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

2001/0212(COD) - 14/09/2001 - Legislative proposal

PURPOSE : to consolidate the Council and Commission directives on the approximation of the laws of the Member States relating to fertilizers. CONTENT : in the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him. This aim cannot be achieved as long as numerous provisions that have been amended several times remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules. For this reason, a consolidation of rules that have frequently been amended is essential if Community law is to be clear and transparent. The attached proposal of the Commission is a recast of Council and Commission Directives on the approximation of the laws of the Member States relating to fertilizers. It integrates within a single text the following Directives: · Council Directive 76/116/EEC on the approximation of the laws of the Member States relating to fertilizers; · Council Directive 80/876/EEC on the approximation of the laws of the Member States relating to straight ammonium nitrate fertilizers on high nitrogen content; · Commission Directive 87/94/EEC on the approximation of the laws of the Member States relating to procedures for the control of characteristics of, limits for and resistance to detonation of straight ammonium nitrate fertilizers of high nitrogen content; · Commission Directive 77/535/EEC on the approximation of the laws of the Member States relating to methods of sampling and analysis for fertilizers, and the various amendments and adaptations to technical progress to these directives. Recommendations on what to include into the simplification of the fertilizer legislation were given by the Commission's SLIM II working group in its final report dated 27 October 1997. This, as well as all other points of relevance have been discussed in detail by the Commission's fertilizer working group (here: the working group), where experts from Member States and Industry gave their advice in altogether 13 days of meetings between March 1998 and December 2000. This recast has been structured in such a way as to exclude as far as possible all technical specifications from the legal text and instead include them into the annexes. The technical annexes have been compiled from the original Directives and rearranged. The working group has reviewed the annexes and has introduced some changes, however of a rather minor nature. The legal instrument chosen is that of a regulation. This is justified by the many adaptations to technical progress that this legislation has been and will besubjected to. In addition, a regulation imposes directly on manufacturers precise requirements to be implemented at the same time and in the same manner throughout the Community. Thus, it facilitates the tasks of the Member States and the economic operators and promotes a uniform application in the internal market. It should be noted that this current recast does not address the cadmium issue with which Austria and Finland have a problem with, it is limited to the more technical process of recasting the present law. It should therefore be possible to adopt it rapidly.