
EXPLANATORY NOTE

(This note is not part of the Regulations)

Introduction

These Regulations provide for the control of packages containing products packed in constant nominal quantities. They provide for the average system to apply to the quantity contained in each batch of packages which is made up. The Regulations implement European Union Directives on prepackaged goods and on the units of measurement to be applied to such packages.

Previous legislation

These Regulations repeal the previous legislation on packaged goods contained in Part V of the Weights and Measures Act 1985 and the regulations made thereunder: the Weights and Measures (Packaged Goods) Regulations 1986 (S.I. [1986/2049](#)) as amended by SI [1992/1580](#) and SI [1994/1258](#) (regulation 1(2) and Schedules 1 and 2).

EU Directives implemented

These Regulations re-implement the following Directives in whole or part:

- (a) Council Directives: [75/106/EEC](#) on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids (as amended by Commission Directive [78/891/EEC](#) (OJ No L311, 4.11.1978, p. 21), and Council Directives [79/1005/EEC](#) (OJ No L308, 4.12.1979, p. 25), [85/10/EEC](#) (OJ No L4, 5.1.1985, p. 20), [88/316/EEC](#) (OJ No. L143, 10.6.1988, p. 26) and [89/676/EEC](#) (OJ No L398, 30.12.1989, p. 18);
- (b) Council Directive [76/211/EEC](#) on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products (OJ No L46, 21.2.1976, p. 1) as amended by Commission Directive [78/891/EEC](#) (OJ No L311, 4.11.1978 p. 21); and
- (c) Council Directive [80/181/EEC](#) on the approximation of the laws of the Member States relating to units of measurement (OJ L39, 15.2.1980, p. 40) as amended by Directives [85/1/EEC](#) (OJ L2, 3.1/1986, p. 11), [89/617/EEC](#) (OJ L357, 7.12.1989, p. 28) and [1999/103/EC](#) (OJ L34, 9.2.200, p. 17) as it applies to packaged goods.

Provisions of the Regulations

These Regulations apply to packages which are packed in constant nominal quantities by weight or volume which are predetermined by the packer and are not less than 5 grams or 5 millilitres and not more than 25 kilograms or 25 litres (regulation 3). They also apply to “outer containers” containing at least one package and to bread which is unwrapped. Regulation 3 also sets out exceptions to the application of the regulations.

Regulation 4 sets out the three rules with which packers must comply in making up packages. Compliance with the rules is to be determined by the reference test set out in Schedule 2. Regulations 5 and 6 set out the information which must be marked on packages and outer containers and the circumstances in which the E-mark (the form of which is shown in Schedule 4) may be marked on a package or outer container. Regulation 7 provides that a person other than a packer or importer who

Status: This is the original version (as it was originally made).

marks an indication of nominal quantity on a package will become liable under the Regulations as though he were a packer or importer. Regulation 8 sets out specific requirements as to the marking of weight or volume on packages.

Regulation 9 imposes duties on packers and importers as to the measurement of the contents of packages, the checking of the contents and keeping of records. Regulations 10 to 12 provide for the enforcement of the Regulations by local weights and measures authorities and matters connected therewith. Additional powers of inspectors and local weights and measures authorities are set out in Schedule 7. Regulation 13 lays down penalties in respect of the making up and marking of packages and outer containers and keeping records of proposed markings. Regulation 14 lays down penalties in respect of the knowing sale of packages containing short measure or of packages which come from a batch that has failed the reference test. Regulation 15 prohibits the marking of the E-mark on packages except as permitted by the Regulations. Regulation 16 makes the unauthorised disclosure of information concerning trade secrets and secret manufacturing processes an offence. Regulations 17 to 20 contain provisions supplementary to the offence provisions.

Regulation 21 contains transitional provisions in respect of the application of the pre-existing law to packages made up or actions taken before the Regulations come into force and provides a one year transitional period in respect of the application of the E-mark under the pre-existing law.

Regulatory impact assessment and transposition note

A full regulatory impact assessment of the effect that these Regulations would have on the costs to business, together with a Transposition Note, is available from the Consumer and Competition Policy Directorate, Department of Trade and Industry, 4th Floor, 1 Victoria Street, London SW1H 0ET. Copies of the regulatory impact assessment have also been placed in the libraries of both Houses of Parliament.