EVALUATION AND FITNESS CHECK (FC) ROADMAP			
TITLE OF THE EVALUATION/FC	REFIT evaluation of the legal framework for prepackaging covering Directives 2007/45/EC , 75/107/EEC and 76/211/EEC)		
LEAD DG – RESPONSIBLE UNIT	GROW/C4	**DATE OF THIS ROADMAP**	09 / 2015
TYPE OF EVALUATION	Evaluation External	**PLANNED START DATE** **PLANNED COMPLETION DATE**	07 / 2014 11 / 2015
		PLANNING CALENDAR	http://ec.europa.eu/smart-regulation/evaluation/index_en.htm
This indicative roadmap is provided for information purposes only and is subject to change.			

A. Purpose

(A.1) Purpose

The purpose of this evaluation is to assess the performance of the 3 Directives regulating the legal framework for prepackaging (Directives 2007/45/EC, 75/107/EEC and 76/211/EEC) in terms of effectiveness, efficiency, coherence, relevance and EU added value. Where appropriate, the evaluation should identify possible issues in the functioning of the Directives and depending on the conclusions, improvements which could be envisaged.

(A.2) Justification

The legal basis in the Pack sizes Directive 2007/45/EC, Article 9(1) stipulates that Commission provides a report on application and effects of the Directive by 11 October 2015 and thereafter every 10 years. Directive 76/211/EC was evaluated in 2005 and Directive 75/107/EEC has never been evaluated. Therefore, the 3 Directives being closely related, it was decided to take this opportunity to evaluate the 3 of them altogether, thereby forming a consistent evaluative package. In addition the evaluation of the three Directives has been linked to REFIT in 2014 (SWD(2014)192 and COM(2014)368 to assess the relevance and the performance of the legislations.

B. Content and subject of the evaluation

(B.1) Subject area

The subject area of the evaluation concerns the Pre-packaging Directives dealing with the measurement of quantities contained in pre-packaged goods and with their sizes.

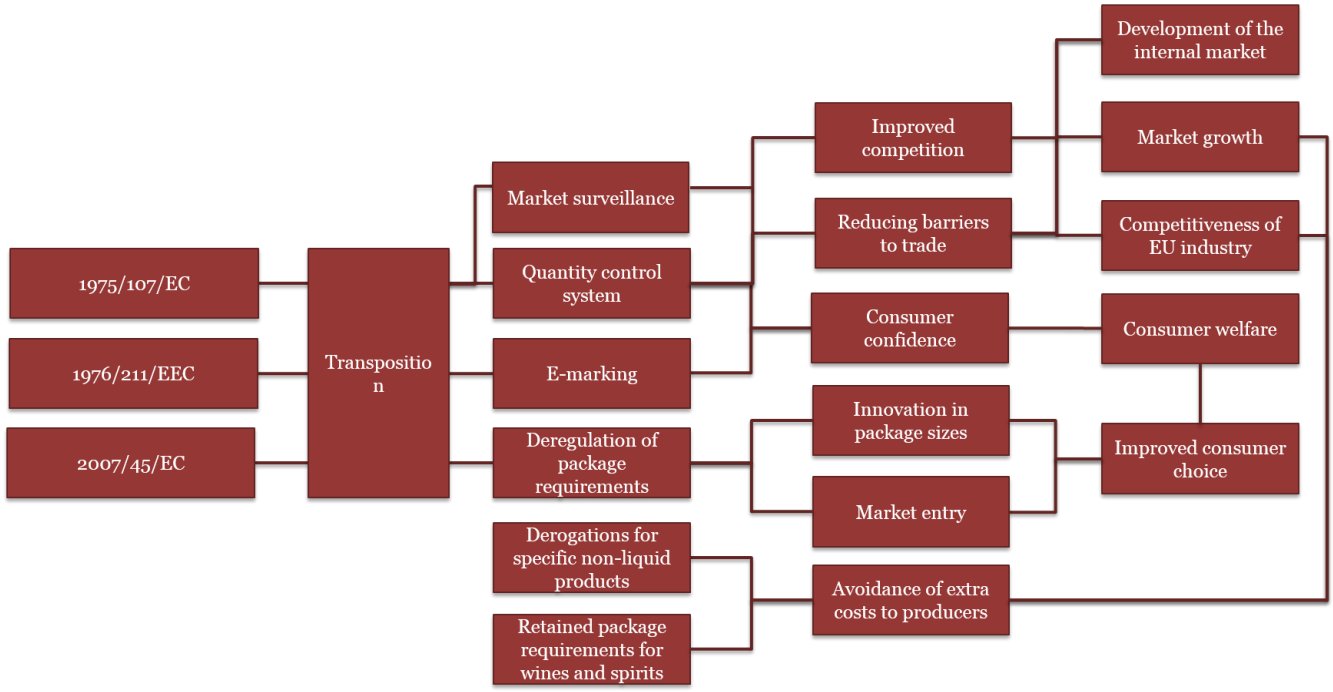
- Directive 75/107/EEC deals with bottles used as measuring containers (3-mark), the voluntary application of which is much applied whilst market surveillance by authorities is defined by the Directive;
- Directive 76/211/EEC deals with the making-up by weight or volume of pre-packages (e-mark), the voluntary and use of which is widespread whilst market surveillance by authorities is defined by the Directive;
- Directive 2007/45/EC deals with nominal quantities for pre-packed products (pack-sizes), which applies to all pre-packed products.

(B.2) Original objectives of the intervention

The objectives of the directives are to enable **free circulation** (promoting internal market) of prepacked products (leading in turn to market growth and the competitiveness of EU industry) whereby **consumers are guaranteed the quantities** (addressing societal needs) that are indicated on the packages and, in the case of wine and spirit

drinks, the pack size, contributing to **consumer protection and improved consumer choice**.

(B.3) How the objectives were to be achieved



C. Scope of the evaluation/FC

(C.1) Topics covered

The evaluation will cover the 3 Directives (Directives 2007/45/EC , 75/107/EEC and 76/211/EEC). The geographical coverage is the European Economic Area while the evaluation covers a 5-year period starting on 1 January 2009 (2009 - 2013).

The evaluation covers the part of the production chain concerned with filling and labelling that are regulated by he directives. It concerns only the metrological aspect, not other aspects such as product description, nutritional content, ingredient listing, health claims, packaging materials, commercial practices and advertisement, and price labelling, which are subject to other pieces of Union legislation.

(C.2) Questions/issues to be examined

The evaluation will assess the effectiveness, efficiency, coherence, relevance and EU added value of the 3 Directives. To this end, the following questions will be answered:

Relevance

1. To what extent are the objectives of the Directives still relevant in relation to the stakeholders needs and overarching political objectives? What is the level of support of stakeholders for them?
2. How well do the (original) objectives (still) correspond to the needs within the EU?
3. How well adapted is the Directive to technical/international progress?

Effectiveness

4. To what extent have the objectives been achieved? Which main factors have contributed or stood in the way of achieving those objectives?

5. Are there any aspects/means/actors that render certain aspects of the Directives more or less effective than others, and - if there are - what lessons can be drawn from this

6. What are, if any, the consequences or effects (either positive or negative) that were not originally planned?

Efficiency

7. What are the costs associated with the compliance with the directives and how do they compare to the benefits? Are the benefits achieved at reasonable costs (with focus on SMEs)?

8. Taking into account the objectives and benefits of the directives, is there evidence that the legislative requirements have caused unnecessary burden (e.g. administrative and reporting burden), especially for SMEs?

Coherence

9. To what extent are there overlaps/ complementarities between the Directives and any other Union or Member State action in the relevant areas? To what extent are they coherent?

EU added value

10. What is the added value of the Directives for stakeholders?

11. To what extent do the issues addressed by the directives continue to require action at EU level?

(C.3) Other tasks

n/a

D. Evidence base

(D.1) Evidence from monitoring

n/a
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(D.2) Previous evaluations and other reports

Directive 76/211/EEC Evaluation report 2005:
http://ec.europa.eu/growth/single-market/goods/building-blocks/legal-metrology/pre-packaging/index_en.htm
Directive 2007/45/EC Impact assessment 2003-2005
http://ec.europa.eu/growth/single-market/goods/building-blocks/legal-metrology/pack-sizes/index_en.htm

(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement procedures)

The experience with the legislation in place has been that there are few questions to the Commission services about the legislation. There have been no complaints as far as known.

(D.4) Consultation

Stakeholders involved are:

1. Consumers, Consumer organisations and NGOs
2. Producers of glass bottles and Bottle fillers
3. Packers (other than bottles)
4. Importers
5. Retailers (supermarket, shop, do-it-yourself store (DIY) often arranging for packing to be done
6. Wholesalers/distributors of pre-packaged products
7. Other legal persons arranging for the packing to be done

8. Industry federations in food and non-food and SMEs
9. Competent departments (authorities)
10. Market-surveillance authorities

Data were collected by means of

- Interviews by external consultant with stakeholders (industry associations, national authorities)

- online survey by external consultant targeting consumer organisations, individual firms, industry associations, national authorities

- An open public consultation (EU survey via Your Voice) has been held from 13 January till 7 April 2015 in 22 languages:

https://ec.europa.eu/eusurvey/runner/EvaluationoftheEUrulesonnominalquantityandcapacityofprepackagedproducts

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(D.5) Further evidence to be gathered

An external consultant has been contracted to conduct this evaluation, which started before the entry into force of the Better Regulation Guidelines. The duration of the execution of tasks was until 29 July 2015.