Nominal quantities for prepacked products

2004/0248(COD) - 25/10/2004 - Legislative proposal

PURPOSE : to laying down rules on nominal quantities for pre-packed products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC

LEGISLATIVE ACT : Directive of the European Parliament and of the Council.

CONTENT : Following a wide consultation of stakeholders and an impact assessment, the Commission proposes to repeal Directives 75/106/EEC and 80/232/EEC to abolish nominal quantities of pack sizes for most sectors and in order to maintain obligatory nominal quantities for a very limited number of sectors and to include them in a single piece of legislation.

Following the Cidre-Ruwet case in the European court of Justice, the Commission examined this legislation.

It is proposed to repeal all existing pack sizes currently under optional harmonisation in Directives 75/106 /EEC and 80/232/EEC, and to maintain only in very specific sectors some of the existing regulation based on total harmonisation (i.e. excluding national rules). Consequently, the proposal introduces total harmonization, thereby prohibiting Member States from legislating pack sizes, except those regulated in EC legislation.

However, in certain sectors such deregulation could result in disproportionately heavy extra costs, especially for small and medium sized enterprises.

The mandatory sizes are maintained for those sectors that currently have mandatory regulation or have commitments from the Commission to reinstate previously mandatory sizes.

However, in the light of experience, where fixed sizes are maintained, the following modifications are introduced:

- The definition used for sectors currently covered may have to be revised to remain coherent with legislative developments in the field of agriculture: addition of aromatised and liqueur wines, now included in the regulations on wine;

- Where a few sizes account for most sales to consumers, there is no reason to fix sizes that are sold exclusively for professional use and "mini" sizes (e.g. 3, 4, 5cl for spirits). Only sizes sold to consumers within a limited interval should be fixed, while the sizes outside that interval should become free.

Furthermore, the Commission proposes to maintain the current provisions on pack sizes of products put up in aerosols contained in Directive 75/324/EEC. However, in contrast to regulation of pack sizes, which aims to protect legitimate economic interests, aerosols sizes and filling levels are dictated by assurance of safety and will consequently in the future be included in a revised Council Directive 75/324/EEC relating to aerosol dispensers.

In order to promote transparency all nominal quantities for pre-packed products will be included in a single legislative text. This requires repealing Directive 80/232/EEC and Directive 75/106/EEC, as the nominal quantities will be included in the proposed Directive.

As the metrological requirements for liquid products currently set out in Directive 75/106/EEC are the same as those in Directive 76/211/EEC they will be covered by this Directive, which is amended to widen its scope in order to include these products.