

Official Journal

of the European Communities

ISSN 0378-6986

C 333

Volume 39

7 November 1996

English edition

Information and Notices

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	I Information	
	Council	
96/C 333/01	Common position (EC) No 59/96 of 23 July 1996 adopted by the Council, acting in accordance with the procedure referred to in Article 189c of the Treaty establishing the European Community, with a view to adopting a Council Regulation continuing a special system of assistance to traditional ACP suppliers of bananas established by Regulation (EC) No 2686/94	1
96/C 333/02	Common position (EC) No 60/96 of 27 September 1996 adopted by the Council, acting in accordance with the procedure referred to in Article 189b of the Treaty establishing the European Community, with a view to adopting a Directive of the European Parliament and of the Council on consumer protection in the indication of the prices of products offered to consumers	7

I

(Information)

COUNCIL

COMMON POSITION (EC) No 59/96

adopted by the Council on 23 July 96

with a view to adopting Council Regulation (EC) No .../96 continuing a special system of assistance to traditional ACP suppliers of bananas established by Regulation (EC) No 2686/94

(96/C 333/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

Having regard to the proposal from the Commission ⁽¹⁾,Having regard to the opinion of the Economic and Social Committee ⁽²⁾,Acting in accordance with the procedure laid down in Article 189c of the Treaty ⁽³⁾,

Whereas Protocol 5 on bananas to the Fourth ACP-EC Convention provides that, in respect of its banana exports to the Community markets, no ACP State shall be placed, as regards access to its traditional markets and its advantages on those markets, in a less favourable situation than in the past or at present;

Whereas national market organizations have hitherto granted traditional ACP suppliers of bananas an outlet for their production on their traditional markets and enabled them to obtain from these markets an adequate income;

Whereas the common organization of the market in bananas established by Regulation (EEC) No 404/93 ⁽⁴⁾ set the framework for continuing, on the Community market, the advantages enjoyed by traditional ACP suppliers, in accordance with the Community's commitment set out above;

Whereas risks exist nevertheless that the introduction of a new market organization and the need to adapt to it could jeopardize the continuing viability of ACP supplies;

Whereas particular efforts will be needed to adapt to the new market conditions in order to take advantage of the opportunities offered;

Whereas the structure and the nature of the new market and the marketing efforts necessary to maintain a presence on this market represent new elements some of which neither the traditional ACP suppliers nor the operators handling this procedure could reasonably foresee.

Whereas technical and financial assistance, additional to that provided for in the Fourth ACP-EC Convention,

⁽¹⁾ OJ No C 92, 28. 3. 1996, p. 16.

⁽²⁾ OJ No C 204, 15. 7. 1996, p. 37.

⁽³⁾ Opinion of the European Parliament of 21 June 1996 (not yet published in the Official Journal), Council common position 23 July 1996 (not yet published in the Official Journal) and Decision of the European Parliament of ... (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 47, 25. 2. 1993, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

should therefore be provided to carry out programmes designed to assist producers to adapt to new market conditions and in particular to improve quality, to improve marketing and to improve competitiveness;

Whereas the new conditions prevailing on the market may result in temporary market disturbances, particularly in the sectors of the Community market traditionally supplied by the ACP States;

Whereas such disturbances could seriously affect the income of the ACP States from the market and therefore the continued viability of the production in question;

Whereas financial assistance should therefore be provided to permit the ACP States to remain on the market, until such time as the market stabilizes and a satisfactory economic return from the market can be received;

Whereas income support should be complementary to transfers under the export earnings stabilization system (Stabex) triggered by the same set of circumstances;

Whereas it is therefore appropriate to align calculation of income support with the calculation of Stabex transfers;

Whereas Regulation (EC) No 2686/94 ⁽¹⁾ introduced financial assistance in the form of income support;

Whereas that Regulation expired on 28 February 1996;

Whereas the statistics necessary for the calculation of Stabex transfers and income support to be granted for the preceding year are not available until the second quarter of each year, thus, in order to satisfy the overall requirements of the system, the rules laid down by Regulation (EC) No 2686/94 should continue to be applied until 31 December 1996;

Whereas that Regulation also establishes technical and financial assistance, additional to that provided for in the Fourth ACP-EC Convention and granted to programmes designed to assist producers in adapting to new market conditions,

HAS ADOPTED THIS REGULATION:

Article 1

A special system of assistance to traditional ACP suppliers of bananas is hereby established. This assistance may consist of technical and financial assistance and/or income support.

Article 2

For the purposes of this Regulation:

- 'traditional ACP suppliers' means the ACP States listed in the Annex,
- 'bananas' means fresh or dried bananas covered by CN code 0803, excepting plantains.

TITLE I

TECHNICAL AND FINANCIAL ASSISTANCE

Article 3

1. Technical and financial assistance shall be provided to traditional ACP suppliers with a view to helping them adapt to the new market conditions following the establishment of a common organization of the market in bananas.
2. This technical and financial assistance shall be provided to contribute to the carrying-out of programmes in the banana sector to achieve one or more of the following objectives:
 - to improve quality,
 - to adapt production, distribution or marketing methods to meet the quality standards provided for in Article 2 of Regulation (EEC) No 404/93,
 - to establish producers' organizations which have as an objective the improvement of the marketing and competitiveness of their products,
 - to develop a production and/or marketing strategy to meet the requirements of the market in the Community in the light of the common organization of the market in bananas,
 - to assist with training, market intelligence, the development of environmentally sound production methods, improving the distribution infrastructure, improving trade and financial services to banana producers and/or improving competitiveness.

⁽¹⁾ OJ No L 286, 5. 11. 1994, p. 1.

3. Assistance may be given to programmes having similar objectives which are currently financed under the Fourth ACP-EC Convention or by the public authorities of the Member States parties to that Convention where such assistance would result in more rapid completion of the programme.

Article 4

The Commission shall decide on the eligibility of the programme and the level of assistance after consultation with the traditional ACP supplier concerned. It shall also take into account the consistency of the envisaged programme with the general development objectives of the ACP State concerned and its impact on regional cooperation with other banana producers, in particular the Community producers.

TITLE II

INCOME SUPPORT

Article 5

1. Within the limits indicated in Article 15 (1) of Regulation (EEC) No 404/93, traditional ACP suppliers shall be eligible for income support.

2. Income support shall be paid where the reduction in income derived from exportation to the Community of bananas complying with the common standards is directly related to conditions prevailing on the market subsequent to the establishment of the common organization of the market in bananas.

Article 6

1. Income support shall be individually calculated for each traditional ACP supplier on the basis of the quantities exported to the Community during the year of application and the difference between the reference price and the actual price.

2. The reference price shall be the average price per tonne of bananas produced in the ACP State concerned and exported to the Community during the six calendar years preceding the entry into force of this Regulation, less the two years with the highest and the lowest figures.

The actual price shall be the average price per tonne of bananas produced in the ACP State concerned and exported to the Community during the envisaged year of application.

3. The statistics needed for the calculation of income support shall be those drawn up and published on Community imports by the Statistical Office of the European Communities.

4. Before 1 July of each year, the Commission shall determine the income support for the previous year after consultation with the ACP State concerned.

TITLE III

GENERAL PROVISIONS

Article 7

1. Financial commitments under Title I shall be in addition to any funds available for ACP States under the provisions of the Fourth ACP-EC Convention.

2. Financial commitments made under Title II shall be complementary to funds available under the system guaranteeing the stabilization of export earnings provided for in Articles 186 *et seq.* of the Fourth ACP-EC Convention. Title II therefore only permits payments of income support in as far as transfers, made for identical quantities in accordance with Articles 186 *et seq.* of the Fourth ACP-EC Convention, do not entirely offset the effects of price decreases on the income of traditional ACP suppliers.

3. Payments of income support shall be used, in accordance with a framework of mutual obligations to be agreed between the traditional ACP supplier concerned and the Commission in each case, for the benefit of producers adversely affected by the loss of income and to enhance the economic viability of production.

4. (a) Where application of Title II gives rise to a transfer basis, the ACP State concerned shall, in the month following receipt of the notification referred to in Article 6 (4), send the Commission a substantial analysis of the sector recording the loss of earnings, the causes of the loss, the policies pursued by the authorities and the projects, programmes or operations to which the resources are to be allocated in accordance with the objectives set out in paragraph 3 hereof.

(b) Projects, programmes or operations to which the recipient ACP States undertake to allocate the transferred resources shall be examined jointly by the Commission and the ACP State concerned.

- (c) Resources shall be used to support immediate operations to sustain the economic viability of production, or adjustment operations designed to restructure production and export activities, within the framework of any consistent reform policy in the banana sector.

Article 8

1. The granting of assistance as defined in Article 1 shall be subject to the designation by the ACP State concerned of a representative organization entitled to act and to receive payments on its behalf within the framework of this Regulation.

2. The representative organizations shall present the following characteristics:

- (a) be composed entirely or mainly of producers of bananas from one or more traditional ACP suppliers;
- (b) pursue at least two of the following objectives:
- improvement of the quality of the produce,
 - improvement of the quality of the distribution and marketing network,
 - improvement of the returns to producers,
 - improvement of the role of producers in the organization of the banana market.

3. The representative organization designated in accordance with paragraph 2 must be notified to the Commission.

Article 9

As far as necessary, detailed rules for the application of this Regulation shall be determined by the Commission in accordance with the procedure laid down in Article 10.

Article 10

The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representatives of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 11

This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 29 February 1996. It shall expire on 31 December 1996.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, ...

For the Council
The President

ANNEX

LIST PROVIDED FOR IN THE FIRST INDENT OF ARTICLE 2

Traditional ACP suppliers of bananas

Belize	Jamaica
Cameroon	Madagascar
Cape Verde	Saint Lucia
Côte d'Ivoire	Saint Vincent and the Grenadines
Dominica	Somalia
Grenada	Suriname

STATEMENT OF THE COUNCIL'S REASONS

I. INTRODUCTION

1. On 1 February 1996 the Commission presented a proposal ⁽¹⁾ based on Article 130w of the EC Treaty amending Council Regulation 2686/94 establishing a special system of assistance to traditional ACP suppliers of bananas ⁽²⁾.
2. The European Parliament adopted its opinion on first reading of the proposal on 21 June 1996.
3. On 7 October 1996, the Council adopted its Common Position in accordance with Article 189c of the Treaty.

II. OBJECTIVE OF THE PROPOSAL

The purpose of the proposal is to extend the expiry date of Regulation 2686/94 from 28 February 1996 to 31 December 1996.

III. ANALYSIS OF THE COMMON POSITION

The Common Position adopted by the Council reproduces the content of the Commission proposal. The Council has however modified the proposal for the simple reason that it is not legally possible to prolong a regulation which has expired, as would have been the case with the present Regulation, in view of the time consuming procedures foreseen for its prolongation. The Council therefore decided to adopt a new regulation with the same text as the expired Regulation except for the changed dates of application.

⁽¹⁾ OJ No C 92, 28. 3. 1996, p. 16.

⁽²⁾ OJ No L 286, 5. 11. 1994, p. 1.

COMMON POSITION (EC) No 60/96

adopted by the Council on 27 September 1996

with a view to adopting Directive 96/.../EC of the European Parliament and of the Council, of ... , on consumer protection in the indication of the prices of products offered to consumers

(96/C 333/02)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF
THE EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 129a (2) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social
Committee ⁽²⁾,

Acting in accordance with the procedure laid down in
Article 189b of the Treaty ⁽³⁾,

(1) Whereas consumers must be guaranteed a high
level of protection; whereas the Community should
contribute thereto by specific action which
supports and supplements the policy pursued by
the Member States regarding adequate information
of consumers on the prices of products offered to
them;

(2) Whereas the Council Resolution of 14 April 1975
on a preliminary programme of the European
Economic Community for a consumer protection
and information policy ⁽⁴⁾ and the Council
Resolution of 19 May 1981 on a second
programme of the European Economic Community
for a consumer protection and information
policy ⁽⁵⁾ provide for the establishment of common
principles for indicating prices;

(3) Whereas these principles have been established by
Directive 79/581/EEC ⁽⁶⁾ and Directive
88/314/EEC ⁽⁷⁾ concerning the indication of prices
of certain foodstuffs and non-food products;

(4) Whereas the link between the indication of the unit
price of products and their pre-packaging in
pre-established quantities or capacities
corresponding to the values of the ranges adopted
at Community level has proved overly complex to
apply; whereas it is thus necessary to abandon this
link in favour of a new, simplified mechanism and
in the interest of the consumer, without prejudice
to the rules governing packaging standardization;

(5) Whereas the obligation to indicate the selling price
and the unit price contributes substantially to
improving consumer information notably at the
moment of purchasing, as this is the easiest way to
enable consumers to evaluate and compare the
price of products in an optimum manner and hence
to make informed choices on the basis of simple
comparisons;

(6) Whereas, therefore, there should be a general
obligation to indicate both the selling price and the
unit for all products except for products sold in
bulk, where the selling price cannot be determined
until the consumer indicates how much of the
product is required;

(7) Whereas Member States may decide not to apply
the abovementioned obligation to products
supplied in the course of the provision of a service
and for sales by auction and sales of works of art
and antiques;

(8) Whereas it is necessary to take into account the
fact that certain products are customarily sold in
quantities different from one kilogram, one litre,

⁽¹⁾ OJ No C 260, 5. 10. 1995, p. 5.

⁽²⁾ OJ No C 82, 19. 3. 1996, p. 32.

⁽³⁾ Opinion of the European Parliament of 18 April 1996 (OJ
No C 141, 13. 5. 1996, p. 191), Council common position
of 27 September 1996 (not yet published in the Official
Journal) and Decision of the European Parliament of ... (not
yet published in the Official Journal).

⁽⁴⁾ OJ No C 92, 25. 4. 1975, p. 2.

⁽⁵⁾ OJ No C 133, 3. 6. 1981, p. 2.

⁽⁶⁾ OJ No L 158, 26. 6. 1979, p. 19. Directive as last amended
by Directive 95/58/EC (OJ No L 299, 12. 12. 1995, p. 11).

⁽⁷⁾ OJ No L 142, 9. 6. 1988, p. 19. Directive as last amended
by Directive 95/58/EC (OJ No L 299, 12. 12. 1995, p. 11).

one metre, one square metre or cubic metre; whereas it is thus appropriate to allow Member States to authorize that the unit price refer to a decimal or submultiple of those quantities or to a different single unit of quantity, taking into account the nature of the product and the quantities in which it is customarily sold in the Member State concerned;

- (9) Whereas the obligation to indicate the unit price may entail an excessive burden for certain small retail businesses under certain circumstances and whereas Member States should therefore be allowed to refrain from applying this obligation in such cases;
- (10) Whereas Member States should also remain free to waive the obligation to indicate the unit price in the case of products for which such price indication would not be significant or would be liable to cause confusion, for instance when indication of the quantity is not relevant for price comparison purposes, or when different products are marketed in the same packaging;
- (11) Whereas in the case of non-food products, Member States, with a view to facilitating application of the mechanism implemented, are free to draw up a list of products or categories of products for which the obligation to indicate the unit price remains applicable;
- (12) Whereas Community-level rules can ensure homogenous and transparent information that will benefit all consumers in the context of the internal market; whereas the new, simplified approach is both necessary and sufficient to achieve this objective;
- (13) Whereas particular attention should be paid to small retail businesses; whereas, to this end, the Commission should, in its report on the application of this Directive to be presented no later than five years after publication thereof in the *Official Journal of the European Communities*, take particular account of the experience gleaned in the application of this Directive by small retail businesses, *inter alia* regarding trends and technological development in selling methods,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

The purpose of this Directive is to stipulate the indication of the selling price and the price per unit of measurement

of products offered by traders to consumers in order to improve consumer information and to facilitate comparison of prices.

Article 2

For the purposes of this Directive:

- (a) *selling price* shall mean the price for a unit of the product or a given quantity of the product;
- (b) *unit price* shall mean the price for one kilogram, one litre, one metre, one square metre or cubic metre of the product;
- (c) *products sold in bulk* shall mean products which are not pre-packaged and are measured in the presence of the consumer;
- (d) *trader* shall mean any natural or legal person who sells or offers for sale products which fall within his commercial or professional activity;
- (e) *consumer* shall mean any natural person who buys a product for purposes that do not fall within the sphere of his commercial or professional activity.

Article 3

1. The selling price and the unit price shall be indicated for all products referred to in Article 1, the indication of the unit price being subject to the provisions of Article 7.
2. Member States may decide not to apply paragraph 1 to:
 - products supplied in the course of the provision of a service,
 - sales by auction and sales of works of art and antiques.
3. For products sold in bulk, only the unit price must be indicated.
4. Any advertisement which mentions the selling price of products referred to in Article 1 shall also indicate the unit price subject to Article 7.

Article 4

1. The selling price and the unit price must be unambiguous, easily identifiable and clearly legible.
2. The selling price and the unit price shall relate to the final price of the product under the conditions laid down by the Member States.
3. The unit price shall refer to a quantity declared in accordance with national and Community provisions.

Where national or Community provisions require the indication of the net weight and the net drained weight for certain pre-packed products, it shall be sufficient to indicate the unit price of the net drained weight.

Article 5

Member States shall lay down detailed rules (e.g. marking or labelling) for indicating prices.

Article 6

Member States may stipulate that the unit price shall refer to a decimal multiple or submultiple of the quantities referred to in Article 2 (b) or to a single unit of quantity which is different from those referred to in Article 2 (b), taking into account the nature of the product and the quantities in which it is customarily sold in the Member State concerned.

Article 7

1. Member States may waive the obligation to indicate the unit price of products for which such indication would not be significant because of the products' nature or purpose or would be liable to create confusion.

2. Member States may waive the obligation to indicate the unit price of products for which indication of length, mass, surface or volume is not required by national or Community provisions. This applies in particular to products sold by individual item or singly.

3. With a view to implementing paragraphs 1 and 2, Member States may, in the case of non-food products, establish a list of the products or product categories to which the obligation to indicate the unit price shall remain applicable.

Article 8

Member States may provide that the obligation to indicate the unit price of products other than those sold in bulk, which are sold in certain small retail businesses, shall not apply, subject to Article 13, if the obligation to indicate the unit price would constitute an excessive burden for these businesses because of the number of products on sale, the sales area, the nature of the place of sale, specific conditions of sale where the product is not directly accessible for the consumer or certain forms of business, such as certain types of itinerant trade.

Article 9

Member States shall lay down penalties for infringements of national provisions adopted in application of this Directive, and shall take all necessary measures to ensure that these are enforced. These penalties must be effective, proportionate and dissuasive.

Article 10

1. The transition period of nine years mentioned in Article 1 of Directive 95/58/EC of the European Parliament and of the Council of 29 November 1995 amending Directive 79/581/EEC on consumer protection in the indication of the prices of foodstuffs and Directive 88/314/EEC on consumer protection in the indication of the prices of non-food products ⁽¹⁾ shall be extended until the date referred to in Article 12 (1) of this Directive.

2. Directives 79/581/EEC and 88/314/EEC shall be repealed with effect from the date referred to in Article 12 (1) of this Directive.

Article 11

This Directive shall not prevent Member States from adopting or maintaining provisions which are more favourable as regards consumer information and comparison of prices, without prejudice to their obligations under the Treaty.

Article 12

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than ...^(*). They shall forthwith inform the Commission thereof. The provisions adopted shall be applicable as of that date.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time 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 text of the provisions of national law which they adopt in the field governed by this Directive.

Article 13

The Commission shall, not more than three years after the date referred to in Article 12 (1), submit to the

⁽¹⁾ OJ No L 299, 12. 12. 1995, p. 11.

^(*) 24 months following the date of publication in the *Official Journal*.

European Parliament and the Council a comprehensive report on the application of this Directive, in particular on the application of Article 8, accompanied, if appropriate, by a proposal.

The European Parliament and the Council shall, on this basis, re-examine the provisions of Article 8.

Article 14

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

Article 15

This Directive is addressed to the Member States.

Done at Brussels, . . .

For the European Parliament

The President

For the Council

The President

STATEMENT OF THE COUNCIL'S REASONS

I. INTRODUCTION

1. On 17 July 1995, the Commission sent the Council a proposal, based on Article 129a of the EC Treaty, for a European Parliament and Council Directive on consumer protection in the indication of the prices of products offered to consumers.
2. The European Parliament and the Economic and Social Committee delivered their opinions on 18 April 1996 and 20 December 1995, respectively.
3. On 24 June 1996, the Commission forwarded an amended proposal to the Council.
4. On 27 September 1996, the Council adopted its common position in accordance with the procedure laid down in Article 189b of the Treaty.

II. OBJECTIVE

The proposal is designed to replace with a simple system the mechanism for indicating the prices of products introduced by Directive 79/581/EEC for foodstuffs and Directive 88/314/EEC for non-food products, the application of which has proved very complex for Member States and has been subject to a transitional period.

The transitional period of seven years has been prolonged to nine years, i. e. until 6 June 1997, by Directive 95/58/EC.

The new simplified system, which abandons the link between the indication of prices and the pre-packing of products in preestablished quantities or capacities, foresees the general obligation to indicate the selling price and the unit price in order to improve substantially the information of consumers.

According to the proposal, some forms of sale are, or may be, excluded and the indication of the unit price may be waived by Member States where this indication would not be meaningful; it may be postponed for six years under certain conditions in the case of certain small retail businesses.

III. ANALYSIS OF THE COMMON POSITION

(The references concern the text of the amended proposal)

Article 1

The words 'wherever such comparison is relevant' have been dropped for the sake of clarity, as Article 3 (2) of the common position establishes possible exemptions and as Article 7 (1) (ex Article 6) describes the cases in which the obligation to indicate the unit price may be waived by Member States.

Article 2

The Council preferred to keep Article 4 (2) regarding the final price.

In point (c) the term 'measured' covers also the weighing of a product.

The question of quantities other than those mentioned in point (b) is addressed in the new Article 6.

Article 3

The Council considered it more appropriate to deal with exemptions in this Article only and also to leave it to Member States to apply or not to apply such exemptions.

The Council preferred in paragraph 2 to:

- refer, as in paragraph 1, both to the selling and the unit price,
- retain a general clause in the first indent instead of a list of concrete cases,
- not expressly exempt itinerant traders, products sold on means of transport and products sold in vending machines but rather to leave these as a matter for individual Member States, having regard to the provisions of Articles 7 and 8 (ex 6 and ex 7),
- include sales by auction and sales of works of art and antiques, as for instance in some Member States the indication of an estimated price for sales in auctions is foreseen.

As regards private sales, the Directive would not apply to them, given the wording of Article 1 ('products offered by traders to consumers') and the definition of 'traders' in Article 2.

One delegation considered that it would not be in contradiction of Article 3 not to indicate the price of precious jewellery. It considered furthermore that Member States should have the possibility of not introducing the price indication for second-hand goods and that this issue should be re-examined at the second reading.

In paragraph 4 the Council adopted the solution suggested by Parliament regarding advertising.

Article 4

For paragraph 2, see comments on Article 2.

In paragraph 3 a text on the drained net weight was added for reasons of clarity and simplification.

Article 5 and new Article 6

The Council preferred to make it clear in Article 5 that the rules mentioned refer to practical aspects, and to add a new Article 6 regarding quantities different from those mentioned in Article 2 (b).

The decimal multiple or submultiple mean e. g. 100 kg (construction material), or 100 gr (spices), while a single unit of quantity means e. g. 0,75 l for wine or 450 gr for jam or draught beer sold by the pint.

Article 7 (ex Article 6)

In paragraph 1 the Council preferred the term 'significant' to the term 'meaningful' which in some languages is more correct.

The use of the conditional 'would not be' instead of 'is not' appeared more logical and has no impact on the substance.

The formula 'liable to create confusion' was regarded as useful and was therefore kept to cover, for instance, products containing more than one product (toilet articles).

The Council also preferred to keep paragraph 2.

In paragraph 3 the Council preferred to keep the optional clause.

Article 8 (ex Article 7) and Article 13 (new)

As a compromise between several positions, two of them quite opposite in nature (immediate application of the Directive to small retail businesses/permanent exemption from the Directive), the Council agreed on an optional exemption subject to a comprehensive Commission report, three years after the bringing into force of the Directive, on the application of the Directive, in particular of this Article 8, accompanied if appropriate by a proposal, and to a reexamination on this basis of Article 8 by Parliament and Council.

As for the conditions regarding the non-application to small retail businesses, the Council found it more logical to consider all elements in question (number of products sold, etc.) as constituting, or contributing to, an excessive burden. Among those, it attached importance also to specific conditions of sale where the product is not directly accessible to the consumer. Itinerant trade was kept as an example of certain forms of business.

Article 10 (ex 9)

The Council retained the solution proposed by Parliament.

Article 11 (new)

The Council, in accordance with preceding Directives, inserted a minimal clause.

Article 12 (ex 10)

The Council agreed on the same deadline as suggested by Parliament.

Preamble

The Council has adapted and simplified the whereas-clauses. It did not insert recitals which do not correspond to the Articles.

As regards the recitals suggested by Parliament and accepted by the Commission, the Council did not take account of recitals Nos 1, 8 and 20. The modification of recital 2 is covered at least in part by recitals Nos 5 and 12.

Amendments suggested by Parliament but not accepted by the Commission

The Council did not take account of these amendments.
