

Summarised report

REPORT 7/2016 OF THE JOINT COMMITTEE FOR EU AFFAIRS, DATED APRIL 27, 2016, ON THE COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY BY THE PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN RULES ON THE MAKING AVAILABLE ON THE MARKET OF CE MARKED FERTILISING PRODUCTS AND AMENDING REGULATIONS (EC) No 1069/2009 AND (EC) No 1107/2009 (TEXT WITH EEA RELEVANCE) [COM (2016) 157 FINAL] [2016/0084 (COD)] {SWD (2016) 64 FINAL} {SWD (2016) 65 FINAL}

BACKGROUND

- A.** The legal basis for this report is to be found in articles 3 j), 5 and 6 of Act 8/1994 (amended by Act 24/2009), developing in Spain the Protocol on the Application of the Principles of Subsidiarity and Proportionality attached to the Lisbon Treaty.
- B.** The deadline to verify the subsidiarity check of this Proposal is May 12, 2016.
- C.** The Government has been requested a report and Senator Mr Jesús Labrador Encinas has been appointed as rapporteur for the subsidiarity report on this initiative.
- D.** The Government states in its report that this Proposal complies with the principle of subsidiarity.
- E.** In its meeting held on April 27, 2016, the Joint Committee for EU Affairs adopted Report 7/2016.

REPORT

- 1.** Articles 5 (1) and 5 (3) of the TEU describe the principles of subsidiarity and proportionality.
- 2.** The legislative Proposal under consideration is based on articles 114 and 294 of the TFEU.
- 3.-** The proposal aims at addressing important problems currently present on the European market concerning innovative fertilising products, often containing nutrients or organic matter recycled from biowaste or other secondary raw materials, which have difficulties accessing the internal market due to the existence of diverging national rules and standards.
- 4.-** The Proposal goes in line with current provisions in this field and already harmonised fertilisers are allowed to remain on the market and circulate as CE marked fertilisers subject to compliance with the new safety and quality requirements.
- 5.-** As regards subsidiarity, the existing barriers to the free movement of fertilisers, in the form of diverging, national regulatory frameworks, cannot be removed through Member States' unilateral actions. Only EU action can ensure the free movement of such products by establishing harmonised high quality, environmental and human health criteria.
- 6.-** Regarding proportionality, this initiative does not go beyond what is necessary to provide the regulatory certainty required to incentivise large scale investment in the circular economy by facilitating access to internal market.

The form of a Regulation is deemed the most appropriate for harmonisation in a field of such technical complexity and potential impact on the food chain and the environment, having been already used in the current regulation.

CONCLUSION

For the aforementioned reasons, the Joint Committee for EU Affairs, considers that this Proposal complies with the principle of subsidiarity laid down in the Treaty on the European Union.