



Notification Number: 1997/900/F

## Order relating to the approval of fertilizers and growth aids.

Date received : 30/12/1997  
End of Standstill : 31/03/1998 ( 01/07/1998)  
Issue of detailed opinion by : Austria, Commission

### Message

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TELEX 002  
COMMUNICATION FROM THE COMMISSION - SG (98) D/50009/2  
DIRECTIVES 83/189/EEC, 88/182/EEC AND 94/10/EC  
TRANSLATION OF TELEX 001



NOTIFICATION 97/0900/F

- 3B1 : 9800009.EN

**1. Structured Information Line**

TLX 002 IND- 97 0900 F-- EN ----- 971230 --- ---

**2. Member State**

France

**3. Department Responsible**

Secrétariat Général du Comité Interministériel pour les  
Questions de Coopération Economique Européenne  
2, boulevard Diderot  
F-75012 Paris  
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**3. Originating Department**

Ministère de l'Agriculture et de la Pêche  
Direction Générale de l'Alimentation  
175, rue du Chevaleret  
F-75646 Paris Cedex 13

**4. Notification Number**

97/O900/F

**5. Title**

Order relating to the approval of fertilizers and growth  
aids.

**6. Products Concerned**

Fertilizers or growth aids.

**7. Notification Under Another Act**

No

**8. Main Content**

The Order establishes the modes of application of Law 79-595  
of 13 July 1979 which subordinates the marketing (with or  
without cost), the holding with a view to the sale and import  
from third countries of fertilizers and growth aids to an  
approval issued by the Minister for Agriculture except for  
products which are exempt from approval pursuant to article 2  
of this Law.

In addition to the administrative documents, the file for  
requesting approval includes a technical file which enable  
the innocuousness and efficacy of the product in the



conditions of use to be demonstrated. This file was based on the model for developing the technical file on the fertilizers considered for the labelling "EEC fertilizer" within the framework of Council Directive 76/116/EEC of 18 October 1975 on the approximation of Member State legislation on fertilizers. These provisions thereby extend to fertilizers and growth aids. In the light of the information supplied, the Minister for Agriculture shall pronounce either approval, provisional authorisation for the sale or import, the continued research or the refusal of approval. Any approval which may be renewed is valid for 10 years.

Moreover, at the request of the Commission of the European Communities (information note no. 91/007/F), Annex II point 2.c and Annex III point 5 of the proposed Order introduces the principle of recognition for authorizations granted in another Member State. Indeed, in this event, the applicant may supply, in place of the file required pursuant to the statutory French provisions, the file which he has already deposited in this Member State.

#### **9. Brief Statement of Grounds**

The proposed Order does not create fresh obligations incumbent upon applicants for marketing licences. The modes of application of the Law of 13 July 1979 were previously established by the Order of 11 September 1981. The text will be replaced by this new Order with a dual objective:

1) To make the applicable law more accessible. Further, in the interests of security and legal coherence it seemed appropriate to repeal a text which had become obsolete and incomplete rather than proceed with its amendment. Moreover, the possibility of authorising groups of products, as in the majority of Member States, was introduced.

2) To introduce at the Commission's request the principle of mutual recognition for marketing licences granted in other Member States. Although the French authorities initially proposed an amendment to the Law of 13 July 1979 in order to introduce the principle to this it seemed adequate to proceed therein by statutory means.

#### **10. Reference Documents - Basic Texts**

List of base texts:

- Council Directive no. 76/116/EEC of 18 October 1975 on the approximation of Member States' legislation relating to fertilizers.
- Council Directive no. 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the



sphere of technical standards and regulations.

- Council Directive no. 89/530/EEC of 18 September 1989, supplementing and amending Directive no.76/116/EEC with regard to the trace elements boron, cobalt, copper, iron, manganese, molybdenum and zinc in fertilizers.
- Consumer Code and particularly Book II thereof
- Tax Code
- Law no 75-1349 of 31 December 1975 on the use of the French language.
- Law no 79-595 of 13 July 1979 relating to the organisation for checking fertilisers and growth aids.
- Decree no. 80-477 of 16 June 1980 adopted in application of Law no.79-595 of 13 July 1979 relating to the organisation for checking fertilizers and growth aids.
- Amended Decree no. 80-478 of 16 June 1980 adopted in application of the Law of 1 August 1905 on fraud repression with regard to fertilizers and growth aids.
- Decree no. 84-11 of 4 January 1984 establishing the table of payments stipulated in article 10 of the Law of 13 July 1979 relating to the organisation for checking fertilisers and growth aids.

**11. Invocation of the Emergency Procedure**

No

**12. Grounds for the Emergency**

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**13. Confidentiality**

No

**14. Fiscal measures**

No

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COMEUR  
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