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**156/1998 Coll.**

**Act**

Dated June 12<sup>th</sup>, 1998

**on Fertilizers, Soil Improvers, Plant Biostimulants and  
Growing Media and on Agrochemical Testing of Agricultural Soils**

**(Act on Fertilizers)**

Amendment: 308/2000 Coll.

Amendment: 147/2002 Coll.

Amendment: 308/2000 Coll. (part)

Amendment: 317/2004 Coll.

Amendment: 553/2005 Coll.

Amendment: 444/2005 Coll.

Amendment: 9/2009 Coll.

Amendment: 227/2009 Coll.

Amendment: 281/2009 Coll.

Amendment: 281/2009 Coll.

Amendment: 490/2009 Coll.

Amendment: 279/2013 Coll.

Amendment: 263/2014 Sb.

Amendment: 61/2017 Sb.

Amendment: 183/2017 Sb.

Amendment: 295/2017 Sb.

Amendment: 299/2021 Sb.

The Parliament of the Czech Republic has passed the following Act:

Section 1

**Subject of the Act**

(1) This Act implements relevant European Community law <sup>1)</sup> and in relation to the directly applicable European Community law <sup>2)</sup> regulates

- a) the conditions of placing on the market, storage and usage of fertilizers, soil improvers, plant biostimulants and growing media,
- b) the conditions of agrochemical testing of agricultural soils,
- c) the conditions of soil properties determination of forest land and some conditions for usage of treated sludges <sup>1a)</sup>
- d) the conditions of placing on the market, storage and usage of sediments,
- e) the competences of official control bodies over the compliance with obligations stipulated by this Act including authorisation to issue penalties.

(2) This Act shall not apply to  
a) fertilizers, soil improvers, plant biostimulants and growing media which are intended only for export and are clearly labelled in this way,

b) fertilizers, soil improvers, plant biostimulants and growing media provided in quantities necessary for the purposes of research, development and testing.

(3) The provisions of this Act shall be applied to treated sludges and sediments only if stated expressly herein and to the extent stipulated herein.

(4) The provisions of the Sections 7, 8, 12, 13 and 14 towards 14b shall be applied to fertilizers, soil improvers, plant biostimulants and growing media which are intended to be used as raw materials for additional processing.

(5) The provisions of the directly applicable EU Regulation on Fertilising products <sup>2)</sup> as well as the provisions of this Act, namely on storage (Section 8), on usage (Section 9), on state supervision (Section 12), on special measures (Section 13) and on misdemeanours and other administrative delicts (Sections 14 towards 14b) shall be applied to EU fertilising products.

(6) The Central Institute for Supervising and Testing in Agriculture (hereinafter referred to as the Institute) performs the activities pursuant to the directly applicable EU Regulation implementing directly applicable EU Regulation laying down health rules concerning animal by-products not intended for human consumption. <sup>2a)</sup>

## Section 2

### Definitions of terms

For the purposes of this Act

a) 'Fertiliser' means a substance capable of providing effective quantity of nutrients for nutrition of cultivated plants and forest plants, for the preservation or the improvement of soil fertility and for a positive influence on yield or quality of production.

b) 'Inorganic fertiliser' means a fertiliser in which declared nutrients are in the form of minerals obtained by extraction or by physical and/or chemical industrial processes. Calcium cyanamide, urea and its condensation and associated products as well as fertilizers containing chelated or complexed micro-nutrients may, by convention, be considered as inorganic fertilizers.

c) 'Organic fertiliser' means a fertiliser in which declared nutrients are in the organic form.

d) 'Organo-mineral fertiliser' means a fertiliser in which declared nutrients are in the mineral and organic form.

e) 'Fluid fertiliser' means a fertiliser in suspension or solution.

f) 'Liquid fertiliser' means livestock manure with the solid content 13 % at the most.

- g) 'Sediment' means deposits at the bottom of ponds, water reservoirs or water courses originating predominantly by sedimentation of eroded soil particles.
- h) 'Farm fertilizers' means a fertiliser created as a by-product during the farm animal breeding or as a product created during the cultural plant growing without further processing; natural processes of metamorphoses during the storage, mechanical separation of slurry and addition of substances decreasing nutrient loss or improving nutrient efficiency shall not be regarded as a processing.
- i) 'Soil improver' means a substance without any effective amount of nutrients that affects soil biologically, chemically or physically and improves soil condition or it increases the fertiliser efficiency, except for plant protection products<sup>21</sup>).
- j) 'Plant biostimulant' means a substance according to Article 3 of Regulation (EU) 1107/2009.
- k) 'Growing media' means a substance used for rooting and growing of plants; growing media are particularly peat, soil or mixtures thereof.
- l) 'Placing on the market' means offering of fertilizers, soil improvers, plant biostimulants and growing media to sale or other kind of transfer, their sale or other kind of transfer and storage for the purpose of sale or other kind of transfer.
- m) 'Soil fertility' means the soil ability to enable plants to growth, develop and achieve desirable yield, quality and harmlessness of production.
- n) 'Hazardous element or hazardous substance' means an element or a substance that can have an adverse effect on soil properties or quality of production or food chain.
- o) 'Type of fertiliser' means a fertiliser with determined nutrient content and with a defined form and solubility of nutrients.
- p) 'Supplier' means entrepreneur who sells fertilizers, soil improvers, plant biostimulants and growing media to consumer as well as each additional entrepreneur who directly or by assistance of other entrepreneurs supplied to seller fertilizers, soil improvers, plant biostimulants and growing media.
- q) 'Technological waters' means separately stored and used soil improvers produced in animal husbandry and simple processing of plant products and containing 1,5 % of dry matter and 0,1 % of nitrogen at most.
- r) 'Digestate' means organic fertiliser produced by anaerobic fermentation during biogas production.
- r) 'Provisional feeding area' means an open-air part of a farm where some more breeding activities apart from grazing are concentrated, namely feeding, with higher concentration of animals than during grazing.

## Section 3

### **Placing fertilizers on the market**

1) Fertilizers shall be placed on the market only if

- a) they are registered according to this Act, or if they were granted by an agreement according to the Section 3a point 3 or if these were notified according to Section 3a; this is not applicable on manure,
- b) they do not harm neither soil fertility nor human health nor animal health,
- c) they do not harm the environment,
- d) they fulfil the requirements on their labelling, packaging and storing stipulated in this Act,
- e) they are not devalued.

(2) It is forbidden to place fertiliser on the market if it

- a) is non-labelled,
- b) is labelled with untrue or misleading information <sup>3)</sup>,
- c) has the content of hazardous elements or hazardous substances higher than it is specified in the Decree.
- d) is in conflict with conditions of registration according to the Section 5 point 1 d) or
- e) contains plant protection product <sup>21)</sup>

The provision of letter a) is not applied to farm fertiliser if it is supplied by producer directly to consumer which does not insist on labelling.

(3) The provisions of points 1 and 2 apply accordingly to soil improvers, plant biostimulants and growing media. Technological waters produced during simple processing of plant products shall not contain any additives apart from water and basic raw material.

(4) Tolerances from labelled values to the extent set in the Decree are permissible from the chemical and physical values of fertiliser, soil improver, plant biostimulant and growing media. For values stated as maximum, minimum or as a range of values deviations are not allowed. The tolerances are set in a manner considering the non-avoidable mistakes arising during the fertiliser production, sampling or chemical analysis of a control sample.

(5) The Ministry of Agriculture (hereinafter referred to as the "Ministry") sets out in a Decree the hazardous elements and hazardous substances, microbiological parameters, their limit values for each groups of fertilizers, soil improvers, plant biostimulants and growing media as

well as permissible tolerances.

### Section 3a

#### **Notification of fertilizers, soil improvers, plant biostimulants and growing media**

(1) Manufacturer<sup>3a)</sup>, importer<sup>3a)</sup> or supplier intending to place fertiliser, soil improver, plant biostimulant and growing media corresponding to type stated in the Decree on the market shall send to the Institute a notification prior to the first placing fertiliser, soil improver, plant biostimulant and growing media on the market in the Czech Republic.

(2) Notification pursuant point 1 includes except formalities pursuant the Rules of Administrative Procedure further

a) provided that an applicant is importer or supplier, name, surname and place of business, or identification number of person (hereinafter referred to as „identification number“) if assigned for natural person or name or corporate name, place of business, or legal form of business and identification number if assigned for legal entity,

b) name of fertiliser, soil improver, plant biostimulant and growing media, its class and type pursuant the Decree,

c) confirmation that it is not an explosive pursuant the special legal regulation <sup>4)</sup> provided that fertiliser, soil improver, plant biostimulant and growing media contains ammonium nitrate,

d) label or accompanying document<sup>22)</sup> intended for labelling of fertiliser, soil improver, plant biostimulant and growing media according to the Section 7.

(3) Fertiliser, soil improver, plant biostimulant and growing media which is the subject of notification pursuant point 1 may be placed on the market by an applicant upon the Institute written approval that is accompanied by an obligatory version of label. Provided that neither this approval is sent to an applicant within 30 days from the day the notification was delivered to the Institute nor an applicant received the ban on placing fertiliser, soil improver, plant biostimulant and growing media on the market pursuant the point 4 during the aforementioned period it is applied that the Institute issued the approval. The approval of the Institute is valid for five years. This period is to commence on a date subsequent to the date when an applicant was delivered this approval or a date subsequent to the date when 30 days passed from the date of delivering the notification to the Institute.

(4) The Institute issues decision on a ban on placing fertiliser, soil improver, plant biostimulant or growing media on the market if

a) fertiliser, soil improver, plant biostimulant or growing media does not correspond to the type listed in the Decree,

b) conditions set in Section 3 are not fulfilled

c) the notification does not fulfil the conditions stipulated in Section 3a point 2.

### Section 3b

#### **Notification of mutually recognised fertilizers**

(1) Manufacturer <sup>3a)</sup>, importer<sup>3a)</sup> or supplier intending to place on the market fertiliser, soil improver, plant biostimulant and growing media compliant with requirements obligatory prescribed for such products in any member state of European Union, European Economic Area, Swiss Confederation or Turkey or compliant with product descriptions and rules of good manufacturing practice used in any of that countries providing there is a sufficiently detailed documentation that can be used for additional examination<sup>23)</sup> (hereinafter "mutually recognised fertiliser"), shall send to the Institute a notification prior to the first placing fertiliser, soil improver, plant biostimulant and growing media on the market in the Czech Republic.

(2) Notification pursuant point 1 includes except formalities pursuant the Rules of Administrative Procedure further

a) provided that an applicant is importer or supplier, name, surname and place of business, or identification number, if assigned, for natural person or name or corporate name, place of business, or legal form of business and identification number, if assigned, for legal entity,

b) name of mutually recognised fertiliser,

c) document containing information on placing of mutually recognised fertiliser on market in compliance with legal provisions of any member state of European Union, European Economic Area, Swiss Confederation or Turkey, and

d) draft of a label or accompanying document intended for labelling of a mutually recognised fertiliser according to the Section 7 and furthermore a label or accompanying document of a mutually recognised fertiliser that is used for placing on the market in any member state of European Union, European Economic Area, Swiss Confederation or Turkey.

(3) The Institute issues decision on a ban on placing of the mutually recognised fertiliser on the market if

a) conditions set in Section 3 are not fulfilled or

b) the notification does not fulfil the conditions stipulated in Section 3b point 2

## Section 4

### Registration of fertilizers

(1) The Institute decides on fertiliser registration upon an application of manufacturer<sup>3a)</sup>, importer<sup>3a)</sup> or supplier having business licence pursuant the special legal regulation<sup>5)</sup> and permanent residence regarding natural person or registered office regarding legal entity within the Czech Republic (hereinafter referred to as an „applicant“). The business licence pursuant the special legal regulation and permanent residence or registered office within the Czech Republic is not required for person who has permanent residence or place of business or registered office in any member state of European Union, European Economic Area, Swiss Confederation or Turkey, provided that this person has business licence pursuant the legislation of this state.

(2) An application on registration includes except formalities pursuant the Rules of Administrative Procedure further

a) in case an applicant is importer or supplier name, surname and place of business or identification number if was assigned for natural person or name or corporate name, place of business or legal form of business and identification number if assigned for legal entity,

b) fertiliser name and its type,

c) draft of a label or accompanying document intended for labelling of the fertiliser according to the Section 7,

d) description of production procedure including the list of raw materials used for manufacturing of the fertiliser,

e) confirmation that it is not an explosive pursuant the special legal regulation<sup>4)</sup> provided that fertiliser contains ammonium nitrate, and

f) operating rules, if the applicant is a person running the facility for waste recovery according to the Act on Waste.

(3) If an applicant submits an application on fertiliser registration, he shall provide the Institute with necessary fertiliser samples or he shall suffer fertiliser sampling or he shall provide other documents and information necessary to prove fulfilling of requirements pursuant this Act. At the same time an applicant shall pay the administrative fee pursuant the special legal regulation<sup>6)</sup>.

(4) The Institute performs an expert assessment on fulfilling of requirements pursuant this Act (hereinafter referred to as an „assessment“) or examination of its properties using biological trials and tests (hereinafter referred to as an „examination“); the Institute informs an applicant about this fact. The Institute performs an assessment in case that properties and effects of fertiliser are sufficiently known, or it is possible to use a comparison with already registered fertiliser. The Institute performs an examination in case that properties and effects of fertiliser are unknown in particular, if fertiliser is completely new and it is impossible to use a comparison with already registered fertiliser.

(5) The Institute may accept an assessment or results of assessment performed by other expert establishment including expert establishment having a registered office outside the Czech Republic and may also refrain from its own assessments or examinations provided that an assessment or an examination was performed by using the procedure complying with requirements stipulated in other legal regulation<sup>7)</sup>.

(6) The institute shall decide on application at the latest

- a) within 6 months provided that an assessment is performed,
- b) within 18 months provided that an examination in greenhouse, vegetation hall or laboratory is necessary,
- c) within 36 months provided that an examination on field is necessary from the day of application delivery.

(7) Expenses on expert acts related to registration procedure shall be paid by an applicant in the amount stipulated in the special legal regulation on reimbursement of expenses for expert and testing acts<sup>8)</sup>.

(8) The provisions of par. 1 towards 7 apply accordingly to soil improver, plant biostimulant and growing media.

(9) The Ministry set out in the Decree the types of fertilizers, soil improvers, plant biostimulants and growing media, mandatory procedures for sampling of fertilizers, soil improvers, plant biostimulants and growing media and for performance of chemical analyses, biological trials and tests.

## Section 5

### **Decision on Registration**

(1) The decision on registration shall include

- a) fertiliser name,
- b) decision number,
- c) information on manufacturer according to Section 4, point 2 a),
- d) conditions of registration based on results of fertiliser assessment or examination according to Section 4, points 4 and 5,
- e) obligatory version of label or accompanying document,
- f) the term of validity of the decision.

(2) The decision on fertiliser registration has a validity of five years of the date it becomes effective unless the shorter period is set up in this decision.

(3) A person to whom the decision on fertiliser registration was issued may submit an application on prolongation of decision effect; an application shall be delivered to the Institute at the latest six months before the termination day of the decision. The effect of the decision on fertiliser registration may be prolonged for five years at the most. The Section 4 and provisions of points 1 and 2 are applied accordingly to the procedure on prolongation.

(4) In case of change of fertiliser name, label or accompanying document, identification data<sup>8a)</sup> of manufacturer or person to whom the decision on fertiliser registration was issued, this person submits an application on change of registration decision. The Section 4 and provisions of points 1 to 3 are applied accordingly to procedure on change of registration decision

(5) The Institute shall withdraw the decision on fertiliser registration

a) upon the application of manufacturer<sup>3a)</sup>, importer<sup>3a)</sup> or supplier

b) if the applicant breached one of obligations stipulated in the Section 3 points 1 to 3; the Institute may also order fertiliser withdrawal from the market.

c) if the applicant breached fertiliser registration conditions, or

d) if the fertiliser contains plant protection product

(6) Appeal against the decision on registration withdrawal pursuant point 5 shall not have the effect of suspending.

(7) If the period of validity of decision on registration has passed or the registration was withdrawn upon an application pursuant point 5 a), produced or imported fertiliser shall be placed on the market within its shelf-life period, at the latest within one year. The Institute may be prolonged this period upon an application of manufacturer<sup>3a)</sup>, importer<sup>3a)</sup> or supplier. This shall not apply on fertiliser containing a plant protection product, such fertiliser may be placed on the market for a maximum period of 6 month after decision expiration or withdrawal according to Section 5 points a) or d).

(8) The provisions of points 1 to 7 apply accordingly to soil improvers, plant biostimulants and growing media.

## Section 6

### **Fertiliser Register**

(1) Registered, notified and notified mutually recognised fertilizers, soil improvers, plant biostimulants and growing media shall be listed in the Fertiliser Register (hereinafter referred to as Register) kept by the Institute.

(2) Data regarding the fertilizers pursuant to the Section 3a point 2, Section 3b point 2 or Section 4 point 2 with the exception of data on manufacturing procedure and on used raw materials pursuant to the Section 4 point 2 d) shall be entered into the Register.

(3) Register shall be published by the Institute in a manner allowing a remote access.

(4) The provisions of point 2 apply accordingly to soil improvers, plant biostimulants and growing media.

## Section 7

### **Labelling and Packing of Fertilizers Soil Improvers, Plant Biostimulants and Growing Media**

(1) A person placing fertiliser on the market is obliged to state on the label or accompanying document the following

a) information on manufacturer<sup>1b)</sup> including foreign manufacturer and supplier through giving name or, if applicable, trade name and place of business for natural person or registered office and corporate name for legal entity,

b) fertiliser name and the number of decision on its registration if being granted; if fertiliser corresponds to the type of fertiliser stated in the Decree also the type of fertiliser,

c) content of main components including content of hazardous elements and substances and further defining chemical, biological or physical parameters; for nutrients their content as mass percentage as a whole number or one decimal place, their form and solubility,

d) particle size distribution, stability of liquids, frost resistance and specific requirements on storage and use,

e) warning labelling and information on manipulation and directions for health protection, human safety and environment protection and other information pursuant to the special regulations<sup>9)</sup>,

f) directions on use,

g) fertiliser mass or volume,

h) shelf-life, date of manufacturing and production batch number.

(2) It is not permitted to label or promote fertiliser as “ecological” or "biological", not even to use abbreviations such as "eko" or "bio".

(3) Fertiliser markings shall be in the Czech language and shall be permanently legible without package damaging and it shall not be misleading or imply characteristic that fertiliser does not poses.

(4) Packed fertilizers placed on the market must be labelled on the package or attached to the package. Decree defines fertilizers that can be placed on the market only in packed form. For bulk fertilizers and bags above 50 kg, the specified labelling may be stated in the accompanying documents.

(5) Fertilizers except for bulk fertilizers shall be packed to packages enabling the manipulation with them as well as the secure and safe storage. Packages shall not influence fertiliser negatively and shall be closed in such a way that once it is opened the package or closure must be destroyed irreparably.

(6) The provisions of points 1 to 5 apply accordingly to soil improvers, plant biostimulants and growing media. The provision of point 1 does not apply to farm fertilizers. If farm fertilizers are not supplied directly to consumer<sup>10)</sup> or he insists on this labelling, it is necessary label the type of farm fertiliser or the animal species from which this fertiliser has originated, the directions for use and the weight or volume.

(7) Transportation of fertilizers, soil improvers, plant biostimulants and growing media is governed by the special regulations.<sup>10)</sup>

(8) Requirements on labelling and packaging of fertilizers, soil improvers, plant biostimulants and growing media shall be set out in the Decree of the Ministry.

## Section 8

### Storage

(1) Agricultural entrepreneur<sup>11)</sup>, manufacturer<sup>3a)</sup>, importer<sup>3a)</sup> or supplier storing fertilizers, soil improvers, plant biostimulants and growing media are obliged

a) to store them separately,

b) to mark them in a legible way,

c) avoid mixing them with other substances,

d) to register fertilizers, soil improvers, plant biostimulants and growing media, in particular to keep documentary records on receipt, release and stored amount.

(2) Persons pursuant point 1 are obliged to take measures for prevention of liquid fertiliser leakage. The provisions of point 1 a) to c) do not apply to farm fertilizers and organic fertilizers produced by agricultural entrepreneur for its own use.

(3) Agricultural entrepreneurs<sup>11)</sup> farming on agricultural land are, when storing fertilizers in vulnerable zones<sup>12)</sup>, obliged to comply with the provisions of the special legal regulation.<sup>12a)</sup>

(4) Fertilizers shall be stored, and provisional feeding area shall be operated in such a way that the water pollution risk cannot arise. Hazardous elements or hazardous substance which could harm the development of cultural plants or endanger the food chain shall not be introduced into fertilizers.

(5) Solid fertilizers compost separated digestate and farm fertiliser including separated slurry can be stored on the agricultural land for no longer than 24 months on areas suitable for storage and authorised by contingency plan approved according to Act on Waters. Storing on the same place can be repeated after at least 3 years.

(6) The Ministry sets out in the Decree the methods of fertilizers, soil improvers, plant biostimulants and growing media storage, capacities of storage facilities and rules for operating the provisional feeding area.

## Section 9

### **Fertilizers, soil improvers, plant biostimulants and growing media, treated sludges and sediments usage (application)**

(1) Agricultural entrepreneurs<sup>11)</sup> are obliged to use fertilizers, soil improvers, plant biostimulants and growing media, treated sludges and sediments in the manner stipulated by this Act, the Act on Waste and the Act on the Protection of the Agricultural Land<sup>12b)</sup>. When using fertilizers, soil improvers, plant biostimulants and growing media and treated sludges, it is prohibited to introduce hazardous elements or hazardous substances to soil in the amount which the Ministry sets out in Decree for fertilizers, soil improvers, plant biostimulants and growing media and that is set out in a special regulation for treated sludges<sup>12c)</sup>. Sediments shall not be used if the content of hazardous elements or hazardous substances in sediment and in soil where they should be applied and the other properties of sediment exceed the limits stipulated by the special regulation.

(2) Fertilizers, soil improvers, plant biostimulants and growing media shall not be applied on agricultural and forest land when

a) their properties do not allow uniform cover of land,

b) the way of use is not in line with the guidelines on the label or the method of their application does not lead to uniform cover of land; this need not to be followed in case of differentiated fertilisation based on soil properties or crop state or in case of fertilisation in vulnerable zones<sup>12)</sup>,

c) their use would lead to damage of physical, chemical or biological properties of agricultural land, forest land or land adjacent to this land or, if applicable, to its broader surroundings,

d) soil at which they will be applied is

1. inundated,

2. oversaturated by water

3. covered by snow layer higher than five centimetres or

4. frozen so that soil surface into depth of five centimetres does not melt during the day;

this provision is not applied to fertilisation by by-products or by main products originated during plant growing and to leaving of farm animal excrements and urine on agricultural land.

(3) The provisions of point 2 on usage of treated sludge and sediments on agricultural land apply accordingly. Agricultural entrepreneur<sup>11)</sup> shall not use treated sludges unless the programme on sludge usage was delivered to him<sup>1a)</sup>. This programme shall be kept for seven years from sludge application for supervision needs. Agricultural entrepreneur shall use sediments in line with the approval on use of sediments on agricultural land issued by the body of agricultural land protection according to a special regulation<sup>24)</sup>

(4) Agricultural entrepreneur performing aerial application of fertilizers, soil improvers, plant biostimulants and growing media on agricultural land are obliged to notify this to the Institute not later than 14 days ahead the application according to the Decree. Agricultural entrepreneurs using treated sludges and sediments on agricultural land are obliged to notify this to the Institute not later than 14 days ahead the application according to the Decree.

(5) Digestates may be used on agricultural land and forest soil only if they are registered pursuant this Act; this is not applied if they are produced entirely from farm fertilizers or feedstuffs.

(6) Agricultural entrepreneurs<sup>11)</sup> farming on agricultural land in vulnerable zones<sup>12)</sup> are obliged to use fertilizers, soil improvers, plant biostimulants and growing media in compliance with the special legal regulation<sup>12a)</sup>.

(7) Agricultural entrepreneurs<sup>11)</sup> are obliged to keep the records on

- a) fertilizers, soil improvers, plant biostimulants and growing media used on agricultural and forest land in a suitable manner; this obligation does not apply to the records of by-products during cultural plants growing with the exception of straw.
- b) treated sludges and sediments applied on agricultural land
- c) yield of harvested main and side product except for permanent grassland according to the Land Parcel Identification System (LPIS).

Records pursuant point 7 are collected on amount, type and time of use on individual land, crops and years and are kept at least for seven years. Upon the Institute request, agricultural entrepreneurs are obliged to show the records and to allow the verification of information therein.

(8) Agricultural entrepreneurs farming more than 20 ha according to LPIS are obliged to keep the records according to the point 7 in an electronic form and by the end of January pass the records from last year to the Institute in a prescribed format.

(9) The entry of record on usage of fertiliser, soil improvers, plant biostimulants, growing media, treated sludge and sediment shall be done within 1 month.

(10) The Ministry sets out in the Decree

- a) the rules on use of fertilizers soil improvers, plant biostimulants and growing media on agricultural and forest land,

- b) the method of keeping the records on usage of fertilizers, soil improvers, plant biostimulants, growing media and treated sludges,
- c) the way of notification on application of treated sludge and aerial application of fertilizers, soil improvers, plant biostimulants and growing media.
- d) the method of keeping the records on yield of harvested main and side product, data on average consumption of nutrients by harvested products and the format and way of passing the electronic records and
- e) limits for introduction of hazardous elements and substances by fertilizers, soil improvers, plant biostimulants and growing media when those are used on agricultural land.

(11) The Ministry and the Ministry of Environment set out in the Decree conditions and the method of sediments usage on agricultural soil, the method of keeping the records on sediments usage, way of application notification, limit values of hazardous elements and hazardous substances in sediment and soil on which sediment are to be applied, requirements on other physical-chemical and biological characteristics of sediment and procedures on sediment and soil analyses including the sampling methods.

## Section 10

### **Agrochemical testing of agricultural land**

(1) In order to ensure the inputs safety and conditions on food and feedingstuff production pursuant to the directly applicable EU Regulation on official control<sup>12d)</sup> the Institute performs

- a) agrochemical testing of agricultural land which means the regular survey of selected parameters of soil fertility as a result of use of fertiliser, soil improvers, plant biostimulants, growing media, treated sludges and sediments,
- b) monitoring of agricultural land which means the regular survey of selected chemical, physical, or microbiological parameters of soil namely the content of hazardous elements and hazardous substances at stable, defined and representative areas by stable set of measuring procedures and monitoring of soil inputs.

(2) In terms of the activities stated in point 1, the Institute performs

- a) agrochemical testing of agricultural land within six years intervals,
- b) sampling of soils, their chemical, eventually physical or microbiological analyses and evaluation of results
- c) analyses on the content of hazardous elements and hazardous substances, microbiological or physical analyses and assessment of these analyses in case that from the monitoring of agricultural land or agrochemical testing of agricultural land emerges risk of damage to soil fertility or risk of excessive transfer of hazardous elements and hazardous substances into food

chain and

d) long term precise field trials including lysimetric observations.

(3) The Institute performs the sampling of soil and chemical, microbiological and physical analyses for the purpose of agrochemical testing of agricultural soil. Regarding the performance of soil sampling and chemical or physical or microbiological analyses, the Institute may authorise the persons who apply for it. The application for the authorization contains

a) name and surname, or trade name, place of business, residence and registration number regarding natural person or registered office or registered office or corporate name, place of business and registration number regarding legal entity.

b) information on technical equipment,

c) information on education of experts,

d) the range of activities for which the authorization is to be issued.

(4) The Institute issues the authorization pursuant point 3 when

a) technical equipment corresponds to assumed type and extent of activities being applied for,

b) laboratory tests will be performed by persons qualified in agriculture, chemical or biological area at the level of the complete secondary education at least,

c) results of verifying laboratory test ensured by the Institute were found within the range of tolerances set in technical standards.

(5) The Institute may withdraw the authorization if the conditions have changed and furthermore, if entitled person breaches the provisions of this Act or the executive regulation or the conditions on which the authorization was issued. For the purpose of continuous verifying of these facts, the person authorized to perform the chemical analyses of soil samples shall participate in proficiency testing organized by the Institute. <sup>13a)</sup>

(6) The owner of agricultural land as well the agricultural entrepreneur<sup>11)</sup> is obliged to withstand the acts relating to the performance of agrochemical testing of agricultural land and monitoring of agricultural land.

(7) The Institute performs planning and evaluation of agrochemical testing of agricultural land and monitoring of agricultural land in LPIS and the results are handed over to the Ministry and the Ministry of Environment. The results of agrochemical testing of agricultural land are for agricultural entrepreneur published through the system LPIS. Upon the request of the owner of agricultural land or agricultural entrepreneur farming at agricultural land, the Institute hands over the printed form of results relating to relevant farmed land to the owner of agricultural land or agricultural entrepreneur as well; handing over the results is liable to the administrative charge pursuant to the special regulation. <sup>6)</sup>

(8) The Ministry sets out in the Decree the procedures on sampling, performance of chemical, microbiological and physical analyses of agricultural land and on assessment of analyses results. Furthermore, the Ministry sets out in the Decree hazardous elements, hazardous substances and microbiological and physical parameters monitored by the Institute in the frame of monitoring and agrochemical testing of agricultural land, the extent and the method of their monitoring.

## Section 11

### **Survey of forest land soil properties and characteristics of vegetative organs of forest wood**

(1) The Institute carries out the survey of forest land soil properties<sup>14)</sup> and characteristics of vegetative organs of forest wood (hereinafter referred to as a survey of properties) performed for the purpose of preparation of suggestions on curative measures and treating of water regime in forests. The survey of properties includes the sampling, the chemical analyses and the assessment of analyses results.

(2) The Ministry determines the territorial extent of survey of forest land soil properties including the density of sampling surfaces in the areas

- a) where the symptoms of growth, evolution or health state disorder were detected on forest vegetation,
- b) affected by polluted atmosphere,
- c) with the vegetation intended to seed production.

(3) An owner, a tenant or a subtenant of forest land is obliged to withstand the sampling for the purpose of survey of properties.

(4) The Institute hands over the evaluation of results of chemical analyses to the Ministry; the Institute hands over the data on the content of hazardous elements and hazardous materials to the Ministry of Environment as well. At request of an owner, a tenant or a subtenant of forest land, the Institute hands over the results of chemical analyses concerning the soil properties of forest land and vegetative organs of forest wood in his ownership, tenancy or subtenancy; handing over the results is liable to the administrative charge on issuance of counterpart, duplicate, copy or statement pursuant to the special regulation<sup>6)</sup>.

(5) The Ministry shall stipulate in the Decree the procedures for sampling and for performing of chemical analyses for survey of properties.

## Section 12

## **State supervision**

(1) The Institute shall supervise whether

- a) producers<sup>3a)</sup>, importers<sup>3a)</sup> and suppliers storing the fertilizers or placing them on the market,
- b) agricultural entrepreneur<sup>11)</sup> producing, storing or using fertilizers,
- c) agricultural entrepreneur<sup>11)</sup> using the treated sludges or sediments  
comply with the conditions stipulated in this Act and in the executive regulations and regarding the sediments as well whether they act with the approval of the authority responsible for the agricultural land protection pursuant the Section 3point 6 of the Act on Protection of Agriculture Land.

(2) The provisions of point 1 apply accordingly to soil improvers, plant biostimulants and growing media.

(3) The Institute also supervises whether the agricultural entrepreneurs<sup>11)</sup> farming at agricultural land in vulnerable zones<sup>12)</sup> fulfil the conditions stipulated in special legal regulation.

(4) The Institute also supervises whether the persons listed in point 2 fulfil the obligations stipulated in directly applicable EU legislation in the area of fertilizers<sup>16b)</sup>.

## **Section 13**

### **Special measures**

(1) The Institute may oblige producers<sup>3a)</sup>, importers<sup>3a)</sup>, suppliers or agricultural entrepreneurs<sup>11)</sup> producing, placing on the market, storing or using fertilizers or to agricultural entrepreneurs<sup>11)</sup> using treated sludges or sediments special measures such as

a) to forbid using fertilizers, treated sludge or sediments if they do not meet the conditions stipulated in this Act, or in special legal regulations<sup>16c)</sup> or in directly applicable EU legislation in the area of fertilizers<sup>16b)</sup>.

b) to forbid placing the fertilizers on the market and to order their withdrawal from the market including setting a time limit, if they do not meet the conditions stipulated in this Act, or in special legal regulations<sup>16c)</sup> or in directly applicable EU legislation in the area of fertilizers<sup>16b)</sup>.

c) to order the remedying of founded defects when storing the fertilizers including setting a time limit and the conditions on their remedy.

(2) At the same time, the Institute set the time limit to remedy the defects or the special measures duration.

(3) The special measures may be imposed even if the fine was imposed pursuant the

## Section 14.

(4) Appeals against the decision on special measure pursuant point 1 do not have the effect of suspending.

(5) Provisions of point 1 to 3 apply to soil improvers, plant biostimulants and growing media accordingly.

## Section 13a

### **Notifying duty**

(1) In case the Institute issues or intends to issue measure pursuant the Section 13 point 1b) concerning fertiliser posing serious risk<sup>16d)</sup> it shall be notified to the Ministry of Industry and Trade, that acts in compliance with Regulation of European Union dealing with accreditation and market surveillance<sup>16e)</sup>. This also covers case when such measure is taken by own initiative of controlled person and the Institute receives information about this measure.

(2) In order to ensure functioning of system for information sharing pursuant par. 1 a special provision shall apply and regulating the procedure, content and form of information about presence of dangerous non-food products<sup>16f)</sup>.

## Section 14

### **Administrative delicts of natural persons**

(1) Delict is committed by the owner of agricultural land who in contrary to the Section 10 point 6 does not withstand the sampling for the purpose of agrochemical testing of agricultural land.

(2) Delict is committed by the owner of forest land, its tenant or subtenant when in contrary to the Section 11 he does not withstand the sampling for the purpose of survey of properties.

(3) A fine up to 50 000 CZK may be imposed pursuant to points 1 and 2.

## Section 14a

### **Administrative delicts of legal entities and business natural persons**

(1) Agricultural entrepreneur<sup>11)</sup> commits an administrative delict when

a) uses fertilizers, soil improvers, plant biostimulants, growing media, treated sludges or sediments in contrary to Section 9 point 1 to 5 or in contrary of special legal provision issued pursuant Section 9 point 10 or 11,

b) in contrary to Section 9 points 7 and 9 he does not keep, provide upon Institute request, and for the period of seven years he does not maintain the records on amount, type and time of usage of fertiliser, soil improvers, plant biostimulants and growing media, treated sludges and sediments or records on yield of harvested main and side product according an individual land, plants and years,

c) being an owner, a tenant or a subtenant of agricultural land, he does not withstand the soil sampling for agrochemical testing of agricultural land in contrary to Section 10 point 6,

d) being an owner, a tenant or a subtenant of forest land, he does not withstand the sampling for the purpose of survey of properties in contrary to Section 11 point 3, or

e) being an owner of forest land, he does not fulfil the special measure imposed to eliminate the founded defects pursuant the Section 13.

f) does not notify application of treated sludges or sediments according to Section 9 point 4,

g) does not pass to the Institute records according to the Section 9 point 7 in time and format prescribed by Section 9 point 8 or

h) does not record use of fertiliser, soil improver, plant biostimulant, growing media, treated sludge or sediment within the period set out in Section 9 point 9.

(2) Agricultural entrepreneur<sup>11)</sup>, producer<sup>3a)</sup>, importer<sup>3a)</sup> or supplier commit an administrative delict when

a) in contrary to Section 3 point 1a) places on the market the fertiliser, soil improver, plant biostimulant, growing media which were not registered, notified or mutually recognised,

b) in contrary to Section 3 point 1b) places on the market the fertiliser, soil improver, plant biostimulant, growing media which endanger soil fertility or human or animal health,

c) in contrary to Section 3 point 1c) places on the market the fertiliser, soil improver, plant biostimulant, growing media which endanger the environment,

d) in contrary to Section 3 point 1e) places on the market the fertiliser, soil improver, plant biostimulant, growing media which are devaluated,

e) in contrary to Section 3 point 2c) places on the market the fertiliser, soil improver, plant biostimulant, growing media with higher content of hazardous elements and substances or exceeding limits for microbial contamination set in the Decree,

f) in contrary to Section 3 point 2d) places on the market the fertiliser, soil improver, plant biostimulant, growing media which does not correspond to the conditions of registration,

g) in contrary to Section 3 point 2e) places on the market the fertiliser, soil improver, plant biostimulant, growing media which contains plant protection product<sup>21)</sup>,

h) labels or packs the fertilizers, soil improver, plant biostimulant, growing media in contrary to the Section 7,

i) stores the fertilizers, soil improver, plant biostimulant, growing media or runs provisional feeding area in contrary to the Section 8 or legal provision issued for this purpose,

j) does not fulfil the special measures imposed to eliminate the founded defects pursuant the Section 13, or

k) breaches any of the obligations stipulated by directly applicable EU regulation in the area of fertilizers<sup>16b)</sup> when

1. placing fertiliser on the market,
2. identifies, labels, packs or traces fertiliser,
3. following the requirements on fertiliser composition, or
4. using organic fertilizers

(3) The fine for administrative delict shall be imposed up to

- a) 50 000 CZK regarding administrative delict pursuant point 1b) to 1d) and 1f) to 1h) ,
- b) 100 000 CZK regarding administrative delict pursuant point 1a) or point 2k)4,
- c) 500 000 CZK, regarding administrative delict pursuant point 1e) or point d), f) to j) or k)2or3
- d) 5 000 000 CZK, regarding administrative delict pursuant point 2a), b), c), e) or k)1.

#### Section 14b

### **Joint Provisions to Administrative Delicts**

(1) Administrative delicts according to this Act are handled by Institute.

(2) Penalties are collected by Institute.

#### Section 14c

**Repealed**

#### Section 15

**Repealed**

#### Section 16

**Repealed**

## Section 17

### **Temporary Provisions**

(1) Fertilizers and supplementary substances approved by the contemporary legislation shall be placed on the market at the latest two years from the effective date of this Act.

(2) Agrochemical testing of agriculture soil is performed according to contemporary legislation 19) 31 December 1998.

(3) The special act regulating technical requirements for products<sup>20)</sup> is not applied on fertilizers, livestock manure and supplementary substances, agrochemical testing of agriculture land and determination of soil properties of forestry land.

## Section 18

### **Repealing Provisions**

Act No. 61/1964 Coll., on development of plant production, as amended by the Act No. 146/1971 Coll., Act No. 132/1989 Coll., Act No. 115/1995 Coll., Act No. 91/1996 Coll., Act No. 93/1996 Coll., Act No. 97/1996 Coll. and Act No. 147/1996 Coll., is repealed.

## Section 19

### **Entry into force**

This Act becomes effective on 1 September 1998.

### **Zeman in own hand v. r.**

### **Havel in own hand**

### **Tošovský in own hand**

### **Selected provisions of amendments**

Article II Act No. 317/2004 Coll.

### **Temporary provisions**

The administrative procedure on administrative delict, which the Institute initiated before the effective of the Act, shall be completely pursuant to the existing legal regulations.

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1) Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture

1a) Section 32 Act No. 185/2001 Sb., on waste and amendment of some other Acts

2) Regulation (EU) of the European Parliament and of the Council 2019/1009 setting the rules for delivering of fertilising products EU on the market and amending Regulation (EU) 1069/2009 and 1107/2009 and repealing Regulation EU 2003/2003, in latest wording.

2a) Commission Regulation (EU) 142/2011 of 24th February 2011 implementing Regulation of European Parliament and Council (EU) 1069/2009

3) Section 46 Act No. 513/1991 Coll., Commercial Code, as amended.

Section 8 Act No. 634/1992 Coll.

3a) Section 2 par. 1 letters c) and d) Act No. 634/1992 Coll., on Consumer Protection, as amended

4) Section 21 Act No 61/1988 Coll., on mining activities, explosives and the state mining administration, as amended

5) For example Act No. 455/1991 Coll., on Skilled Trades (Trades Act) as amended, Government Order No. 140/2000 Coll. laying down a list of unregulated trades

6) Act No. 634/2004 Coll., on Administrative Charges, as amended

7) For example Decree No. 273/1998 Sb., on sampling and analyses of fertiliser samples, as amended by Decree No. 475/2000 Coll.

8) Decree No. 221/2002 Coll., on setting of schedule of expenses on expert and testing acts performed in the competence of the Central Institute for the Supervising and Testing in the Agriculture as amended by Decree No. 129/2005 Coll.

8a) Section 68 par. 2 Act No. 500/2004 Coll., Administrative Procedure Code, as amended by the Act No. 413/2005 Coll.

9) For example Act No. 20/1966 Coll., on Public Health Care, as amended, Section 9 and subsequent, Act No. 634/1992 Coll., Act No. 157/1998 Coll., on chemicals and chemical preparations and Amendments to some Acts, as amended

10) For example Decree No. 132/1964 Coll., on Railway Carriage Code, as amended, Act No. 111/1994 Coll., On Road Transport, as amended, Decree No. 64/1987 Coll. on the European Agreement on the International Carriage of Dangerous Goods by Road

11) Section 2e par. 1 Act No. 252/1997 Coll., on Agriculture, as amended.

12) Section 33 Act No. 254/2001 Coll., on Waters and amendment of some other Acts (Water Act)

12a) Government Order No. 103/2003 Coll., on the Designation of Vulnerable Zones and on the

Use and Storage of Fertilizers and Livestock Manure, Crop Rotation, and the Implementation of Erosion Control Measures in These Zones

12b) Section 33 par. 1 and 3 Act No. 185/2001 Coll.

Act No 334/1992 Coll., on the Agricultural land protection, as amended

12c) For example Decree No. 382/2001 Coll., on Conditions for the Use of Treated Sludges on Agricultural Land as amended by Decree No 504/2004 Coll.

12d) Regulation (EU) of the European Parliament and the Council 2017/625

13) Act No. 71/1967 Coll.

13a) Section 3 par. 1 letter c) Act No. 147/2002 Coll., on the Central Institute for Supervising and Testing in Agriculture and Amendment of some other Acts (Act on the Central Institute for Supervising and Testing in Agriculture)

14) Section 3 par. 1 letter a) Act No. 289/1995 Coll., on Forests and Amendments to some Acts (the Forest Act)

15) Act No. 552/1991 Sb., on State Control, as amended by the Act No. 166/1993 Coll.

16) Section 7 par. 3 Act No. 513/1991 Coll., Section 17 Act No. 455/1991 Coll., on Skilled Trades (Trades Act), as amended by the Acts No. 237/1995 Coll., No. 286/1995 Coll. and No. 356/1999 Coll.

16a) Act No. 222/1999 Coll., on the Czech National Safety, as amended by the Act No 320/2002 Coll.

16b) Regulation (EU) of the European Parliament and the Council 2019/1009,

Regulation (EU) of the European Parliament and the Council 1069/2009

Commission Regulation (EU) 142/2011

16c) Government Order No. 103/2003 Coll., on the Designation of Vulnerable Zones and on the Use and Storage of Fertilizers and Livestock Manure, Crop Rotation, and the Implementation of Erosion Control Measures in These Zones

Sections 33 par. 1 and 3 Act No. 185/2001 Coll., on Waste and Amendment to Some Other Acts

Decree No. 382/2001 Coll., on Conditions for the Use of Treated Sludges on Agricultural Land

16d) Article 20 of Regulation of European Parliament and Council (EC) No 765/2008

16e) Article 22 of Regulation of European Parliament and Council (EC) No 765/2008

16f) Government Order No. 396/2004 Coll., on the procedure, content and form of information about presence of dangerous non-food products

18a) Act No. 337/1992 Coll., on Administration of Taxes and Fees, as Amended

19) Decree No 119/1981 Coll., on Agrochemical Soil Testing

20) Act No. 22/1997 Coll., on Technical Requirements for Products and on Amendments to Some Acts

21) Regulation (EU) of the European Parliament and the Council 1107/2009

22) Regulation (EU) of the European Parliament and the Council 1272/2008

23) Regulation (EU) of the European Parliament and the Council 764/2008

24) Section 3a Act no. 334/1992 Sb., on Protection of Agricultural Land, as amended