Nominal quantities for prepacked products

2004/0248(COD) - 04/07/2016 - Follow-up document

The Commission presents a staff working document assessing the performance of the legal framework for pre-packaging that is governed by three Directives: Directive 2007/45/EC on nominal quantities for pre-packed products, Directive 75/107/EEC on bottles used as measuring containers and Directive 76/211/EEC on the making-up pre-packaged products (by weight or volume). The three Directives are closely related to one another. Their objectives are to enable free circulation (promoting internal market – the level playing field) of pre-packed products, contributing in turn to market growth and the competitiveness of EU industry. By means of coordinated market surveillance, consumers are guaranteed the quantities that are indicated on the packages whilst deregulation of sizes has improved consumer choice. In the case of wine and spirit drinks, the fixed pack sizes shield small business from demands for other bottle sizes by supermarkets and distributors, thereby improving competition.

This document assesses **whether the Directives in their current form are fit for purpose and meet their objectives** (effectiveness) at acceptable costs (efficiency), whether they are still relevant in relation to stakeholders needs and relevant to achieve the overarching political objectives, i.e. promoting the internal market and regulatory simplification with the least bureaucracy for SMEs, coherence with other EU policies and having EU added value. The evaluation covers the part of the production chain concerned with filling and labelling that are regulated by the directives. It builds on a report by an external consultant conducted during one year and ending on 29 July 2015

Findings: the Commission concurs with the consultant conclusions that **all three Directives continue to be relevant, that they are generally considered efficient and effective with significant value added for all stakeholder groups**. None of the three Directives impose significant administrative or compliance costs. At the same time, they are perceived as beneficial in terms of contributing to consumer protection, fostering competitiveness and facilitating the Single Market. The Directives are also coherent with and complementary to other legislation at EU and national level. As a result of this, there is widespread support from all stakeholder groups (industry, consumers and national authorities) for all three Directives. On the basis of his analysis, the consultant concluded that the Directives are “fit for purpose” and do not require fundamental reform.

However, the Commission highlights a number of issues raised by the consultant:

- different structures and interpretations across countries on how the Directives should be applied are leading **to variations in national implementation**;
- in relation to market surveillance, weakness in systematic information exchange between national authorities are leading to **lack of a coherent approach regarding imports** and lack of trust in the market surveillance system across the EU;
- there was a **lack of clarity related to technical aspects for specific industries** such as products sold by length, area or number, drained weight, larger batch definitions, provisions on the speed of production and sampling, viscose products in mass or volume, and wrappings with pre-packages;
- many consumers do not understand the **meaning of the e-mark** or are not aware of it.

The consultant suggested ways forward that include exchange of good practices, improvement in information and communication, expert discussions to clarify issues, and better explanations on the Commission website.

The Commission will consider these matters in its follow-up work, with the view to improve the application of the directives.