this activity, b) with a legal entity that proves that it has the appropriate technical equipment for this activity and will provide it with persons who have successfully completed an agricultural, chemical or biological school logical direction.

§ 14

State expert control

(1) State professional control⁹⁾ of compliance with obligations established under this Act is carried out by the control institute of a) entrepreneurs in agriculture, b) producers, importers, sellers and suppliers, c) natural persons and legal entities entrusted with taking soil samples.

(2) The employees of the inspection institute in connection with the execution of the inspection according to paragraph 1 are entitled a) to enter the premises where fertilizers are produced, stored, shipped and where they are used, b) to demand the necessary documents, information and possibly free sampling of fertilizers and land to the extent necessary to carry out the inspection.

(3) Based on the results of the performed inspection and according to the severity of the identified deficiencies, the

inspection institute shall issue a) an opinion on the reduced quality of the fertilizer, b) a decision prohibiting the production of fertilizer, putting it into circulation, its use or ordering the disposal of the fertilizer, c) a decision on a regulatory measure for the application of fertilizers or in particularly serious cases¹⁰⁾ temporarily bans farming on the land from the point of view of possible influence on the environment or the quality and hygienic safety of the production.

(4) In the decision according to paragraph 3 letter c) the inspection institute will simultaneously state the deadline for removing missing metal.

8) § 2 par. 1 letter a) of Act no. 61/1977 Coll. on forests as amended.

9) Act of the National Council of the Slovak Republic No. 10/1996 Coll. on control in the state administration.

10) § 5 and 6 of the Act of the Slovak National Council No. 307/1992 Coll.

(5) Appeal against the decision in accordance with paragraph 3 letter a), b) and c) does not have a suspensive effect.

(6) According to § 10 par. 1, 2, 3, 4 and 5 must also be performed by responsible employees of the Ministry and its organizational units.

(7) If this Act does not provide otherwise, the procedure shall be in accordance with the general regulations on control.9)

§ 15

Fines

(1) The Ministry shall impose a fine of up to SKK 50,000 on the proposal of the control institute to an entrepreneur in the agricultural sector, if

a) he does not perform or ensure the collection of soil samples for agrochemical testing of agricultural soil in accordance with § 11 par. 3, b) does not keep records of the receipt and use of fertilizers and, upon request, does not provide records to the inspection institute for verification pursuant to § 10, par. 5 and 7.

(2) A fine of up to SKK 100,000 shall be imposed by the Ministry at the proposal of the

inspection institute a) on a manufacturer, importer, seller or supplier for breach of obligations under Sections 8 and 9,

b) on an entrepreneur in agriculture for breach of obligations under Sections 9 and 10 par. 2 and 3.

(3) A fine of up to SKK 500,000 shall be imposed by the Ministry at the proposal of the inspection institute on the manufacturer or importer who introduced into circulation a fertilizer that was not registered in accordance with § 5.

(4) When determining the amount of the fine, the seriousness, method and duration and consequences of the illegal action are taken into account. The fine can be imposed within one year from the day when the inspection institute discovered a breach of duty, but no later than three years from the day when the breach of duty occurred.

(5) Income from fines is income of the State Fund for the Protection and Improvement of the Agricultural Land Fund.

§ 16

Relation to administrative order

Decision-making pursuant to this Act is subject to general regulations on administrative proceedings,11) unless this Act provides otherwise.

§ 17

Power of attorney provisions

The Ministry will issue a generally binding legal regulation that will establish a) details on the registration of fertilizers and recognition of the results of laboratory and vegetation tests of fertilizers according to § 5, b) types of fertilizers, composition, packaging, labeling, storage and analytical methods of testing fertilizers, hazardous substances and risk elements, their limit values for individual groups of fertilizers and soil and permissible from a small amount, as well as limit values for agricultural fertilizers,

c) details of the procedure for taking soil samples and the method and scope of conducting agrochemical testing of soils and determining the soil properties of forest plots.

§ 18

Common and transitional provisions

(1) The costs of taking samples for agrochemical testing of agricultural land and the costs of taking samples to determine the properties of forest land shall be paid by the person who manages agricultural land and forest land.

(2) Fertilizers put into circulation according to the current regulations may be put into circulation no longer than two years from the date of entry into force of this Act.

§ 19

Cancellation provisions

The following are repealed: 1. Act No. 61/1964 Coll. on the development of plant production as amended by Act no. 132/1989 Coll., Act of the National Council of the Slovak Republic no. 184/1993 Coll., Act of the National Council of the Slovak Republic No. 285/1995 Coll., Act of the National Council of the Slovak Republic No. 291/1996 Coll. and Act of the National Council of the Slovak Republic no. 332/1996 Coll., 2nd Decree of the Ministry of Agriculture and Food of the Slovak Socialist Republic No. 55/1982 Coll. on agrochemical soil testing.

§ 20

Effectiveness

This law enters into force on January 1, 2001.

Rudolf Schuster incl

Jozef Migaš incl

Mikuláš Dzurinda incl

11) Act no. 71/1967 Coll. on administrative procedure (correct order).