

**MERCHANDISE MARKS (PREPACKED GOODS) (MARKING AND QUANTITIES)
(AMENDMENT) ORDER 1989**

I, DESMOND O'MALLEY, Minister for Industry and Commerce, after consultation with such persons as appear to me to be substantially interested in the general subject matter of the Order following and after compliance with subsection (10) of section 2 of the Merchandise Marks Act, 1970 (No. 10 of 1970), hereby, in exercise of the powers conferred on me by the said section 2, orders as follows:

REG 1

1. This Order may be cited as the Merchandise Marks (Prepacked Goods) (Marking and Quantities) (Amendment) Order, 1989.

REG 2

2. This Order shall, in relation to sparkling wines, come into operation on the 1st day of January, 1991 and shall, in relation to spirits, come into operation on the 1st day of January, 1992.

REG 3

3. The Merchandise Marks (Prepacked Goods) (Marking and Quantities) Order, 1973 (S.I. No. 28 of 1973), is hereby amended by—

(a) the substitution in subarticle (1) of Article 8 of the following paragraph for paragraph (b) —

"(b)This Order shall not apply in relation to goods specified in—

(i) Part II of the said First Schedule (other than sparkling wines (subheading 22.05A of the Common Customs Tariff of the European Economic Community) and wine in bottles with "mushroom" stoppers held in place by ties or fastenings and wine otherwise put up with an excess pressure of not less than one bar but less than three bar. measured at a temperature of 20°C (subheading 22.05B of the said Common Customs Tariff) and spirits (other than those of heading No. 22.08 of the said Common Customs Tariff): liqueurs and other spirituous beverages: compound alcoholic preparations (known as "concentrated extracts") for the manufacture of beverages (heading 22.09 of the said Common Customs Tariff)), or
(ii) the said Part I or II of the said Second Schedule, that are packed in containers of 14 millilitres or less or of more than 5 litres", and

(b) the substitution in subarticle (2) of Article 8 of the following paragraph for paragraph (b) —

" (b) The said Article 3 shall not apply in relation to goods specified in the said Part II of the said First Schedule (other than sparkling wines (subheading 22.05 A of the Common Customs Tariff of the European Economic Community) and wine in bottles with "mushroom" stoppers held in place by ties or fastenings, and wine otherwise put up with an excess pressure of not less than one bar but less than three bar, measured at a temperature of 20°C (subheading 22.05 B of the said Common Customs Tariff) and spirits (other than those of heading 22.08 of the said Common Customs Tariff): liqueurs and other spirituous beverages; compound alcoholic

preparations (known as "concentrated extracts") for the manufacture of beverages (heading No. 22.09 of the said Common Customs Tariff) that are packed in containers of 50 millilitres or less or of more than 5 litres", and

(c) the insertion in column (1) of Part II of the First Schedule of—

"sparkling wines (subheading 22.05 A of the Common Customs Tariff of the European Economic Community) and wine in bottles with "mushroom" stoppers held in place by ties or fastenings, and wine otherwise put up with an excess pressure of not less than one bar but less than three bar, measured at a temperature of 20°C (subheading 22.05 B of the said Common Customs Tariff) and spirits (other than those of heading No. 22.08 of the said Common Customs Tariff); liqueurs and other spirituous beverages; compound alcoholic preparations (known as "concentrated extracts") for the manufacture of beverages (heading No. 22.09 of the said Common Customs Tariff).".

REG 4

4. The Merchandise Marks (Prepacked Goods) (Marking and Quantities) Order, 1973, shall, insofar as it applies to sparkling wines (subheading 22.05 A of the Common Customs Tariff of the European Economic Community) and wine in bottles with "mushroom" stoppers held in place by ties or fastenings, and wine otherwise put up with an excess pressure of not less than one bar but less than three bar, measured at a temperature of 20°C (subheading 22.05 B of the said Common Customs Tariff) have effect as if the following were substituted for the matter in column (2) of Part II of the First Schedule of the said Order:"

"125millilitres200millilitres375millilitres750millilitres 1.5litres
3litres4.5 litres 6litres9 litres"

on and after the first day of January, 1991.

REG 5

5 (1) The Merchandise Marks (Prepacked Goods) (Marking and Quantities) Order, 1973, shall insofar as it applies to spirits (other than those of heading No. 22.08 of the Common Customs Tariff of the European Economic Community); liqueurs and other spirituous beverages; compound alcoholic preparations (known as "concentrated extracts") for the manufacture of beverages (heading No. 22.09 of the said Common Customs Tariff) have effect as if the following were substituted for the matter in column (2) of Part II of the First Schedule of the said Order:

20millilitres 30millilitres 40millilitres 50millilitres
71millilitres100millilitres200millilitres350millilitres500millilitres700millilitres
1litre 1.125litres (value intended exclusively for trade use)
1.5litres 2litres 2.5litres 3litres 4.5litres 5litres (value intended
exclusively for trade use) 10litres (value intended exclusively for
trade use)

on and after the 1st day of January, 1992.

(2) In the case of alcoholic beverages to which aerated water or soda has been added all volumes of less than 100 millilitres are

allowed definitively.

REG 6

6. The Merchandise Marks (Prepacked Goods) (Marking and Quantities) Order, 1973 shall not apply to—

(i) sparkling wines (subheading 22.05 A of the Common Customs Tariff of the European Economic Community) and wine in bottles with "mushroom" stoppers held in place by ties or fastenings, and wine otherwise put up with an excess pressure of not less than one bar but less than three bar, measured at a temperature of 20°C (subheading 22.05 B of the said Common Customs Tariff) and
(ii) spirits (other than those of heading No. 22.08 of the said Common Customs Tariff); liqueurs and other spirituous beverages; compound alcoholic preparations (known as "concentrated extracts") for the manufacture of beverages (heading No. 22.09 of the said Common Customs Tariff) which are intended either for the provisioning of aeroplanes, ships, trains or for sale in duty-free shops.

GIVEN under my Official Seal, this 1st day of November. 1989.

DESMOND O'MALLEY,
Minister for Industry and
Commerce.

EXPLANATORY NOTE.

This Order amends the Merchandise Marks (Prepacked Goods) (Marking and Quantities) Order, 1973 (as amended) so as to prescribe the sizes in which prepacked sparkling wines may be sold with effect from 1st January, 1991 and prepacked spirits may be sold with effect from 1st January, 1992. In so doing it implements the provisions of Directive 75/106/EEC(1) as amended by Directives 79/1005/EEC(2), 85/10/EEC(3) and 88/316/EEC(4) on the approximation of the laws of Member States relating to prepackaged liquids, insofar as sparkling wines and spirits are concerned.

(1)O.J. No. L42, 15.2.75, p. 1

(2)O.J. No. L308, 4.12.79, p. 25

(3)O.J. No. L4, 5.1.85, p.20

(4)O.J. No. L143, 10.6.88, p. 26