II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 18 December 1984

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

(85/10/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas total harmonization of the ranges of nominal volumes for products in the wine sector now appears necessary for all the products concerned since the adoption of Council Directive 75/106/EEC (4), as amended by Directive 79/1005/EEC (5);

Whereas the deadline laid down in Directive 75/106/EEC for the use of certain volumes does not leave some Member States sufficient time to dispose of returnable bottles still in circulation on their markets; whereas the premature replacement of non-standard bottles would have serious economic consequences; whereas the States concerned should therefore be permitted to authorize the use of the volumes in question on their markets for a limited period;

Whereas since the adoption of Directive 75/106/EEC, the trend in consumption habits has shown that it is necessary to add large volumes to the range of capacities for still wines;

Whereas Directive 75/106/EEC should be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 5 of Directive 75/106/EEC is hereby replaced by the following:

'Article 5

1. Member States may not refuse, prohibit or restrict the placing on the market of prepackages which satisfy the requirements of this Directive on grounds related to the determination of their volumes, the methods by which they have been checked or the nominal volumes where these are set out in Annex III, column I.

2. Member States which on 31 December 1973 allowed the nominal volumes listed in Annex III, column II, shall continue to allow them up to 31 December 1988, or in the case of the volume 0,73 litre up to 31 December 1985.

(1) OJ No C 291, 27. 10. 1983, p. 11.
(2) OJ No C 104, 16. 4. 1984, p. 141.
(3) OJ No C 57, 29. 2. 1984, p. 13.
(4) OJ No L 42, 15. 2. 1975, p. 1.
(5) OJ No L 308, 4. 12. 1979, p. 25.