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Information for fertiliser dealers

Translation of information on the VLM website

FERTILISER SECTOR DECLARATION AND REGISTER

Improved monitoring of fertilisers is an important point of attention in MAP 6. Fertiliser producers and distributors must therefore keep a fertiliser register.

The Government of Flanders definitively approved the decision that regulates the registration of fertilisers on 19 March 2021. This decision was published in the Belgian Official Gazette on 24 March 2021. From 15 April 2021, the register of deliveries or sales of fertilisers must be digitally updated on the [Mestbankloket](#)

Who is obliged to declare and register?

Anyone who produces, distributes, imports or exports at least 10,000 kg N per year of fertilisers and who supplies them to distributors or farmers is obliged to:

- file a declaration with the Mestbank every year
- keep a sales register

By 'fertiliser' we mean any substance that contains nitrogen or phosphorus compounds and is used on land to promote crop growth and which has been produced by an industrial process, including the ammonium sulphate from drainpipe water.

Declaration

A fertiliser dealer obliged to declare must submit a Mestbank Declaration annually. You do not have to submit a declaration for the production year 2020 yet. The declaration for production year 2021 will be made available at the [Mestbankloket](#) in January 2022 and can be completed up to and including 15 March 2022. If you fill out your sales register correctly throughout the year, the declaration will consist of a summary of your register.

Register

For each delivery you should register:

- date of delivery
- delivery address
- counterparty: farmer number or operation number or CBE number or name & address (if previous numbers are missing)
- fertiliser: product name, Mestbank code, % N and % P₂O₅ Quantity: total (kg or l), kg N and kg P₂O₅

FREQUENTLY ASKED QUESTIONS

How is fertiliser defined in the manure decree?

By 'fertiliser' we mean any substance that contains nitrogen or phosphorus compounds and is used on land to promote crop growth and which has been produced by an industrial process, including ammonium sulphate from drain water. ([Art 3, §5 Manure Decree](#))

Which manures are not covered by the definition of fertiliser?

A manure containing no N and no P (e.g. kieserite) does not fall within the definition of fertiliser.

Is the drain water from an air washer considered to be fertiliser?

The drain water from an acidic air washer (ammonium sulphate) is explicitly included in the definition of fertiliser and should therefore be entered in the register.

The drain water from an organic air washer falls under [other fertilisers](#) and therefore does not need to be stated in the register.

Should biostimulants and crop-protection products be entered in the fertiliser register? *(updated 06.12.2021)*

Biostimulants

The European Regulation VO 2019/1009 on the trade in EU fertiliser products identifies biostimulants as a separate category. These products form little or no input of nutrients as such, but do stimulate the natural feeding processes of plants.

In 2022, as in 2021, the registration of the sale, receipt and use of biostimulants will not be required under the Manure Decree.

Crop-protection products

Crop-protection products do not need to be registered if they have no fertilising function.



Should organic and organo-mineral fertilisers be included in the fertiliser registers? *(updated 06.12.2021)*

According to the Manure Decree, organic commercial fertilisers that do not contain animal manure are covered by 'other fertilisers'. Organo-mineral fertilisers without animal manure were also considered as other fertilisers until now.

In 2022, as in 2021, organic and organo-mineral commercial fertilisers that do not contain animal manure will be subject to the following:

- These fertilisers do not need to be registered in the fertiliser register.
- Growers will register the total use of such fertilisers in their annual Manure Bank declaration.

Should foliar nutrition be included in the fertiliser registers? *(last updated 06.12.2021)*

Foliar nutrition forms a significant part of the fertilisation of certain crops. The sale, receipt and use of foliar nutrition containing mineral fertilisers must be recorded in the fertiliser register, both by its producer or distributor and by the recipient grower. Organic foliar nutrition will follow the [practice of organic commercial fertilisers](#).

Should a mixture of potting compost and chemical fertiliser be registered in the chemical fertiliser registers? *(last updated 06.12.2021)*

That depends on the nature of the foliar nutrition. In 2022, as in 2021, the purchase of a mixture of potting compost and chemical fertiliser (e.g. Osmocote) does not have to be registered in the chemical fertiliser register (not in the purchasing register nor in the usage register and not in the trading register).

Is every fertiliser dealer obliged to declare and register? *(last updated 28.04.2021)*

A fertiliser dealer is obliged to declare and register if he:

- produces or distributes at least 10,000 kg N per year of fertiliser in Flanders, or imports to Flanders or exports from Flanders,
- and supplies to distributors in Flanders or farmers with land in Flanders who are obliged to declare.

The declaration and registration obligation applies at company level (i.e. company registration number). For example, if you have 2 establishments that each produce, distribute or import 6,000 kg N of fertiliser each year, you will be above 10,000 kg N at company level, and you are obliged to declare and register.

Example: if a fertiliser dealer only supplies chemical fertiliser to sports and golf clubs and garden landscapers (who are themselves not farmers, nor do they supply to farmers), the fertiliser dealer is not obliged to declare and register as a chemical fertiliser dealer.

What are the obligations for foreign fertiliser dealers? (new 31.3.2021)

The obligations for fertiliser dealers also apply to fertiliser dealers outside Flanders who:

- export at least 10,000 kg N per year of fertiliser to Flanders
- and supply to distributors in Flanders, or to at least one farmer with land in Flanders, who are required to declare.

Such a foreign fertiliser dealer must keep a sales register with the deliveries to distributors in Flanders or farmers with land in Flanders.

What are the sanctions if I fail to comply with my declaration and registration obligation? (last updated 07.12.2021)

For the late or non-submission of the report, a fine of 250 euros can be imposed, which can be doubled if the offence is committed again within 5 years of the fine being imposed.

A fine of 2,500 euros can be imposed for not keeping the fertiliser register, or failing to keep it correctly. The fine is doubled if the violation is repeated within 5 years after the fine has been imposed.

How can I register as a fertiliser dealer?

To register, use the form '[Request for an operating number for a producer, distributor, importer or exporter of chemical fertiliser](#)'. If you have multiple establishments, fill in a form for each establishment. After receiving the application form, the Mestbank will assign you an operating number per establishment. You will be informed of this by e-mail.

The Mestbank mainly communicates digitally. That is why it is important that you include an e-mail address on the application form and that you consult that mailbox frequently.

What are my obligations as a fertiliser dealer subject to declaration and registration?

Every fertiliser dealer obliged to declare and register must:

- file a declaration with the *Mestbank* [Mestbank] every year;
- keep a sales register.

What does the declaration obligation entail for fertiliser dealers?

A fertiliser dealer obliged to declare must submit a Mestbank Declaration annually. You do not have to submit a declaration for the production year 2020 yet. The declaration for production year 2021 will be made available at the [Mestbankloket](#) in January 2022 and can be completed up to and including March 15, 2022. If

Where do I fill in my fertiliser register? (last updated 30.03.2021)

You will find the digital sales register at the [Mestbankloket](#) under Fertiliser Register / Supplies'.

Method:

- Via the Mestbankloket:
 - Go to the [Mestbankloket](#) .
 - Log in to the Mestbankloket with your eID and associated PIN code, with the itsme app or with your token.
 - Go to the section Kunstmestregister [fertiliser register].
- Via a web service, through which data can be automatically sent from your own system to the Mestbank.

Which deliveries do I have to include in the register?

As a registered fertiliser dealer, you must include all supplies/deliveries in the register. In addition to deliveries to farmers and distributors, deliveries to private individuals must also be registered. Deliveries outside Flanders must also be registered.


Which details do I have to include in the Register?

For each delivery you register:

- date of delivery
- delivery address
- counterparty: farmer number or operation number or CBE number or name & address (if previous numbers are missing)
- fertiliser: product name, Mestbank code, % N and % P₂O₅ Quantity: total (kg or l), kg N and kg P₂O₅

How can I automatically forward my sales data from my own system to the Mestbank?

The legislation provides that fertiliser dealers must register their sales data no later than the second day after delivery. In addition, fertiliser dealers often have to register a large number of sales promotions. That is why the Mestbank has developed a possibility to automatically, without manual intervention, forward the data from one's own system to the Mestbank. This can be done via a web service.

 [You can find a description of input via web service and FAQ here.](#) If the Mestbank recognises the name and national identification number of someone who can log in for your business on the [Mestbank Portal](#) (business

partners or proxies) a safe 'access key', an API key, can be created for that person and your business. This key gives your system access to the Mestbank system.

If you are interested in working with a web service, please do not hesitate to contact the Mestbank via info@vlm.be. Depending on the technology you are working with, the Mestbank can assist you with program code.

Here you will find the  [FAQ data file](#).

Is it permissible under the General Data Protection Regulation (GDPR) to request personal details from private individuals who purchase more than 100 kg chemical fertiliser in one go? What happens if a customer refuses to submit his personal details? (new 28.4.2021)

Maintaining a chemical fertiliser register is a legal obligation for those traders who are subject to registration under the manure legislation. Processing of personal data to meet a legal obligation is, according to the General Data Protection Regulation, a valid legal basis for the processing of personal data.

The Manure Bank Counter now works with digital registration, and so maintenance of the register is strictly regulated. Further rules concerning this are included in the VLAREME, and for the practical implementation you can visit the website of the Flemish Land Agency.

To comply with the GDPR, it is important that personal data are retained no longer than strictly necessary. The retention period of the data is legally regulated in the manure legislation, namely in Article 1.3.1. of the VLAREME. It states that documents and receipts must be retained for 5 years (counting from the subsequent 1 January).

Therefore, from 15 April 2021, anybody wanting to buy 100 kg chemical fertiliser in one go cannot refuse to identify themselves. This is an obligation that is directly included in the legislation on the subject (more specifically in the VLAREME). Requesting the data therefore not only has a legal basis, but also involves a legal obligation for the seller. If you receive any questions from your customers, you can always refer them to the website of the FLA.

How can I enter a return shipment in the chemical fertiliser register? (new 28.4.2021)

You enter a return delivery as a delivery of chemical fertiliser with negative values. Negative values are only intended for returns, not to rectify a mistake in a previously entered line.

How can I fill in the chemical fertiliser register at the Manure Bank counter? (new 20.05.2021)

https://www.youtube.com/watch?v=sq0gJ_u24KE

I have received a call to submit a declaration, but I meet the conditions for exemption from the obligation to report. What should I do? (new 06.12.2021)

You can apply for an exemption from the obligation to report from the Manure Bank in your region by means of the form **Application for the discontinuation by a manufacturer, distributor, importer or exporter of chemical fertiliser**. The Manure Bank will inform you if the exemption is accepted. Until then all obligations, thus also the obligation to report, remain in force.



