Basic information

1998/0026(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Fertilizers containing cadmium: marketing in Austria, Finland and Sweden (amend. Direct. 76/116/EC) **Subject** 3.40.01 Chemical industry, fertilizers, plastics **Geographical area** Austria Finland Sweden	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	HAUTALA Heidi (V)	25/02/1998

Former committee responsible	Former rapporteur	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	HAUTALA Heidi (V)	25/02/1998

Former committee for opinion	Former rapporteur for opinion	Appointed
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	
ENVI Environment, Public Health and Consumer Protection	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2117	1998-09-24
Agriculture and Fisheries	2151	1998-12-14
Research	2123	1998-10-13

Key events

Date	Event	Reference	Summary
11/02/1998	Legislative proposal published	COM(1998)0044	Summary
20/02/1998	Committee referral announced in Parliament, 1st reading		
25/06/1998	Vote in committee, 1st reading		
25/06/1998	Committee report tabled for plenary, 1st reading	A4-0254/1998	
15/07/1998	Debate in Parliament		
13/10/1998	Council position published	11156/1/1998	Summary
05/11/1998	Committee referral announced in Parliament, 2nd reading		
25/11/1998	Vote in committee, 2nd reading		Summary
14/12/1998	Act approved by Council, 2nd reading		
22/12/1998	Final act signed		
22/12/1998	End of procedure in Parliament		
23/01/1999	Final act published in Official Journal		

Technical information

Procedure reference	1998/0026(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 66_o-p4 EC Treaty (before Amsterdam) E 100A
Stage reached in procedure	Procedure completed
Committee dossier	ECON/4/10488

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0254/1998 OJ C 226 20.07.1998, p. 0004	25/06/1998	
Text adopted by Parliament, 1st reading/single reading		T4-0431/1998 OJ C 292 21.09.1998, p. 0104-0118	16/07/1998	Summary
Text adopted by Parliament, 2nd reading		T4-0701/1998 OJ C 398 21.12.1998, p. 0017-0033	03/12/1998	Summary

Council of the EU

Document type	Reference	Date	Summary

Council position	11156/1/1998 OJ C 388 14.12.1998, p. 0001	13/10/1998	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1998)0044 OJ C 108 07.04.1998, p. 0083	11/02/1998	Summary
Commission communication on Council's position	SEC(1998)1809	03/11/1998	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0624/1998 OJ C 214 10.07.1998, p. 0015	29/04/1998	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 1998/0097
OJ L 018 23.01.1999, p. 0060 — Summary

Fertilizers containing cadmium: marketing in Austria, Finland and Sweden (amend. Direct. 76/116/EC)

1998/0026(COD) - 03/12/1998 - Text adopted by Parliament, 2nd reading

Parliament adopted the recommendation for second reading drawn up in the form of a letter on the approximation of the laws of the Member States on fertilizers containing cadmium. It thus approved the Council's common position and called on it finally to adopt the legislative act as soon as possible.

Fertilizers containing cadmium: marketing in Austria, Finland and Sweden (amend. Direct. 76/116/EC)

1998/0026(COD) - 03/11/1998 - Commission communication on Council's position

In its opinion on the common position of the Council concerning the ban on the marketing in Austria, Finland and Sweden of fertilizers containing cadmium, the Commission expressed itself in favour of the Council's text. Unlike Parliament, the Commission considered that it would be inappropriate for the Directive to indicate the type of measures to be adopted in the period to the end of 2001. In the Commission's view, this would prejudge the outcome of the study currently being conducted in the Member States to ascertain the ecological and human health impact of cadmium in the Community. The Commission stated in its opinion that although a legislative measure might possibly be adopted at Community level, this was by no means the only option available. Other measures could be considered, particularly a voluntary limit on the inclusion of cadmium in fertilizers by industry or importers, the application of a code of practice for farmers, or a levy based on the cadmium content of fertilizers (the option currently favoured by the

Commission). Consistently with its principles, therefore, the Commission rejected Parliament's amendment. However, it took account of the concerns expressed by Parliament by stating in the minutes accompanying the common position that it would do everything in its power to resolve the problem of cadmium within the time limit laid down in the proposal for a Directive.

Fertilizers containing cadmium: marketing in Austria, Finland and Sweden (amend. Direct. 76/116/EC)

1998/0026(COD) - 13/10/1998 - Council position

In its common position on the extension to 31.12.2001 of the decision to allow Austria, Finland and Sweden to prohibit the marketing within their territory of fertilizers containing cadmium, the Council adopted the Commission proposal as it stood. It did not, therefore, incorporate Parliament's sole amendment, which called for effective measures to solve the problem of cadmium in fertilizers for the whole Community by 31.12.2001. In a statement annexed to the text of the common position, the Commission announced its firm intention of identifying at Union level any risks to health and the environment from cadmium in fertilizers and making any appropriate proposals to manage these risks before 31.12.2001. It announced, in particular, that it would, with all due vigour, promote the progress of this study, the first results of which should be available by the end of the year 2000.

Fertilizers containing cadmium: marketing in Austria, Finland and Sweden (amend. Direct. 76/116/EC)

1998/0026(COD) - 22/12/1998 - Final act

PURPOSE: Directive to enable Austria, Finland and Sweden to continue to restrict the use and marketing on their territories of fertilisers containing cadmium until 31.12.2001. COMMUNITY MEASURE: European Parliament and Council Directive 98/97/EC amending Directive 76/116/EEC on the approximation of the laws of the Member States relating to fertilisers, as regards the marketing in Austria, Finland and in Sweden of fertilisers containing cadmium. CONTENT: Directive 76/116/EEC, which is the mother Directive with respect to fertilisers, authorises the placing on the market of of fertilisers that conform with its provisions and identified as 'EEC fertilisers'. By virtue of that Directive, the Member States cannot prohibit the marketing of fertilisers containing cadmium because no limit is provided for this substance in the annex of the Directive. Austria, Finland and Sweden prohibit this type of fertiliser on their territory and demanded, upon their accession to the EU, to be able to continue to prohibit fertilisers containing cadmium until 01.01.1999. The objective of the new Directive is to permit these countries to continue to derogate from Directive 76/116 until 31.12.2001 while the Commission continues to re-examine with the Member States the need to take measures at Community level with respect to the cadmium content of fertilisers. ENTRY INTO FORCE: 22.12.1998. DATE OF TRANSPOSITION INTO LAW IN THE THREE MEMBER STATES CONCERNED: 31.12.1998.

Fertilizers containing cadmium: marketing in Austria, Finland and Sweden (amend. Direct. 76/116/EC)

1998/0026(COD) - 16/07/1998 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mrs Heidi HAUTALA (Greens, FIN) on the marketing in Austria, Finland and Sweden of fertilizers containing cadmium, Parliament approved the proposal for a directive while specifying, however, that everything possible should be done to amend this directive by 31 December 2001 in order to establish provisions at European level concerning cadmium.

Fertilizers containing cadmium: marketing in Austria, Finland and Sweden (amend. Direct. 76/116/EC)

1998/0026(COD) - 11/02/1998 - Legislative proposal

OBJECTIVE : to authorize Austria, Sweden and Finland to continue to restrict the marketing of fertilizers containing cadmium until 31/12/2001. SUBSTANCE : Directive 76/116/EEC, the mother directive on fertilizers, authorizes the marketing of fertilizers termed 'EC-fertilizers' in accordance with its provisions. Specifically, Member States may not prohibit the marketing of fertilizers because of their cadmium content, since a cadmium limit is not specified in the directive and annexes thereto. Austria, Finland and Sweden, which ban this type of fertilizer on their territories, on acceding to the EU negotiated concessions enabling them to continue to ban fertilizers containing cadmium until 01/01/1999. The Commission takes the view that there is insufficient data available to ban fertilizers containing cadmium throughout the Community. Pending further analyses, it proposes that a derogation be provided for the three new Member States to allow them to continue to benefit from an exemption to Directive 76/113/EEC until 31/12/2001 by which date the Commission will have reviewed the situation with regard to cadmium and the risks of this substance for the environment and public health throughout the Community.