COUNCIL DIRECTIVE

of 19 June 1979

on consumer protection in the indication of the prices of foodstuffs

(79/581/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 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 the preliminary programme of the European Economic Community for a consumer protection and information policy (4) provides for the establishment of common principles for indicating prices ;

Whereas the indication of the selling price and the unit of foodstuffs will make it easier for consumers to compare prices at the place of sale ; whereas this would thereby increase market transparency and ensure greater protection for consumers ;

Whereas the obligation to indicate these prices must apply in principle to all foodstuffs offered to the final consumer, irrespective of whether they are marketed in bulk or in pre-packaged form ; whereas this obligation must also apply to written or printed advertising and to catalogues wherever these mention the selling price of foodstuffs ;

Whereas the selling price and the unit price must be indicated in accordance with the specific procedures for each category of foodstuffs, so as not to place an undue burden on the retailer as regards labelling ;

Whereas the obligation to indicate the unit price should be waived for foodstuffs sold in bulk or pre-packaged for which such indication would be meaningless ;

Whereas the obligation to indicate the unit price should, wherever possible, be replaced by standardization of quantities of pre-packaged foodstuffs ; whereas, in order to enable standardization to progress at national and Community level, provision should be made for a delay in the application of this obligation to pre-packaged foodstuffs in pre-established quantities ;

Whereas the rules laid down in this Directive are needed for the purposes of consumer information and protection and further the attainment of one of the objectives of the Community by contributing to the improvement of living conditions and the harmonious development of economic activities throughout the Community ; whereas the Treaty has not provided the necessary powers,

HAS ADOPTED THIS DIRECTIVE :

Article 1

1. This Directive relates to the indication of the selling price and the price per unit of measurement of foodstuffs which are to be supplied to the final consumer, or which are advertised with their prices stated, whether they are sold in bulk or pre-packaged in pre-established or variable quantities.

2. This Directive does not apply to foodstuffs sold in hotels, restaurants, cafés, public houses, hospitals, canteens and similar establishments and consumed on the premises, nor to foodstuffs which the consumer purchases for professional or commercial reasons.

3. Member States may provide that this Directive shall not apply to foodstuffs sold on the farm. Foodstuffs sold by certain shops and handed directly by the seller to the purchaser may also be exempted from the scope of this Directive where the indication of prices :

— is likely to constitute an excessive burden on such shops, or

— appears to be most impracticable owing to the number of foodstuffs offered for sale, the sales

(1) OJ No C 167, 14. 7. 1977, p. 4 ; OJ No C 135, 9. 6. 1978, p. 4.
(2) OJ No C 63, 13. 3. 1978, p. 48.
(3) OJ No C 18, 23. 1. 1978, p. 15.
(4) OJ No C 92, 25. 4. 1975, p. 2.