



Notification Number: 2002/508/UK

The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003

Date received : 31/12/2002
End of Standstill : 02/04/2003
Issue of comments by : Sweden
Issue of detailed opinion by : Germany

Message

Message 001

Communication from the Commission - SG(2003) D/50003
Directive 98/34/EC

Notifikation - Notifizierung - Γνωστοποίηση - Notification - Notificación - Notification - Notifica - Kennisgeving -
Notificação - Ilmoitus - Anmälan : 2002/0508/UK.

Fristerne indledes ikke - Kein Fristbeginn - Καμμία έναρξη προθεσμίας - Does not open the delays - No abre el
plazo - N'ouvre pas de délais - Non fa decorrere la mora - Geen termijnbegin - Nao inicia o prazo - Määräaika ei
ala tästä - Inleder ingen frist.

(MSG: 200300003.EN)

1. Structured Information Line

MSG 001 IND 2002 0508 UK EN 02-04-2003 31-12-2002 UK NOTIF 02-04-2003

2. Member State

United Kingdom.

3. Department Responsible

Department of Trade and Industry: Standards and Technical Regulations Directorate

3. Originating Department

Department for Environment, Food and Rural Affairs

4. Notification Number

2002/0508/UK – C00C

5. Title



The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003

6. Products Concerned

The products regulated by these regulations are high nitrogen (over 28% nitrogen by weight derived from ammonium nitrate 'AN') ammonium nitrate material. The material is mostly but not exclusively used as straight and compound ammonium nitrate fertilisers. It covers all such material unless it is classified as a class 1 explosive under UK Classification and Labelling of Explosives Regulations 1983.

7. Notification Under Another Act

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8. Main Content

Description of content:

(a) These Regulations impose requirements on any manufacturer to carry out a detonation resistance test based on the test set down in Annex II to EC Commission Directive 87/94/EEC (OJ No L 38, 7.2.87, p.1) on every batch of high Nitrogen AN material.

Representative samples need to be certified by an internationally recognised independent attestation body, and the test must be carried out by a competent laboratory within the European Union.

(b) Importers are required to have a detonation resistance certificate that clearly identifies the batch to which it relates that has been tested and found to be resistant to detonation.

(c) Importers of material from outside the European Union must have the batch tested not later than thirty days before arrival in Great Britain. They must additionally complete an identification document (details in Schedule 3) and send that document together with the certificate to the Department for Environment, Food and Rural Affairs not later than five days before arrival into Great Britain.

(d) All persons manufacturing, importing, keeping or supplying the material must have a valid detonation resistance certificate or a unique numbered copy certificate which clearly identifies the batch to which it relates.

(e) Spot checks by the enforcement authority (who are to be the Local Authority trading standards officers) can be made at any time on those keeping the material.

(f) There are transitional arrangements for anyone keeping the material at the date when these Regulations come into effect. They are required to take samples for tests within sixty days on all separate sources of material that they have in their possession on that date.

9. Brief Statement of Grounds

These Regulations are required because there are insufficient safety controls to prevent a similar accident as happened at an AN factory in Toulouse, France on 21st September 2001 where many people were killed. The EU is in the process of strengthening the safety controls for high AN designated as 'EC fertiliser' (Inter institutional File: 2001/0212 (COD) 12733/02, ENT 131, CODEC 1198) but the date when this will come into force is still not yet known, and the government of Great Britain are not prepared to allow the inherent risks to safety to continue. Additionally as the proposed EC 'Refonte' Regulation is designed only to cover designated fertilisers it does not cover material not described as a fertiliser nor material described as a fertiliser but without EC designation.



These regulations implement the optional article 7 to Council Directive 80/876/EEC (OJ No L250, 23.9.80, p.7) with regard to inspectors in Great Britain now able to check that 'EC' designated AN fertiliser can pass the detonation resistance test.

10. Reference Documents - Basic Texts

The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003

11. Invocation of the Emergency Procedure

NO

12. Grounds for the Emergency

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13. Confidentiality

NO

14. Fiscal measures

NO

15. Impact assessment

Impact Assessment. The impact assessment is attached.

16. TBT and SPS aspects

TBT

TBT /WTO Aspect

a) YES the draft will be notified in the TBT framework (Agreement on Technical Barriers to Trade).

SPS Aspect

The draft is not a sanitary or phytosanitary measure in the sense of Annex A of the SPS Agreement.

David O'Sullivan
General Secretary
European Commission

sent to :

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