



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.6.2007
COM(2007) 384 final

2004/0248 COD

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

**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**

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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Co-decision Procedure

Second Reading

1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the four amendments proposed by Parliament.

2. BACKGROUND

The proposal COM (2004)708 final¹ was transmitted to the European Parliament and the Council on 25 October 2004 in accordance with the co-decision procedure pursuant to Article 95 of the EC Treaty.

The European Economic and Social Committee gave its opinion on 6 April 2005².

The European Parliament gave its opinion at the first reading on 2 February 2006.

The amended proposal COM (2006)171 final³ pursuant to Article 250 (2) of the EC Treaty was transmitted to the European Parliament and the Council on 18 April 2006.

Following the opinion of the European Parliament and pursuant to Article 251(2) of the EC Treaty, after a political agreement on 25 September 2006, the Council adopted a Common

¹ OJ C 49, 28.02.2006, p. 37

² OJ C 255, 14.10.2005, p. 36

³ OJ C 130, 03.06.2006, p. 9

Position on 4 December 2006⁴. The Commission's Communication on the Common Position COM(2006) 811 final was adopted on 12 December 2006.

The European Parliament adopted its position at the second reading on 10 May 2007.

3. PURPOSE OF THE PROPOSAL

The purpose of the directive is to abolish regulation dating from the 1970's fixing nominal quantities in which products can be sold. The proposal only maintains regulation for wine and spirits, currently already subject to mandatory nominal quantities.

The directive simplifies regulation on nominal quantities by integrating two directives into one directive. Similarly, it combines regulation on metrological control of pre-packed products, currently dealt with under two directives, in one single directive. Consequently, it repeals directives 75/106 and 80/232 and extends the scope of directive 76/211 to all prepacked products.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

4.1. General

On 10 May 2007, the European Parliament adopted a compromise package which had been agreed with the Council in view of reaching a second reading agreement.

The Commission accepts all amendments. They concern a recital on more voluntary use of unit pricing, a recital and an article on the monitoring of the phasing out of national sizes and a recital explaining the situation of British bread under the new directive.

The conclusion of the compromise package has been facilitated by a declaration which the Commission made on the disposal of stocks of wines and spirit drinks (see annex).

4.2 Amended Proposal

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.

⁴ OJ C 311E, 19.12.2006, p. 21

ANNEX

Commission statement on the disposal of stocks of wines and spirit drinks

The future range of Community nominal quantities for wines and spirit drinks, in the intervals covered by the Annex, basically reproduces existing ranges, with the exception of 1125 ml for spirit drinks. The effect therefore will be all but negligible. Ranges below or above the intervals defined in the Annex (between 100-1500 ml, excepting the 125 ml bottom interval for sparkling wines and the 2000 ml maximum quantity for spirit drinks) are not covered by the Annex and therefore fall under the general principle of free nominal quantities.

Under Article 8 of the Common Position (Transposition) Member States have 12 months from the date of entry into force of the Directive in which to incorporate the instrument into national law. The Directive becomes applicable 18 months after it enters into force, which means that there is also at least six months between the Directive's transposition and its application. This gives the manufacturers concerned enough time to adapt.

In addition, pre-packed products placed on the market before the application of the Directive, for example, those in the distribution channels would not be affected by the Directive and could be sold to end consumers.

For all these reasons the Commission considers that disposing of stocks of pre-packed wine and spirit drinks would in practice not be difficult.