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COM (73)1734

Vol. 1973/0300

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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(73) 1734 Final

Brussels, 17 October 1973

AMENDMENT TO

the proposal for a Directive on the approximation of the
laws of the Member States concerning fertilizers.

(presented by the Commission to the Council pursuant to
the second paragraph of Article 149 of the EEC Treaty)

EXPLANATORY MEMORANDUM

Under the General Programme for the removal of technical barriers to trade adopted by the Council on 28 May 1969¹, the Commission submitted to the Council on 30 December 1971 a proposal for a Directive on the approximation of the laws of the Member States concerning fertilizers.

The European Parliament rendered its Opinion on this proposed Directive at its session held on 7 June 1973². The Commission carefully examined the observations made in the Opinion and decided to take action on most of them. For this purpose, under Article 149(2) of the Treaty, it is to put forward the following proposals for amendments to the initial Directive proposal:

Article 4, first subparagraph

Article 8, second paragraph

Article 9, first paragraph

Article 11, second paragraph

These amendment proposals are for the purpose of making explicit reference to the compulsory markings for the identification of the fertilizers specified in Annex II, complementing the provisions concerning inspection by reference to Community sampling and analysis methods, extending to Annex III (manufacturing tolerances) the granting of the authority of the Council to the Commission for the adjustment of technical annexes to Directives and, in connection with the Community's enlargement, amending the distribution of votes in the Committee's procedure.

The Commission moreover proposes to amend in Annex I (List of fertilizer types) the requirements for the type "Ammonium nitrate (calcium ammonium nitrate)" and the minimum nutrient (P_2O_5) content for the type "Basic slag", thus taking into account technical discussions with the experts of the Economic and Social Committee and the new Member States.

¹OJ No C 76, 17 June 1969.

²OJ No C 49, 28 June 1973.

AMENDMENT TO

the proposal for a Directive on the approximation of the laws of the Member States concerning fertilizers.

The proposal for a Directive submitted on 30 December 1971 shall be amended by:

- a change in Article 4, first subparagraph
- the recasting of Article 8, second paragraph
- a change in Article 9
- a correction to Article 11, second paragraph
- changes in Annex I.

Article 4

The following addition shall be made to the text of the first subparagraph:

- the compulsory identification markings specified in Annex II(1).

Article 8

The text of the second paragraph shall be superseded by the following:
Compliance with the provisions of this Directive and Annexes I and II in respect of conformity to types of fertilizer, to guaranteed nutrient contents and to guaranteed forms and solubilities of such nutrients can be verified in official inspections only by the use of the sampling and analysis methods established in accordance with the provisions of Article 11, taking into account the manufacturing tolerances specified in Annex III to this Directive.

Article 9

The following addition shall be made to the text of the first paragraph:

1. The amendments which are necessary in order to bring Annexes I and 11 of this Directive into line with technical progress shall be adopted in accordance with the procedure laid down in Article 11.

The text of the second paragraph shall be amended as follows:

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall render its Opinion on this draft within a period of time which the Chairman may fix according to the urgency of the matter in hand. It shall act by a majority of 41 votes, the votes of the Member States being weighted as laid down in Article 148(2) of the Treaty. The Chairman shall not vote.

Annex I - A. Straight fertilizers

Part 1 - Nitrogenous fertilizers -

For type No 5 Ammonium nitrate, columns (b) and (e) shall read as follows:

No	Type designation	Other data on the type designation
	(b)	(e)
5	<u>Ammonium nitrate,</u> <u>calcium ammonium</u> <u>nitrate</u>	The designation "calcium ammonium nitrate" may be used only for a fertilizer which contains, in addition to ammonium nitrate, only calcium carbonate (limestone rock) and/or magnesium carbonate and calcium carbonate (dolomite rock). The minimum content of these carbonates must be 20% and their purity must be at least 90%.

Part II - Phosphatic fertilizers

For type No 1 - Basic slag, columns (d) and (g) shall be amended as follows:

No	Type designation	Minimum content of nutrients (percentage by weight). Data on the evaluation of nutrients. Other requirements.	Ingredients the content of which is to be guaranteed. Forms and solubilities of the nutrients.
(a)	(b)	(d)	(g)
1	<u>Basic slag</u> - Thomas phosphates - Thomas slag	<u>12% P₂O₅</u> Phosphate evaluated as phosphorus pentoxide soluble in mineral acids, at least 75% of the phosphorus pentoxide being soluble in citric acid at 2% or <u>10% P₂O₅</u> Phosphate evaluated as phosphorus pentoxide soluble in citric acid at 2% Fineness of grinding: at least 75% able to pass through a sieve with a mesh of 0.160 mm, at least 96% able to pass through a sieve with a mesh of 0.630 mm.	Phosphorus pentoxide soluble in mineral acids (France, <u>Ireland</u> , Italy, Luxembourg and <u>United Kingdom</u>) or Phosphorus pentoxide soluble in citric acid at 2% (Belgium, <u>Denmark</u> , Germany, Netherlands)