



REPUBLIC OF MOZAMBIQUE

COUNCIL OF MINISTERS

DECREE N° /2013

OF

Having the need to stimulate, promote and regulate the use of fertilizers for the development of agriculture, to ensure public health, soil and environmental quality under Article 204 paragraph (f) number 1 of the Constitution, the Council of Ministers determines:

Article 1. Approves the Regulation on Fertilizer Management attached, which is an integral part of this Regulation.

Article 2. This Decree shall enter into force 90 days after its publication.

Approved by the Board of Ministers, 2013

To be published,

Alberto Clementino António Vaquina
Prime Minister of the Republic of Mozambique

CHAPTER I GENERAL PROVISIONS

Article 1 Definitions

The definitions of terms are contained in the glossary in Annex I, which is an integral part of this Regulation.

Article 2 Object

This Regulation aims at ensuring the quality of fertilizers circulating in the country following the principles of public health, animal and environmental protection.

Article 3 Scope of Application

1. This Regulation applies to the registration, production, export, import, transport, use, donation, commercialization, distribution, handling and management of fertilizers by individual or corporate legal entities.
2. The implementation of this Regulation is the responsibility of the Ministry that oversees the area of agriculture.

Article 4 Nature of Fertilizers

The fertilizers can be organic and inorganic, natural or synthetic.

CHAPTER II INSTITUTIONAL COMPETENCES

Article 5 Registrar

The Registrar, through an entity to be indicated by the Minister who superintends the area of agriculture, is responsible for the concession of authorization in the scope of current Regulation.

Article 6 Competence of Registrar

Competence of the Registrar:

- a) Approve the registration of fertilizers in the country;
- b) Propose the ban of certain fertilizers;
- c) Propose the updating and reinforcement of regulatory measures related to fertilizer management;
- d) Propose the ratification of conventions and other international standards applicable to fertilizer management;
- e) Supervise, inspect and control all activities related to the production, export, import, transit, transport, use, donation, commercialization, handling, elimination and management of fertilizers;
- f) Collect samples, perform analysis and testing of fertilizers distributed in Mozambique, at any time and place and to the extent deemed necessary, to ensure that they comply with the provisions of this Regulation and International Standards and respect treaties and International Conventions to which Mozambique is part;
- g) Publicize the dangers of misuse and handling of fertilizers;
- h) Build capacity of the State and local authorities, municipalities and promotion centers and rural extension on fertilizer matters;
- i) Ensure compliance with standards laid down in this Regulation;
- j) Disseminate this Regulation.

Article 7
Technical Evaluation Committee for Registration of Fertilizers

1. It created the Technical Evaluation Committee for Registration of Fertilizer, hereinafter referred to as CATERF.
2. Members of CATERF are selected according to their expertise and professional merit in terms of quality of fertilizers.
3. The members of CATERF include:
 - a) The Registrar who chairs CATERF;
 - b) The Head of Plant Protection Department;
 - c) The technicians of Agrochemical Registration and Control Division;
 - d) One Representative of the Institute for Agricultural Research of Mozambique;
 - e) One Representative of the Ministry who oversees the area of health;
 - f) One Representative of the Ministry who oversees the area of environment.
4. In the process of evaluation of requests for fertilizer registration, CATERF can request technical support from other entities.
5. It is up to the Minister who oversees agriculture to set the regiment for the functioning of CATERF.

Article 8
Competences of the Technical Evaluation Committee for Registration of Registry

1. Competence of CATERF:
 - a) Evaluate and propose the approval or disapproval of registration of fertilizers;
 - b) Determine technical conditions to be followed in the import, export, production, donation, commercialization, handling and application of fertilizers;
 - c) Propose restrictions on the use of certain fertilizers.
2. CATERF meets twice a year and whenever necessary to access and advise on registration applications of fertilizers.

Article 9
Technical Advisory Committee on Fertilizers (CATF)

1. It created the Technical Advisory Committee on Fertilizers shortly designated CATF, with the mission to advise the Minister who oversees the area of agriculture in general subjects related to fertilizers, including aspects related to the implementation of legislation.
2. CATF integrates:
 - a) The Minister who oversees the area of agriculture, who chairs;
 - b) Representatives of institutions from the Ministry that oversees agriculture;
 - c) The Director the National Institute for Standards and Quality;
 - d) One Representative of the Ministry that oversees the area of environment;
 - e) One Representative of the Ministry that oversees the area of health;
 - f) One Representative of the Ministry that oversees the area of mineral resources;
 - g) One Representative of the Ministry that oversees the area of industry and trade;
 - h) One Representative of the Ministry that oversees the science and technology;
 - i) One Representative of the Ministry that oversees the area of public works;
 - j) A Representative of producers.
3. The Minister who superintends the area of agriculture defines the system of functioning of this Committee.
4. The CATF acts only in the presence of at least half of its members.
5. The chairman can, in his absence, delegate a substitute to represent him.

CHAPTER III REGISTRATION OF FERTILIZERS

Article 10 Obligation of Registration of Fertilizers

1. The production, distribution, imports and utilization of fertilizers in Mozambique is subject to a prior registration.
2. The registration is based on an application to be submitted by a company established in the country legally and duly registered with the Ministry that oversees the area of agriculture and assumes total responsibility on the quality of concerned fertilizer in the country.

Article 11 Types of Registration

1. The registration of fertilizers can be for experimental use, interim or definitive.
2. The final registration of fertilizers can only occur when cumulatively observing the requirements of Articles 12, 13 and 14 of this Regulation.
3. The interim registration is performed when the available data are insufficient to make a final decision on the request.
4. Registration for experimental use is made for unregistered and fertilizers intended for trials.

Article 12 Title for Registration of Fertilizers

1. The registration certificate is granted upon approval of the fertilizer by the Registrar, upon payment of a fee set out in Annex II of this Regulation.
2. The title of fertilizer registration is valid for five years.
3. Once the term of validity of registration has expired, the holder may apply for renewal according to the type of fertilizer and upon payment of the fee, on receipt of the new title.
4. The request must be presented to the Registrar in accordance with formalities provided for this purpose in the Standards of Registration and Management of Fertilizers.

Article 13

Procedures for the Registration of Fertilizers

1. The registration of fertilizers is made for companies and institutions authorized and established in the country who take responsibility for environmental and technical utilization of these fertilizers.
2. The registration of fertilizers is subject to the fee payment specified in Annex II of this Regulation.

Article 14

Composition and Organization of the Registration Process

1. The process of registration of fertilizers must be submitted in quadruplicate to the entity to be indicated by the Minister who superintends the area of agriculture and is constituted by:
 - a) Registration form duly completed;
 - b) Support documentation;
 - c) Proposed label.
2. The applicant is requested to update the fertilizer registration process whenever there are significant changes in the technical and scientific data that led to the registration of this fertilizer, primarily those relating to the impact of the product under toxicological, environmental and biological properties.
3. The Registrar may request additional information including samples of the products and containers.
4. Any alteration in the fertilizer composition, in the quantity, quality of ingredients or formulation type, imposes a new registration process.

Article 15

Labels

1. The approval of a fertilizer registration is subject to the submission of the final label, which identifies the product, the registration holder, the provisions, precautions and warnings, as well as guidelines for use.
2. All fertilizer containers to be distributed in the country must have a label approved by the Registrar, visible, set in readable form for a person with a normal vision.
3. All units on the labels must be expressed in International Units System.

4. Any change to the information on their labels must be previously authorized by the Ministry that oversees the area of agriculture.
5. The specificities in the label on the nutrients must match those contained in the fertilizer and obey international standards.
6. All information required on the label must be written in Portuguese and may contain the same information in other languages.
7. The products in bulk must have the same information, in written form, which must be provided to the buyer at the time of sending the product.
8. The labeling of fertilizers should comply as applicable, to the standards prescribed in the Mozambican Standards **NM 15** relating to general requirements for labeling of pre-packaged products; and for sale of goods under the control of legal metrology and **NM 80** on the tolerances allowed by the measurement standards made in terms of legal metrology and legislation, including measurement of goods or when pre-measured in the presence of the consumer or as a result of requirements for inspection and sale of products pre-measured and other applicable regulations.
9. The labels must contain:
 - a) Designation or trademark;
 - b) Formulation;
 - c) Classification (grade), only when there are primary elements.

Article 16

Criteria for the Evaluation of Fertilizer Registration Process

1. The Registrar evaluates the fertilizer registration processes on the basis of the following technical criteria:
 - a) Efficiency for the intended purpose;
 - b) Normal use of recommended fertilizer with potential to improve the quality of soils and environment.
2. Applications for registration are not approved for fertilizers that are on the list of banned products by international conventions of which the country is part.

Article 17

Validity of Registry of Fertilizers

1. The registration of a fertilizer is valid for five years renewable for a similar period.
2. The request for a registration renewal is subject to the payment of a fee set out in Annex II of this Regulation.
3. The validity of a provisional registration is one year non-renewable; the Register may determine other term depending on the circumstances.
4. The validity of the registration for experimental use is defined according to the type of test that is intended to be carried out based on their respective testing protocol.
5. The request for fertilizer registration renewal must be submitted before the end of the registration period.
6. On the expiry of the validity of the registration of a fertilizer, the registration holder can apply for renewal within a period not exceeding two months, upon payment of a fine equal to 50 percent of renewal fee.
7. Two months after the end of validity of the registration of a fertilizer, and if the holder does not submit the renewal application, that registration will definitely be canceled. For the same product to be used again in Mozambique, it will need a new registration subject to the payment of the fee set out in Annex II.
8. On expiry of validity of registration without any request for its renewal, the marketing of stocks may continue as long as the validity of these fertilizers has not expired, leaving companies liable holders recording the stocks and informing the Registrar about the estimated time of completion of these.
9. During the period of validity of a registration, the company owner of the title undertakes to pay an annual fee stipulated in Annex II of this Regulation.

Article 18

Revocation of Registration

1. For reasons of technical-scientific or institutional, the Registrar may revoke the registration.
2. The decision for the revocation is communicated to the holder of the registration by a letter from the Registrar containing the reasons for the decision.
3. The registration holder affected by the revocation decision may, within 30 days from the date of receipt of the notice of revocation, oppose it in writing to the Registrar who has to take a final decision no later than 30 days from the receipt of the opposition.

4. Not agreeing with the final decision from the Registrar, the registration holder can appeal to the Minister who oversees agriculture.
5. The appeal submitted to the Minister who oversees agriculture has no suspensive effect on the decision to withdraw.
6. The revocation of the registration of fertilizers can also be requested by the holder of registration.
7. In case of withdrawal, the registration title must be returned to the Registrar not later than 30 days after the decision to revoke.

Article 19

Publication of List of Registered Fertilizers

1. The Registrar undertakes to publish semi-annually the list of registered fertilizers that must contain:
 - a) The trademark;
 - b) The name of the owner of registration;
 - c) The validity of the registration;
 - d) The registration number;
 - e) Nutrients and respective contents.
2. The list referred to in paragraph 1 of this article must be sent to the General Directorate of Customs, National Directorate of Environmental Management, to the Provincial Directorates of Agriculture and must be available for consultations by any interested party.
3. All institutions mentioned in number 2 of this article shall send copies of the lists of fertilizers registered for local state bodies responsible for their respective areas of activity.

Article 20

Transfer of Ownership Registration

1. At the request of the holder of the registration, ownership can be transferred to another entity, as long as a letter from the manufacturer of the product is submitted and accepted, acknowledging the transfer of registration and recognizing the new owner as its representative in Mozambique.
2. The transfer of registration from one holder to another does not affect the validity of the registration but is subject to payment of the fee specified in Annex II of this Regulation.

CHAPTER IV
PRODUCTION, IMPORT, EXPORT, STORAGE,
COMMERCIALIZATION AND TRANSPORT OF FERTILIZERS

Section I
Production of Fertilizers

Article 21
Production

1. Under the authorization of the Minister who oversees agriculture, with favorable opinion from the Ministry that oversees the area of environment, the industrial production, including the formulation and reformulation of fertilizers is permitted, provided that they are in compliance with applicable legislation on the matters, or in its absence, with Mozambican Standards (NMs); in case of absence, the International Standards will apply.
2. The request for authorization must be accompanied by environmental license, and other licenses and authorizations legally requested including the proof of fee payments set out in Annex III of this Regulation.

Article 22
Production Places

1. Notwithstanding the provisions in applicable legislation, the construction, adaptation or alteration of fertilizer production and storage facilities is subject to authorization from the Registrar.
2. The beginning of activities of establishments for fertilizer production is subject to obtain the order of inspection issued by the Registrar, and subject to the payment of a fee set out in Annex II of this Regulation.
3. The inspection commission integrates representatives of Ministries overseeing the areas of agriculture, environment, industry and trade, public works and health.
4. The ministries overseeing the areas of agriculture, industry and trade and environment must define the conditions for the locations for production of fertilizers.

Article 23
Laboratories

1. The fertilizer production facilities must have a laboratory duly equipped with technical and human resources that ensure the control of raw materials and the technological process utilized to guarantee the conformity of the product with reference standards.
2. The laboratories are subject to periodic inspections by the Ministries overseeing the areas of agriculture, environment and health with the possibility of joining other institutions upon invitation from the Registrar.

Section II
Import

Article 24
Import Requirements

1. The importation of fertilizers is subject to a prior authorization issued by the Registrar.
2. The authorization of import is issued in favor of the fertilizer registration holder or his representative, who undertakes the responsibility of its quality and complies with standards established in applicable legislation or in its absence, with Mozambican Standards (NMs); in the absence of these, the International Standards will apply.
3. The request for importation must contain the information on fertilizer trademark and the contents of all its nutrients.
4. In the process of validation of import request, the Registrar may request other data, including information on the final destination of fertilizer.
5. In the process of importation of a registered fertilizer, it is not permitted to change its origin without a prior consent of the Registrar;
6. The authorization for the importation of a fertilizer is valid for three months renewable if needed for a similar period.

Article 25
Responsibility of Importer

The fertilizer importer is responsible for ensuring the conditions of storage and transportation since its entry to its distribution.

Section III
Export and Transit

Article 26
Export

1. The export of fertilizers requires a prior authorization issued by the Registrar.
2. In case of refusal, the Registrar must give reasons for its decision in writing.
3. In handling of export requests, the Registrar must comply with all conventions and international standards of which Mozambique is part.

Article 27
Transit of Fertilizers

1. The fertilizers on transit through the country are subject to prior authorization issued by the Registrar.
2. The authorization request for fertilizer transit must be submitted by a representative of the importer, duly accredited, who assumes the responsibility for the product in the country and must contain:
 - a) Trademark of the product;
 - b) Nutrient(s) and respective content(s);
 - c) Date of manufacturing and expiry;
 - d) Consignment number;
 - e) Country of origin and final destination;
 - f) Port of entry and exit from Mozambique;
 - g) Expected entry and exit date from Mozambique;
 - h) Name and address of importer;
 - i) Name and address of exporter.
3. Failure to present the fertilizer transit permit at the border of entry implies non permission of entry in the country.
4. The transit of fertilizers must comply with provisions of international conventions, protocols and/or standards and international safety in the transport of fertilizers by land, air or sea.
5. The fertilizers in transit through the national territory shall have a label with information on safety measures.

6. When the information set out in paragraph 4 of this article is written in a language other than Portuguese, each consignment must contain a booklet with its translation of that information into Portuguese.

Section IV Storage

Article 28 Storage of Fertilizers

1. Notwithstanding applicable legal provisions, construction, adaptation or alterations of fertilizer warehouses require the authorization issued by Registrar.
2. Fertilizer warehouses operating up to the date of entry in force of this Regulation is subject to an environmental audit to be conducted by the Ministry that oversees environment for the terms and legal purposes.
3. The owners of commercial establishments without fertilizer warehouses are required to separate fertilizers from food to avoid food contamination.
4. The fertilizer warehouses must be equipped with installation of safety means to prevent possible accidents.
5. Inorganic fertilizers must be stored in a covered zone, without residues, protected against rainfall and prevent high condensations and ensure least risk possible on the contamination of water sources and separated from other products.
6. Inorganic fertilizers must be stored on pallets to avoid direct contact with the ground.
7. All warehouse workers must be regularly inspected by a doctor at least twice a year and must have health certificates indicating their ability to handle fertilizers.
8. The fertilizer warehouse workers must be fully equipped with protection material to prevent potential accidents.
9. The fertilizer workers must be properly trained regarding risks associated with improper handling of fertilizers.
10. For the purposes of the preceding paragraph, the companies must provide proof and evidence of training and implementation of the rules of Hygiene, Safety, Health and Environment at the work in obedience to the **NM OHSAS 18001**.

Article 29
Inspection

The utilization of constructed or adapted warehouse only takes place after the approval by Registrar and the payment of the fee set out in Annex II of this Regulation.

Section V
Commercialization

Article 30
Commercialization

1. On a semi-annual basis, the fertilizer merchants must provide to the Registrar the quantities of fertilizers acquired, sold and the stocks.
2. The fertilizer distributors with delegations in different towns or locations must provide this information in a separate form by each business establishment.
3. The commercialization of fertilizers requires registration issued by the Registrar in conformity with the requirements set out in this Regulation.
4. The commercialization of fertilizers with nutritional, low weight deficiencies and for experimental purposes is forbidden.

Section VI
Transport and Fertilizer Packaging

Article 31
Transport

1. Fertilizer transport must be done in vehicles properly secured to prevent environmental pollution.
2. The transportation of fertilizers and human and animal food stuff together is forbidden.
3. The transport and packaging of fertilizers must be done in compliance with applicable legislation or, in the absence of this, the Mozambican Standards (NMs); in the absence of NMs, International Standards will apply.

Article 32
Packaging

The packages containing fertilizers must display the label approved by the Registrar and guarantee safety in their handling through their durability and resistance that will not compromise the quality of the product or constitute danger for public, animal or environment health.

Section VII
Utilization

Article 33
Fertilizer Use

Fertilizers must be handled with care in order to avoid risk to the applicator, other persons, animals and environment.

CHAPTER V INSPECTION

Article 34 Competences of Inspector

1. The Inspector, duly accredited by the Registrar, evaluates and controls the compliance of standards defined in this Regulation.
2. The Inspector or the authorized technical personnel are accredited to undertake inspection, have free access to all business establishments or production locations, storage, commercialization and fertilizer application, and may issue an order for the correction of defects detected and performance of laboratory analysis.
3. In case of need, the technical and inspection teams can integrate other institutions or relevant entities.
4. People accredited to business establishments dealing with fertilizers must facilitate access of inspection technical staff, provide all information requested by inspectors with no omissions, and comply with the recommendations issued by them.
5. Whenever loss of technical quality is detected in a given fertilizer, or its utilization has a potential of damaging the quality of soils or the environment, the inspectors must issue a suspension order for its utilization.
6. The control on the quality of fertilizers is performed by Regional Laboratories of the Institute for Agricultural Research of Mozambique or other competent laboratories.
7. The Ministry overseeing agriculture, in coordination with Ministries that oversee environment and health, must pass a technical inspection script and a manual for the inspector and inspection of fertilizers.

Article 35 Procedures

1. At the end of each inspection activity, an inspection report must be produced detailing the performed inspection, which will serve the basis for issuing the Registrar's Inspection Notification.
2. The Inspection Notification must contain the infractions found and respective fines, recommendations or praise deserved.
3. The Inspection Notification referred to in this article is to prevail in court.

CHAPTER VI FEES, OFFENSES AND PENALTIES

Article 36 Fees

1. For services rendered under this Regulation, are dues fees whose values are set out in Annex II of this Regulation.
2. Amounts paid by the applicant for obtaining licenses and authorizations under this Regulation are not refundable even in the event of denied request.
3. The fees are paid to the entity to be appointed by the Minister who oversees the area of agriculture in accordance with the procedures legally defined.

Article 37 Destination of the Amounts of Fees

1. The amounts of fees collected under this Regulation must be used to strengthen the institutional capacity of the institutions involved in the licensing, inspection and monitoring of the use of fertilizers being used in the following manner:
 - a) 60 percent to the Directorate area for the fiscal jurisdiction within 48 hours through the guide model B;
 - b) 20 percent to the Ministry that oversees the area of agriculture;
 - c) 5 percent to the Ministry that oversees the area of environment;
 - d) 5 percent to the Ministry that oversees the area of health;
 - e) 5 percent to the Ministry that oversees the area of industry and trade;
 - f) 5 percent to the Ministry that oversees the area of public works.
2. The mechanisms and procedures for use of consigned fees are approved by the Ministers who oversee the areas mentioned in subparagraphs (b), (c) and (d) paragraph 1 of this article.
3. The values referred to in paragraph 2 of this article must be prioritized for education activities and public awareness and public sensitization on fertilizer handling and management, standards, research activities, strengthening and improving the sector responsible for the registration and control of fertilizers, as well as to encourage technicians involved in the registration, control and inspection of fertilizers.
4. The fees referred to in paragraph 1 of this article are adjusted by the Ministers who oversee the areas of agriculture and finances.

Article 38

Offenses and Penalties

1. The violation of the provisions of this Regulation constitute administrative offenses punished according to the description set out in Annex III of this Regulation that can result in apprehension, confiscation, fine, opening of crime-process against public health or a combination of these.
2. Notwithstanding applicable provisions, it is up to the owner, the removal and/or destruction of fertilizers in irregular situation under the terms established in this Regulation, as well as the environmental compensation if applicable.
3. To the State is reserved the right to deny relatively to any expense incurred as a result of apprehension, removal and/or destruction of obsolete fertilizers or in irregular situation.
4. The confiscated fertilizers will have following destination:
 - a) Sell in auction to national companies duly registered and enrolled with the National Director of Agricultural Services (DNSA) and operate in the commercialization and/or utilization of fertilizers;
 - b) Destruction under supervision of technicians of the Ministry that oversees the area of environment;
 - c) Devolution to the origin in case of imports, at responsibility of importer.
5. The values of fines are upgraded by the Ministers who oversee the areas of agriculture and finances.

Article 39

Payment of Fines

1. The deadline for voluntary payment of the fine is 15 days from the date of receipt of notification. If the deadline has expired, the collection will be coercive and value aggregated at 50 percent.
2. The issuing entity of the fine must submit to entity to be appointed by the Minister who oversees the area of agriculture information on the payments referred to in the previous paragraph of this article to which must be added the copies of all support documents.

Article 40
Destination of Fines

1. The value of fines collected on the offenses to this Regulation have the following destination:
 - a) 40 percent to the Directorate area for the fiscal jurisdiction within 48 hours through the guide model B;
 - b) 60 percent to the Ministry that oversees agriculture.
2. The Minister who oversees agriculture defines the procedures and ways for the utilization of amounts referred to in subparagraph (b), paragraph 1 of this article.
3. The values referred to in paragraph 2 of this article must be prioritized for education activities and public awareness and public sensitization on fertilizer handling and management standards, research activities, strengthening and improving the sector responsible for the registration and control of fertilizers, as well as to encourage technicians involved in the registration, control and inspection of fertilizers.

CHAPTER VII SPECIAL PROVISIONS

Article 41 Special Consideration for Harmful Substances

When components of certain fertilizers utilized in specific crops or if applications are considered harmful to plant growth, the maximum content of potentially dangerous substances must be indicated in the label whose instructions are set out in Annex III of this Regulation.

Article 42 Heavy Metals

Maximum admissible limits of heavy metals in fertilizer products and maximum charges for application in the soil are determined in specific regulations.

Article 43 Warranty of Nutrients

1. The nutrients different from nitrogen, phosphorous and potash, when mentioned in any form or mode in the label, must be warranted in their elemental form, and must equally attach their respective contents.
2. The minimum of percentages to be warranted are set out in Annex V of this Regulation.
3. It accepted the warranties related to the nutrients indicated in the previous paragraph when added with nitrogen, phosphorous and potash.
4. The Registrar may request the provision of sources of warranted elements and respective proof of availability for the crop.

Article 44 Standards for Fertilizer Deficiency

A fertilizer is considered deficient when presenting the following characteristics:

- a) When the value of analysis found in an official sample for any primary nutrient is below the warranted percentage by a value that exceeds the values expressed in Annex V of this Regulation.

- b) When the value of analysis found in an official sample for any micronutrient and secondary nutrients are below the warrantee value in a quantity exceeding the values expressed in Annex V of this Regulation.

Article 45 **Obsolete Fertilizers**

1. The import, donation, commercialization and use of obsolete fertilizers are forbidden.
2. A fertilizer is considered obsolete when:
 - a) The validity has expired;
 - b) It does not have information on validity on labels;
 - c) It does not have label or the label, for any reason, is not readable.
3. The companies or other entities with obsolete fertilizers must communicate immediately in writing that fact to the Registrar, indicating the location of the product, trademark, date of manufacturing and expiration as well as the type of container and the reasons that led to the obsolescence.
4. Obsolete fertilizers in transit by the national territory are subject to strict compliance with stipulations by the **Basel Convention** on transborder movement of dangerous materials.

Article 46 **Revalidation of Fertilizers**

1. A fertilizer that has not been used until the date of its expiry of validity may be tested for revalidation of its condition.
2. The firm must apply for a permit to the Registrar indicating the dates of manufacturing and expiry of the period and the amount of product in stock.
3. In the process of sending samples, all international conventions of which Mozambique is part must be respected.
4. In case the lab analysis shows that the fertilizer continues with original characteristics or it did not suffer significant alterations, the validity period can be extended by the Registrar.
5. For the purpose of paragraph 4 of this article, a new certificate must be issued with a lot number, and the new validity of the product.
6. The owner must present to the Registrar the new labels or tags with the indication of new expiry date, the lot number and the word "REVALIDATED" immediately below the expiry date, followed by a number corresponding to the respective revalidation number.

7. In case it is the first validation, it must be mentioned 1, if it is second it must be mentioned 2 and so on, before the fertilizer is packed; this process must be accompanied by a technician designated by the Minister who oversees agriculture.

Article 47
Elimination of Obsolete Fertilizers

1. The elimination or destruction of obsolete fertilizers without the authorization of the Registrar is forbidden.
2. The proposal for destruction or elimination of obsolete fertilizer is issued by the Registrar.
3. The process of destruction of obsolete fertilizers, when done within the country, is supervised by the Ministries that oversee the areas of environment, agriculture and interior.
4. If the elimination is done outside the country, the export process must also be supervised by the Ministries that oversee the areas of agriculture and environment in compliance with all international rules and procedures.
5. The expenses related to the process of destruction or elimination of obsolete fertilizers, including the expenses related to supervision by the Registrar, are borne by the business owner of obsolete fertilizer.

**CHAPTER VIII
FINAL PROVISIONS**

**Article 48
Remission**

This Regulation does not prejudice the legal regime on public and environmental health established by specific legal acts.

**Article 49
Agreements**

The Technical Evaluation Committee for Fertilizer Registration may enter into agreements with other institutions for the implementation of this Regulation.

ANNEXES

Annex I
Glossary

For the purposes of this Regulation it is understood that:

1. **Actual value:** The actual value of the fertilizer as determined by calculating the relative percentage of the value found by analysis to the guaranteed value.
2. **Analyst:** The person responsible for laboratory analysis of the official samples.
3. **Anhydrous ammonia:** A compound formed by combining one portion of nitrogen and three of hydrogen by volume (NH_3).
4. **Brand:** Term, design or trademark used in connection with one or serial grades of fertilizers.
5. **Bulk:** A commercial fertilizer or custom mix distributed in a non-packed form.
6. **Coated slow-release fertilizer:** Products such as sulfur-coated urea, polymer-coated urea fertilizers and other encapsulated soluble fertilizers.
7. **Commercial fertilizer:** Any fertilizer material except limestone or unprocessed manure that has not been altered or manipulated or changed the chemical composition of sewage and waste produced by any sanitary system.
8. **Compound fertilizer:** Fertilizer having at least two primary plant nutrients.
9. **Deficiency:** The amount of fertilizer material found by analysis less than that guaranteed, which may result from a lack of plant nutrient ingredients or from a lack of uniformity.
10. **Distributor:** The person who consigns, sells, exchanges or otherwise supplies fertilizers.
11. **Fertilizer:** Any organic or inorganic material of natural or synthetic origin added to a soil to supply certain elements essential to the growth of plants.
12. **Grade:** The declared content of nutrients contained in a fertilizer, expressed as a percentage, on a weight/weight basis, mass/volume or volume/volume, of each nutrient proportion in the finished product, nitrogen being the percentage of total nitrogen (N), the percent of available phosphorus or phosphate (P_2O_5) and potassium percentage of soluble potassium oxide (K_2O), and remaining nutrients expressed by the corresponding chemical symbol.
13. **Guaranteed analysis:** The minimum percentage of all plant nutrients claimed. Primary nutrients shall be expressed as total nitrogen (N), available phosphate (P_2O_5) and soluble potash (K_2O), secondary nutrients and micronutrients.
14. **Humus (conditioner):** The fraction of more or less stable of organic matter remaining in the soil after decomposition of most plant and animal residues. It is usually dark in color.
15. **Industrial production:** Economic activity, which aims to transform the raw material into marketable products using human force, energy and equipment.
16. **Label:** A view of matter written, printed or graphic, in the container or accompanying a fertilizer, which identifies and specifies its content.
17. **Inorganic fertilizer:** A fertilizer produced through a chemical process and derived from an inorganic substance or an inorganic synthetic substance.

18. **Liming (corrective):** A soil corrective consisting primarily of calcium carbonate but may include magnesium carbonate or other materials used to neutralize soil acidity and supply calcium and magnesium to meet the growth of plants.
19. **Plot:** A specific amount of a fertilizer with identical physical and chemical composition, identifiable by a number or letter or a combination of both.
20. **Micronutrient:** The elements boron, chlorine, cobalt, copper, iron, magnesium, molybdenum, sodium and zinc.
21. **Mixed fertilizer:** Fertilizer derived from a mixture of various kinds or types of chemical and/or organic fertilizer.
22. **Mozambican Standards (NMs).**
23. **Nutrient:** A chemical element in a fertilizer that is recognized as essential for plant growth.
24. **Occluded slow release fertilizers:** Products mixed with resins, wax or other inert materials in particulate form.
25. **Official sample:** A representative quantity and rigorously identified fertilizer taken by an inspector or agent of the Government on duty.
26. **Organic fertilizer:** A fertilizer derived from non-synthetic organic material, including sewage, sludge, animal manure, plant residues, produced through the process of drying, cooking, composting, chopping, grinding, fermenting or other methods and makes declaration of nutrient value on the label.
27. **Organic fertilizer (biofertilizer):** By-product from the processing of animal or vegetable substances that contain sufficient plant nutrients to be of value as fertilizers.
28. **Permissible tolerance:** The margin allowed for variations inherent in the collection, preparation and analysis of an official sample of fertilizer.
29. **Primary nutrients:** The elements nitrogen, phosphorous and potash.
30. **Registrar:** The entity that ensures compliance with the rules laid down in this Regulation.
31. **Registration holder:** Any company duly established in the country, provided it has permission from ministries that oversee industry and trade, agriculture, environment and health, which engage in the formulation, import and/or distribution of fertilizers and/or application of such products, taking technical and environmental responsibility thereof.
32. **Rhizobium (inoculum):** Bacteria able to live in symbiosis with higher plants, usually in root nodules of legumes, which receive their energy and are able to convert atmospheric nitrogen to form combined organic, hence the term symbiotic nitrogen-fixing bacteria.
33. **Secondary nutrients:** The elements calcium, magnesium and sulfur.
34. **Simple fertilizer:** A fertilizer that contains one of the primary plant nutrient.
35. **Slow release:** Products that release (are converted in the form available to the plant) their nutrients to a relatively low rate compared to their soluble products of reference. Examples include slow-release controlling the release of soluble nutrients through coating or occlusion of nutrients.
36. **Specialty fertilizer:** A commercial fertilizer distributed primarily for uses other than the field such as shrubs, flowers, gardens, golf courses and may include commercial fertilizers used for research purposes.
37. **Violation:** Acts contrary to the provisions of this Regulation.

Annex II

Schedule of Fees to be Charged Under the Regulation of Fertilizer Management

Article	Designation	Fees (Mt)
13.2	Fertilizer registration fee	2,000.00
17.2	Renewal of fertilizer registration fee	1,000.00
17.9	Annual maintenance for the registration of fertilizers	1,000.00
20.3	Transfer of fertilizer registration fee	2,500.00
22.2	Inspection of fertilizer production fee	5,000.00
29	Inspection of fertilizer warehouse fee	2,000.00

Annex III Fines and Penalties

N° article	Offense	Penalty	
		Sanction	Additional Sanctions
10.1	Donation of non-registered fertilizer	Fine equivalent to 2 times the value of concerned product with minimum 50.000,00 Mts	Seizure of the product. Cases of recurrent criminal prosecution against public health
21.1	Production, formulation or reformulation of fertilizers without authorization	Fine of 250.000,00 Mts	Closure of factory or business, seizure of products and equipment in that area and opening criminal proceedings against public health
24.1	Import of fertilizers registered by a company not registered at the National Services for Agricultural Services	Fine equivalent to 100% of the value of imported product with minimum 50.000,00 Mts	
24.3	Import of fertilizers that do not contain the levels equal to those of the constituents of the analysis referred to in paragraph 2 of this article	Fine equivalent to 5 times the value of the seized product with minimum 75.000,00 Mts	Seizure of the product. Cases of recurrence, opening of criminal proceedings against public health
24.5	Changes concerning the origin of fertilizers without notice to the Registrar	Fine of 2.000,00 Mts	
26.1	Export of fertilizer per unregistered company as an exporter at the National Services for Agricultural Services	Fine equivalent to 25% of the value of exported product	
28.1	Construction adaptation or alteration of fertilizer stores without authorization	Fine of 2.000,00 Mts	
28.3	Commercial establishments without fertilizer store and/or fertilizer without separation with food	Fine equivalent to the value of existing product with minimal 50.000,00 Mts	Cases of recurrence, cancellation of activity with fertilizers and opening criminal proceedings against public health
28.4	Lack of safety equipment in the warehouses	Fine of 25.000,00 Mts	Closing the warehouse until resettlement of adequate conditions
28.7	Failure to carry out regular medical examinations for workers in fertilizer stores	Fine in value of 20.000,00 Mts per worker	Cases of recurrence, closing of property
30.1	Lack of semi-annual communication about the quantities on the fertilizer purchased-, sold and respective stocks	Fine in value of 15.000,00 Mts by month delay	

N° article	Offense	Penalty	
		Sanction	Additional Sanctions
30.3	Sale of non-registered fertilizers	Fine equivalent to 5 times of the value of concerned product with minimum 75.000,00 Mts	Seizure of the product. Recurrent cases, closure of establishment and opening of proceedings against public health
30.4	Sale of fertilizers with deficiencies or adulterated quality	Fine of 250.000,00 Mts	Closing the factory or business, seizure of product and equipment in that area and opening of proceedings against public health
30.4	Marketing of fertilizers under a registration for experimental use	Fine of 25.000,00 Mts	Seizure of product
30.4	Sale of fertilizers with underweight	Fine equivalent to 3 times of value of the product concerned	Opening of criminal proceedings
31.1	Transportation of fertilizers without adequate protection	Fine of 50.000,00 Mts	
31.2	Transporting fertilizers mixed with food for humans and animals	Fine of 20.000,00 Mts	Seizure of means of transport and cargo until the separation of products
32	Packaging of registered fertilizers with non-approved label	Fine equivalent to 50% of the product concerned with minimum 5.000,00 Mts	Seizure of product until placement of the approved label
37	Differences in the composition, the content of substances, the physico-chemical characteristics and characteristics of biological activity of fertilizers and the labeling data contained in the label and/or in the registration process of concerned fertilizer	Fine equivalent to 200% of the FOB value of the quantity acquired of the lot in question. Penalty for the company holding registration	Seizure of the product, leaving the company registration holder to compensate monetarily the harmed in amount equal to that paid by them at the time of purchase plus 10%.
45.1	Import, donation or sale of obsolete fertilizers	Fine equivalent to 10 times the value of the product with minimum 50.000,00 Mts	Seizure of the product and opening of proceedings against public health

Annex IV Special Considerations

Special consideration on harmful substances described in Article 41 means that:

- a) When urea is indicated to be used as foliar fertilizer or to be used on sensitive crops to biuret; biuret content should be limited to 1.5 percent;
- b) When fertilizers are indicated to be used in extremely sensitive crops to chlorine, such fertilizers should have a maximum 2.5 percent of chlorine;
- c) A warning or a warning of caution should be included on the label for any product containing micronutrients when there are micronutrients in excess of a particular percentage that can be harmful to certain crops, livestock, pasture, or where there are uncommon environmental conditions;
- d) When the content of harmful substances exceed the maximum guaranteed on the label, these fertilizers are considered adulterated;
- e) The maximum acceptable heavy metals are indicated in Table 3;
- f) Are accepted as the guaranteed values indicated in the previous paragraph with added contents of nitrogen, phosphorous and potassium;
- g) No label will state that contains or implies that a particular nutrient contained in the fertilizer is “slow release” unless that nutrient or nutrients are identified and secured as having characteristics of “slow release.”

Levels of Tolerance Between the Guaranteed Values and the Values of Analysis

A fertilizer is considered deficient if the value of analysis of a sample is lower than the officially guaranteed by a value higher than indicated in Tables 1, 2, 3 and 4.

Table 1. Levels of Tolerance for Nutrient Deficiencies

Guaranteed Percentage (%)	Percentage (%) Nitrogen (N)	Percentage (%) Available Phosphate (P ₂ O ₅)	Percentage (%) Potassium (K ₂ O)
04 or less	0,49	0,67	0,41
05	0,51	0,67	0,43
06	0,52	0,67	0,47
07	0,54	0,68	0,53
08	0,55	0,68	0,60
09	0,57	0,68	0,65
10	0,58	0,69	0,70
12	0,61	0,69	0,79
14	0,63	0,70	0,87
16	0,67	0,70	0,94
18	0,70	0,71	1,01
20	0,73	0,72	1,08
22	0,75	0,72	1,15
24	0,78	0,73	1,21
26	0,81	0,73	1,27
28	0,83	0,74	1,33
30	0,86	0,75	1,39
32 or more	0,88	0,76	1,44

Note. For the cases not listed, the appropriate value must be calculated by extrapolating

- 1) A fertilizer must also be considered deficient if the current value is less than 98 percent of guaranteed value.
- 2) The current value is calculated by comparing the guaranteed value with value found.
- 3) Secondary nutrients and micronutrients are considered deficient if the analysis of an official sample is lower than an amount that exceeds the values in table 2.

Table 2. Levels of Tolerance for Nutrient Deficiencies

Element	Percentage (%)
Calcium	0,2
Magnesium	0,2
Sulfur	0,2
Boron	0,003
Cobalt	0,0001
Molybdenum	0,0001
Chlorine	0,005
Copper	0,005
Iron	0,005
Manganese	0,005
Sodium	0,005
Zinc	0,005

Table 3. Limit Values of Heavy Metals in Fertilizer Products

Metal	ppm per 1% P ₂ O ₅	ppm per 1% Micronutrients	mg/kg Biosolids or Compound Products (dry weight)
Arsenic	13	112	75
Cadmium	10	83	85
Chromium	-	-	3.000
Cobalt	3.100	23.000*	-
Copper	-	-	4.300
Lead	61	463	840
Mercury	1	6	57
Molybdenum	42	300*	75
Nickel	250	1.900	420
Selenium	26	180	100
Zinc	420	2.900*	7.500

* Applies only when it is not guaranteed.

Table 4. Minimum Percentages to be Guaranteed

Element	Percentage
Calcium (Ca)	1,0000
Magnesium (Mg)	0,5000
Sulfur (S)	1,0000
Boron (B)	0,0200
Chlorine (Cl)	0,1000
Cobalt (Co)	0,0005
Copper (Cu)	0,0500
Iron (Fe)	0,1000
Manganese (Mn)	0,0500
Molybdenum (Mo)	0,0005
Sodium (Na)	0,1000
Zinc (Zn)	0,0500

Annex V Nutrient Guarantee

The guaranteed analysis is expressed as follows:

Total Nitrogen (N) ____%
____% Ammoniacal nitrogen
____% Nitrate nitrogen
____% Water insoluble nitrogen
____% Urea nitrogen
____% Other recognized forms of nitrogen
Total Phosphorous, P₂O₅ ____%
Total Potassium, K₂O ____%
Other nutrients: ____%

Note: The chemical formulas of substances containing nitrogen (N) must be set, assuring the representation shown above and the percentage amount of nitrogen equal to the sum of individual percentages.