



Notification Number: 2002/144/F

Order laying down the conditions for the validity of a detonation test for an ammonium nitrate-based fertiliser with a nitrogen content greater than 28% by mass

Date received : 09/04/2002

End of Standstill : 23/04/2002

Invocation of the Emergency Procedure : Yes

Message

Department of Trade and Industry - Standards and Technical Regulations - Dir 2
Mrs Brenda O'Grady

EFTA Surveillance Authority
Mr. Gunnar Thor PETURSSON

ELOT
Mr E. Melagrakis

European Free Trade Association
.

Kauppa-ja teollisuusministeriö
Mr Petri Kuurma

Kommerskollegium
Mme Kerstin Carlsson

Min. of Industry, Energy & Technology
Mr K. Polychronidis

Ministerie van Financien Belastingdienst - Douane / CDIU
De Heer IJ.G. van der Heide

NSAI
Mr Tony Losty

Représentation Permanente de l'Irlande
Denis Colfer

Représentation Permanente du Royaume-Uni
.

Message 002



Communication from the Commission - SG(2002) D/50706
Directive 98/34/EC
Translation of the message 001
Notification: 2002/144/F

(MSG: 200200706.EN)

1. Structured Information Line

MSG 002 IND 2002 0144 F EN 09-04-2002 F NOTIF

2. Member State

France

3. Department Responsible

Secrétariat Général du Comité Interministériel pour les Questions de
Coopération Economique Européenne - 2, Bd Diderot - 75012 PARIS
Délégué Interministériel aux Normes - 64-70 Allée de Bercy- Teledoc 811
75574 Paris cedex 12

3. Originating Department

Service de l'innovation et de la qualité
Mission pour le développement industriel durable
Télédoc 846
64 Allée de Bercy
75574 - PARIS CEDEX 12

4. Notification Number

2002/144/F - COOC

5. Title

Order laying down the conditions for the validity of a detonation test for an ammonium nitrate-based fertiliser with a nitrogen content greater than 28% by mass

6. Products Concerned

Ammonium nitrate-based fertiliser of high nitrogen content

7. Notification Under Another Act

Council Directive 80/876/EEC of 15 July 1980 and Commission Directive 87/94/EEC (amended) of 8 December 1986

8. Main Content

To ensure that ammonium nitrate-based fertilisers of high nitrogen content have passed the detonation test as described by Commission Directive 87/94/EEC, before they are placed on the market.



An inspection body, based in a Member State of the European Union or in a Signatory State to the Agreement on the European Economic Area shall certify that a sample taken from an identical fertiliser has been recognised as conforming with the detonation test as described in Commission Directive 87/94/EEC (Article 2(1)).

The laboratory which performed the detonation test must be based in a Member State of the European Union or in a Signatory State to the Agreement on the European Economic Area (Article 2(2)).

9. Brief Statement of Grounds

Following the disaster at Toulouse on 21 September 2001 caused, at least partly, by non-conforming ammonium nitrate-based fertilisers of high nitrogen content, it is important to have all the guarantees possible before this type of fertiliser is placed on the market.

Current regulations cannot guarantee that samples tested for detonation are actually taken from marketed ammonium nitrate-based fertilisers of high nitrogen content.

10. Reference Documents - Basic Texts

a. Council Directive 80/876/EC of 15 July 1980 on the approximation of the laws of the Member States relating to straight ammonium nitrate fertilisers of high nitrogen content;

Commission Directive 87/94/EC, amended, of 8 December 1986 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 fertilisers of high nitrogen content;

Customs Code (Article 38)

Consumer Code (Articles L 214-1 and L 214-2)

Rural Code (Articles L.255-1 to L.255-11)

Decree No 80-478 of 16 June 1980, amended, implementing Articles L 214-1 and L 214-2 of the Consumer Code with regard to fertilisers and soil improvers

Order of 21 September 1989 on methods of analysing ammonium nitrate-based fertilisers of high nitrogen content

Recommendation of the Committee on explosive substances of 28 March 2001

11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

To eliminate from the market, as quickly as possible, all ammonium nitrate-based fertilisers of high nitrogen content which, having not been tested for detonation, may be potentially explosive.

13. Confidentiality



No

14. Fiscal measures

No

David O'Sullivan
General Secretary
European Commission