

GOVERNMENT RESPONSE TO THE CONSULTATION ON SPECIFIED QUANTITIES – PRE-PACKAGES

Introduction

1. This document analyses responses to the public consultation on the Government's proposals to implement the EU Directive on Nominal Quantities for Pre-packages and sets out the Government's position as a result.
2. The consultation opened on 23 October 2008 and closed on 1 January 2009. The aim of the consultation was to gather views amongst all interested parties on implementation of the Directive, the future of prescribed quantities for non pre-packaged alcoholic drinks and unwrapped bread and the quantity labelling aspects of the EU proposal for a Food Information Regulation.
3. The Government is still considering its response in relation to changes to the law governing prescribed quantities for unwrapped bread and non pre-packaged alcohol. A full analysis of the responses and a Government response on those issues will be published by 1 April. It has proven necessary to separate these issues to ensure timely publication of guidance for business in advance of the coming into force of the new legislation which implements Directive 2007/45/EC on 11th April 2009.
4. Directive 2007/45/EC was agreed by the UK in May 2007 and came into force on 5th September 2007. It removes all restrictions on pack size for pre-packaged products, known as specified (or prescribed) quantities, apart from certain wines and spirits which are subject to mandatory specified quantities. The Directive will be implemented into UK law on 11th April 2009. Under existing legislation the UK has in place restrictions on the use of pack size for approximately 30 categories of goods, predominantly foods, although also including pre-packaged solid fuel, ballast, and ready mixed cement mortar and ready mixed concrete. These will be deregulated in April 2009. Five products – white sugar, dried pasta, coffee, butter and milk – are subject to an optional extended period during which existing specified quantities may be retained and the consultation sought views on whether to make use of this extension.

Indication of who responded

5. The consultation document was sent directly to around 150 stakeholders and was available through the NWML website. A press notice highlighting the consultation and particularly a proposal to permit 2/3 pint measures for beer, secured national press, and radio and television coverage for the consultation. NWML officials also met with a number of stakeholders separately both before and during the consultation period.

6. A total of 127 responses were received. NWML is grateful to all those who gave thought to the issues raised in the consultation and took the time to respond. All responses have been analysed and considered. Where appropriate, we have amended our proposals to take account of respondents' views (see paragraph 12 below).
7. The table below shows the breakdown of responses by type of organisation.

Type of Organisation	Responses received
Business	32
Consumer Group	4
Individual Consumer	47
Trade Association	15
Trading Standards	21
Others	8

8. The eight organisations listed as "other" include public health bodies, universities and Non Governmental Organisations. A list of those organisation or individuals who responded, who did not request confidentiality, can be found at Annex A.

Executive Summary

9. We propose to lay before Parliament the 'Weights and Measures (Specified Quantities)(Pre-packed Products) Regulations 2009'. The Regulations will come into force on 11 April 2009.
10. These Regulations will include only those aspects of the proposals made in the consultation that are necessary to implement Directive 2007/45/EC. That is, those that relate to pre-packaged products. These Regulations will deregulate existing specified quantities for all pre-packaged products except for certain wines and spirits. They will also amend the provisions relating to pre-packaged wines and spirits to bring them in line with those set out in the Directive and they will amend Sch 6 of the Weights and Measures Act to allow for aerosols to be labelled by volume. Further details of the changes to UK law resulting from these Regulations are set out in paragraph 12.
11. We also intend to put forward a separate Order to make changes to prescribed quantities for intoxicating liquor that is not pre-packed and un-wrapped bread. A full analysis of the responses to the consultation and the Government's response should be published by 1st April.

Key Provisions of the Regulations

12. The changes from existing law that will be introduced by the 'Weights and Measures (Specified Quantities)(Pre-packed Products) Regulations 2009'

on 11th April 2009 are set out below. Additional guidance on these Regulations is available on the NWML website at www.nwml.gov.uk

For all pre-packaged products apart for certain wines and spirits:

- All pre-packaged goods (except for certain wines and spirits) which were previously required to be packed only in a prescribed quantity, are now free to be packed in any size.

For pre-packaged spirit drinks:

- A reduction in the range of sizes of pre-packaged spirits subject to specified quantities so that those outside the range 100 ml to 2000 ml will no longer be regulated.
- The addition of the 1750 ml size for pre-packaged spirits.

For pre-packaged wines:

- A reduction in the range of sizes of pre-packaged still wines subject to specified quantities so that those outside the range 100 ml to 1500 ml will no longer be regulated. A range of 125ml to 1500 ml applies to sparkling wine.
- The removal of the restriction on the use of the 187 ml size for pre-packaged still wines, which limited its use to duty free sales.

For aerosols:

- Removal of the requirement for aerosols to be marked only by weight so that there is now an option to mark by weight or volume .

Analysis and Government Response on Pre-packages

Question 1

Do you agree that the UK should deregulate specified quantities for butter, milk, dried pasta, coffee and white sugar on 11th April 2009 rather than make use of the extended transitional periods which would allow for retention until 11th October 2012 (11th October 2013 for white sugar)?

13. The vast majority of respondents (over 90%) who commented expressed support for deregulation of specified quantities for all five products in April 2009, without any additional transitional period.
14. The arguments made by those supporting the proposal included the need to keep in line with the treatment for these products in the rest of Europe to ensure a level playing field and the absence of any burdens arising from their deregulation.
15. For example the British Retail Consortium highlighted that the introduction of unit pricing makes specified quantities redundant and that there would

be no need for a transitional period as the deregulation of specified quantities makes the law less restrictive.

16. A small number of individual consumers and trade associations supported retention of specified quantities for these products for the full transitional period beyond April 2009, particularly for milk. Dairy UK also clearly favoured the retention of specified quantities for milk beyond 2009. In particular they expressed concern that freedom to pack in any size would result in additional costs for the dairy industry in producing a wider range of sizes.

Government Response

17. *There is clear support from business, trading standards and consumers for the deregulation of specified quantities for white sugar, dried pasta, butter, and coffee without an extended transitional period. **Therefore the Government's policy is to deregulate specified quantities for these four products on 11th April 2009.***
18. *For milk there is some support for the use of the transitional period – notably from Dairy UK, the trade association representing the dairy industry. However, while we are sympathetic to the views of the trade association we are not convinced that the proposal to deregulate specified quantities for milk in April will automatically result in additional packaging costs for the industry. Once the specified quantities are removed, the industry will be free to pack in any size, including the sizes that they use at present. There will be no requirement to adopt any new sizes or to incur any additional costs. The decision on whether to do so will be a commercial one for the business to decide. In addition, there is only an option for a transitional period. Even if we were to make use of the transitional period, specified quantities for milk would be deregulated in October 2012 and if the industry chooses to adopt new pack sizes and incurs costs as a result, then use of the transitional period would only defer those costs. **Therefore, having given consideration to all the responses received, the Government's policy is to deregulate specified quantities for milk on 11 April 2009.***

Annex A

List of respondents to the Consultation

Accenture	John Gibson
Alan Jones	John Murray
Alcohol Concern	Jon Roach
Alcohol Focus Scotland	Jonathan Points
Andrew Cormie	Juel Mahoney
Andrew Tucker	Justices' Clerks' Society
Angus Scott	Kevin Scranage
Anthony Titley	LACORS
Argyll & Bute Council Trading Standards Service	Lapostolle
Around Wine	Laurie Othen
Arthur Coppock	Majestic Wine Warehouses
Association of Wine Educators (AWE)	Martin Vlietstra
Avery Wine Merchants	Metrology Liasion Panel of SWERCOTS
Bedfordshire County Council	Michael Garrison
Bee Farmers' Association Of The U.K.	Moet Hennessy UK Ltd
Bermar (International) Ltd	Mr & Mrs Hoskins
Bibendum Wine Limited	Natasha Hughes
British Beer & Pub Association	National Association of Master Bakers
British Retail Consortium	Nestle UK
Campaign For Real Ale	Nick Groundwater
Central England Trading Standards Authorities	Nick Kernoghan
Chris Coombes	Nick Kimberley
Chris Wright	Nicola Stead
City & County of Swansea	Norfolk Trading Standards
Conference and Travel Publications	Northumberland County Council
Dairy UK	Osprey Point
David Smart	Paragraph Publishing
Dept of Enterprise, Trade & Investment	Peter Bradbury
Dermot Sugrue	Peter Brown
Desmond Kilcoyne	Petrol Retailers Association
Diageo	Phil McKerracher
Don Jordan	Philip Edey
East Midlands Co-ordinators of Regulatory Services	Premier Foods plc
Enotria	Raymond Reynolds Ltd
Federation of Bakers	Reg Ward
Fiona Beckett	Richard Hall
Food and Drink Federation	Rob Dougan
George James Ltd	Rupert Byng
Gerald Bull	Rural Payment Agency
Graham Middleton	S1 Metric-Matters
Hampshire County Council	Scottish Consultants In Public Health Medicine

Haynes Hanson & Clark	Selfridges & Co
Howard Bilton	Skye Kennedy
Ian Dufour	Somerset Trading Standards Service
Ian Jarratt	Sophie Roberts-Brown
Ignite Group Ltd	South East London Metrology Group
Institute of Consumer Affairs	South West London Metrology Group
Jancis Robinson	Steve Hosgood
Terry Simpson	TSI Head Office
The British Beekeepers' Association	TSNW Metrology Focus Group
The Clockwork Beer Company	UK Metric Association
The Co-operative Food	UK Travel Retail Forum
The Fat Duck	University of Huddersfield
The Innis & Gunn Brewing Company Ltd	Vine Trail Ltd
The Parkinson's Disease Society	Warburtons Ltd
The Sampler (UK) Ltd	West Sussex County Council
The Scottish Licensed Trade Association	Wine and Spirit Trade Association
The Ultimate Wine Company	Woodwinters Wines and Whiskies
Thomas DeWaen	Working Men's Club & Institute Union Limited
Tom Croxford	