



COMMISSION OF THE EUROPEAN COMMUNITIES

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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

(presented by the Commission)

[SEC(2004) 1298]

EXPLANATORY MEMORANDUM

Following a wide consultation of stakeholders and an impact assessment, the Commission proposes to repeal Directives 75/106/EEC and 80/232/EEC to abolish nominal quantities of pack sizes for most sectors and in order to maintain obligatory nominal quantities for a very limited number of sectors and to include them in a single piece of legislation.

1. BACKGROUND

1.1. Existing legislation

In the 1960s different national rules on nominal quantities of pre-packed products (pack/bottle sizes) were a major barrier for free movement of goods between the Member States.

There was then a need to harmonise these sizes. At the same time, there was a concern not to impose such new Community rules on companies that worked only on the national market and did not intend to export to other Member States. Harmonizing regulation was therefore of an “optional nature”: Member States must adopt the Community rules, but are allowed to maintain existing national rules for the national market. Only products conforming to the Community rules would benefit from free circulation.

However, for some products (e.g. wine, spirits....) total harmonisation was introduced: Community sizes are mandatory for all operators in the sense of being exclusive, i.e. all national sizes are abolished.

The first Community legislation for ranges of sizes for pre-packed products dates from 1975. It includes regulation for both metrological requirements and ranges of sizes for liquids. The legislation is summarised in the table below.

	Liquids for human consumption	Other liquids and non liquids
Metrological requirements	Directive 75/106 Annexes 1 & 2	Directive 76/211 ¹
Ranges of sizes /quantities	Directive 75/106 ² Annex 3	Directive 80/232 ³

Table 1. Summary of legislation

This proposal concerns only the legislation of “ranges of sizes/quantities” and not the metrological requirements, which will be the subject of a later proposal.

¹ 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 pre-packaged products

² 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 pre-packaged liquids

³ Council Directive [80/232/EEC](#) of 15 January 1980 on the approximation of the laws of the Member States relating to the ranges of nominal quantities and nominal capacities permitted for certain pre-packaged products

1.2. The need for review

In the framework of the SLIM-IV exercise (Simpler Legislation for the Internal Market), a team, comprising members designated by Member States and representatives of stakeholders identified by the Commission, the Council and independent experts, advised on pack sizes legislation⁴:

“given their complexity (some 40 targeted products, complexity of certain ranges of values, etc.) the evolution of consumer patterns and preferences over the interim period and reservation as to the appropriateness of maintaining this type of legislation. Moreover, successive amendments of the Directives and an enlargement of the scope of the 1975 pre-packaging directive have made the application of this body of legislation problematic.....

The application of the Directives has proved to be difficult, notably as a result of the variety of rules and practices applying to ranges: certain ranges were made mandatory (e.g. wine) whilst others remained optional. Moreover, Member States retained the right to fix ranges at national level because of the optional character of Community rules. The variety of rules led to the compartmentalisation into different national market within the European Community.

In addition, the arrival of new packaging formats and new products and their classification in the existing ranges system tended to exacerbate an already confused situation”.

In its answer on the SLIM conclusions, the Commission indicated that it would

“carefully review the various recommendations in the team’s report and, where appropriate, propose the necessary measures in close cooperation with Member States and other concerned parties”.

This need for review was subsequently reinforced when the European Court ruled in the Cidrerie-Ruwet case that ‘Cassis de Dijon jurisprudence’ also applies to national pack sizes, i.e. Member States must accept on their market products legally produced and marketed in another Member State⁵ unless there are overriding requirements of a public nature. The Court suggested that this would hardly be the case for pack sizes.

1.3. Impact Assessment of Policy Alternatives

As part of the policy on better regulation⁶ the Commission implemented an impact assessment of policy alternatives⁷, which showed free sizes to be the most favourable option as it allows full competition for industry and freedom of choice for consumers without compromising the environmental aims of the Community. Deregulation is justified in the light of the increased transparency offered by Community consumer legislation requiring the indication of unit pricing and prohibiting misleading practices and advertising. Furthermore, it has become clear

⁴ [COM\(2000\)56 final](#), pp 9-11 and 21-22

⁵ [Case C-3/99](#), 12 October 2000, Cidrerie Ruwet SA v Cidre Stassen SA and HP Bulmer Ltd.

⁶ [Interinstitutional Agreement on better law-making](#) signed in December 2003 and [European Governance: Better lawmaking](#), COM(2002) 275 final, 5.6.2002

⁷ [Impacts of Policy Alternatives](#) of 28 May 2003 published in June 2003

from the Cidrerie-Ruwet ruling that national legislation increases confusion on the internal market, while fixed sizes limit the flexibility to adapt products to new consumer needs, which is the established market practice in most sectors.

However, it also appeared that there might be sectors for which regulation on the basis of total harmonisation should be maintained. Further research⁸ indicated that fixed sizes allow to offset disproportional buyer pressure from large distributors, like supermarkets, on small and medium sized enterprises that would otherwise have to incur excessive costs, notably in sectors with structural low demand growth that are accustomed to fixed sizes. Mandatory ranges thus could be justified on this basis for the sectors where the Community regulator had already fixed harmonised mandatory sizes: i.e. wine, spirits, soluble coffee and white sugar. No compelling evidence was found to extend fixed Community sizes to sectors other than these.

2. AIMS AND OBJECTIVES OF THE PROPOSAL

2.1. Deregulation and Simplification

It is proposed, for the reasons set out above, to repeal all existing pack sizes currently under optional harmonisation in Directives 75/106/EEC and 80/232/EEC, and to maintain only in very specific sectors some of the existing regulation based on total harmonisation (i.e. excluding national rules). Consequently, the proposal introduces total harmonization, thereby prohibiting Member States from legislating pack sizes, except those regulated in EC legislation.

The mandatory sizes are maintained for those sectors that currently have mandatory regulation or have commitments from the Commission⁹ to reinstate previously mandatory sizes.

However, in the light of experience, where fixed sizes are maintained, the following modifications should be introduced:

1. The definition used for sectors currently covered may have to be revised to remain coherent with legislative developments in the field of agriculture: addition of aromatised and liqueur wines, now included in the regulations on wine¹⁰
2. Where a few sizes account for most sales to consumers, there is no reason to fix sizes that are sold exclusively for professional use and “mini” sizes (e.g. 3, 4, 5cl for spirits). Only sizes sold to consumers within a limited interval should be fixed, while the sizes outside that interval should become free.

As no views were received from the knitting yarns sector, which currently has fixed sizes, the Commission does not propose to maintain mandatory sizes for this sector.

⁸ Report on the extended impact assessment of sectors asking for fixed sizes (to be published)

⁹ Recital in Directive 1999/4/EC 22 February 1999 relating to coffee extracts and chicory extracts and in Directive 2001/111/EC of relating to certain sugars intended for human consumption

¹⁰ Reg. 1493/99 on the common organisation of the market in wine and 1601/91 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine- based drinks and aromatized wine-product cocktails

Furthermore, the Commission proposes to maintain the current provisions on pack sizes of products put up in aerosols contained in Directive 75/324/EEC. However, in contrast to regulation of pack sizes, which aims to protect legitimate economic interests, aerosols sizes and filling levels are dictated by assurance of safety and will consequently in the future be included in a revised Council Directive 75/324/EEC on the approximation of the laws of the Member States relating to aerosol dispensers.

In order to promote transparency all nominal quantities for pre-packed products should be included in a single legislative text. This requires repealing Directive 80/232/EEC and Directive 75/106/EEC, as the nominal quantities will be included in the proposed Directive. As the metrological requirements for liquid products currently set out in Directive 75/106/EEC are the same as those in Directive 76/211/EEC they will be covered by this Directive, which is amended to widen its scope in order to include these products.

2.2. Limitation in Time

The mandatory nominal quantities maintained are essentially derogations from the general policy based on the impact assessment to deregulate nominal quantities and should therefore be limited in time. A limitation of 20 years reflects the average investment cycle for the packaging equipment and will allow the concerned sectors to adapt to deregulation.

2.3. Form of the Act

The current legislation on pack sizes is in the form of Directives. For reasons of formal and legal coherence the legislation amending and repealing this existing legislation should be a Directive as well. When transposing the Directive Member States will be obliged to revisit their legislation on pack sizes.

2.4. Legal Basis

The legal basis for the proposed Directive is Article 95, EC Treaty.

3. COHERENCE WITH COMMUNITY PRINCIPLES

3.1. Proportionality

The objective is to deregulate pack sizes with the exception for those sectors for which at Community level mandatory sizes have been set or have been politically agreed between Commission and the European Parliament¹¹ This objective is corroborated by consumer and consumer organization feedback throughout the consultation process and by the impact assessment, which showed the need to offset disproportionate buyer pressure in these particular sectors. The only means to achieve this objective are mandatory sizes for these sectors on Community level. The proposal is restricted to those sizes and intervals in which products are most sold to consumers.

¹¹ in the recitals of Directive 1999/4/EC of the European Parliament and the Council of 22 February 1999 relating to coffee extracts and chicory extracts and in Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption, the Council and the European Parliament, took note of the Commission's intention to re-establish mandatory nominal quantities for the products covered by these Directives;

3.2. Subsidiarity

Where the need for fixed sizes has been established, only fixed sizes at Community level can ensure the free movement of goods. In the light of the Cidrerie-Ruwet case law it is indeed highly unlikely that national ranges can be imposed on products legally marketed in another Member States.

4. COHERENCE WITH COMMUNITY POLICIES

4.1. Enterprise policy

Liberalisation of sizes promotes competitiveness because it encourages entrepreneurship and innovation and facilitates access to markets¹². Deregulation takes away potential obstacles to competitiveness on the Internal Market. The fixed sizes maintained are to the benefit of small and medium sized enterprises.

4.2. Consumer Policy

Consumer protection aspects have been addressed in different pieces of Community legislation¹³ which have come into existence since the prepackaging legislation. This consumer protection legislation prohibits unfair business-to-consumer practices and develops a coherent and sufficient system of information to consumers by means of labelling. The indication of prices per kilo or litre allows consumers to quickly compare products packed in different sizes and is in line with the approach of the European Court of Justice, which considers the “average consumer, reasonably well informed and reasonably observant and circumspect” as a reference¹⁴.

4.3. Environmental Policy

Environmental regulation has no impact on sizes, nor do sizes have an impact on environmental regulation. Existing environmental regulation remains applicable and sizes do not impede the full and proper implementation of environmental law, notably the prevention of waste requiring the minimisation of packaging.¹⁵

5. REFERENCE TO THE WORK PROGRAMME

The presentation of this proposal to Council and the European Parliament is mentioned in the Commission work programme of 2003 (p 27, item 2003/ENTR/33).

¹² A. Peterse, L. Nijhuis, A. Palmigiano "Regulation and Innovation in the area of pre-packaging sizes", F. Leone (ed.), EC DG JRC-IPTS Technical Report Series, Seville, 2002, pp 55-67

¹³ The main instruments of consumer protection are: Directive 2000/13 on labelling and presentation of foodstuffs (Art 2), Directive 84/450/EEC on misleading advertising (amended by Directive 97/55/EC to include provisions on comparative advertising), will be amended by COM(2003)356 final, of 18.6.2003: Proposal for a Directive of the EP and of the Council concerning unfair business-to-consumer commercial practices in the Internal Market, Directive 98/6/EC on consumer protection in the indication of the prices of products offered to consumers (prices per liter/kilogram): unit prices, which are mandatory for all products in supermarkets.

¹⁴ Case C-220/98 Estée Lauder Cosmetics v Lancaster Group [2000] ECR I-117, § 30, referred to in Cidrerie-Ruwet case C-3/99

¹⁵ Annex 2 of Directive 94/62/EC on Packaging and Packaging Waste

6. RELEVANCE FOR THE EEA

This proposal is covered by the Agreement on the European Economic Area.

7. EXTERNAL CONSULTATION

Between 8 November 2002 and 31 January 2003, the Enterprise DG held a public Internet consultation in 11 languages with consumers, producers and retailers, following the Commission's consultation standards¹⁶. The parties were asked to give their views on maintaining existing pre-packaging legislation on fixed sizes or allowing free pack sizes. A comprehensive Commission staff working paper set out the key issues¹⁷ and a report summarised the main findings of the consultation¹⁸.

A Eurobarometer survey in October 2001¹⁹ asked consumers in the EU about their general experience with packaged and bottled products sold in shops and supermarkets. The survey showed that most consumers welcome standard sizes, but also want more choice. Where sizes are standardised, consumers would like to see a sufficient range of options available in stores to enable them to select the size they require.

Consumer organisations in the 25 Member States and the European consumer federations were asked for their views on the basis of the documents on the general impact assessment and the impacts on the sectors asking for exemptions. Eight organisations (from 6 Member States) responded and all but one, are in favour of free sizes in general and accept maintaining limited short ranges²⁰.

The UK's Royal National Institute for the Blind represents the interests of 2 million visually impaired persons in the UK. It is in favour of mandatory fixed sizes, because it gives transparency, which is especially relevant for the visually impaired, for whom labelling information is often inaccessible and who find it hard to read unit pricing information. It can accept the range of sizes to be limited to the most sold sizes in the sectors that are included in this proposal.

The interests of people with diabetes were represented on an individual basis. Diabetes is on the rise and affects over 5% of the population, a large number of whom must inject a fixed dose of insulin for each quantity of carbohydrates consumed. Free sizes allow adapting packaging to sizes that are easy to use by people with diabetes and in this proposal all sectors relevant to diabetes are left with free sizes²¹.

The overall response by industry has been positive. Industry is in favour of free sizes, without any EU or national legislation, because it allows to quickly adapt sizes to new consumer demands, to easily innovate and to reap full economies of scale on the Internal Market. Mandatory Community sizes reduce returns and force extra investments, because industry

¹⁶ COM(2002)704final, 11.12.2002

¹⁷ "Pack Sizes in the EU", Enterprise DG working paper, July 2002

¹⁸ Results of the Public Consultation on pack sizes, May 2003

¹⁹ Gallup Europe: FLASH Eurobarometer N°113 "Les emballages et les ménages" (22-29/10/01)

²⁰ see Annex 2 of the Report on the extended impact assessment of sectors asking for fixed sizes

²¹ The following products contain carbohydrates: milk and milk products, cheese, bread, rice, cereals, pasta, fruit juices, sweet beverages, fruits and vegetables that are dried or frozen, preserves and fruit cocktails.

would need to change from their current practices. Where this proposal maintains fixed Community sizes, the relevant sectors have expressed full support.

Not all sectors have expressed a view (e.g. knitting yarns). Some sectors may not have been able to establish an EU-wide view, e.g. dairy products, in the absence of which agreement on harmonised sizes might be extremely difficult. Where current practices on the market provide satisfying results these can be maintained as, under the proposal, Member States are not allowed to restrict placing on the market for reasons related to sizes.

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission²²,

Having regard to the opinion of the European Economic and Social Committee²³,

Having regard to the opinion of the Committee of the Regions²⁴,

Acting in accordance with the procedure laid down in Article 251 of the Treaty²⁵,

Whereas:

- (1) 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 liquids²⁶ and Council Directive 80/232/EEC of 15 January 1980 on the approximation of the laws of the Member States relating to the ranges of nominal quantities and nominal capacities permitted for certain prepackaged products²⁷ set out nominal quantities for a number of liquid and non-liquid prepacked products, the purpose of which was to ensure the free movement of products complying with the requirements of the Directives. For most products, national nominal quantities are allowed to exist alongside the Community nominal quantities. For some products, however, Community nominal quantities are set to the exclusion of any national nominal quantities.
- (2) Changes in consumer preferences and innovation of pre-packing and retailing at Community and national level made it necessary to assess whether the existing legislation is still appropriate.

²² OJ C [...], [...], p.[...]

²³ OJ C [...], [...], p.[...]

²⁴ OJ C [...], [...], p.[...]

²⁵ OJ C [...], [...], p.[...]

²⁶ OJ L 42 , 15.2.1975, p. 1. Directive as last amended by the Act of Accession of 2003.

²⁷ OJ L 51 , 25.2.1980, p. 1. Directive as last amended by Directive 87/356/EEC (OJ L 192, 11.7.1987, p. 48).

- (3) The European Court of Justice confirmed in the judgement of 12 October 2000, in Case C-3/99, *Cidre-Ruwet*²⁸ that Member States are precluded from prohibiting the marketing of a pre-package having a nominal volume not included in the Community range, which is lawfully manufactured and marketed in another Member State, unless such a prohibition is designed to meet an overriding requirement relating to consumer protection, applies without distinction to national and imported products alike, is necessary in order to meet the requirement in question and is proportionate to the objective pursued, and that objective cannot be achieved by measures which are less restrictive of intra-Community trade.
- (4) Overriding requirements relating to consumer protection to maintain nominal quantities are unlikely to occur, as consumer interests are protected by a number of 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 consumers²⁹.
- (5) An impact assessment, including a wide consultation of all interested stakeholders, indicated that free nominal quantities increase the freedom of producers to provide goods according to consumer tastes and enhance competition as regards quality and price on the internal market.
- (6) Consequently, nominal quantities should generally not be subject to regulation at Community or national level and it should be possible to place pre-packed goods on the market in any nominal quantity.
- (7) However, in certain sectors such deregulation could result in disproportionately heavy extra costs, especially for small and medium sized enterprises. For those sectors, therefore, existing Community legislation should be adapted in the light of experience, in particular to ensure that Community nominal quantities are fixed at least in the case of those products most sold to consumers.
- (8) Since the maintenance of mandatory nominal quantities should be regarded as a derogation, it should be limited in time, taking into account the appropriate investment cycle for the equipment in the respective sectors. For these sectors, however, existing Community legislation must be adapted in the light of experience, in particular to limit the fixed Community nominal quantities only to those most sold to consumers.
- (9) In order to promote transparency, all nominal quantities for pre-packed products should be set in a single legislative text, and Directives 75/106/EEC and 80/232/EEC should be repealed.
- (10) For certain liquid products, Directive 75/106/EEC sets out metrological requirements identical to those set out in 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 products³⁰. Directive 76/211/EEC should

²⁸ [2000] ECR I-8749

²⁹ OJ L 080, 18.3.1998, p. 27

³⁰ OJ L 46 21.2.1976, p. 1. Directive as amended by Commission Directive 78/891/EEC (OJ L 311, 4.11.1978, p. 21)

therefore be amended to include in its scope the products currently covered by Directive 75/106/EEC.

- (11) Since the objectives of the action to be taken cannot be sufficiently achieved by the Member States and can therefore, by reason of repealing Community ranges and ensuring uniform Community nominal quantities where needed, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DIRECTIVE:

Chapter 1 - General provisions

Article 1 *Subject matter and scope*

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

Article 2 *Free Movement of Goods*

Save as provided for in Articles 3 and 4, Member States may not, on grounds relating to the nominal quantities of the package, refuse, prohibit or restrict the placing on the market of pre-packed products.

Chapter II - Specific Provisions

Article 3 *The Placing on the Market and the Free Movement of Certain Products*

Until [20 years after the date mentioned in Article 9], Member States shall ensure that the products specified in point 3 of the Annex and put up in pre-packages in the intervals listed in point 1 and 2 of the Annex are placed on the market only if they are pre-packed in the nominal quantities listed in point 1 and 2 of the Annex.

Article 4

1. Member States may not, on grounds relating to the nominal quantities, refuse, prohibit or restrict the placing on the market of pre-packed products which are sold in aerosols and listed in point 4 of the Annex, and which satisfy the requirements of this Directive.

2. The aerosol containers shall indicate their nominal capacity, in accordance with point 4 (a) of the Annex. The indication shall be such as not to create confusion with the nominal volume.
3. By way of derogation from Article 8 (1) (e) of Council Directive 75/324/EEC³¹, products which are sold in aerosols and which comply with this Directive need not be marked with the nominal weight of their contents.

Article 5

1. For the purposes of Articles 3 and 4, where two or more individual pre-packages make up a multi-pack, the nominal quantities listed in the Annex shall apply to each individual pre-package.
2. Where a pre-package is made up of two or more individual packages which are not intended to be sold individually, the nominal quantities listed in the Annex shall apply to the pre-package.

Chapter III - Repeals, amendments and final provisions

Article 6 *Repeals*

Directives 75/106/EEC and 80/232/EEC are repealed.

Article 7 *Amendment*

In Article 1 of Directive 76/211/EEC, the phrase “with the exception of those referred to in the 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, and” is deleted.

Article 8 *Transposition*

1. Member States shall adopt and publish, by [12 months after the date mentioned in Article 9] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from [18 months after the date fixed in Article 9].

³¹ OJ L 147, 9.6.1975, p. 40.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 9
Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Articles 6 and 7 shall apply with effect from [18 months after the date of the entry into force].

Article 10
Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

RANGE OF NOMINAL QUANTITIES OF CONTENTS OF PRE-PACKAGES

1. PRODUCTS SOLD BY VOLUME (QUANTITY IN ML)

Still Wine	On the interval from 100ml – 1500ml only the following 8 sizes: MI: 100 — 187— 250 — 375 — 500— 750 — 1000 — 1500
Yellow Wine	On the interval from 100ml – 1500ml only the following 1 size: MI: 620
Sparkling wine	On the interval from 125ml – 1500ml only the following 5 sizes: MI: 125 — 200 — 375 —750 —1500
Liqueur Wine	On the interval from 100 ml – 1500 ml only the following 7 sizes: ml: 100— 200 — 375 — 500 — 750 — 1000 — 1500
Aromatized wine	On the interval from 100ml – 1500ml only the following 7 sizes: MI: 100 — 200 — 375 — 500 —750 — 1000 — 1500
Spirits	On the interval 100ml – 1500ml only the following 7 sizes: MI: 100 — 200 — 350 — 500 — 700 — 1000— 1500

2. PRODUCTS SOLD BY WEIGHT (QUANTITY IN G)

Soluble Coffee	On the interval 50g - 300g only the following 4 sizes: g: 50 — 100 — 200 — 300
White Sugar	On the interval 250g – 1500g only the following 5 sizes: g: 250 —500 —750 —1000 – 1500

3. PRODUCT DEFINITIONS

Still Wine	Wine as defined in Article 1 (2) b of Council Regulation 1493/1999 on the common organisation of the market in wine ³² (CCT heading: CN code ex 22.04).
Yellow wine	Wine as defined in Article 1 (2) b of Council Regulation 1493/1999 on the common organisation of the market in wine (CCT heading: CN code ex 22.04) with the designation of origin: “Côtes du Jura”, “Arbois”, “L’Etoile” and “Château-Chalon” in bottles as defined in Annex I point 3 of Commission Regulation (EC) No 753/2002 of 29 April 2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products ³³
Sparkling wine	Wine as defined in Article 1 (2) b and in Annex 1 points 15, 16, 17 and 18 of Council Regulation 1493/1999 on the common organisation of the market in wine (CCT subheading 22.04.10)
Liqueur Wine	Wine as defined in Article 1 (2) b and in Annex 1 point 14 of Council Regulation 1493/1999 on the common organisation of the market in wine (CCT subheading 22.04.21 - 22.04.29)
Aromatized Wine	Wine-based drinks as defined in Article 2(1) a of Council Regulation 1601/91/EEC laying down general rules on the definition, description and presentation of aromatized wine-based drinks and aromatized wine-product cocktails ³⁴ (CCT subheading 22.05)
Spirits	Spirits as defined in Article 1 (2) of Council Regulation 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks ³⁵ (CCT heading 22.08)
Soluble coffee	Coffee extracts as defined in point (1) of the Annex to Directive 1999/4/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts ³⁶
White sugar	Sugar as defined in Annex A (1), (2) and (3) of Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption ³⁷

4. RANGE OF VOLUMES FOR PRODUCTS SOLD IN AEROSOLS

The ranges below apply to all products sold in aerosols with the exception of aromatic waters, hair lotions, pre-shave and after shave lotions containing less than 3% by volume of natural or synthetic perfume oil and less than 70% by volume of pure ethyl alcohol, and of medicinal products.

³² OJ L 179, 14.7.1999 p. 1
³³ OJ L 272, 23.10.2003 p. 38
³⁴ OJ L 149, 14.6.1991 p. 1
³⁵ OJ L 160, 12.6.1989 p. 1
³⁶ OJ L 66, 13.3.1999 p. 26
³⁷ OJ L 10, 12.1.2002, p. 53

a. PRODUCTS SOLD IN METAL CONTAINERS

VOLUME OF THE LIQUID PHASE IN ML	CONTAINER CAPACITIES IN ML FOR	
	Products propelled by liquid gas	(a) Products propelled by compressed gases alone (b) Products propelled by nitrous oxide or carbon dioxide alone or by mixtures of the two alone when the product has a Bunsen coefficient of 1.2 or less
25	40	47
50	75	89
75	110	140
100	140	175
125	175	210
150	210	270
200	270	335
250	335	405
300	405	520
400	520	650
500	650	800
600	800	1 000
750	1 000	—

b. PRODUCTS SOLD IN TRANSPARENT OR NON-TRANSPARENT

GLASS OR PLASTIC CONTAINERS (volume of the liquid phase in ml):

25 — 50 — 75 — 100 — 125 — 150