

*Trin x*  
*Richard x*  
*John x*

WEIGHTS AND MEASURES BILL

*To. COPY NO. 28*  
*Willie ✓*  
*Proper ✓*  
*Nick ✓*  
*Norman ✓?*  
*Tan*

10-15

Further note by Mrs. Sally Oppenheim.

The following note is intended to answer the points and questions raised during the discussion on the Weights and Measures Bill at the meeting of the LCC on Wednesday, 15th November.

1. Nature of our commitment

Article 100 of the Treaty of Rome obliges member states to align their laws where these are held by the Commission to be hindering trade. Among the first Directives to be adopted in the measurement field was the "framework" or common Directive containing provisions for both measuring instruments and methods of metrological control. This was approved by the Council of Ministers on 26th July 1971. Preliminary draft Directives on bottles and prepacked liquids were produced in 1970 and 1971. In 1972 a preliminary draft dealing with non-liquid food prepacks was produced, and later extended to cover other prepacked solids.

The first two Directives, dealing with bottles and liquids, were adopted by the Council of Ministers in December 1974, with an implementation date of July 1976. The U.K., Belgium, the Netherlands and Ireland were given a 5 year derogation for implementation of the liquids Directive (75/106/EEC). This expires on 31st December 1979.

The solids Directive (76/211/EEC) was adopted by the Council and notified to all member states in January 1976, to be implemented by non-derogated states by July 1977, and by derogated states by 31st December 1979.

2. Parliamentary scrutiny

The Liquids Directives were debated for one hour at 9.30 a.m. on 18th November 1974, following an all-night sitting (Hansard 29th November, Cols. 962-977). The debate was curtailed to little more than a third of the time allocated to it in order that the next day's business should not be lost. Mr. Terence Higgins protested at the lack of time, and at the far from objective manner in which the Government had presented the Directives. The Directives raised points of principle which the House should consider. He emphasised the advantage to the consumer of the minimum weight system, and drew attention to the danger that product packs might, under the average system imposed by the Directives, fall considerably below average weight. We did not vote against the Directives.

The Solids Directive was never debated because the Scrutiny Committee considered that it was consequential upon the Liquids Directives already agreed.

3. Mandatory or Permissive: the alternatives

The Directives are concerned with inter-EEC trade, not with internal trading within member states. It would therefore be possible, as the Working Party on Metrological Control Systems pointed out in their report (Cmd. 8805) to make the operation merely permissive in the U.K. - to enable goods from the EEC satisfying average quantity criteria to be imported and sold in the U.K. while retaining our own criteria for home-produced goods sold here. The Working Group rejected this alternative because they believed that the principles upon which the Directives were based needed to be adopted in law for as wide a range of products as practicable.

...../

In the United States the Federal Foods, Drugs and Cosmetic Act requires every food pack to carry an accurate statement of weight or other measurement, enforced on the average system, except where the manufacturer chooses voluntarily to specify minimum content.

#### 4. Sanctions for infringement of the Directives

A manufacturer exporting goods to the EEC which did not satisfy the average criteria could be brought before the European Court. We could also be challenged for failing to admit European goods which satisfied this criteria.

#### 5. Conclusions and Recommendations

There seems to be no reason why we should not operate a dual system, as is done in the United States. Policing of quantities would be according to average weights. It is claimed that, because checking would be at the factory rather than the retail stage, a more comprehensive and effective check would be possible by some 60 inspectors than is at present made by 107 inspectors sampling packs at retail outlets.

Ideally British manufacturers should be required to observe tolerance limits which did not fall below the limits at present required under the minimum net weight system. We would in this way avoid the risk of consumer objection to packs which, satisfying only the lower limit of tolerance permitted under the average system, contained appreciably less than is normal under the minimum-plus-margin standard to which British manufacturers pack at present.

#### Reasoned amendment

We should accordingly move a reasoned amendment stating that in no case should the tolerance limits for British goods be set lower than the present minimum net weight requirements in force in the U.K.\* and that the Government should not take powers in the Bill that go further than is required under the Directives.

\* It may be necessary to make exceptions in the cases of goods to which EEC Directives on specified quantities apply; these Directives have not yet appeared.