

EUROPEAN PARLIAMENT

2004



2009

Session document

FINAL
A6-0144/2007

16.4.2007

*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a directive of the European Parliament and of the Council laying down rules on nominal quantities for prepacked products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (13484/1/2006 – C6-0039/2007 – 2004/0248(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Jacques Toubon

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

Page

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	3
EXPLANATORY STATEMENT	3
PROCEDURE.....	3

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the Council common position for adopting a directive of the European Parliament and of the Council laying down rules on nominal quantities for prepacked products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC
(13484/1/2006 – C6-0039/2007 – 2004/0248(COD))**

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (13484/1/2006 – C6-0039/2007),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2004)0708),
 - having regard to the amended Commission proposal (COM(2006)0171),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 62 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Internal Market and Consumer Protection (A6-0144/2007),
1. Approves the common position as amended;
 2. Instructs its President to forward its position to the Council and Commission.

Council common position

Amendments by Parliament

Amendement 1
RECITAL 4

(4) Consumer protection is facilitated by directives which were adopted after Directives 75/106/EEC and 80/232/EEC, notably Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers.

(4) Consumer protection is facilitated by directives which were adopted after Directives 75/106/EEC and 80/232/EEC, notably Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers. ***Members States who have not already done so should consider whether to transpose Directive 98/6/EC voluntarily to certain small retail***

¹ *Texts Adopted*, 2.2.2006, P6_TA(2006)0036.

businesses as well.

Amendment 2
RECITAL 9

(9) Since the maintenance of mandatory nominal quantities should be regarded as a derogation, it should be periodically reassessed in the light of experience and in order to meet the needs of consumers and producers. For these sectors, *existing Community legislation should be adapted, in particular to limit the fixed Community nominal quantities only to those most sold to consumers.*

(9) Since the maintenance of mandatory nominal quantities should be regarded as a derogation, *except in the wine and spirits sector, which has specific features*, it should be periodically reassessed in the light of experience and in order to meet the needs of consumers and producers. For these sectors, *when the Commission ascertains a disturbance of market conditions and/or a destabilisation of consumer behaviour, particularly that of the most vulnerable consumers, it may authorise Member States to maintain the transitional periods specified in Article 2(2) and in particular to maintain the most sold mandatory range sizes.*

Amendement 3
RECITAL 9 A (new)

(9a) Bread is a staple food, which in many Member States is subject to national regulations on weights and ingredients. In Member States where prepacked bread forms a high proportion of regular consumption, there is a strong correlation between pack size and bread weight.

Amendement 4
ARTICLE 1, PARAGRAPH 1

1. This Directive lays down rules on nominal quantities for products put up in pre-packages. It shall apply to prepacked products and prepackages, as defined in Article 2 of Directive 76/211/EEC.

1. This Directive lays down rules on nominal quantities for products put up in pre-packages. It shall apply to prepacked products and prepackages, as defined in Article 2 of Directive 76/211/EEC. *Without prejudice to the provisions of Article 2, it shall not apply to pre-packed bread, for which national rules on nominal quantities shall continue to apply.*

1 A. Products sold by weight (quantity in grammes)

White sugar	<i>On the interval from 250 g to 1 500 g, only the following five sizes: 250 – 500 – 750 – 1 000 – 1 500 g</i>
Prepacked bread	<i>On the interval from 400 g to 1000 g, only the following two sizes: 400 – 800 g</i>

Amendment 9
ANNEX, POINT 2, ENTRY 6 A (new)

White sugar	<i>Sugar as defined in section A, points 1, 2 and 3, of the Annex to Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption¹.</i> <i>¹OJ L 10, 12.1.2002, p. 53.</i>
--------------------	--

Amendment 10
ANNEX, POINT 2 (DEFINITIONS), ENTRY 6 B (new)

Prepacked bread	<i>'Standard British Loaf'</i>
------------------------	---------------------------------------

EXPLANATORY STATEMENT

This seemingly technical proposal concerns in fact all staple goods and hence the daily lives of consumers in the Union. We need to find the right balance between the free movement of goods, consumer protection and maintaining production costs at levels that allow the SMEs concerned to remain competitive.

Given that the amendments which I am proposing to the Council common position would allow Member States to safeguard the consumer interest in the long term, particularly that of vulnerable consumers, your rapporteur is ready to accept the key principle underpinning the common position: the Member States applying mandatory sizes for milk, pasta, butter and coffee may continue to do so during a transitional period before proceeding to full deregulation of the packaging sizes for these products. The Council has clearly sought a compromise position as against the Commission's outright refusal to maintain any type of mandatory size, except for wines and spirits.

However, your rapporteur would have liked to see the Council go much further and move closer to our position which is based on the realities of the retailing and consumer sectors.

This being so, your rapporteur proposes the following amendments:

Parliament must demand a **tough review clause**. Article 9(1) of the common position refers to a *Commission report and the monitoring of the situation* of the products mentioned in Article 2(2) which it will be required to carry out in accordance with Article 9(3). On second reading, your rapporteur is particularly insistent that the Commission report should be the basis for a genuine *review clause* or *even safeguard clause* for these staple products so as to allow the Commission, where it ascertains a risk of market disturbance or destabilisation of consumer habits, to authorise the Member States *to extend once again the deadlines specified in Article 2(2) and to maintain in particular the most sold mandatory range sizes for each of these products pending an appropriate revision proposal from the Commission*.

We cannot accept these sizes actually being deregulated at the end of the transitional period if an evident disturbance of the market is detected.

In addition, your rapporteur wishes to create a stronger link between this **directive and the price indication directive (1998/6/CE)**. The Commission justifies the need for deregulation of packaging sizes by reference to the 1998 directive. However, at the present time, consumers and, in particular, vulnerable consumers, do not benefit from adequate protection because they are not sufficiently informed about the existence of unit pricing and because this requirement will not apply to small retailers as it does to the large supermarkets. Only two Member States, France and Finland, apply unit pricing to small retailers. We therefore need to encourage the Member States to extend the unit pricing requirement to all types of retail outlet.

Furthermore, in keeping with the undertakings given by the Commission during the conciliation on the sugar directive (2001/111/EC) and mindful of the upheaval that deregulation would entail for this sector, your rapporteur wishes to maintain a range of

mandatory sizes for **white sugar** and not be confined to a transitional period of 6 years as envisaged in the common position.

Lastly, at the request of the British manufacturers of **prepacked bread (in loaf form) and of his colleagues from the UK**, he believes it is essential to maintain a range for this very particular and traditional type of bread that is popular in the UK.

PROCEDURE

Title	Rules on nominal quantities for pre-packed products
References	13484/1/2006 - C6-0039/2007 - 2004/0248(COD)
Date of Parliament's first reading – P number	2.2.2006 T6-0036/2006
Commission proposal	COM(2004)0708 - C6-0160/2004
Amended Commission proposal	COM(2006)0171
Date receipt of common position announced in plenary	18.1.2007
Committee responsible Date announced in plenary	IMCO 18.1.2007
Rapporteur(s) Date appointed	Jacques Toubon 23.1.2007
Discussed in committee	1.3.2007 20.3.2007
Date adopted	12.4.2007
Result of final vote	+: 34 -: 3 0: 0
Members present for the final vote	Georgi Bliznashki, Charlotte Cederschiöld, Gabriela Crețu, Rosa Díez González, Martin Dimitrov, Janelly Fourtou, Evelyne Gebhardt, Małgorzata Handzlik, Malcolm Harbour, Edit Herczog, Pierre Jonckheer, Alexander Lambsdorff, Kurt Lechner, Toine Manders, Arlene McCarthy, Bill Newton Dunn, Guido Podestà, Karin Riis-Jørgensen, Giovanni Rivera, Zuzana Roithová, Heide Rühle, Leopold Józef Rutowicz, Christel Schaldemose, Andreas Schwab, Ovidiu Ioan Silaghi, Alexander Stubb, Eva-Britt Svensson, Marianne Thyssen, Jacques Toubon, Bernadette Vergnaud, Barbara Weiler
Substitute(s) present for the final vote	Wolfgang Bulfon, Jean-Claude Fruteau, Manuel Medina Ortega, Søren Bo Søndergaard, Gary Titley, Anja Weisgerber
Substitute(s) under Rule 178(2) present for the final vote	Struan Stevenson, Reinhard Rack