



BREXIT HUB

Manufacturing, importing and marketing of fertilisers

Introduction

The transition period between the UK and the EU will end on 31 December 2020. This means that the UK will no longer be a member of the EU's Single Market nor the Common Customs Union. These changes will result in a series of significant, and depending on the timing, abrupt changes to how rural businesses operate. Arrangements for the manufacturing, importing and marketing of fertilisers will change.

This briefing note, and others on different subjects that can be found on the CLA Brexit Hub - <https://www.cla.org.uk/brexit> - provides rural business owners with detailed information on the steps which will need to be taken and where you can find more information relating to the manufacturing, importing and marketing of fertilisers and has been independently compiled by CLA experts. It covers:

- Manufacturing and selling fertilisers in Great Britain;
- Selling EC labelled fertiliser in Great Britain;
- Trading with the EU;
- Rejected consignments;
- Ammonium nitrate imports.

Of course, the decision about what actions to take will be unique to every businesses' needs. This guidance is not intended to make a judgement on the specific activities you should be undertaking, or about the longer-term effects of the UK's exit from the EU.

How will the current rules change?

Most of the existing standards and rules that apply to manufacturing, importing and marketing fertilisers in the UK will stay the same. In addition, the current domestic frameworks for Great Britain (GB) and Northern Ireland (NI) will stay in place allowing fertilisers to be sold in the UK.

However, there will be changes to the existing EU framework which will apply in Northern Ireland under the terms of the Northern Ireland Protocol.

What are the rules for manufacturing and selling fertilisers in Great Britain?

A business can continue to manufacture under the domestic GB regulation for fertilisers. Products previously marketed as 'EC fertilisers' can be sold in GB as 'UK fertilisers' from 1 January 2021 provided:

- it is established in the UK;

- a UK approved laboratory has been used to test the product.

Fertiliser products not sold as 'UK fertilisers' from Northern Ireland will be able to be placed on the GB market providing they are 'qualifying Northern Ireland goods'.

Qualifying Northern Ireland goods are defined as:

- goods in 'free circulation' in NI, and not under customs supervision (except if the good is being taken out of Northern Ireland or the EU);
- any good processed in NI and only incorporates GB inputs.

According to the Government, this is part of a phased approach to provide unfettered access. A longer-term approach will be introduced in 2021.

Can I sell “EC fertiliser” labelled products in Great Britain?

There will be a 2-year transitional period from 1 January 2021, during which a business will be able to continue to manufacture and sell material labelled as an 'EC fertiliser' in GB provided those products conform to EU standards which can be found at: https://ec.europa.eu/info/sites/info/files/brexit_files/info_site/fertilisers_en_0.pdf

Manufacturers will need to be established within the EU or in Northern Ireland. EC fertiliser that is a 'qualifying Northern Ireland good' can be placed on the GB market on an ongoing basis.

A business can continue to manufacture and market fertilisers under Northern Ireland domestic fertiliser regulations and will still be able to manufacture and sell products in Northern Ireland as 'EC fertilisers' but it will need to make sure it meets EU standards. Manufacturers will need to be established within the EU or in NI.

Can I still trade with the EU?

It will be possible to manufacture products as 'EC fertilisers' and export to the EU but they must meet EU standards. These can be found at: https://ec.europa.eu/info/sites/info/files/brexit_files/info_site/fertilisers_en_0.pdf

Manufacturers will need to be established within the EU or NI.

If the business is based in Great Britain and is sending goods to the EU it will need to complete a UK customs export declaration from 1 January 2021. Great Britain will no longer be able to import or export fertiliser from the EU using the mutual recognition principle. A business will be able to import into NI from the EU under this principle, but it cannot export to the EU.

The EU carries out additional checks on goods imported into and placed on the EU market from third countries. As Great Britain will qualify as a third country, it will be subject to these checks from January 1st 2021.

What happens if my products are rejected at an EU border?

If a consignment is rejected at an EU border control post (BCP), it can re-enter Great Britain through any point of entry. For consignments of solid ammonium nitrate fertiliser with a nitrogen content of more than 28% of its weight, in a consignment weighing 500 kilograms or more, the business with the rejected consignment must:

- notify the return port authority of the consignment type, arrival date and that it is a returned good and the reason for return;
- email fertilisers@defra.gov.uk at least 5 days before the shipment arrives in Great Britain.

Defra will require:

- a valid detonation resistance test (DRT) certificate;
- the sampling certificate;
- Defra's Shipment Identification Document;
- the reason for the return outlined in the covering email.

If a valid DRT certificate is not presented, Border Force will detain the goods and the Trading Standards Office (TSO) will be contacted.

What will happen to ammonium nitrate imports?

There will be changes to the rules for the import of ammonium nitrate fertilisers from EU and non-EU countries into GB. This will affect solid ammonium nitrate fertilisers if:

- nitrogen content is more than 28% of its weight;
- the consignment weighs 500 kilograms or more.

From 1 January 2021, the new rules will be the same for all countries.

To import ammonium nitrate, the importer will need to apply for a DRT certificate issued by a UK-based competent laboratory accredited under standard ISO 17025. Each certificate should relate to a sample from each production run batch. A 'batch' is defined as the quantity of material manufactured without alteration of composition or characteristics, with a maximum batch run of 92 days.

The importer will also need to:

- make sure that each batch, or part batch, arrives in GB no more than 60 days after the DRT certificate is issued;
- email fertilisers@defra.gov.uk at least 5 days before the shipment arrives in GB.

The importer must keep the records of any batch or part batch and the DRT certificates for at least 2 years. For imports from the EU, there will be a 2-year transitional period to introduce these changes from 1 January 2021. For imports from non-EU countries, the 2-year transitional period will not apply.