

EUROPEAN PARLIAMENT

Working Documents

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6 March 1984

DOCUMENT 1-1485/83

Report

drawn up on behalf of the Committee on the Environment
Public Health and Consumer Protection

on the proposal from the Commission of the European Communities
to the Council (COM(83) 598 final - Doc. 1-997/83) for a
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

Rapporteur : Miss G. HOOPER

PE 88.378/fin.

By letter of 27 October 1983, the President of the Council of the European Communities requested the European Parliament to deliver an opinion, pursuant to Article 100 of the EEC Treaty, on the proposal from the Commission of the European Communities to the Council for a 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.

On 14 November 1983, the President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and the Committee on Agriculture and the Committee on Economic and Monetary Affairs for an opinion.

At its meeting of 24 November 1983, the Committee on the Environment, Public Health and Consumer Protection appointed Miss Hooper, rapporteur.

The Committee considered the Commission proposal and the draft report at its meeting of 22 February 1984.

At the meeting of 22 February 1984 the Committee unanimously decided to recommend that Parliament should adopt the Commission's proposal subject to the following amendment.

The Committee then unanimously adopted the motion for a resolution as a whole.

The Committee decided to request the application of Rule 34 of the Rules of Procedure.

Participated in the vote: Mr Collins, chairman; Miss Hooper, vice-chairman and rapporteur; Mr Alber, Mr Berkhouwer, Mr Bombard, Mr Del Duca, Mrs Krouwel-Vlam, Mr Mertens (deputizing for Mrs Lentz-Cornette), Mr Petersen (deputizing for Mr Muntingh), Mrs Schleicher, Mrs Seibel-Emmerling, Dr Sherlock and Mr Spinelli.

The opinions of the Committee on Agriculture and the Committee on Economic and Monetary Affairs are attached.

The report was submitted on 27 February 1984.

The deadline for the tabling of amendments to this report appears in the draft agenda for the part-session at which it will be debated.

CONTENTS

	<u>Page</u>
A. MOTION FOR A RESOLUTION	6
B. EXPLANATORY STATEMENT	8
Opinion of the Committee on Agriculture	10
Opinion of the Committee on Economic and Monetary Affairs	12

The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following amendments and motion for a resolution together with explanatory statement:

Amendments by the Committee on the Environment, Public Health and Consumer Protection

Text proposed by the Commission of the European Communities

Proposal from the Commission of the European Communities to the Council for a 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

Amendment No.1

Amendment No.1

Article 1

Add the following after
"Article 5, para 3(b)

"4. The provisions of this Directive shall be no impediment to national laws governing on environmental grounds the use of packaging with regard to its recycling"

MOTION FOR A RESOLUTION

closing the procedure for consultation of the European Parliament on the proposal from the Commission of the European Communities to the Council for a 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

The European Parliament,

- having regard to the proposal from the Commission to the Council¹,
 - having been consulted by the Council pursuant to Article 100 of the EEC Treaty (Doc. 1-997/83),
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Agriculture and the Committee on Economic and Monetary Affairs (Doc. 1-1485/83),
 - having regard to the result of the vote on the Commission proposal,
- A. Whereas the European Parliament has already expressed itself in favour of total harmonization of the nominal volume of prepackaged liquids;
- B. Whereas Council has not yet taken a decision on a proposal for a directive on containers of liquids for human consumption;²
1. Approves the Commission's proposal to reduce the nominal volumes permitted for prepackaged products;
 2. Considers, however, that until the proposal for a directive on containers of liquids for human consumption is adopted by Council, Article 5, paragraph 4 of Council Directive 75/106/EEC³ should not be deleted;

¹ OJ No. C291, 27.10.1983, p.11

² OJ No. C204, 13.8.1981, p.6

³ OJ No. L42, 15.2.1975

3. Withholds its opinion on the Commission's proposal to allow the sale on the Community market of wines prepackaged in nominal volumes of 4 litres for a limited period, until such time as this proposal has been officially forwarded to Parliament;
4. Instructs its President to forward to the Council and Commission, as Parliament's opinion, the Commission's proposal as voted by Parliament and the corresponding resolution.

EXPLANATORY STATEMENT

1. The Council Directive of 19 December 1974¹, on which Parliament delivered an opinion, was amended in 1979 by Council Directive 79/1005/EEC². The present proposal for a second amendment to the Directive is only concerned with Article 5 and aims towards the total harmonization of the nominal volume of products in the wine sector.
2. When Parliament delivered its opinions on both the original directive and the first amendment, it criticised the Commission's choice of optional harmonization in this sector and it can therefore approve wholeheartedly this proposal, which moves towards total harmonization.
3. Article 1 of the present directive proposes to amend Article 5 of the original directive by replacing paragraphs 1,2 and 3. These paragraphs lay down the nominal volumes of prepackages which are allowed on the Community market.
4. Article 5, paragraph 4 of the Directive reads "the provisions of this Directive shall be no impediment to national laws governing on environmental grounds the use of packaging with regard to its recycling". The Commission proposes to delete this paragraph considering it to be superfluous, its main argument being that in April 1981 a proposal for a Directive on beverage containers was forwarded to Council which would cover the problem of recycling. However, as this committee well knows this particular proposal has run into a number of problems and it is by no means certain that it will be adopted in the near future. It could be suggested that this paragraph be allowed to remain in the Directive until such time as the beverage containers' directive is adopted, so as not to create any legal void in this area. With this one remark, the Committee could approve the Commission proposal.

¹ OJ No.L 42, 15.2.1975

² OJ No.L 308, 4.12.1979

5. A point of principle arises from paragraph 5 of the Commission's explanatory statement where the Commission states that it would be desirable for the European Parliament to express its opinion on the text of paragraph 4 of the explanatory statement "although it is not a formal proposal". The proposal involves allowing the sales of wines, prepackaged in nominal volume of 4 litre packages. Sympathetic consideration has been given to the suggestion that such sales be allowed for a limited period ("about 2 years"). The Commission has undertaken discussions with interested parties in the wine sector, and in view of the fact that the marketing of wine in 4 litre packages will be prohibited after 31 December 1983 in accordance with Directive 75/106/EEC, would have liked to complete the procedure before the end of that year. Obviously this would leave little or no time for the consultation laid down in the second paragraph of Article 149 of the Treaty. It is, therefore, proposed that Parliament should deliver its opinion now so that Council could act rapidly upon receiving the proposal from the Commission. While the Committee can fully accept the arguments involved, it considers that the Commission should have tried to find a solution to this problem earlier and refuses to deliver an opinion on a so-called "draft proposal for an amendment" which is couched in extremely vague terms.

OPINION OF THE COMMITTEE ON AGRICULTURE

Letter from the chairman of the committee to Mr Collins,
chairman of the Committee of the Environment , Public Health
and Consumer Protection

Berlin, 26 January 1984

Dear Mr Collins,

At its meeting of 26.1.1984¹, the Committee on Agriculture considered the proposal from the Commission to the Council for a 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 (COM(83) 598 final - Doc. 1-997/83).

Directive 75/106/EEC harmonized the most important prepackaged volumes (Column I of Annex III), but in Column II of Annex III a considerable number of other nominal volumes are provisionally permitted. With its current proposal for a directive, the Commission is seeking to further harmonize packaging volumes, in particular for wines.

As of 1 January 1986 the provisionally permitted nominal volume of '0.73 Litres' and, in line with wishes expressed by the Council, from 1 January 1989 the provisionally permitted nominal volumes in Column II of Annex III (0.35 - 0.70 - 1.25 litres) are no longer to be permitted for wine from fresh grapes. This means that from 1 January 1989 this section will be completely harmonized and that in the case of the types of wine mentioned only those nominal volumes will be permitted which appear in Column I of Annex III as finally permitted throughout the Community.

This amendment will introduce a clear system throughout the country for a sector which is of considerable importance both for producers and sellers of wine and consumers and above all rule out confusion due to slight differences between sizes of packaging. The reduction of nominal volumes to those permitted by all Member States is moreover a further contribution to eliminating technical obstacles to trade within the Community.

For the reasons set out above the Committee on Agriculture supports the proposal for a directive from the Commission.

Yours sincerely

(sgd) David M. CURRY
Chairman

1

Present : Mr Curry, chairman; Mr Fröh and Mr Delatte, vice-chairman; Mr Adamou, Mr Barbagli (deputizing for Mr Ligios), Mr Battersby, Mrs Castle, Mr Dalsass, Mrs Herklotz, Mr Howell (deputizing for Mr Provan), Mr Mertens, Mrs Pery (deputizing for Mr Thareau), Mr Salzer (deputizing for Mr Bocklet), Mr Tolman, Mr Vernimmen, Mr Vgenopolous and Mr Wettig

O P I N I O N

(Rule 101 of the Rules of Procedure)

of the Committee on Economic and Monetary Affairs

Draftsman: Mr I. FRIEDRICH

On 28 November 1983 the Committee on Economic and Monetary Affairs appointed Mr I. Friedrich draftsman.

It considered the draft opinion at its meeting of 31 January-1 February 1984 and adopted the conclusions unanimously on 1 February 1984.

The following took part in the vote: Mr Moreau, chairman; Mr I. Friedrich, draftsman; Mr Beazley, Mr Beumer (deputizing for Mr Vergeer), Mr Delorozoy, Mr Fernandez, Mr Leonardi, Sir Brandon Rhys Williams, Mr Rogalla (deputizing for Mr Wagner), Mr Welsh and Mr von Wogau.

The Committee on Economic and Monetary Affairs

1. Stresses that the aim of the Treaty to ensure freedom of movement for goods is of prime importance; reiterates its view¹ that Article 30 of the EEC Treaty and the interpretation in the 'Cassis de Dijon' case concerning non-tariff barriers to trade which was based on that Article should be applicable to all measures relating to containers of liquids for human consumption;
2. Stresses that where consideration is given to rules relating to prepackaged goods as a means of combating unfair competition, ensuring the transparency of the market and protecting consumers, these rules should only be laid down at Community level to prevent the creation of new barriers to trade in the sense of Article 30 of the EEC Treaty;
3. Takes the view that optional harmonization is sufficient to achieve these objectives and that there are therefore no grounds for full harmonization; does not therefore approve of the previous decision concerning total harmonization in the wine sector;
4. Supports, furthermore, the proposed amendment to Article 5(3) of Directive 75/106/EEC to dispense with the means of creating obstacles to free trade on the grounds that the volumes used do not comply with the specifications in force in the country of origin or with standard commercial practice.

¹ See the opinion of the Committee on Economic and Monetary Affairs on the proposal for a directive on containers of liquids for human consumption (Doc. 1-476/83).

