

Proposal for a Council Directive amending Directive 75/106/EEC on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids

(Submitted by the Commission to the Council on 4 October 1977)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the field of application of Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products ⁽¹⁾, is different from that of Council Directive 75/106/EEC of 19 December 1974 on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids ⁽²⁾;

Whereas, therefore, the field of application of the two Directives should be aligned as regards the volumes of the prepackages to which they relate;

Whereas at the time of the adoption of Directive 75/106/EEC on the making-up by volume of certain prepackaged liquids the Council, with a view to providing better protection for the consumer, requested the Commission to present before 31 December 1980 a new proposal reducing the list of nominal volumes in Annex III by eliminating values that were too close to one another;

Whereas Council Directive 71/354/EEC of 18 October 1971 relating to the approximation of the laws of the Member States on units of measurement ⁽³⁾ has been amended by Council Directive 76/770/EEC of 27 July 1976 ⁽³⁾;

Whereas, pursuant to Article 7 (2) of the Council Directive of 19 December 1974, Belgium, Ireland, the

Netherlands and the United Kingdom have five years in which to implement that Directive; whereas this Directive should therefore take account of that time-factor;

Whereas certain Member States will find it difficult to reduce the number of nominal volumes; whereas, therefore, provision should be made for a transitional period for these Member States which does not, however, impede intra-Community trade in the products in question or jeopardize implementation of this Directive in the other Member States,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 1 of Directive 75/106/EEC is replaced by the following text:

'Article 1

This Directive relates to prepackages containing the liquid products listed in Annex III measured by volume for the purpose of sale in individual quantities of between 0.05 litre and 10 litres inclusive.'

Article 2

Annex III to Directive 75/106/EEC is replaced by the Annex to this Directive.

Article 3

1. Article 4 (3) of Directive 75/106/EEC is replaced by the following text:

'3. Until the expiry of the periods laid down in Council Directive 71/354/EEC of 18 October 1971 on the approximation of the laws of the Member States relating to units of measurement ⁽⁴⁾, as last amended by Council Directive 76/770/EEC of 27 July 1976 ⁽⁵⁾, the indication of the nominal volume expressed in SI units of measurement in accordance with

⁽¹⁾ OJ No L 46, 21. 2. 1976, p. 1.

⁽²⁾ OJ No L 42, 15. 2. 1975, p. 1.

⁽³⁾ See Article 3 of this Directive.

⁽⁴⁾ OJ No L 243, 29. 10. 1971, p. 29.

⁽⁵⁾ OJ No L 262, 27. 9. 1976, p. 204.

subsection 3.1 of Annex I to this Directive shall, if the United Kingdom or Ireland so desire, and on their national territories, be accompanied by an indication of the nominal volume expressed in the equivalent imperial units of measurement, if they are given in Annex I to this Directive.'

2. The second paragraph of subsection 3.1 of Annex I to Directive 75/106/EEC is replaced by the following text:

'Until the expiry of the periods laid down in Council Directive 71/354/EEC of 18 October 1971, as last amended by Council Directive 76/770/EEC of 27 July 1976, the indication of the nominal volume of the contents expressed in SI units in accordance with the preceding paragraph may be accompanied by that of the equivalent value in imperial (UK) units of measurement, calculated on the basis of the following conversion factors:

one millilitre = 0.0352 fluid ounces;

one litre = 1.760 pints or 0.220 gallons.'

Article 4

Article 5 of Directive 75/106/EEC is replaced by the following text:

'Article 5

1. Member States may not refuse, prohibit or restrict the placing on the market of prepackages which satisfy the requirements and tests laid down in this Directive for reasons concerning the volume of the contents, the determination of such volume or the methods by which it has been checked.

2. However:

- (a) with respect to prepackages with the nominal volumes listed in Annex III, column II, the first paragraph of this Article shall apply only to those countries which allowed such prepackages on 31 December 1973 and only until 31 December 1980, with the exception of the volumes specified in Section 8 (a), for

which this period is extended until 31 December 1988;

- (b) for prepackages with the nominal volumes listed in Annex III, column III, the first paragraph of this Article shall apply only to those countries which allowed such prepackages on 31 December 1973 and only until 31 December 1982, with the exception of the volumes specified in Section 8 (a), for until this period is extended until 31 December 1988;

- (c) with respect to the liquids specified in Sections 1 (a), 1 (b) and 4 of Annex III, paragraph 1 of this Article shall apply only when such liquids are presented in packages having one of the nominal volumes listed in the corresponding columns of that Annex and complying with the rules or trade practices of the Member State of origin of the liquid, regardless of whether filling took place in the Member State of origin or in another State.'

Article 5

1. Member States shall adopt and publish before 1 January 1981 the laws, regulations and administrative provisions needed to comply with this Directive and these shall enter into force on 1 January 1981.

2. However, if Belgium, Ireland, the Netherlands or the United Kingdom implement the provisions of Council Directive 75/106/EEC of 19 December 1974 after the date fixed in the preceding paragraph, the provisions of this Directive shall take effect at the same time as those provisions.

3. Following notification of this Directive, Member States shall ensure that the Commission is informed, in good time for it to present its comments, of any laws, regulations or administrative provisions that they propose to adopt in the field covered by the Directive.

Article 6

This Directive is addressed to the Member States.

ANNEX

Liquids	Nominal volume of contents in litres		
	I Definitively allowed	II Temporarily allowed	III Temporarily allowed
1. (a) Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol (CCT subheading 22.05 C) except for liqueur wines	0.10 — 0.25 — 0.375 — 0.50 — 0.75 — 1 — 1.5 — 2 — 5	0.20 — 0.36 — 0.475 — 0.60 — 0.68 — 0.72 — 0.95 — 1.75 — 1.88	0.35 — 0.70
(b) Other fermented non-sparkling beverages (for example, cider, perry and mead) (CCT subheading 22.07 B II)	0.10 — 0.25 — 0.375 — 0.50 — 0.75 — 1 — 1.5 — 2 — 5	0.20 — 0.33 — 0.36 — 0.72	0.35 — 0.70
(c) Vermouths and other flavoured wines of fresh grapes (CCT heading No 22.06); liqueur wines (CCT subheading 22.05 C)	0.05 — 0.10 — 0.375 — 0.50 — 0.75 — 1 — 1.5	0.20 — 0.35 — 0.36 — 0.68 — 0.70 — 0.72	
2. (a) — Sparkling wines (CCT subheading 22.05 A)	0.10 — 0.20 — 0.375 — 0.75 — 1.5 — 3	0.57 — 0.77	0.125
— Other wines bottled under pressure (CCT subheading 22.05 B)			
(b) Other fermented sparkling beverages (for example, cider, perry and mead) (CCT subheading 22.07 B 1)	0.10 — 0.20 — 0.375 — 0.75 — 1 — 1.5 — 3	0.57 — 0.77	0.125
3. Beer made from malt (CCT heading No 22.03)	0.25 — 0.33 — 0.50 — 0.75 — 1 — 2 — 3 — 4 — 5	0.18 (in cans only) — 0.20 — 0.30 — 0.35 (in cans only) 0.45 — 0.66 — 3.8	
— acid beers, gueuze	0.375		
4. Spirituous beverages (CCT subheading 22.09 C)	0.05 — 0.10 — 0.20 — 0.375 — 0.50 — 0.75 — 1 — 1.5 — 2 — 2.5 — 3	0.25 — 0.36 — 0.60 — 0.72	0.35 — 0.70
5. Vinegar and substitutes for vinegar (CCT heading No 22.10)	0.25 — 0.50 — 0.75 — 1 — 2 — 5	0.35 — 0.70 — 1.5 — 2.5	
6. Edible oils (CCT subheadings 15.07 A and 15.07 D II)	0.10 — 0.25 — 0.50 — 1 — 2 — 3 — 5	0.375 — 0.625 — 0.75 — 1.5 — 2.5	

Liquids	Nominal volume of contents in litres		
	I Definitively allowed	II Temporarily allowed	III Temporarily allowed
7. Milk and milk-based beverages sold by volume (CCT heading No 04.01 excluding yoghurt and kephir, CCT subheading 22.02 B)	0.10 — 0.25 — 0.50 — 0.75 — 1 — 2 — 3 — 4	0.22 — 0.33 — 0.60	0.20
8. (a) Waters, including spa waters and aerated waters (CCT heading No 22.01)	0.125 — 0.25 — 0.33 — 0.50 — 0.75 — 1 — 1.5 — 2	0.35 — 0.45 — 0.47 — 0.90 — 0.94	all volumes below 0.20 — 0.20 — 0.70
(b) Lemonade, flavoured spa waters and flavoured aerated waters and other non-alcoholic beverages containing neither milk nor milkfats, excluding fruit and vegetable juices (CCT subheading 22.02 A)	0.125 — 0.25 — 0.33 — 0.50 — 0.75 — 1 — 1.5 — 2 — 3 — 4 — 5	0.35 — 0.45 — 0.47 — 0.60 — 0.90 — 0.94	all volumes below 0.20 — 0.20 — 0.70
9. Non-concentrated fruit juices and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit (CCT heading No 20.07)	0.125 — 0.25 — 0.33 — 0.50 — 0.75 — 1 — 1.5 — 2 — 3 — 4 — 5	0.18 — 0.35 — (in cans only)	all volumes below 0.125 — 0.20 — 0.70