



COMMISSION OF THE EUROPEAN COMMUNITIES

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2001/0212 (COD)

Amended proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

relating to fertilizers

[presented by the Commission pursuant to Article 250(2) of the EC Treaty]

Amended proposal for a

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(Text with EEA relevance)

1. STATE OF PROCEDURE

- The proposal for a Regulation of the European Parliament and of the Council relating to fertilizers [COM(2001) 508 final – 2001/0212 (COD)] was adopted by the Commission on 14 September 2001 and then transmitted to the Council and European Parliament on 17 September 2001.
- The Economic and Social Committee gave its opinion on 17 December 2001.
- The European Parliament approved the proposal with three amendments in the first reading on 10 April 2002.

2. OBJECTIVE OF THE AMENDED PROPOSAL

The 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;
- one change to Annex I that was introduced in the original proposal, is removed.

3. COMMENTS ON THE AMENDMENTS ADOPTED BY THE PARLIAMENT

3.1. Amendments accepted by the Commission

3.1.1 Amendment 1

Amendment 1 can be accepted in principle, having regard to the Commission's intention to bring 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.

Recital no. 15 becomes the following:

“Fertilizers can be contaminated by substances that can potentially pose a risk to human and animal health and the environment. Further to the opinion of the

Scientific Committee on Toxicity, Ecotoxicity and the Environment (SCTEE), the Commission intends to address the issue of unintentional cadmium content in mineral fertilizers and will, where appropriate, draw up a proposal for a Regulation, which it intends to present to the European Parliament and the Council. Where appropriate, a similar review will be undertaken for other contaminants”

3.1.2. Amendment 3

Amendment 3 can also be accepted because the Commission can accept the argument that any modification of the annexes of the Regulation during a recast of the existing legislation should be avoided.

In Annex I, table E.1.4, the text at the intersection of the fourth column, and the fourth line becomes the following:

“5 % water-soluble Fe, at least 8/10 of the declared value of which has been chelated.”

This provision is identical to that in Commission Directive 93/69/EEC of 23 July 1993 adapting to technical progress Council Directive 76/116/EEC on the approximation of the laws of the Member States relating to fertilizers ¹.

3.2. Amendments not accepted by the Commission

Amendment 2 cannot be accepted for the following reasons:

- Article 33 in the draft Regulation is hereby deleted. The deletion of paragraph 1 of Article 33 is logical because it becomes superfluous when the anticipated Decisions, based on Article 95(4) of the Treaty, which are currently at an advanced stage of examination by the Commission, and which would provide for the extension of the derogations to Austria, Finland and Sweden concerning the maximum admissible content of cadmium in fertilizers are adopted;
- Paragraph 2 of Article 33 limits the right of initiative of the Commission.

4. CONCLUSION

In accordance with Article 250(2) of the EC Treaty, the Commission amends its proposal as presented above.

¹ OJ L 185, 28.7.1993, p. 30.