II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 7 June 1988

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

(88/316/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

In cooperation with the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas, since the adoption of Directive 75/106/EEC (3), as last amended by Directive 85/10/EEC (4), total harmonization of the ranges of nominal quantities for certain liquids referred to in that Directive has appeared necessary;

Whereas Directive 75/106/EEC contains no provision on containers or their use; whereas matters concerning the recycling of containers for liquids for human consumption are governed by Directive 85/339/EEC (5); whereas it is therefore necessary to repeal Article 5 (4) of Directive 75/106/EEC;

Whereas it is advisable, whenever possible, to ensure total harmonization of ranges of prepackaged products in order to establish a transparent market for them,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 5 of Directive 75/106/EEC is hereby amended as follows:

1. The following phrase is added at the end of paragraph 2:

   '... and in the case of the volumes of 0,375 litre and 0,75 litre for the products listed in 4, up to 31 December 1991.'

2. Paragraph 3 (b) is replaced by the following:

   '(b) Prepackages containing the products listed in Annex III, 1 (a) and (b), may be marketed after 31 December 1988 only if they have the nominal volumes set out in column I of the said Annex.

   Packages containing the products listed in Annex III 2 (a) may be marketed after 31 December 1990 only if they have the nominal volumes set out in column I of that Annex. Those prepackages which appear in Annex III, section 4, may be marketed after 31 December 1991 only if they have the nominal volumes set out in the said column I.'

3. The following is added as paragraph 3 (d):

   '(d) Without prejudice to subparagraph (b), products listed in Annex III, section 4, and having the volume of 0,071 litre may be marketed in Ireland and the United Kingdom.'

4. Paragraph 4 is deleted.

(1) OJ No C 156, 15. 6. 1987, p. 191 and Decision of 18 May 1988 (not yet published in the Official Journal).
(2) OJ No C 150, 9. 6. 1987, p. 4.
(3) OJ No L 42, 15. 2. 1975, p. 1.
(4) OJ No L 4, 5. 1. 1985, p. 20.
(5) OJ No L 176, 6. 7. 1985, p. 18.