



Economic Community  
of West African States

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# REGULATION C/REG.13/12/12

## RELATING TO FERTILIZER QUALITY CONTROL IN THE ECOWAS REGION

WITH IMPLEMENTING REGULATIONS FOR:

- **LABELING AND TOLERANCE LIMITS OF FERTILIZERS TRADED IN THE ECOWAS REGION**  
IMPLEMENTING REGULATION ECW/PEC/IR/02/03/16
- **ROLES, ORGANIZATION AND FUNCTIONING OF THE WEST AFRICAN COMMITTEE FOR FERTILIZER CONTROL (WACoFeC)**  
IMPLEMENTING REGULATION ECW/PEC/IR/05/12/16
- **FERTILIZER ANALYSIS IN THE ECOWAS REGION**  
IMPLEMENTING REGULATION ECW/PEC/IR/06/12/16
- **FERTILIZER INSPECTION IN THE ECOWAS REGION**  
IMPLEMENTING REGULATION ECW/PEC/IR/07/12/16







## **REGULATION C/REG.13/12/12 RELATING TO FERTILIZER QUALITY CONTROL IN THE ECOWAS REGION**

### **THE COUNCIL OF MINISTERS**

**MINDFUL** of Articles 10, 11 and 12 of ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

**MINDFUL** of Regulation C/REG.21/11/10 relating to the harmonization of the structural framework and the operational rules for health safety of food, plants and animals in the ECOWAS region;

**MINDFUL** of Decision A/DEC.11/01/05 adopting an Agricultural Policy for the Economic Community of West African States;

**MINDFUL** of Decision C/DEC.1/5/81 relating to the eradication of hunger, popularization of seed varieties and more productive animal species, financing of research programs and agricultural production projects, as well as the storage and processing of agricultural products;

**MINDFUL** of Decision C/DEC.1/05/83 on short and medium-term programs for implementation of the Regional Agricultural Development Strategy;

**CONSIDERING** the strategic role of the agricultural sector in the economy of Member States in terms of meeting the food needs of the population and eradicating poverty in rural areas;

**CONVINCED** of the need to promote in Member States, sustainable agriculture that is more productive and competitive, and capable of ensuring food security and higher living standards for farmers;

**CONSCIOUS** that fertilizers are very important in the achievement of the objectives of the Agricultural Policy of the Economic Community of West African States;

**RECOGNIZING** that regular supply of quality and affordable fertilizers to markets of Member States is a prerequisite for achieving food security and improved living standards for farmers;

**DESIROUS** of harmonizing the rules governing fertilizer production, trade and quality control in the Member States in order to promote the supply of quality fertilizers in Member States' markets;

**EXPRESSING SATISFACTION** at the involvement of UEMOA in the development of the present Regulation;

**ON THE RECOMMENDATION** of the meeting of the ECOWAS Member States' sectoral Ministers in charge of Agriculture, Environment and Water Resources held in Abidjan on September 27, 2012;

**ENACTS:**

## CHAPTER I: GENERAL PROVISIONS

### Article 1: Definitions

For the purpose of the present Regulation:

**Analysis** means the percentage composition of a fertilizer product expressed in terms required and permitted in the ECOWAS region.

**Analysis Manual** or **Fertilizer Analysis Manual** means the compendium of provisions describing the modalities and procedures for carrying out the analysis of fertilizers under the present Regulation.

**Appellate Authority** means the highest administrative enforcement authority in the fertilizer regulatory system in each of the Member States.

**Brand** means any term, design, or trademark used in connection with one or several grades of fertilizer.

**Bulk** refers to any fertilizer delivered to the purchaser either in solid or liquid state in a non-package form to which a label cannot be pasted.

**Commission** means the ECOWAS Commission.

**Competent Authority** means an authority identified and appointed under the present Regulation to exercise powers delegated by some of its provisions.

**Dealer** or **Agro-dealer** or **Distributor** means any person who is authorized to carry on the business of selling fertilizers to the farmers in wholesale or retail, including a manufacturer and an importer.

**ECOWAS** means the Economic Community of West African States.

**Fertilizer** means any substance which is intended to be used as a nutrient(s) source to the crops for increasing agricultural production.

**Fertilizer Inspector** or **Inspector** means any person appointed or designated and notified under the present Regulation to draw official samples of fertilizers, to get their quality tested in a laboratory identified for this purpose, to inspect the fertilizer records being maintained by manufacturers, importers and distributors, and to launch prosecution against the violators of any of the provisions of the present Regulation.

**Grade of Fertilizers** means any combination of nutrients specified in a fertilizer in whole numbers and in the same terms, order, and percentages as in the guaranteed analysis such as NPK 15-15-15 or NP 20-20-0.

**Guaranteed Analysis** means the minimum percentage of all plant nutrients claimed on the label.

**Importer** means any person or a body who is duly authorized to import fertilizers into a Member State in accordance with the legal provisions which are in force in that State.

**Inspection Manual** or **Fertilizer Inspection Manual** means the compendium of provisions describing the modalities and procedures for carrying out the inspection and quality control of fertilizers under the present Regulation.

**Label** means (1) any legend, word, mark, symbol, or design applied or attached to, included in, belonging to, or accompanying any fertilizer, supplement, or container; or (2) any advertisements, brochures, posters; or (3) any television, radio, internet announcements used in promoting the sale of fertilizer.

**Laboratory** means any fertilizer analysis facility identified or established in a Member State and notified under the present Regulation for carrying out fertilizer analysis as per the methods specified in the ECOWAS Fertilizer Analysis Manual.

**License** means the official document authorizing a person to sell fertilizer.

**Licensee** means any person who has obtained a license authorizing him to sell fertilizers, as prescribed in the present Regulation.

**Licensing Authority** means the appropriate authority in a Member State designated for granting a license for selling fertilizer.

**Liquid Fertilizer** means any fluid in which the plant nutrients are in true solution.

**Manufacturer** means any person or a body who is duly authorized in a Member State to produce fertilizers in accordance with the legal provisions which are in force in that State.

**Member State** means any of the countries in West Africa which are members of ECOWAS.

**Micronutrient** means any of the following nutrients that is essential for the normal growth of plants and that may need to be added to the growth medium: boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium and zinc.

**Natural Organic Fertilizer** means a fertilizer derived from non-synthetic organic material including sewage sludge, animal manures, plant residues, household refuse, and agro-industrial waste which is produced through the process of drying, cooking, composting, chopping, grinding, fermenting, or other methods and makes a declaration of nutrient value on the label. Such fertilizer shall not be mixed for sale with synthetic material or changed in any physical or chemical manner.

**Official Sample** means any sample of fertilizer taken by an authorized fertilizer Inspector.

**Person** means any individual, partnership, association, firm, or corporation.

**Primary Nutrient** means any plant foods such as nitrogen (N); available phosphoric acid ( $P_2O_5$ ) or phosphorus (P); and soluble potash ( $K_2O$ ) or potassium (K).

**Secondary Nutrient** means any of the following nutrients that is essential for the normal growth of plants and that may need to be added to the growth medium: calcium, magnesium, and sulfur.

**Tolerance** means the permitted deviation of the measured values of a nutrient content or the bag weight below the values claimed on the label, or the maximum allowable heavy metal limits in a fertilizer.

**UEMOA (WAEMU)** means Union Economique et Monétaire des Etats de l'Afrique de l'Ouest (West African Economic and Monetary Union).

**WACoFeC** means the West African Committee for Fertilizer Control.

## **Article 2: Purpose**

1. The present Regulation harmonizes the rules governing fertilizer quality control in ECOWAS Member States.
2. The purpose of this Regulation is to:
  - a) Safeguard the interests of the farmers against nutrient deficiencies, adulteration, misleading claims, and short weight;
  - b) Safeguard the interests of fertilizer enterprises and contribute to the creation of an enabling environment for private sector investment in the fertilizer industry;
  - c) Protect the West Africa natural environment and its population against the potential dangers associated with inappropriate fertilizer use;
  - d) Facilitate inter and intra-States trade in fertilizers, through implementation of principles and rules mutually agreed at regional level to dismantle trade barriers.

## **Article 3: Scope**

The present Regulation shall apply to all fertilizer-related activities, especially those pertaining to the licensing of agro-dealers, as well as the storage and sale of fertilizers locally manufactured and imported in the Member States.

## CHAPTER II: GUIDING PRINCIPLES

### **Article 4: Principle of Harmonization**

In pursuance of the objective of ensuring effective fertilizer quality control as intended by Article 2 of the present Regulation, ECOWAS shall help bridge the gap between Member States' legislations in the field of fertilizers.

### **Article 5: Principle of Truth-in-labeling**

The principle of truth-in-labeling holds that whatever a manufacturer, an importer or an agro-dealer claims he/she is selling, he/she must guarantee it; it is therefore essential that label claims on fertilizer packaging be truthful. Consequently, some specific requirements shall define what one can claim so that it is not necessary to register fertilizer products.

### **Article 6: Principle of Free Movement of Fertilizers**

In view of contributing to the organization of a regional market as described in the common agricultural policy, there shall be free movement of fertilizers on the ECOWAS Member States territory so far as the fertilizers comply with the quality standards prescribed in the present Regulation.

### **Article 7: Principle of International Standards Recognition**

To ensure the supply of quality fertilizer in the markets, the ECOWAS Commission and Member States shall anchor their fertilizer legal frameworks on international standards.

### **Article 8: Principle of Participation and Information**

1. Member States shall ensure full participation of stakeholders in the fertilizer sector in the process of public decision-making on fertilizer-related issues.
2. Member States shall ensure public access to fertilizer information held by public authorities.
3. Member States shall help train and build the awareness of stakeholders in the fertilizer sector.

## CHAPTER III: ORGAN AND TOOLS FOR FERTILIZER QUALITY CONTROL

### **Article 9: West African Committee for Fertilizer Control**

1. A West African Committee for Fertilizer Control, hereinafter referred to as the WACoFeC, is hereby established. This Committee shall facilitate, on behalf of the ECOWAS Commission, the implementation of the present Regulation by Member States. To this end, it shall operate under the direct institutional authority of the Commission.
2. The WACoFeC shall work closely with national bodies in charge of fertilizer control for development of the fertilizer sector. To this end, each Member State shall set up a national body for fertilizer control.
3. At the request of WACoFeC, each Member State shall provide information for verification of compliance of the national fertilizer quality control systems with the present Regulation. WACoFeC may conduct investigations in Member States to verify the accuracy of information provided.
4. The attributions, organization and functioning of WACoFeC shall be determined by the ECOWAS Commission through an Implementing Regulation.
5. The funds necessary for the functioning of the WACoFeC shall be provided by the ECOWAS Commission.

### **Article 10: Fertilizer Quality Control Manuals**

1. For a more effective quality control in Member States, the ECOWAS Commission shall adopt, through Implementing Regulations, an Inspection Manual and an Analysis Manual.
2. The Inspection Manual shall describe the modalities and procedures for fertilizer inspection in the Member States, including the following:
  - a) The fertilizer sampling methods;
  - b) The fertilizer inspection procedures;
  - c) The required types of Performa to be used in fertilizer business and inspection.
3. The Analysis Manual shall describe the modalities and procedures for fertilizer analysis in the Member States, including the following:
  - a) The methods for collection and preparation of the official fertilizer samples;
  - b) The methods of analysis of the official fertilizer samples;
  - c) The types of laboratory analysis required in fertilizer samples;

- d) The requirements and procedures for setting up of a fertilizer testing laboratory; and
- e) The required types of Performa to be used in fertilizer analysis.

## CHAPTER IV: MANUFACTURING, IMPORTING AND SALE OF FERTILIZERS

### **Article 11: Licensing for Agro-dealers**

1. Any person who intends to carry on the business of fertilizer agro-dealer in any ECOWAS Member States shall hold a license granted by the competent licensing authority in the Member State concerned.
2. The agro-dealer license shall be issued for three years, renewable at the holder's request for similar duration. It may be suspended or withdrawn.
3. The conditions and modalities for obtaining this license, or for its renewal, suspension, and withdrawal shall be specified by each Member State, in accordance with the relevant provisions of the present Regulation.

### **Article 12: Display of License**

Every agro-dealer shall display his/her license at a conspicuous place in the business premises.

### **Article 13: Operating as a Manufacturer or an Importer**

The conditions and modalities for operating as a manufacturer or an importer of fertilizer in each Member State shall be governed by the regulations in force in the Member State concerned.

### **Article 14: Setting-up of Plants**

The setting-up of fertilizer manufacturing and/or packing facilities in each of the Member States shall be governed by the regulations in force in the States.

### **Article 15: Import and Export Regimes**

1. Without prejudice to community regulations on foreign trade, the import and export of fertilizers shall be subject to prior notification to the competent authority in the concerned country.
2. The importer or exporter shall provide all the information required on the forms designed for that purpose by the Member State concerned.

### **Article 16: Warehouse Storage Conditions**

Any warehouse used to store fertilizers intended for sale shall have adequate temperature and moisture levels as well as be tidy and well ventilated, in order to ensure their effective conservation.

### **Article 17: Packaging Size**

Fertilizer shall be generally marketed in sealed and labeled bags of 50 kg weight. However, smaller or larger sealed and labeled bags shall also be permitted.

### **Article 18: Labeling**

1. Specifications of fertilizers sold in the ECOWAS Member States shall be printed on the fertilizer container in clearly legible and conspicuous form.
2. In case of bulk production and shipments, these specifications in written or printed form shall accompany each delivery and be supplied to the purchaser at time of delivery.
3. The ECOWAS Commission shall determine through an Implementing Regulation the minimum information required on the label and the model of label.
4. The ECOWAS Commission shall determine through an Implementing Regulation the minimum percentage of a primary nutrient, secondary nutrient, micronutrient that can be guaranteed and the forms under which these nutrients shall be guaranteed.

### **Article 19: Submission of Bi-annual Report**

1. Any manufacturer, importer or distributor of fertilizers shall submit bi-annual reports to the fertilizer regulatory authority in the Member States about the quantities produced or imported during the semester under consideration.
2. The Performa of the fertilizer bi-annual report shall be provided in the Inspection Manual.

## CHAPTER V: QUALITY CONTROL OF FERTILIZERS

### **Article 20: Purpose of Control**

The quality control of fertilizer shall enable the official authority to ascertain that the fertilizers submitted to it:

- a) Have labels that are truthful;
- b) Meet the packaging and storage conditions; and
- c) Meet any other requirements defined in the present Regulation.

### **Article 21: General Responsibility for Fertilizer Quality Control**

1. Member States shall have the overall responsibility for quality control. To this end, they shall appoint Inspectors and other competent authority, and grant them the necessary powers as well as adequate resources to carry out their mission.
2. The Inspector shall have the power to ascertain any violation of the present Regulation, gather related evidence and to refer the matter to the authority vested with the power to sanction the observed violation in accordance with the procedures in force in Member States. Therefore, the Inspector is vested with the power to:
  - a) Inspect, during regular business hours, any premises where fertilizers are manufactured, stored or sold.
  - b) Inspect any person or any vehicle or any receptacle used to move fertilizers from one location to another.
  - c) Draw official samples of fertilizers for analysis.
  - d) Seize and detain any fertilizer in violation of the present Regulation as well as any equipment, package, document, means of transportation associated with such fertilizer.

These inspections, official sample withdrawal and analysis, and seizures are carried out in accordance with the modalities and procedures described in the Fertilizer Quality Control manuals referred to in Article 10 of the present Regulation.

3. The manufacturer, importer and distributor or his/her representative shall be present at the time of inspection.

### **Article 22: Area of Control**

Fertilizer quality control shall apply to all stages and venues of manufacturing, unloading, storage, sale or use.

### **Article 23: Inspection and Analysis**

1. Fertilizer inspection and analysis shall be carried out in accordance with the procedures prescribed in the manuals referred to in Article 10 of the present Regulation.
2. The ECOWAS Commission shall determine through an Implementing Regulation the maximum tolerance limits for bag weights and nutrient content in fertilizer products.
3. The ECOWAS Commission shall determine through an Implementing Regulation the maximum allowable heavy metal limits in fertilizer products.

### **Article 24: Sample Collection**

A Fertilizer Inspector shall collect official samples of fertilizer and submit them for analysis to designated laboratories in accordance with the procedures described in the fertilizer manuals referred to in Article 10 of the present Regulation.

## **CHAPTER VI: FEES**

### **Article 25: Type of Fees**

1. The competent authority in each Member State shall prescribe a fee for:
  - a) Licensing for sale of fertilizers;
  - b) Renewal of license for sale of fertilizers;
  - c) Inspection of fertilizers;
  - d) Analysis of fertilizer samples.
2. The inspection fee shall be levied only at the point of entry and at the local manufacturing level for fertilizer offered for sale in a Member State.
3. The fee amounts, their payment modalities and the allocation of proceeds shall be determined by each Member State.

## CHAPTER VII: VIOLATIONS AND PENALTIES

### **Article 26: Violations**

Any act of a fertilizer manufacturer, importer or distributor, or their representative that contributes to infringing any provision of the present Regulation shall constitute a violation. This includes among others:

- a) Nutrient deficiency beyond maximum tolerance limits;
- b) Short weight of fertilizer bags beyond maximum tolerance limit;
- c) Adulteration of any kind;
- d) Misbranding of any kind;
- e) Selling fertilizers without a license;
- f) Late submission of a license renewal 15 days after the expiry of due date;
- g) Non-payment of inspection fee beyond due date;
- h) Non-submission of bi-annual report beyond due date;
- i) Non-compliance of any specific direction or instructions of Regulatory authority in relation to any provisions of the present Regulation;
- j) Obstruction to official discharge of control activity.

### **Article 27: Adulteration**

A fertilizer shall be deemed to be adulterated:

- a) If it contains any deleterious or harmful ingredient in sufficient amount to render it injurious to plant life, when applied in accordance with directions for use on the label, or if adequate warning statements or directions for use, which may be necessary to protect plant life, are not shown on the label;
- b) If it contains any heavy metal in excess of the maximum allowable limits; or
- c) If it contains unwanted crop seed or weed seed or some spurious material.

### **Article 28: Misbranding**

A fertilizer shall be deemed to be misbranded:

- a) If its label is false or misleading in any manner;
- b) If it is distributed under the name of another fertilizer product;
- c) If it is not labeled as required in the present Regulation.

### **Article 29: Penalties for Violation**

Member States shall take all appropriate measures to levy penalties for any violation of the provisions of the present Regulation.

### **Article 30: Appeal**

In each Member State, the manufacturers, importers and distributors shall have a right to appeal before the Appellate Authority against any decision taken by licensing authority regarding issue of license, renewal of the same, issue of duplicate license and against analysis report of a laboratory or any other grievances, under provisions of the present Regulation.

## **CHAPTER VIII: MISCELLANEOUS PROVISIONS**

### **Article 31: Confidentiality**

1. The regulatory authority in each Member State shall treat any information supplied by an applicant for a license, biannual reports or any other information considered exclusive to that applicant as proprietary and confidential except when ordered to release such information from an application, by a court order, the Head of the State or the national parliament.
2. The regulatory authority shall release such information only after notifying the licensee.

### **Article 32: Cooperation**

In furtherance of its activities, the WACoFeC shall cooperate with other sub-regional institutions operating in the fertilizer sector. Specific Conventions shall define the modalities of such cooperation.

### **Article 33: Relation with other Community Acts**

Fertilizer quality control activities in the Member States shall be exercised in accordance with the applicable ECOWAS legal Acts.

## CHAPTER IX: FINAL PROVISIONS

### **Article 34: Entry into Force**

The present Regulation shall come into force upon signature and shall be published in the Official Journal of the Community within thirty (30) days following signature. It shall also be published in Member States' Official Gazette within the same timeframe.

### **Article 35: Interim Provision**

The competent authority in each Member State shall give the manufacturers, importers and distributors up to six (6) months from the entry into force of the present Regulation to adjust to its requirements.

DONE AT ABIDJAN, THIS 2<sup>ND</sup> DAY OF DECEMBER 2012



H.E. CHARLES KOFFI DIBY

CHAIRMAN

FOR COUNCIL



## **IMPLEMENTING REGULATION ECW/PEC/IR/02/03/16 RELATING TO THE LABELING AND TOLERANCE LIMITS OF FERTILIZERS TRADED IN THE ECOWAS REGION**

The Commission of the Economic Community of West African States (ECOWAS),

**MINDFUL** of ECOWAS Revised Treaty of the Economic Community of West African States;

**MINDFUL** of Article 9 of Protocol AP.1/06/06 on amendments to the ECOWAS Treaty;

**MINDFUL** of Regulation C/REG.13/12/12 relating to fertilizer quality control in the ECOWAS region;

**MINDFUL** of Decision A/DEC.11/01/05 adopting an Agricultural Policy for the ECOWAS;

**MINDFUL** of Decision C/DEC.1/05/83 on short and medium-term programs for implementation of the Regional Agricultural Development Strategy;

**CONSIDERING** the need to facilitate the creation of an enabling legal environment for the development of a regional agricultural inputs market;

**CONSIDERING** that Article 18 of Regulation C/REG.13/12/12 prescribes, under paragraphs 3 and 4, the adoption by the ECOWAS Commission of an Implementing Regulation determining the minimum information required on fertilizer labels and the minimum percentage of a nutrient that can be guaranteed as well as the form under which it can be guaranteed, for fertilizers traded in the ECOWAS region;

**CONSIDERING** that Article 23 of Regulation C/REG.13/12/12 prescribes, under paragraphs 2 and 3, the adoption by the ECOWAS Commission of an Implementing Regulation determining the maximum tolerance limits for bag weights and nutrient content in fertilizer products as well as the maximum allowable heavy metal limits in fertilizer products traded in the ECOWAS region.

## **ADOPTS:**

### **CHAPTER I: GENERAL PROVISIONS**

#### **Article 1: Definitions**

For the purpose of the present Implementing Regulation:

**“Analysis”** means the percentage composition of a fertilizer product expressed in terms required and permitted in the ECOWAS region.

**“Biosolid”** means any fertilizer resulting from the treatment of domestic sewage.

**“Commission”** means the ECOWAS Commission.

**“Complex Fertilizer”** means any fertilizer having at least two primary plant nutrients such as DAP and NPK obtained by chemical reaction.

**“Fertilizer Blend”** means any fertilizer derived from dry mixing of granule or pills or chips, without chemical reaction, to produce a multi-nutrient fertilizer of a required nutrient analysis.

**“Fertilizer”** means any substance which is intended to be used as a nutrient(s) source to the crops for increasing agricultural production.

**“Grade of Fertilizers”** means any combination of nutrients specified in a fertilizer in whole numbers and in the same terms, order, and percentages as in the guaranteed analysis such as NPK 15-15-15 or NP 20-20-0.

**“Label”** means (1) any legend, word, mark, symbol, or design applied or attached to, included in, belonging to, or accompanying any fertilizer, supplement, or container; or (2) any advertisements, brochures, posters, television, radio, or internet announcements used in promoting the sale of fertilizer.

**“Laboratory”** means any fertilizer analysis facility identified or established in a Member State and notified under this Regulation for carrying out fertilizer analysis as per the methods specified in the Fertilizer Analysis Manual of the ECOWAS.

**“License”** means the official document authorizing a person to sell fertilizer.

**“Manufacturer”** means any person or a body who is duly authorized in a Member State to produce fertilizers in accordance with the legal provisions which are in force in that State.

**“Member State”** means any of the Countries in West Africa which are members of ECOWAS.

**“Micronutrient”** means any of the following nutrients that is essential for the normal growth of plants and that may need to be added to the growth medium: boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium and zinc.

**“Nutrient Content”** means the percentage of a plant food in fertilizer that is recognized as essential for plant growth and as determined by laboratory analysis.

**“Primary Nutrient”** means any plant foods such as nitrogen (N); available phosphoric acid ( $P_2O_5$ ) or phosphorus (P); and soluble potash ( $K_2O$ ) or potassium (K).

**“Secondary Nutrient”** means any of the following nutrients that is essential for the normal growth of plants and that may need to be added to the growth medium: calcium, magnesium, and sulphur.

**“Single Nutrient Fertilizer”** means any fertilizer having one primary plant nutrient such as Urea, Ammonium Sulphate, Superphosphate, Muriate of Potash and Sulphate of Potash.

**“Tolerance”** means the permitted deviation of the measured values of a nutrient content or the bag weight below the values claimed on the label, or the maximum allowable heavy metal limits in a fertilizer.

**“Trade”** means to sell, possess in order to sell, offer for sale or any other disposal, supply or transfer of fertilizer for commercial purpose, be it for a fee or not.

**“UEMOA” (WAEMU)** means *Union Economique et Monétaire des Etats de l’Afrique de l’Ouest* (West African Economic and Monetary Union).

**“WACoFeC”** means the West African Committee for Fertilizer Control.

## **Article 2: Purpose**

In application of Articles 18 and 23 of Regulation C/REG.13/12/12 on the harmonization of rules governing fertilizer quality control in the ECOWAS region, the present Implementing Regulation sets:

- a) the minimum information required on fertilizer labels and the minimum percentage of a nutrient that can be guaranteed as well as the form under which it can be guaranteed, and
- b) the maximum tolerance limits for bag weights and nutrient content in fertilizer products as well as the maximum allowable heavy metal limits in fertilizer products.

## CHAPTER II: LABELING REQUIREMENTS

### Article 3: Label Content

1. The following information in the format presented is the minimum required for all fertilizer labels:
  - a) Grade, only when primary nutrients are claimed.
  - b) Guaranteed analysis:
    1. Total Nitrogen (N) \_\_\_\_\_%,  
 of which  
    \_\_\_% Ammoniacal Nitrogen  
    \_\_\_% Nitrate Nitrogen  
    \_\_\_% Water-insoluble Nitrogen  
    \_\_\_% Urea Nitrogen  
    \_\_\_% Other recognized and determinable forms of N
    2. Available Phosphate ( $P_2O_5$ ) \_\_\_\_\_%
    3. Soluble Potash ( $K_2O$ ) \_\_\_\_\_%
    4. Other nutrients, elemental basis \_\_\_\_\_%
  - c) Net weight.
  - d) Sources of nutrients, when shown on the label, shall be listed below the guaranteed analysis statement.
  - e) Name and address of manufacturer or re-packing agent.
2. This mandatory information shall be in a readable and conspicuous form.

### Article 4: Label Position

1. For packaged products, the label shall either:
  - a) Appear on the front or back of the package and occupy at least one-third of a side of the package; or

- b) Be printed on a tag with minimum dimensions of eight (8) centimeters by twelve (12) centimeters and attached to the package.
2. For bulk products, this same label in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery, and be accessible for inspection purposes.

### **Article 5: Languages**

The labels and/or instructions leaflets as stipulated in Article 3 of this Implementing Regulation as well as any accompanying documents shall be written in the official language(s) of the Member State(s) where the fertilizer product is marketed.

### **Article 6: Minimum Percentages of Nutrients Claimable**

1. For Nitrogen (N), Phosphorus (P<sub>2</sub>O<sub>5</sub>) or Potassium (K<sub>2</sub>O), the minimum percentage of nutrients that may be guaranteed shall be 1.0.
2. The minimum percentages of nutrients, other than nitrogen, phosphorus and potassium that may be guaranteed shall be as follows:

Order of Declaration	Nutrient	Minimum Percent Claimable
1	Calcium (Ca)	1.0000
2	Sulfur (S)	1.0000
3	Magnesium (Mg)	0.5000
4	Boron (B)	0.0200
5	Chlorine (Cl)	0.1000
6	Cobalt (Co)	0.0005
7	Copper (Cu)	0.0500
8	Iron (Fe)	0.1000
9	Manganese (Mn)	0.0500
10	Molybdenum (Mo)	0.0005
11	Sodium (Na)	0.1000
12	Zinc (Zn)	0.0500

3. Any of the secondary nutrients and micronutrients listed in paragraph 2 of the present Article that are guaranteed shall appear in the order listed and shall immediately follow guarantees for the primary nutrients of nitrogen, phosphorus and potassium if present.

## CHAPTER III: TOLERANCE LIMITS

### Article 7: Maximum Allowable Heavy Metal Limits

1. The maximum allowable heavy metal limits in fertilizer products shall be determined based on the following table:

Heavy Metal	Multiplier		Tolerance
	ppm per 1% $P_2O_5$	ppm per 1% micronutrients	milligrams per kilogram of biosolids or compost products—dry weight basis
Arsenic (As)	13	112	75
Cadmium (Cd)	10	83	85
Cobalt (Co)	136	2,228 <sup>(a)</sup>	-
Copper (Cu)	-	-	4,300
Lead (Pb)	61	463	840
Mercury (Hg)	1	6	57
Molybdenum (Mo)	42	300 <sup>(a)</sup>	75
Nickel (Ni)	250	1,900	420
Selenium (Se)	26	180	100
Zinc (Zn)	420	2,900 <sup>(a)</sup>	7,500

(a) Should be used only when the percentage of that particular micronutrient is not specified or guaranteed in the fertilizer label.

2. For a fertilizer product with  $P_2O_5$  guarantee and no micronutrient guarantee:

For each heavy metal, its maximum allowable concentration (ppm) in that product shall be determined by multiplying the percent guaranteed  $P_2O_5$  of the product by the appropriate factor of that heavy metal in column 2 in the table presented in paragraph 1 of the present Article.

However, if the percent guaranteed  $P_2O_5$  of the product is less than 6.0, then the multiplier to be utilized shall be 6.0.

3. For a fertilizer product with micronutrients guarantee and no  $P_2O_5$  guarantee:

For each heavy metal, its maximum allowable concentration (ppm) in that product shall be determined by multiplying the sum of the guaranteed percentages of all micronutrients in the product by the appropriate factor of that heavy metal in column 3 in the table presented in paragraph 1 of this Article.

However, if the sum of the guaranteed percentages of all micronutrients in the product is less than 1.0, then the multiplier to be utilized shall be 1.0.

4. For a fertilizer product with both micronutrients and P<sub>2</sub>O<sub>5</sub> guarantee:

For each heavy metal, carry out separately the computation outlined in paragraphs 2. and 3. of this Article and the maximum allowable concentration (ppm) of the heavy metal under consideration shall be the higher of the two resulting values.

5. For a biosolid or compost product, its maximum allowable concentration of each heavy metal shall be the appropriate value of that heavy metal in column 4 of the table presented in paragraph 1 of the present Article.

### **Article 8: Maximum Allowable Variation of Primary Nutrient Content**

The maximum acceptable deviation of the measured values of a primary nutrient content below the values claimed on the label shall be the value in the following table:

Type of Fertilizer	Tolerance
a) Single nutrient fertilizers:	
- With up to 20% nutrient content	maximum 0.3 unit.
- With more than 20% nutrient content	maximum 0.5 unit.
b) Complex fertilizers and NPK blends	maximum 1.1 units for individual nutrients and maximum 2.5% for all nutrients combined.

The total deviation for all nutrients combined is calculated from the addition of deviations for nutrients with contents lower than the label specification; compensation from nutrients with content higher than specified to balance deficiency of another nutrient is not allowed.

**Article 9: Maximum Allowable Variation of Secondary and Micro Nutrient Content**

The maximum allowable heavy metal limits in fertilizer products shall be determined based on the following table:

		Tolerance
Secondary Nutrient	Calcium (Ca)	0.2 unit + 5% of guarantee
	Sulfur (S)	0.2 unit + 5% of guarantee
	Magnesium (Mg)	0.2 unit + 5% of guarantee
Micro Nutrient	Boron (B)	0.003 unit + 15% of guarantee
	Cobalt (Co)	0.0001 unit + 30% of guarantee
	Molybdenum (Mo)	0.0001 unit + 30% of guarantee
	Chlorine (Cl)	0.005 unit + 10% of guarantee
	Copper (Cu)	0.005 unit + 10% of guarantee
	Iron (Fe)	0.005 unit + 10% of guarantee
	Manganese (Mn)	0.005 unit + 10% of guarantee
	Sodium (Na)	0.005 unit + 10% of guarantee
	Zinc (Zn)	0.005 unit + 10% of guarantee

The maximum allowable variation when calculated in accordance with the above shall be 1 unit (1%).

**Article 10: Maximum Allowable Variation of Fertilizer Weight**

The maximum acceptable deviation of the measured bag weight below the value claimed on the label shall be 500 g per 50 kg bag (1%).

## CHAPTER IV: FINAL PROVISIONS

### **Article 11: Entry into force and Publication**

The present Implementing Regulation shall come into force upon signature and shall be published in the Official Journal of the Community within thirty (30) days following signature. It shall also be published in Member States' Official Gazette within the same timeframe.

Done in Abuja, the 31<sup>st</sup> day of March 2016

FOR ECOWAS



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**Kadré Désiré OUEDRAOGO**  
**PRESIDENT OF THE COMMISSION**

## COMISSÃO DA CEDEAO

### ECOWAS COMMISSION

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### COMMISSION DE LA CEDEAO

## IMPLEMENTING REGULATION ECW/PEC/IR/05/12/16 RELATING TO THE ROLES, ORGANIZATION AND FUNCTIONING OF THE WEST AFRICAN COMMITTEE FOR FERTILIZER CONTROL

The Commission of the Economic Community of West African States (ECOWAS),

**MINDFUL** of ECOWAS Revised Treaty of the Economic Community of West African States;

**MINDFUL** of Article 9 of Protocol AP.1/06/06 on amendments to the ECOWAS Treaty;

**MINDFUL** of Regulation C/REG.13/12/12 relating to fertilizer quality control in the ECOWAS region;

**MINDFUL** of Regulation C/REG.21/11/10 relating to the harmonization of the structural framework and the operational rules for health safety of food, plants and animals in the ECOWAS region;

**MINDFUL** of Decision A/DEC.11/01/05 adopting an Agricultural Policy for the Economic Community of West African States;

**MINDFUL** of Decision C/DEC.1/05/83 on short and medium-term programs for implementation of the Regional Agricultural Development Strategy;

**CONSIDERING** the need to facilitate the creation of an enabling legal environment to the development of a regional agricultural inputs market;

**CONSIDERING** that Article 9 of the aforementioned Regulation C/REG.13/12/12 establishing the West African Committee for Fertilizer Control (WACoFeC) prescribes, under paragraph 4, the adoption by the ECOWAS Commission of an Implementing Regulation defining the roles, organization and functioning of the said Committee.

## ADOPTS:

### Article 1: Definitions

For the purpose of the present Implementing Regulation:

**“Analysis”** means the percentage composition of a fertilizer product expressed in terms required and permitted in the ECOWAS region.

**“Commission”** means the ECOWAS Commission.

**“Fertilizer”** means any substance which is intended to be used as a nutrient(s) source to the crops for increasing agricultural production.

**“Label”** means (1) any legend, word, mark, symbol, or design applied or attached to, included in, belonging to, or accompanying any fertilizer, supplement, or container; or (2) any advertisements, brochures, posters, television, radio, or internet announcements used in promoting the sale of fertilizer.

**“Laboratory”** means any fertilizer analysis facility identified or established in a Member State and notified under the present Regulation for carrying out fertilizer analysis as per the methods specified in the Fertilizer Analysis Manual of ECOWAS.

**“License”** means the official document authorizing a person to sell fertilizer.

**“Member State”** means any of the countries in West Africa which is a member of ECOWAS.

**“Nutrient Content”** means the percentage of a plant food in fertilizer that is recognized as essential for plant growth and as determined by laboratory analysis.

**“Tolerance”** means the permitted deviation of the measured values of a nutrient content or the bag weight below the values claimed on the label, or the maximum allowable heavy metal limits in a fertilizer.

**“UEMOA”** means Union Economique et Monétaire des Etats de l’Afrique de l’Ouest

**“WACoFeC”** means the West African Committee for Fertilizer Control.

## **Article 2: Purpose**

The purpose of the present Implementing Regulation is to define the roles, organization and functioning of the West African Committee for Fertilizer Control (WACoFeC), in the application of Article 9 paragraph 4 of the aforementioned Regulation C/REG.13/12/12.

## **Article 3: Mandate**

In accordance with Article 9 paragraph 1 of the aforementioned Regulation C/REG.13/12/12, the mandate of the West African Committee for Fertilizer Control is to assist the Commission in implementing the said Fertilizer Regulation in order to contribute to the development of the fertilizer sector in the Member States.

## **Article 4: Roles**

Within the framework of this mandate, the roles of the West African Committee for Fertilizer Control are to:

- a) monitor the observance and application of common rules and standards for fertilizer quality control;
- b) issue opinions and advice and to make proposals on all matters relating to fertilizer quality control in the Member States, particularly: the licensing requirements, information required on the label, guaranteed analysis, maximum heavy metal concentrations, tolerance limits for bag weight and plant nutrient content, modalities and procedures for analysis and inspection;
- c) assess the performance of fertilizer testing laboratories designated by Member States and by the ECOWAS Commission, in compliance with the Regulation C/REG.13/12/12 as well as international norms and standards;
- d) contribute to the capacity building of the official fertilizer quality control services in the Member States;
- e) encourage collaboration and exchange of information among the official fertilizer quality control services of the Member States.

## **Article 5: Composition of the West African Committee for Fertilizer Control**

1. The West African Committee for Fertilizer Control shall be made up of:
  - a) Representatives of National Committees for Fertilizer Control of ECOWAS Member States, at one per State;
  - b) Representatives of fertilizer testing laboratories designated in the ECOWAS Member States, at one per State;
  - c) Two (02) representatives of the ECOWAS Commission, one from the Directorate of Agriculture and one from the Directorate of Environment;
  - d) The Chairperson of the Regional Committee for Plant, Animal and Food Safety;

- e) A representative of the UEMOA Commission shall participate in the meetings of the West African Committee for Fertilizer Control as a member.
2. In addition, the following shall participate in the Committee's meetings depending on issues for discussion:
  - a) Representatives of regional farmers' organizations;
  - b) Representatives of the fertilizer private sector appointed in consultation with national committees for fertilizer control;
  - c) Representatives of international organizations working in the fertilizer sector.
3. The West African Committee for Fertilizer Control may, as the need arises, call upon any person or body with recognized technical fertilizer-related expertise.

#### **Article 6: Functioning of the West African Committee on Fertilizer Control**

1. The West African Committee for Fertilizer Control shall be chaired by the representative of the National Committee of the Member State chairing the Council of Ministers of the Community.
2. The WACoFeC shall convene at least once a year upon the invitation of the ECOWAS Commission that sets the agenda for the meeting.
3. The WACoFeC may also hold extraordinary sessions upon the initiative of the ECOWAS Commission, of its Chairman or at the request of the majority of two thirds (2/3) of its members.
4. The WACoFeC shall decide by a majority of votes. In the event of a split vote, the vote of the Chairman shall be decisive. The quorum required for a valid deliberation shall be two thirds (2/3) of its members.
5. If needed, the WACoFeC may put in place sub-committees or ad hoc committees.
6. The ECOWAS Commission shall ensure the Secretariat of the Committee.
7. The WACoFeC shall decide on its rules and regulations during its first meeting.

#### **Article 7: Funding of the West African Committee for Fertilizer Control**

The WACoFeC's operational budget shall be provided for by the ECOWAS Commission in conformity with paragraph 5 of Article 9 of Regulation C/REG.13/12/12 relating to fertilizer quality control in the ECOWAS region.

**Article 8: Entry into force and Publication**

The present Implementing Regulation R.Ex/ECW/PEC/IR/05/12/16 shall come into force upon signature and shall be published in the Official Journal of the Community within thirty (30) days following signature. It shall also be published in Member States' Official Gazette within the same timeframe.

**Done in Abuja the 15<sup>th</sup> Day of December 2016**

**FOR ECOWAS**



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**Marcel Alain de SOUZA  
PRESIDENT OF THE COMMISSION**



## **IMPLEMENTING REGULATION ECW/PEC/IR/06/12/16 RELATING TO FERTILIZER ANALYSIS MANUAL IN THE ECOWAS REGION**

The Commission of the Economic Community of West African States (ECOWAS),

**MINDFUL** of ECOWAS Revised Treaty of the Economic Community of West African States;

**MINDFUL** of Article 9 of Protocol AP.1/06/06 on amendments to the ECOWAS Treaty;

**MINDFUL** of Regulation C/REG.13/12/12 relating to fertilizer quality control in the ECOWAS region;

**MINDFUL** of Regulation C/REG.21/11/10 relating to the harmonization of the structural framework and the operational rules for health safety of food, plants and animals in the ECOWAS region;

**MINDFUL** of Decision A/DEC.11/01/05 adopting an Agricultural Policy for the Commission of the Economic Community of West African States;

**MINDFUL** of Decision C/DEC.1/05/83 on short and medium-term programs for implementation of the Regional Agricultural Development Strategy;

**CONSIDERING** the need to facilitate the creation of an enabling legal environment to the development of a regional agricultural inputs market;

**CONSIDERING** that Article 10 of the aforementioned Regulation C/REG.13/12/12 prescribes, under paragraph 1, the adoption by the ECOWAS Commission through Implementing Regulation of a Manual describing the modalities and procedures for fertilizer analysis in the Member States;

## ADOPTS:

### Article 1: Purpose

The present Implementing Regulation adopts the Fertilizer Analysis Manual in the Member States, in the application of Article 10 paragraph 1 of Regulation C/REG.13/12/12 relating to fertilizer quality control in the ECOWAS region.

### Article 2: Fertilizer Analysis Manual

1. As provided for under Article 10 paragraph 3 of Regulation C/REG.13/12/12 relating to fertilizer quality control in the ECOWAS region, the Analysis Manual describes the modalities and procedures for fertilizer analysis in the Member States, including the following:
  - a) The methods for collection and preparation of the official fertilizer samples;
  - b) The methods of analysis of the official fertilizer samples;
  - c) The types of laboratory analysis required in fertilizer samples;
  - d) The requirements and procedures for setting up of a fertilizer testing laboratory;
  - e) The required types of Performa to be used in fertilizer analysis.
2. The Fertilizer Analysis Manual is annexed as an integral part of this Implementing Regulation.

### Article 3: Entry into force and Publication

The present Implementing Regulation R.Ex/ECW/PEC/IR/06/12/16 shall come into force upon signature and shall be published in the Official Journal of the Community within thirty (30) days following signature. It shall also be published in Member States' Official Gazette within the same timeframe.

Done in Abuja the 15<sup>th</sup> Day of December 2016

FOR ECOWAS



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**Marcel Alain de SOUZA**  
**PRESIDENT OF THE COMMISSION**



## **IMPLEMENTING REGULATION ECW/PEC/IR/07/12/16 RELATING TO FERTILIZER INSPECTION MANUAL IN THE ECOWAS REGION**

The Commission of the Economic Community of West African States (ECOWAS),

**MINDFUL** of ECOWAS Revised Treaty of the Economic Community of West African States;

**MINDFUL** of Article 9 of Protocol AP.1/06/06 on amendments to the ECOWAS Treaty;

**MINDFUL** of Regulation C/REG.13/12/12 relating to fertilizer quality control in the ECOWAS region;

**MINDFUL** of Regulation C/REG.21/11/10 relating to the harmonization of the structural framework and the operational rules for health safety of food, plants and animals in the ECOWAS region;

**MINDFUL** of Decision A/DEC.11/01/05 adopting an Agricultural Policy for the Commission of the Economic Community of West African States;

**MINDFUL** of Decision C/DEC.1/05/83 on short and medium-term programs for implementation of the Regional Agricultural Development Strategy;

**CONSIDERING** the need to facilitate the creation of an enabling legal environment to the development of a regional agricultural inputs market;

**CONSIDERING** that Article 10 of the aforementioned Regulation C/REG.13/12/12 prescribes, under paragraph 1, the adoption by the ECOWAS Commission through Implementing Regulation of a Manual describing the modalities and procedures for fertilizer inspection in the Member States;

## ADOPTS:

### **Article 1: Purpose**

The present Implementing Regulation adopts the Fertilizer Inspection Manual in the Member States, in the application of Article 10 paragraph 1 of Regulation C/REG.13/12/12 relating to fertilizer quality control in the ECOWAS region.

### **Article 2: Fertilizer Inspection Manual**

1. As provided for under Article 10 paragraph 2 of Regulation C/REG.13/12/12 relating to fertilizer quality control in the ECOWAS region, the Inspection Manual describes the modalities and procedures for fertilizer inspection in the Member States, including the following:
  - a) The fertilizer sampling methods;
  - b) The fertilizer inspection procedures;
  - c) The required types of Performa to be used in fertilizer business and inspection.
2. The Fertilizer Inspection Manual is annexed as an integral part of this Implementing Regulation.

### **Article 3: Entry into force and Publication**

The present Implementing Regulation R.Ex/ECW/PEC/IR/07/12/16 shall come into force upon signature and shall be published in the Official Journal of the Community within thirty (30) days following signature. It shall also be published in Member States' Official Gazette within the same timeframe.

Done in Abuja the 15<sup>th</sup> Day of December 2016

FOR ECOWAS



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**Marcel Alain de SOUZA**  
**PRESIDENT OF THE COMMISSION**





West African Economic and  
Monetary Union



Permanent Interstate Committee  
for Drought Control in the Sahel



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