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

2001/0212(COD) - 14/04/2003 - Council position

The Council's Common Position is consistent with the aims of the Commission's proposal. However, the Council has agreed on a number of changes to the Commission's proposal, most of these being of a more technical nature, including linguistic changes. The main changes include: - a more precise and comprehensive definition of the term "manufacturer"; - specific provisions on traceability of fertilisers; - strengthened provisions on fertiliser markings whereby designation of the type and specific directions for use of certain fertilisers have been added to the list of compulsory markings; - a specification of the manufacturer's duty to ensure that fertilisers with a high ammonium nitrate content pass the test of resistance to detonation before marketing of the product; - an explicit provision on the Member States' right to charge fees from manufacturers for control measures; - the deletion of the proposed Article 33 on cadmium content in fertilisers, including the provision on derogations for Austria, Finland and Sweden. The three Member States have now received a derogation from the currently existing provisions through the procedure set out in Article 95 (4) of the Treaty. By way of an interpretative provision it is ensured that the Member States concerned can maintain their derogation also after the repeal of the existing legislation on the date of entry into force of this Regulation; - the deletion of the review clause on a future single system of declarations; - a change of the provisions on entry into force whereby most of the Articles will enter into force earlier than provided for in the Commission proposal with the exception of some provisions, e.g. on penalties, due to practical considerations. As concerns the Annexes to the proposed Regulation, the Council has generally agreed to leave the Annexes unchanged (apart from purely linguistic changes or correction of errors), the exceptions being a change stemming from an amendment proposed by the European Parliament and a consequential change. An adaptation of the Annexes will be decided upon in the Committee Procedure provided for in the proposal.