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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Directive [2007/45/EC](#) of the European Parliament and the Council laying down rules on nominal quantities for pre-packed products, repealing Council Directives [75/106/EEC](#) and [80/232/EEC](#) and amending Council Directive [76/211/EEC](#) (“the Directive”).

The Directive removes restrictions on the placing on the market of products in pre-packages made up otherwise than in “nominal quantities” (“specified quantities” in the UK), subject to the retention of nominal quantities applicable to certain wines and spirits. It requires that aerosol dispensers be marked with an indication of the total capacity of the container, in such a way as to avoid confusion with the volume of its contents. It also provides that aerosol dispensers need no longer indicate the weight of their contents. Products not in pre-packages are outside the scope of the Directive.

Schedules 4, 5 and 6 to the Weights and Measures Act 1985 (“the Act”) provide (at paragraphs 2, 3 and 5 respectively) for the sale of sand and other ballast, solid fuel, ready-mixed cement mortar and ready-mixed concrete in specified quantities. Those provisions apply to the above-mentioned products, whether they are in pre-packages or not. Regulation 2, therefore, amends specified quantity provisions so as to limit their application to sand and other ballast, solid fuel, ready-mixed cement mortar and ready-mixed concrete which are not in pre-packages.

Schedule 7 to the Act makes provision (at paragraph 3) for the quantity marking of aerosol containers. Regulation 2 amends paragraph 3 so as to require that aerosol containers be marked with an indication of the net volume of the contents together with an indication of the total capacity of the container (indicated in such a way as to avoid confusion with the volume of its contents).

Section 22 of the Act allows the Secretary of State by order to provide (amongst other things) that pre-packed goods must be sold only in specified quantities. Regulations 3 and 5 amend orders under section 22 of the Act to exempt products pre-packed in securely closed containers from requirements to be sold in specified quantities.

Regulation 4 implements those requirements of the Directive relating to nominal quantities for certain wines and spirits in pre-packages by partially revoking Schedule 1 to the Weights and Measures (Intoxicating Liquor) Order 1988 and inserting into that Order a new Schedule A1 applicable to those products. Regulation 6 makes an amendment to the Aerosol Dispensers (EEC Requirements) Regulations 1977 consequential to the amendment to Schedule 7 to the Act made by regulation 2.