Basic information

2001/0212(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Fertilizers (recast Directives 76/116/EEC, 80/876/EEC, 87/94/EEC, 77/535/EEC) **Subject** 3.40.01 Chemical industry, fertilizers, plastics	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs and Internal Market	LECHNER Kurt (PPE-DE)	21/11/2001

Former committee responsible	Former rapporteur	Appointed
JURI Legal Affairs and Internal Market	LECHNER Kurt (PPE-DE)	21/11/2001

Former committee for opinion	Former rapporteur for opinion	Appointed
ITRE Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	
ENVI Environment, Public Health, Consumer Policy	The committee decided not to give an opinion.	
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2501	2003-04-14
Competitiveness (Internal Market, Industry, Research and Space)	2451	2002-09-30

European Commission

Commission DG	Commissioner
Internal Market, Industry, Entrepreneurship and SMEs	

Key events

Date	Event	Reference	Summary
14/09/2001	Legislative proposal published	COM(2001)0508	Summary
19/09/2001	Committee referral announced in Parliament, 1st reading		
27/03/2002	Vote in committee, 1st reading		
27/03/2002	Committee report tabled for plenary, 1st reading	A5-0107/2002	
10/04/2002	Decision by Parliament, 1st reading	T5-0158/2002	Summary
17/06/2002	Modified legislative proposal published	COM(2002)0318	Summary
14/04/2003	Council position published	12733/2/2002	Summary
15/05/2003	Committee referral announced in Parliament, 2nd reading		
08/07/2003	Vote in committee, 2nd reading		Summary
08/07/2003	Committee recommendation tabled for plenary, 2nd reading	A5-0252/2003	
02/09/2003	Decision by Parliament, 2nd reading	T5-0346/2003	Summary
13/10/2003	Final act signed		
13/10/2003	End of procedure in Parliament		
21/11/2003	Final act published in Official Journal		

Technical information

Procedure reference	2001/0212(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/16155

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0107/2002	27/03/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0158/2002 OJ C 127 29.05.2003, p. 0160-0275 E	10/04/2002	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0252/2003	08/07/2003	
		T5-0346/2003		

Text adopted by Parliament, 2nd reading		OJ C 076 25.03.2004, p. 0035-0072 E	02/09/2003	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	05149/2003	10/01/2003	
Council position	12733/2/2002 OJ C 153 01.07.2003, p. 0056-0251 E	14/04/2003	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2001)0508 OJ C 051 26.02.2002, p. 0001 E	14/09/2001	Summary
Modified legislative proposal	COM(2002)0318 OJ C 227 24.09.2002, p. 0503 E	17/06/2002	Summary
Commission communication on Council's position	SEC(2003)0497	07/05/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0022/2002 OJ C 080 03.04.2002, p. 0006	16/01/2002	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2003/2003 OJ L 304 21.11.2003, p. 0001-0194	Summary

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.

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

2001/0212(COD) - 07/05/2003 - Commission communication on Council's position

The Commission supports the common position because it largely follows the lines of its amended proposals.

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

2001/0212(COD) - 17/06/2002 - Modified legislative proposal

The Commission amended proposal adapts the original proposal for a Regulation of the European Parliament and of the Council relating to fertilizers in two respects: Article 33 is deleted and one change is made to Annex I that was introduced in the original proposal, is removed. More specifically, the Commission accepted the amendment concerning the bringing forward proposals on cadmium in fertilizers, subject to a favourable opinion of the Scientific Committee on Toxicity, Ecotoxicity and the Environment (SCTEE). It should be said also that the formulation of the Parliament in relation to the precise timing of the proposal for bringing forward the legislation to address the cadmium issue could not be accepted, in particular as the deadline proposed, namely 30 June 2002 is not compatible with the exercise of the Commission's right of initiative.

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.

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

2001/0212(COD) - 02/09/2003 - Text adopted by Parliament, 2nd reading

The European Parliament adopted the resolution drafted by Kurt LECHNER (EPP-ED, D) approving the Council's common position.

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.

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

2001/0212(COD) - 10/04/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mr Kurt LECHNER (EPP-ED, D) with amendments. The Parliament proposes that the Commission will first of all draw up a proposal for a regulation on unintentional cadmium content in mineral fertilisers, which it will submit to the European Parliament and the Council by 30 June 2002.