Nominal quantities for prepacked products

2004/0248(COD) - 05/09/2007 - Final act

PURPOSE: to lay down rules on the nominal quantities for products put up in pre-packages.

LEGISLATIVE ACT: Directive 2007/45/EC of the European Parliament and of the Council laying down rules on nominal quantities for prepacked products, repealing Council Directives 75/106/EEC and 80/232 /EEC, and amending Council Directive 76/211/EEC.

BACKGROUND: current Community legislation sets out nominal quantities for a number of liquid and non-liquid prepacked products in order to ensure the free movement of products across the EU's internal market. For most of these products, "national" nominal quantities were allowed to exist alongside Community nominal quantities. For some products, however, nominal quantities were fixed to the exclusion of any national nominal quantities.

A number of recent events have led the Community to believe that such a system was no longer effective nor feasible. Firstly, changes in consumer preferences combined with innovations in prepacking and retailing at Community and national levels made the existing system inflexible. A second development concerned the European Court of Justice "Cidrerie Ruwet" Judgement which prohibited Member States from preventing the marketing of a repackaging having a nominal volume not included in the Community range.

Further, an impact assessment indicated that, in many sectors, free nominal quantities increase the freedom of producers to provide goods according to consumer tastes and enhance competition as regards quality and price on the internal market. In other sectors though it is more appropriate to retain mandatory nominal quantities.

CONTENT: based on the above reasoning this Directive has been adopted, in order to lay down new rules on the nominal quantities for products put up in pre-packages. Unless otherwise specified it will apply to all prepacked products and pre-packages.

Further, the Regulation states that save as otherwise provided for, the Member States may not, on grounds relating to the nominal quantities of the package, refuse, prohibit or restrict the placing on the market of prepacked products. Member States, which currently prescribe mandatory nominal quantities for milk, butter, dried pasta and coffee may continue to do so until 11 October 2012. Member States, which currently prescribe mandatory nominal quantities for white sugar may continue to do so until 11 October 2013. Obligatory nominal quantities for a very limited number of goods, mainly wine and spirits, will be maintained.

In order to promote transparency, all nominal quantities for prepacked products will be set out in this legislative act. Directive 75/106/EEC and 80/232/EEC are therefore repealed.

ENTRY INTO FORCE: 11 October 2007.

TRANSPOSITION: 11 October 2008.

APPLY: 11 April 2009.