



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 7.5.2003  
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**COMMUNICATION FROM THE COMMISSION  
TO THE EUROPEAN PARLIAMENT**

**pursuant to the second subparagraph of Article 251 (2) of the EC Treaty**

**concerning the**

**common position of the Council on the adoption of a European Parliament and Council  
Regulation relating to fertilizers**

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**1. STATE OF PROCEDURE**

The Commission's proposal [COM(2001) 508 final] was adopted on 14.9.2001 and then transmitted to the Council and the European Parliament.

The European Economic and Social Committee approved the proposal [COM(2001) 508 final] and adopted its opinion on 16.1.2002.

The European Parliament approved the proposal with amendments in the first reading on 10.4.2002.

The Commission's amended proposal [COM(2002) 318 final] was adopted on 17.6.2002 and then transmitted to the Council and to the European Parliament.

The Council adopted its common position on 14.4.2003.

**2. OBJECTIVE OF THE COMMISSION PROPOSAL**

The proposal, which is based on Article 95 of the Treaty, integrates within a single text 18 existing Council and Commission Directives on the approximation of the laws of the Member States relating to fertilizers which were published between 1976 and 1998.

The objective of this proposal is to improve the clarity and transparency of these texts. The aim of the legislation on fertilizers is to ensure free circulation of these products within the European Union and to specify the characteristics to which they must conform.

### **3. COMMENTS ON THE COMMON POSITION**

#### **3.1 General**

The Common Position follows the general lines of the Commission's amended proposal.

#### **3.2 The fate of the Amendments**

Of the three amendments adopted by the Parliament<sup>1</sup>, two have been accepted in principle, and one has not been accepted.

##### *3.2.1. Amendment 1 of the European Parliament*

This amendment has been accepted in principle having regard to the Commission's intention to bring forward a proposal on cadmium in fertilizers. The amendment has been incorporated in Recital 15, except for that part of the amendment which attempted to impose on the Commission a strict deadline for bringing forward the legislation. The latter would not have been compatible with the Commission's right of initiative.

##### *3.2.2. Amendment 2 of the European Parliament*

This amendment cannot be accepted because:

- Article 33 of the proposal has been deleted. This article became superfluous because Decisions were adopted, based on Article 95(4) of the Treaty, which grant derogations to Austria<sup>2</sup>, Finland<sup>3</sup> and Sweden<sup>4</sup> concerning the maximum admissible content of cadmium in fertilizers.
- In addition, Paragraph 2 of Article 33 would have limited the right of initiative of the Commission.

##### *3.2.3. Amendment 3 of the European Parliament*

This amendment has been accepted in principle. In particular, the Council increased the minimum content for soluble chelates to 8/10 of the declared value as the European Parliament had requested. In addition, it clarified and strengthened the labelling requirements for chelates in order to improve the information available to consumers.

#### **3.3 The Common Position of the Council**

The Common Position of the Council includes, in addition to the amendments accepted by the Commission, certain changes that would clarify and strengthen the proposed Regulation.

### **4. CONCLUSION**

The Commission supports the Common Position because it largely follows the lines of its amended proposal.

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<sup>1</sup> Report PE A5-0107/2002 of 27.3.2002

<sup>2</sup> Commission Decision 2002/366/EC of 15.5.2002, OJ L 132, 17.5.2002, p. 65.

<sup>3</sup> Commission Decision 2002/398/EC of 24.5.2002, OJ L 138, 28.5.2002, p. 15.

<sup>4</sup> Commission Decision 2002/399/EC of 24.5.2002, OJ L 138, 28.5.2002, p. 24.