

ANNEX XVII TO REACH – Conditions of restriction

Restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles

Entry 58
Ammonium nitrate (AN) CAS No 6484-52-2 EC No 229-347-8

Conditions of restriction
<p>1. Shall not be placed on the market for the first time after 27 June 2010 as a substance, or in mixtures that contain more than 28 % by weight of nitrogen in relation to ammonium nitrate, for use as a solid fertiliser, straight or compound, unless the fertiliser complies with the technical provisions for ammonium nitrate fertilisers of high nitrogen content set out in Annex III to Regulation (EC) No 2003/2003 of the European Parliament and of the Council (*).</p> <p>2. Shall not be placed on the market after 27 June 2010 as a substance, or in mixtures that contain 16 % or more by weight of nitrogen in relation to ammonium nitrate except for supply to:</p> <ul style="list-style-type: none">(a) downstream users and distributors, including natural or legal persons licensed or authorised in accordance with Council Directive 93/15/EEC (**);(b) farmers for use in agricultural activities, either full time or part time and not necessarily related to the size of the land area. <p>For the purposes of this subparagraph:</p> <ul style="list-style-type: none">(i) 'farmer' shall mean a natural or legal person, or a group of natural or legal persons, whatever legal status is granted to the group and its members by national law, whose holding is situated within Community territory, as referred to in Article 299 of the Treaty, and who exercises an agricultural activity;(ii) 'agricultural activity' shall mean the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition as established under Article 5 of Council Regulation (EC) No 1782/2003 (***);(c) natural or legal persons engaged in professional activities such as horticulture, plant growing in greenhouses, maintenance of parks, gardens or sport pitches, forestry or other similar activities.

3. However, for the restrictions in paragraph 2, Member States may until 1 July 2014, for socio-economic reasons, apply a limit of up to 20 % by weight of nitrogen in relation to ammonium nitrate for substances and mixtures placed on the market within their territories. They shall inform the Commission and other Member States thereof.

(*) OJ L 304, 21.11.2003, p. 1.

(**) OJ L 121, 15.5.1993, p. 20.

(***) OJ L 270, 21.10.2003, p. 1.