Fertilizers (recast Directives 76/116/EEC, 80/876/EEC, 87/94/EEC, 77/535/EEC)

2001/0212(COD) - 13/10/2003 - Final act

PURPOSE : to recast the legislation on fertilisers. LEGISLATIVE ACT : Regulation 2003/2003/EC of the European Parliament and of the Council relating to fertilisers. CONTENT : this Regulation applies to products which are placed on the market as fertilisers and designated 'EC fertiliser.' It recasts the following directives: Council Directive 76/116/EEC, Council Directive 80/876/EEC, Commission Directive 87/94/EEC, and Commission Directive 77/535/EEC. These Directives have been substantially amended several times. The principal provisions are as follows: - technical characteristics for fertilisers are governed by mandatory provisions in Member States. These provisions, concerning the composition and definition types of fertilisers, the designations of these types, their identification and their packaging, differ from one Member State to another. This Regulation harmonises these provisions; - the Regulation determines the designation, definition and composition of certain fertilisers (EC fertilisers); - it lays down Community rules on the identification, traceability and labelling of EC fertilisers and on the closure of the packages; - there is a procedure to be followed in cases where a Member State deems it necessary to restrict the placing on the market of EC fertilisers; - the production of fertilisers is subject to varying degrees of fluctuation due to manufacturing techniques or basic materials. Sampling and analytical procedures may also contain variations. This regulation authorises tolerances on the declared nutrient contents. In the interest of the agricultural user, these tolerances are kept within narrow limits; - official controls on the compliance of EC fertilisers with requirements of the Regulation concerning quality and composition will be carried out by laboratories that are approved by the Member States and notified to the Commission; - since ammonium nitrate is the essential ingredient of a variety of products, some of which are intended for use as fertilisers and others as explosives, the Regulation lays down additional Community rules for EC fertilisers of this type for health and safety reasons; - certain products could be hazardous and could in certain instances be used for purposes other than those for which they were intended. This could well endanger the security of persons and property. Manufacturers must take appropriate steps to avoid such use, and in particular to ensure the traceability of such fertilisers; - ammonium nitrate EC fertilisers of high nitrogen content must conform to certain characteristics to ensure that they are harmless. Manufacturers must ensure that all high nitrogen content ammonium nitrate fertilisers have passed a test of resistance to detonation before those fertilisers are placed on the market; - fertilisers may be contaminated by substances that may pose a risk to human and animal health and the environment. The Commission intends to address the issue of unintentional cadmium content in mineral fertilisers and will, where appropriate, draw up a proposal for a Regulation. Where appropriate, a similar review will be undertaken for other contaminants. - a procedure is established, to be observed by any manufacturer that wishes to include a new type of fertiliser in Annex I in order to use the marking "EC fertiliser". ENTRY INTO FORCE : 11/12/2003. Article 8 (Traceability) and Article 26(3) will enter into force on 11/06/2005.