



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 08.04.1998  
COM(1998) 216 final

98/0131 (CNS)

Proposal for a

COUNCIL DIRECTIVE

amending Directive 70/524/EEC concerning additives in feedingstuffs and Directive 95/69/EC laying down the conditions and the arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector and amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC and 82/471/EEC

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(presented by the Commission)



### Explanatory memorandum

Under Article 6(2) of Directive 70/524/EEC concerning additives in feedingstuffs<sup>1</sup> and Article 14 of Directive 95/69/EC laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector and amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC and 82/471/EEC<sup>2</sup>, the Council, acting on a proposal from the Commission, is to fix the level of the fees charged for approving additives and for approving establishments.

In discussions with the Member States views diverged considerably regarding the approach to be adopted in deciding on the method of calculating fees. This is linked to the differences between Member States as regards the policy followed for funding their inspection services, and to the special meaning which some Member States give to the concept of “public service”. They consider that inspection services are bodies acting in the public interest and that therefore their services should be free. Some Member States also adduce the structure of their inspection services and the need to preserve the latter’s independence as reasons for differing from other Member States which are in favour of fixed amounts being set for fees. Moreover, since the nature of the services provided and the time taken to perform them can vary considerably, if precise amounts were set they would have to be differentiated to reflect the type of approval given to establishments and the groups of additives assessed.

With a view to simplification and to compliance with the proportionality rule, the Commission therefore proposes that Directive 70/524/EEC and Directive 95/69/EC be amended to the effect that the Council simply lays down rules for calculating fees without setting the amounts.

This proposal has no financial implications for the Community budget. It is based on an exclusive competence of the Community.

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<sup>1</sup> OJ L 270, 14.12.1970, p.1, last amended by ...

<sup>2</sup> OJ L 332, 30.12.1995, p.15.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,<sup>1</sup>

Having regard to the opinion of the European Parliament,<sup>2</sup>

Having regard to the opinion of the Economic and Social Committee,<sup>3</sup>

Whereas Article 14 of Council Directive 95/69/EC of 22 December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector and amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC and 82/471/EEC<sup>4</sup> states that the Council is to adopt the amounts of the fees to be charged for the approval of establishments and their intermediaries;

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<sup>1</sup> OJ

<sup>2</sup> OJ

<sup>3</sup> OJ

<sup>4</sup> OJ L 332, 30.12.1995, p. 15.

Whereas Article 6 of Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs<sup>5</sup> as last amended by Directive 97/72/EC states that a fee may be charged by the Member State acting as rapporteur for the examination of dossiers relating to Community registration of additives for feedingstuffs; whereas the Council is to fix the amount of that fee;

Whereas an examination of the funding of the services concerned in individual Member States has revealed that the fixing of the amount of the fees at Community level would be a disproportionately far-reaching intervention in the existing systems for levying fees operated by the Member States; whereas, in addition, the costs incurred by the Member States in providing such services vary very greatly, particularly because of the wide differences in labour costs;

Whereas, to avoid distortion of competition, provision should nevertheless be made that the Council has to decide on harmonised rules for the calculation of the level of the fees;

Whereas the relevant provisions in Directives 70/524/EEC and 95/69/EC should be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

1. Article 6 (2) of Directive 70/524/EEC shall read as follows:

“Before 1 October 1999, the Council, acting by a qualified majority on a proposal from the Commission, shall adopt rules for the calculation of the level of the fees referred to in paragraph 1.”

2. Article 14 of Directive 95/69/EC shall read as follows:

“The Council, acting by a qualified majority on a proposal from the Commission, shall, before 1 April 1998, adopt rules for calculating the amounts of the fees to be charged for the approval of establishments and their intermediaries.”

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<sup>5</sup> OJ L 270, 14.12.1970, p. 1, as last amended by .....

## Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [31 March 1998]. They shall forthwith inform the Commission thereof. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.
2. Member States shall communicate to the Commission the main provisions of national law which they adopt in the field covered by this Directive.

## Article 3

This Directive shall enter into force on the twentieth day following its publication in the *Official Journal of the European Communities*.

## Article 4

This Directive is addressed to the Member States.

**Done at**

**For the Council**



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