

**Regulation on prepackaging and other sales units
(Prepackaging Regulation – FPackV)
of 18.11.2020
BGBl I 2020, 2504
FNA 7141-8-3**

Overview of contents

Section 1

General Provisions

- Section 1 Scope
- Section 2 Definitions
- Section 3 Marking of the nominal filling quantity

Section 2

Prepackaging of the same nominal filling quantity
marked by weight or volume

- Section 4 General provisions for labelling by weight or volume
- Section 5 Net drained weight
- Section 6 Special provisions for labelling by weight or volume
- Section 7 Prepackaging with food
- Section 8 Manufacturer's name
- Section 9 General nominal filling quantity requirements
- Section 10 Specific nominal filling quantity requirements
- Section 11 e character

Section 3

EC fertilisers
within the meaning of Regulation (EC) No. 2003/2003

- Section 12 Requirements for EC fertilisers

Section 4

Cosmetics

within the meaning of Regulation (EC) no. 1223/2009

Section 13 Requirements for prepackaged cosmetic products

Section 14 Requirements for cosmetic products within the meaning of Article 19(4) of Regulation (EC) no. 1223/2009

Section 5

Pre-packaged foodstuff
And non pre-packaged foodstuff

Section 15 General provisions

Section 16 General rules for pre-packaged foodstuff

Section 17 Fruit and vegetables without prepackaging within the meaning of Article 44(1) of Regulation (EU) no. 1169/2011

Section 18 Baked goods without prepackaging within the meaning of Article 44(1) of Regulation (EU) no. 1169/2011

Section 19 Foodstuffs prepackaged for direct sale within the meaning of Article 44(1) of Regulation (EU) no. 1169/2011

Section 20 Further provisions on quantity labelling

Section 21 Marking of the quantity

Section 22 Exemption or facilitation from filling quantity labelling

Section 23 Mandatory values for nominal filling quantities for wines and spirits

Section 6

National rules
for prepackaging of the same nominal filling quantity
with marking by number of pieces, length or area

Section 24 General provisions for labelling by number of pieces

Section 25 Special provisions for labelling by number of pieces

Section 26 Requirements for the nominal filling quantity for labelling by number of units

Section 27 General provisions for labelling by length or area

Section 28 Nominal filling quantity requirements for marking by length or area

Section 7

Other sales units
and prepackaging of different nominal filling quantities

Section 29 Open packs

Section 30 Sales units without barrier

Section 31 Requirements for prepackaging of unequal nominal filling quantities

Section 32 Negative deviations for prepackaging of variable nominal filling quantity

Section 8

Prepackaging with filling quantities
of less than 5 grams or 5 millilitres
or more than 10 kilograms or more than 10 litres

- Section 33 Prepackaging with contents of less than 5 grams or 5 millilitres
- Section 34 Prepackaging with contents of more than 10 kilograms or more than 10 litres

Section 9

Measuring containers

- Section 35 Specifications for dimensional container bottles
- Section 36 Accuracy requirements
- Section 37 Manufacturer's mark

Section 10

Formal requirements, control and documentation obligations and market surveillance

- Section 38 Readability and font size
- Section 39 Multiple packaging, multipack
- Section 40 Market monitoring
- Section 41 Control and documentation obligations
- Section 42 Reference temperature

Section 11

Administrative offences, transitional provisions

- Section 43 Administrative offences
- Section 44 Transitional provisions

- Annex 1 Mandatory values for nominal filling quantities of prepackaging of wine and spirits
- Annex 2 Determination of different dates of manufacture for prepackaging and other sales units
- Annex 3 Procedure for checking the filling quantity by weight or volume of labelled prepackaging and other sales units by the competent authorities
- Annex 4 Procedure for checking the filling quantity by length, surface area or number of units of labelled prepackaging and other sales units of the same nominal length or surface area without wrapping by the competent authorities
- Annex 5 Deviating test periods for prepackaging and other sales units
- Annex 6 Procedure for the examination of dimensional container bottles by the competent authorities
- Annex 7 Requirements for measuring devices

Section 1

General Provisions

Section 1

Scope

(1) This Regulation shall apply to prepackaging of the same and unequal nominal filling quantity, measuring containers and other sales units. In particular, it regulates markings according to the sizes weight, volume, length, area or number of units.

(2) Section 43 (1) of the Measurement and Calibration Act and this Regulation shall not apply to:

1. Prepackaging whose nominal filling quantity is marked by surface or piece and which are supplied to final consumers who use these prepackaging in their own self-employed professional or commercial activity,
2. Free samples,
3. Prepackaging intended for transport from the scope of application of the Measurement and Calibration Act or for the equipment of seagoing vessels, with the exception of prepackaging bearing the e character in accordance with § 11,
4. Conformance-rated or calibrated dimensional embodiments, or
5. Prepackaging containing products listed in Appendix 1 sold in duty-free shops for consumption outside the European Union.

Section 2

Definitions

For the purposes of this regulation, the following definitions shall apply:

1. Prepackaging of the same nominal filling quantity contain products with a predetermined uniform nominal filling quantity value.
2. Prepackaging of an unequal nominal filling quantity contain products with a nominal filling quantity value determined for each individual packaging, without this being determined in advance.
3. Prepackaging of food are prepackaging containing food which are not covered by points 8 and 9.
4. Free samples are prepackaging which are provided free of charge as samples to economic operators or end consumers and are labelled as such.
5. Lot size is the total quantity of prepackaging or other sales units of the same nominal filling quantity or weight and of the same presentation and manufacture, filled in the same place.
6. Minus deviation of a prepackaging is the quantity by which the filling quantity of this prepackaging falls below the nominal filling quantity.
7. Packages not intended for retail sale are packaging which are in a prepackaging and on which the mandatory particulars required for prepackaging do not have to be provided.
8. Pre-packaged foodstuff are sales units within the meaning of Article 2(2)(e) of Regulation (EU) no. 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) no. 1924/2006 and (EC) no. 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) no. 608/2004 (OJ L 304, 22.11.2011, p. 18 as amended).
9. Non-pre-packaged foodstuff are sales units within the meaning of Article 44(1), first half-sentence of Regulation (EU) no. 1169/2011.
10. The date of manufacture shall be the date on which the product is combined with the outer packaging and the outer packaging is closed and the required marking characteristics are affixed, unless otherwise specified in the following provisions and in Appendix 2.

For other sales units, by way of derogation from point 10 of the first sentence, the date of manufacture shall be the date on which the required marking characteristics are applied, unless otherwise provided for in the following provisions.

Section 3 **Marking of the nominal filling quantity**

(1) Anyone who manufactures prepackaging or other sales units, brings them within the scope of the Measurement and Calibration Act, places them on the market or otherwise makes them available on the market must ensure that the nominal filling quantity is specified according to the sizes of weight or volume. Sentence 1 shall not apply if labelling with the sizes of number, length or area is determined in accordance with other provisions or if no labelling is provided for.

(2) Where other provisions do not prescribe either the marking with any of the sizes of weight, volume, number of pieces, length or area, or the omission of a size mark, the indication of the size of the general public shall be in accordance with the general public opinion.

(3) Indefinite nominal filling quantity indications, the indication of a nominal filling quantity range or the additional indication of the gross weight are not permitted. The first sentence shall not apply unless otherwise provided for in other provisions.

Section 2 **Prepackaging of equal nominal filling quantity marked by weight or volume**

Section 4 **General provisions for labelling by weight or volume**

(1) The provisions of this Section shall apply to prepackaging of the same nominal filling quantity, labelled by weight or volume, for products not less than 5 grams or 5 millilitres and not exceeding 10 kilograms or 10 litres. The first sentence shall not apply to pre-packaged foodstuff and non-pre-packaged foodstuff.

(2) Anyone who manufactures prepackaging, brings them within the scope of the Measurement and Calibration Act, places them on the market or otherwise makes them available on the market shall ensure that:

1. The prepackaging is marked with the nominal filling quantity by weight or volume, in accordance with subparagraph 3 and Sections 3 and 6;
2. The prepackaging is marked with the required particulars in accordance with Section 5(1) and the first sentence of Section 8(1),
3. The prepackaging is marked with the inscriptions and symbols referred to in paragraph 4; and
4. The nominal filling quantity meets the requirements of Sections 9 and 10.

(3) Prepackaging containing liquid products shall be labelled by volume, prepackaging containing other products by weight in accordance with paragraph 4, unless otherwise provided for in other provisions or unless different labelling is required according to the general perception of the market. In the event of doubt, the information must be given in accordance with the general opinion of the public.

(4) The nominal filling quantity shall be indicated in figures:

1. When dispensing by weight in grams or kilograms; and

2. When dispensing in volume in millilitres, centilitres or litres

The name of the unit or the unit symbol shall be added.

Section 5 **Net drained weight**

(1) Where a solid foodstuff is in an infusion liquid, the prepackaging shall indicate, in addition to the nominal filling quantity, the drained weight of that foodstuff.

(2) The following products shall be regarded as infusion liquids provided that they play only a minor role in relation to the essential components of the preparation in question and are therefore not decisive for the purchase:

1. water,
2. Aqueous salt solutions;
3. Brine;
4. Edible acid in aqueous extract
5. Vinegar;
6. Aqueous sugar solutions,
7. Aqueous solutions of other sweetening substances or agents; and
8. Fruit or vegetable juices for fruits and vegetables.

This also applies if the infusion fluid is:

1. A component of blended cement
2. Frozen or
3. Deep-frozen

Section 6 **Special provisions for labelling by weight or volume**

(1) Prepackaging containing products in aerosol form shall be labelled by volume, even if the product is additionally required by other provisions to be labelled by weight. The volume shall be the volume of the liquid phase. In addition, the total capacity of the packaging shall be indicated. The indication referred to in the third sentence shall be designed in such a way that it differs significantly from the indication of the nominal volume of the content.

(2) Prepackaging with detergents, cleaning products, cleaning and maintenance products

1. In liquid or pasty form are according to volume and
 2. In solid or powder form, by weight
- . Soft soaps shall be labelled by weight.

(3) Prepackaging with adhesives shall be marked by weight.

(4) Prepackaging containing varnishes and paints shall be labelled by volume. Prepackaging of varnishes and paints produced by means of a paint mixing system in the wholesale or retail trade can also be marked by weight. The second sentence shall also apply to varnishes and paints mixed predominantly by hand in prepackaging.

(5) Prepackaging of products for pet animals and wild birds shall be marked by weight or volume.

(6) On prepackaging of photochemical products and with standard chemical and technical materials and reagent materials, the volume of the ready-to-use preparation or the number of applications or tests may be indicated instead of the nominal filling quantity.

Section 7 Prepackaging with food

Sections 20, 21, 22 and 23 shall apply mutatis mutandis to pre-packaged foodstuff.

Section 8 Manufacturer's name

(1) Prepackaging shall bear the name or company name and the place of commercial establishment of the manufacturer of the prepackaging, in the case of imported prepackaging of the importer. The information may be abbreviated or replaced by a symbol provided that the undertaking is easily identifiable by the competent authority from the abbreviation or symbol.

(2) Paragraph 1 shall not apply to:

1. Prepackaging marked in accordance with Section 38(7);
2. Prepackaging of seeds marked with a holding number determined in accordance with the legislation on the marketing of seeds;
3. Aerosol dispensers which comply with the provisions of the aerosol dispenser regulation of 27 September 2002 (BGBl. 3777, 3805), last amended by Article 23 of the Act of 8 November 2011 (BGBl. I p. 2178), are labelled and
4. Prepackaging containing tobacco products in which the tax mark is devalued pursuant to Section 35(1) of the Tobacco Tax regulation of 5 October 2009 (BGBl. I p. 3262, 3263), last amended by Article 4 of the regulation of 14 August 2020 (BGBl. I p. 1960).

Section 9 General nominal filling quantity requirements

(1) Prepackaging marked by weight or volume may only be made in such a way that, at the time of manufacture:

1. The mean value of the filling quantities determined in accordance with point 6 of Appendix 3 does not fall below the nominal filling quantity; and
2. The filling quantity does not exceed the values set out in paragraph 3 for the negative deviation from the nominal filling quantity.

(2) Prepackaging marked by weight or volume may only be brought into the scope of application of the Measurement and Calibration Act if, at the time of manufacture:

1. The mean value of the filling quantities determined in accordance with point 6 of Appendix 3 does not fall below the nominal filling quantity; and
2. The filling quantity does not exceed the values set out in paragraph 3 for the negative deviation from the nominal filling quantity.

For prepackaging manufactured outside the European Union, the date of placing on the market shall apply.

(3) The permissible negative deviations are:

Nominal filling quantity Q_N in g or ml	Permissible negative deviation	
	in % of Q_N	in g or ml
5 to 50	9	–
50 to 100	–	4.5
100 to 200	4.5	–
200 to 300	–	9
300 to 500	3	–
500 to 1000	–	15
1000 to 10000	1.5	–

For the application of this table, the values of the permissible negative deviation expressed in percentages, calculated in units of weight and volume, shall be rounded up to 0.1 grams or 0.1 millilitres. Minus deviations may be exceeded by a maximum of two percent of the prepackaging.

(4) Prepackaging marked by weight or volume may be placed on the market or otherwise made available on the market only if, at the time of manufacture, the negative deviation from the nominal filling quantity does not exceed the marketability values set out in the following table:

Nominal filling quantity Q_N in g or ml	Values of trafficability	
	in % of Q_N	in g or ml
5 to 50	18	–
50 to 100	–	9
100 to 200	9	–
200 to 300	–	18
300 to 500	6	–
500 to 1000	–	30
1000 to 10000	3	–

When applying this table, the marketability values calculated in units of weight and volume, expressed in percent, shall be rounded up to 0.1 grams or 0.1 millilitres.

Section 10 Specific nominal filling quantity requirements

(1) Prepackaging marked with the drained net weight may only be manufactured in such a way that the average drained net weight determined in accordance with point 6 of Appendix 3 does not fall below the indicated drained net weight.

(2) Prepackaging marked with the drainage weight may only be brought into the scope of application of the Measurement and Calibration Act if the mean value determined in accordance with Annex 3 no. 6 does not fall below the stated drainage weight.

(3) Prepackaging marked with the drained weight may only be placed on the market or otherwise made available on the market if the requirements of section 9 (4) are met. By way of derogation from the first sentence, in the case of prepackaging which are predominantly manufactured by hand or contain naturally grown foodstuffs, the requirements shall be determined by three times the values of the permissible negative deviation laid down in the second and third columns of the table in Section 9(3).

(4) In the case of prepackaging containing glazed foodstuffs, the coating agent shall not be included in the declared nominal filling quantity of the foodstuffs.

(5) Prepackaging of frozen or quick-frozen poultrymeat referred to in Article 9 of Commission Regulation (EC) no. 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) no. 1234/2007 as regards the marketing standards for poultrymeat (OJ L 157, 17.6.2008, p. 46), as last amended by Commission Regulation (EU) no. 519/2013 of 21 February 2013 (OJ L 158, 10.6.2013, p. 74), shall be subject to the filling requirements laid down in Article 9(4) thereof.

Section 11

e character

(1) The 'e' character in the form set out in point 3 of Annex II to Directive 2009/34/EC of the European Parliament and of the Council of 23 April 2009 on common rules for measuring instruments and for measuring and testing methods (recast) (OJ L 106, 28.4.2009, p. 7) may only be applied if the requirements of Sections 4, 6, 8, 9, 10(5) and Sections 38, 41 and 42 are met. If, in addition to the nominal filling quantity, the drained weight is to be indicated, the symbol shall refer only to the nominal filling quantity.

(2) The symbol shall be applied in a size of at least 3 millimetres in height and in the same field of vision as the indication of the nominal filling quantity.

Section 3

EC fertilisers as defined in Regulation (EC) no. 2003/2003

Section 12

Requirements for EC fertilisers

1. Requirements for prepackaging containing EC fertilisers shall be determined in accordance with the second subparagraph of Article 9(1)(a)(9) to (11)(b) and Articles 10 and 11 of Regulation (EC) no. 2003/2003 of the European Parliament and of the Council of 13 October 2003 on fertilisers (OJ L 304, 21.11.2003, p. 1), unless supplements are specified below in the framework of the implementation of Regulation (EC) no. 2003/2003.

(2) In addition to the requirements of Article 9(1)(a), indents 9 to 11, Article 10(1) and (2) and Article 11 of Regulation (EC) no. 2003/2003, EC fertilisers may only be brought into the scope of the Measurement and Calibration Act, placed on the market or otherwise made available on the market by the manufacturer in accordance with Article 2(x) of Regulation (EC) no. 2003/2003, if:

1. The nominal filling quantity meets the requirements of section 9; and
2. The control and documentation obligations laid down in Section 41 are complied with.

(3) Sections 11, 34 (5) and 42 shall apply mutatis mutandis to EC fertilisers labelled by weight or volume.

Section 4

Cosmetic products as defined in Regulation (EC) no. 1223/2009

Section 13

Requirements for prepackaged cosmetic products

(1) The requirements for prepackaging containing cosmetic products are based on Article 19(1)(a) and (b) first clause of Regulation (EC) no. 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59), as last amended by Regulation (EU) 2017/2228 of 4 December 2017 (OJ L 319, 5.12.2017, p.

2; L 326, 9.12.2017, p. 55), unless supplemented as part of the implementation of the Regulation (EC)

(2) In addition to the requirements of Article 19(1)(a) and (b) of Regulation (EC) no. 1223/2009, prepacked cosmetic products may only be made available on the market by the person responsible under paragraph 4 if:

1. The nominal filling quantity meets the requirements of Section 9 (1), (2) sentence 1 and (3) and (4); and
2. The control and documentation obligations laid down in Section 41 are complied with.

(3) For prepackaged cosmetic products labelled by weight or volume, Section 4(4), Section 6(1) and Sections 11 and 42 shall apply accordingly.

(4) The responsible person shall be the person designated pursuant to Article 4(3) to (6) of Regulation (EC) no. 1223/2009.

Section 14

Requirements for cosmetic products within the meaning of Article 19(4) of Regulation (EC) no. 1223/2009

(1) For prepackaged cosmetic products that are packaged at the point of sale at the purchaser's request or are prepackaged for immediate sale, Section 5 of the Cosmetics Regulation of 16 July 2014 (BGBl. I p. 1054), as amended by Article 2 of the Regulation of 26 January 2016 (BGBl. I p. 108), shall apply.

(2) Section 5 of the Cosmetics regulation shall apply to open packaging of non-prepacked cosmetic products and to cosmetic products which are packaged at the request of the purchaser or which are prepackaged with a view to their immediate sale.

(3) Cosmetic products referred to in paragraphs 1 and 2 may be made available on the market by the person responsible pursuant to paragraph 5 only if:

1. The nominal filling quantity meets the requirements of section 9; and
2. The obligation pursuant to section 41 (1) number 1 letter a is complied with accordingly.

(4) For cosmetic products referred to in paragraphs 1 and 2, § 4(4) and § 42 shall apply accordingly.

(5) The responsible person shall be the person designated pursuant to Article 4(3) to (6) of Regulation (EC) no. 1223/2009.

Section 5

Pre-packaged foodstuff and non-pre-packaged foodstuff

Section 15

General provisions

(1) The requirements for prepackaged and non-pre-packaged foodstuff and for other sales units containing prepackaged and non-pre-packaged foodstuff,

1. Which are intended for the end consumer, including food supplied by mass caterers, or
2. Which are intended for delivery to mass caterers;

Shall be governed by Regulation (EU) no. 1169/2011, unless otherwise specified below.

(2) Section 1(2)(2) and Sections 20, 21, 22 and 39(2) and (3) shall apply as a matter of priority in accordance with Article 42

of Regulation (EU) no. 1169/2011.

Section 16

General rules for pre-packaged foodstuff

- (1) The responsible person within the meaning of Article 8(1) of Regulation (EU) no. 1169/2011 must ensure that a pre-packaged foodstuff is only placed on the market if the filling quantity satisfies the requirements laid down in Sections 9, 10, 26, 32 or Section 34(3) mutatis mutandis.
- (2) Section 6 (1), Sections 11, 34 (5) and Sections 38, 40, 41 and 42 shall apply mutatis mutandis to pre-packaged foodstuff.

Section 17

Fruit and vegetables without prepackaging within the meaning of Article 44(1) of Regulation (EU) no. 1169/2011

- (1) The responsible person within the meaning of Article 8(1) of Regulation (EU) no. 1169/2011 shall ensure that open packaging of fruit or vegetables packaged in the absence of the final consumer, the contents of which may be altered, are labelled in accordance with Article 9(1), point (e), of Regulation (EU) no. 1169/2011.
- (2) The nominal weight shall be indicated by means of a plate on or adjacent to the packaging and shall be marked with the inscriptions referred to in § 4(4) sentence 1 no. 1 and second sentence.
- (3) The responsible person within the meaning of Article 8(1) of Regulation (EU) no. 1169/2011 shall ensure that fruit and vegetables referred to in paragraph 1 are only placed on the market if the filling quantity satisfies the requirements of Section 9, Section 29(3) or Section 34(3) mutatis mutandis.
- (4) For fruit and vegetables referred to in paragraph 1, Sections 26, 32(1), 34(5), 38(1), 38(2), 38(6), 38(8) and 40, 41 and 42 shall apply mutatis mutandis.
- (5) By way of derogation from the requirements of Regulation (EU) no. 1169/2011, the responsible person within the meaning of Article 8(1) of Regulation (EU) no. 1169/2011 shall ensure that fruit and vegetables referred to in paragraph 1 are labelled in accordance with Section 21(1) and Section 22(1).

Section 18

Baked goods without prepackaging within the meaning of Article 44(1) of Regulation (EU) no. 1169/2011

- (1) The responsible person within the meaning of Article 8(1) of Regulation (EU) no. 1169/2011 shall ensure that bakery goods of equal nominal weight without prepackaging offered for sale by weight are labelled in accordance with Article 9(1), point (e), of Regulation (EU) no. 1169/2011. Sentence 1 does not apply to bread without prepackaging exceeding 250 grams.
- (2) The responsible person within the meaning of Article 8(1) of Regulation (EU) no. 1169/2011 shall ensure that bread with a nominal weight equal to or greater than 250 grams without prepackaging is labelled in accordance with Article 9(1)(e) of Regulation (EU) no. 1169/2011.
- (3) The nominal weight shall be indicated by a sign on or next to the baked product and shall be marked accordingly with the inscriptions in accordance with § 4(4)(1)(1) and (2).
- (4) The controller within the meaning of Article 8(1) of Regulation (EU) no. 1169/2011 shall ensure that baked goods without prepackaging is only placed on the market if the filling quantity satisfies the requirements of Section 9 accordingly.
- (5) Sections 38, 40 and 41 shall apply mutatis mutandis to baked goods without prepackaging.
- (6) By way of derogation from the requirements of Regulation (EU) no. 1169/2011, the responsible person within the

meaning of Article 8(1) of Regulation (EU) no. 1169/2011 shall label baked goods without prepackaging in accordance with paragraphs 1 and 2 in accordance with Section 21(1) and (2) number 1, Section 22(1), (2) sentence 1 numbers 3, 4 and 6 and sentence 2.

Section 19

Foodstuffs prepackaged for direct sale within the meaning of Article 44(1) of Regulation (EU) no. 1169/2011

- (1) The indication referred to in Article 9(1)(e) of Regulation (EU) no. 1169/2011 shall be mandatory for prepackaging of food which are prepackaged with a view to their direct sale.
- (2) The person responsible within the meaning of Article 8(1) of Regulation (EU) no. 1169/2011 shall ensure that a food prepackaged for direct sale is placed on the market only if the filling quantity satisfies the requirements laid down in Sections 9, 10, 26 and 32(1) or Section 34(3) and (5) accordingly.
- (3) In addition, Sections 38, 39, 40, 41 and 42 shall apply mutatis mutandis to the direct sale of pre-packaged foodstuff.
- (4) The responsible person within the meaning of Article 8(1) of Regulation (EU) no. 1169/2011 shall, by way of derogation from the requirements of Regulation (EU) no. 1169/2011, ensure that pre-packaged foodstuff referred to in paragraph 1 are labelled in accordance with Sections 20, 21 and 22.

Section 20

Further provisions on quantity labelling

- (1) Prepackaging with liquid foods shall be labelled by volume, prepackaging with other foods by weight.
- (2) By way of derogation from paragraph 1, the following shall be labelled:
 1. Prepackaging by weight of
 - a) Honey, pectin, malt extract and syrup intended for use as spreads
 - b) Milk products other than mixed milk beverages
 - c) Vinegar essence
 - d) Seasonings
 2. By volume prepackaging with
 - a) Delicatessen sauces and mustard
 - b) Ice cream
 3. Prepackaging with concentrated soups, broths, brines, sauces and salad dressings with the volume of preparation ready for consumption by litres or millilitres,
 4. Prepackaging with baking-powder and baking yeast containing the weight of the flour, for the processing of which the filling quantity is still sufficient after the storage period foreseen in traffic,
 5. Prepackaging of pudding powder and related products and dry products for purees, dumplings and similar side dishes with the amount of liquid required to prepare the filling quantity.
- (3) By way of derogation from paragraph 2, point 1(b):
 1. Unsweetened condensed milk products packaged in containers other than metal cans or tubs, weight and volume;
 2. Buttermilk products: weight or volume

(4) In the case of prepackaging intended exclusively for end consumers who use the product in their independent professional or commercial activity, the responsible person within the meaning of Article 8(1) of Regulation (EU) no. 1169/2011 may deviate from the requirements of paragraphs 1 to 3 when labelling.

Section 21

Marking of the quantity

(1) By way of derogation from § 20(1) and (2), the responsible person within the meaning of Article 8(1) of Regulation (EU) no. 1169/2011 may indicate the number of pieces in prepackaging of fruit and vegetables, baking wafers and spices if the products are sold only by number of pieces in accordance with the general public's perception.

2. The responsible person within the meaning of Article 8(1) of Regulation (EU) no. 1169/2011 may also indicate the number of units for the following foods, provided that they are delivered in prepackaging containing more than one unit and that the filling quantity is less than 100 grams

1. In the case of figurative sugar confectionery, figurative chocolate confectionery, other than pralines, and baked goods of an individual weight exceeding 5 grams,
2. For chewing gum, chewing candies and foam sugar products.

(3) In the case of prepackaging with sweetener tablets, only the number of pieces shall be indicated.

Section 22

Exemption or facilitation from filling quantity labelling

(1) In the case of prepackaging containing products traded in accordance with the general public's perception by number of pieces or for which the number of pieces is to be indicated in accordance with Section 21, the indication of the number of pieces shall not be required if all the pieces are visible and easily countable or if the product is normally marketed only as a single piece or pair.

(2) The indication of the nominal filling quantity is also not required for prepackaging with:

1. Flavourings with a filling quantity of less than 10 grams or millilitres
2. Vinegar and preparations of horseradish or mustard with a filling quantity of less than 25 grams or millilitres
3. Sugar confectionery, products made from almonds, nuts and other oilseeds, baked goods and snack products with a filling capacity of less than 50 grams or with sugar with a filling capacity of less than 20 grams
4. Fine baked goods with the exception of long-life bakery goods, crisp bread and sliced bread with a filling quantity not exceeding 100 grams each
5. Ice cream with a filling quantity of 200 millilitres or less
6. Bread in the form of biscuits of a weight not exceeding 250 grams

Where several individual prepackaging exempted from the marking of the nominal filling quantity in accordance with points 3 and 4 of the first sentence are additionally packaged and the total nominal filling quantity exceeds 100 grams, the number and nominal filling quantity of each prepackaging shall be indicated on that packaging.

Section 23

Mandatory values for nominal filling quantities for wines and spirits

Pre-packaged foodstuff and pre-packaged foodstuff for direct sale containing the wines and spirit drinks listed in point 2 of Appendix 1 in prepackaging within the filling ranges referred to in point 1 of Appendix 1 may only be placed on the market if the nominal filling quantity corresponds to one of the values listed in point 1 of Appendix 1.

Section 6

National provisions for prepackaging with the same nominal filling quantity, labelled by number of units, length or area

Section 24

General provisions for labelling by number of pieces

Anyone who manufactures, places into the scope of the Measurement and Calibration Act, places on the market or otherwise makes available on the market prepackaging labelled by number of units must ensure that

1. The prepackaging is marked with the required information in accordance with Section 8 (1) sentence 1; and
2. The nominal fill quantity meets the requirements of § 26.

Section 25

Special provisions for labelling by number of pieces

(1) By number of pieces, by way of derogation from section 4 (2) number 1, may be marked

1. Fragrance or rinsing cleaners in pieces with a weight of less than 50 grams per piece;
2. Motor vehicle maintenance products in portion packaging,
3. Feed for pet animals and wild birds, if the feed is traded according to the general perception of the market only by quantity,
4. Adhesive pens
5. Paint pens with a nominal capacity of less than 50 millilitres.

(2) The indication of the number of pieces shall not be required if all the pieces are visible and easily countable or where the product is normally marketed only as a single piece or pair.

Section 26

Requirements for the nominal filling quantity for labelling by number of units

(1) Prepackaging marked by number of pieces with a nominal filling quantity of 30 pieces or less may only be manufactured, brought into the scope of application of the Measurement and Calibration Act, placed on the market or otherwise made available on the market if they contain at least the specified quantity.

(2) Prepackaging marked according to the number of units with a nominal filling quantity of more than 30 units may only be manufactured, brought into the scope of application of the Measurement and Calibration Act, placed on the market or otherwise made available on the market if

1. The mean value of the filling quantities determined in accordance with point 6 of Appendix 4, which does not fall below the declared nominal filling quantity, and
2. The negative deviation from the nominal filling quantity does not exceed one piece per hundred.

Section 27
General provisions for labelling by length or area

(1) Any person who manufactures, places in the scope of application of the Measurement and Calibration Act, places on the market or otherwise makes available on the market prepackaging which are to be labelled by length or area shall ensure that:

1. The prepackaging is marked with the required information in accordance with Section 8 (1) sentence 1,
2. The prepackaging is marked with the inscriptions and symbols referred to in paragraph 2; and
3. The nominal filling quantity meets the requirements of § 28.

(2) Any person who places prepackaging on the market shall indicate the nominal filling quantity in figures, expressed in centimetres or metres by length and in square centimetres or square metres by area. The name of the unit or the unit symbol shall be added.

Section 28
Nominal filling quantity requirements for marking by length or area

(1) Prepackaging marked by length or surface area may only be manufactured in such a way that the mean of the filling quantities determined in accordance with point 6 of Appendix 4 does not fall below the declared nominal filling quantity at the time of manufacture.

(2) Prepackaging marked by length or area may only be brought into the scope of application of the Measuring and Calibration Act if the average of the filling quantities determined in accordance with Annex 4 no. 6 does not fall below the stated nominal filling quantity at the time of manufacture.

(3) Prepackaging marked by length or area may only be placed on the market or otherwise made available on the market if the negative error of the labelling value does not exceed:

1. By length two out of a hundred
2. By area three out of a hundred

By way of derogation, for yarns of a nominal length of 100 metres and less, the negative deviation shall not exceed four percent.

(4) The product of marked length and width shall also be considered as an area.

(5) Only the requirements of paragraphs 1 and 2 shall apply to dressings, bonding plasters and wound fastening convos. For products for which length requirements are laid down in the pharmacopoeia pursuant to Section 55 of the German Medicines Act, these requirements apply. The recognised rules of technology apply to zippers.

Section 7
Other sales units and prepackaging of unequal nominal filling quantities

Section 29 Open packs

(1) The provisions of this Regulation concerning prepackaging shall apply mutatis mutandis to open packaging manufactured in the absence of the purchaser.

(2) Anyone who manufactures open packaging, brings them within the scope of the Measurement and Calibration Act, places them on the market or otherwise makes them available on the market shall ensure that:

1. The open packaging is marked with the nominal filling quantity in compliance with the first sentence of Section 3(1) and the first sentence of Section 3(3)
2. The open packaging is marked with the required information in accordance with Section 8 (1) sentence 1
3. The open packaging is marked with the inscriptions referred to in Section 4(4) or Section 27(2), and
4. The nominal filling quantity meets the requirements of Sections 9, 26 or 28(1) to (3) or the first sentence of Section 5 or Section 34(3).

(3) By way of derogation from subsection (2) number 4, open packs of the same nominal filling quantity may only be brought into the scope of application of the Measurement and Calibration Act or otherwise made available on the market in a subsequent commercial stage, provided that the quantity at that time does not exceed the marketability limit of the nominal filling quantity set for prepackaging.

Section 30 Sales units without barrier

(1) Anyone who manufactures, introduces into the scope of the Measurement and Calibration Act, places on the market or otherwise makes available on the market sales units without wrapping of the same nominal weight, nominal length or nominal area must ensure that:

1. These are marked with the nominal filling quantity according to the sizes weight, length or area in compliance with the first sentence of Section 3(1) and the first sentence of Section 3(3),
2. They are marked with the necessary particulars in accordance with the first sentence of Section 8(1) and the inscriptions and signs referred to in Section 4(4), first sentence, point 1 and second sentence, or Section 27(2), and
- (3) The nominal filling quantity meets the requirements of paragraphs 3 and 4.

(2) Sales units without barrier are

1. Ribbons, strands and yarns of all types
2. Wire
3. Cable
4. Hoses
5. Wallpaper
6. Flat textile products with an area of more than 0.4 square metres
7. Braids and woven fabrics of any kind; or
8. Comparable sales units without barrier

(3) The average of the filling quantities determined in accordance with point 6 of Appendix 3 or point 6 of Appendix 4 shall not be less than the declared nominal filling quantity for sales units without packaging at the time of manufacture.

(4) Sales units without wrapping may only be placed on the market or otherwise made available on the market if their weight does not exceed the negative deviations set out in Section 9 or their length or area in Section 28 (1) to (3) and (5) sentence 1.

(5) Section 1 (2) numbers 2 and 3 and Sections 33, 38, 39 and 41 shall apply.

(6) Paragraphs 1 to 5 shall not apply to sales units intended exclusively for end consumers who use the product in their independent professional or commercial activity.

Section 31 **Requirements for prepackaging of unequal nominal filling quantities**

Anyone who manufactures prepackaging of unequal nominal filling quantities, brings them within the scope of the Measurement and Calibration Act, places them on the market or otherwise makes them available on the market shall ensure that:

1. They are marked with the nominal filling quantity in accordance with Section 3(1) and the first sentence of Section 3(3)
2. They are marked with the indication referred to in the first sentence of Section 8(1)
3. These are marked with the inscriptions and signs referred to in Section 4(4) or, in the case of Section 27(2), with the particulars referred to therein, and
4. The nominal fill quantity meets the requirements of § 32.

Section 32 **Negative deviations for prepackaging of variable nominal filling quantity**

(1) Prepackaging of unequal nominal filling quantity marked by weight may only be placed on the market or otherwise made available on the market if, at the time of manufacture, the negative deviation from the nominal filling quantity does not exceed the values set out in the table below:

Nominal filling quantity Q_N in g	Values of trafficability in g
less than 100	1.0
100 to less than 500	2.0
500 to less than 2 000	5.0
2 000 to 10 000	10.0

(2) Prepackaging of unequal nominal fill quantity labelled according to their length or area may only be placed on the market or otherwise made available on the market if, at the time of manufacture, the negative deviation from the nominal fill quantity does not exceed the values set out in § 28(3).

Section 8 **Prepackaging with filling quantities of less than 5 grams or 5 millilitres or more than 10 kilograms or more than 10 litres**

Section 33
Prepackaging with contents of less than 5 grams or 5 millilitres

Prepackaging with a filling quantity of less than 5 grams or 5 millilitres may be produced without nominal filling quantities, brought into the scope of the Measurement and Calibration Act, placed on the market or otherwise made available on the market, unless a quantity marking is to be affixed in accordance with other provisions.

Section 34
Prepackaging with contents of more than 10 kilograms or more than 10 litres

(1) The provisions of this regulation shall not apply to prepackaging with a filling quantity of more than 10 kilograms or litres, unless otherwise specified in the following paragraphs.

(2) Any person who manufactures, places on the market or otherwise makes available coal, coke or briquettes as prepackaging with a filling volume of more than 10 kilograms or varnishes, paints, fertilisers not referred to as EC fertilisers and soil aids, growing media and plant aids as prepackaging with a filling volume of more than 10 litres within the scope of the Measurement and Calibration Act shall ensure that:

1. The prepackaging is marked with the nominal filling quantity by weight or volume, in accordance with subparagraph 4 and Section 6(4)
2. The prepackaging is marked with the required information in accordance with Section 8 (1) sentence 1
3. The prepackaging is marked with the inscriptions and signs referred to in Section 4(4); and
4. The nominal filling quantity complies with the requirements of paragraph 3.

In the case of varnishes and paints, sentence 1 applies to prepackaging up to and including 20 litres. The first sentence shall apply *mutatis mutandis* to varnishes and paints marked by weight in accordance with Section 6(4). Section 11 shall not apply to paints and varnishes.

(3) In the case of prepackaging referred to in paragraph 2, the negative deviation from the declared nominal filling quantity determined in accordance with point 7 of Appendix 3 shall not exceed the values laid down in the table:

Nominal filling quantity Q_N in kg or l	Values of trafficability	
	in % of Q_N	in g or ml
10 to 15	–	150
15 to 50	1.0	–
50 to 100	–	500
More than 100	0.5	–

In the case of prepackaged fertilisers other than EC fertilisers, soil improvers, growing media and plant adjuvants, the observed negative deviation from the declared nominal filling quantity shall not exceed three percent.

(4) The prepackaging containing coal, coke or briquettes may only be placed on the market or otherwise made available on the market with a nominal filling quantity of 25, 50 or 75 kilograms within the scope of application of the Measurement and Calibration Act. This nominal filling quantity may be specified in the accompanying documents. The negative deviation of these prepackaging determined in accordance with point 7 of Appendix 3 shall not exceed the marketability limit of the table at all stages of trade:

Nominal filling quantity Q_N in kg	Values of trafficability	
	in % of Q_N	in g
10 to 15	–	300
15 to 50	2.0	–
50 to 100	–	1 000
More than 100	1.0	–

(5) Filling devices for the manufacture of prepackaging of the same nominal filling quantity shall be exempted from the

calibration requirement if they are fitted with a suitable scale in accordance with Appendix 7 so that all prepackaging for which the negative deviation from the declared quantity exceeds the values set out in the table below are sorted out. By way of derogation from the first sentence, checks pursuant to Section 41 may be carried out taking into account recognised statistical methods. In the case of prepackaging with a quantity expressed by volume, the density shall be determined by means of a suitable density meter.

Nominal filling quantity Q_N in kg or l	Values of trafficability	
	in % of Q_N	in g or ml
10 to 15	–	150
15 to 50	1.0	–
50 to 100	–	500
More than 100	0.5	–

Section 9 Measuring containers

Section 35 Specifications for dimensional containers-bottles

(1) Measuring containers-bottles are containers made of glass or other materials with a dimensional rigidity that allows the same metrological guarantees as glass, and

1. Which are closed or closable and are intended for the storage, transport or delivery of liquids
2. Whose nominal volume is not less than 0.05 litres and not more than 5 litres; and
3. Which, with regard to their shape and the uniformity of their production, possess such metrological properties that they can be used as measuring containers.

(2) Anyone who manufactures measuring container bottles, brings them within the scope of the Measurement and Calibration Act, places them on the market or otherwise makes them available on the market shall ensure that the measuring container bottles:

1. Are marked with the inscriptions and signs referred to in paragraphs 3 and 4; and
2. They comply with the accuracy requirements in accordance with § 36.

(3) Measuring container bottles must bear the following information on the bottom, the bottom seam or the sleeve in an indelible, clearly legible and easily visible manner:

1. The nominal volume in millilitres, centilitres or litres, with the addition of the volume unit or its unit sign
2. The manufacturer's mark in accordance with § 37 and
3. The following sign (reverse epsilon)



The image of the sign referred to in point 3 of the first sentence shall be at least 3 mm high. In the case of measuring container bottles, the nominal volume is the volume indicated on the bottle.

(4) Measuring container bottles must bear the following information on the bottom of the bottle or the bottom seam in an indelible, clearly legible and easily visible manner:

1. The fully edge volume in the form of centilitres without the unit symbol cl or
2. The distance in millimetres between the filling height corresponding to the nominal volume and the upper edge plane, with the addition of this unit mark.

Marginal full volume is the volume of liquid that contains the bottle when it is filled to the upper edge plane.

(5) Bottles which fulfil only the conditions set out in points 1 and 3 of paragraph 1 shall be considered as dimensional containers if they:

1. Are marked with the letter M on the bottom, bottom seam or jacket of the bottle
2. Have a nominal volume as set out in the table below;

Nominal volume in ml	Marginal full volume in ml
20	21.5
25	27
30	32.5
40	42.5

3. Their marginal full volume corresponds to the size values set out in the table; and
4. They comply with the accuracy requirements of Section 36 (1) to (3).

(6) Any person who manufactures, places in the scope of application of the Measurement and Calibration Act, places on the market or otherwise makes available on the market bottles that are not measuring containers shall not apply or have applied the designations in subsection (3) number 3 or subsection (5) number 1.

Section 36 Accuracy requirements

(1) Accuracy requirements for measuring container bottles include

1. The difference between the nominal volume and the marginal full volume, or
2. The distance between the filling height corresponding to the nominal volume and the upper edge plane.

They shall be sufficiently constant for all bottles of the same sample.

(2) If the marginal full volume is specified in accordance with section 35 (4) number 1, the marginal full volume may deviate from the specified marginal full volume by the following values:

Nominal volume in ml	% of Nominal volume	ml
up to 50	6	–
50 to 100	–	3
100 to 200	3	–
200 to 300	–	6
300 to 500	2	–
500 to 1000	–	10
1 000 to 5 000	1	–

(3) If the distance is specified in accordance with § 35(4)(2), the volume limited by the specified distance may deviate from the nominal volume by the values specified in paragraph 2.

(4) The permitted deviations shall not be exploited as planned.

(5) The circumferential full volumes of dimensional containers-bottles should correspond to the size values according to the generally accepted rules of technology.

Section 37 Manufacturer's mark

(1) Manufacturers of dimensional containers whose nominal volume is not less than 0.05 litres and not more than 5 litres shall apply to the Physikalisch- Technische Bundesanstalt in writing or electronically for the issue of a manufacturer's mark.

(2) The Physikalisch-Technische Bundesanstalt may require the applicant to:

1. Modify the manufacturer's mark applied for; or
2. Affix additional numbers and letters in the manufacturer's mark

If there is a risk of confusion with manufacturer signs already granted.

(3) The Physikalisch-Technische Bundesanstalt shall inform the competent authorities of the Länder, the other Member States of the European Union or the European Commission within one month of the issue of a manufacturer's mark. The Physikalisch-Technische Bundesanstalt publishes on its website a list of the manufacturer's marks issued by it.

(4) A manufacturer's mark issued by the Physikalisch-Technische Bundesanstalt is equivalent to a manufacturer's mark issued by another Member State of the European Union or another State party to the Agreement on the European Economic Area.

Section 10 Formal requirements, control and documentation obligations and market surveillance

Section 38 Readability and font size

(1) Anyone who manufactures a prepackaging, brings it within the scope of the Measurement and Calibration Act, places it on the market or otherwise makes it available on the market shall mark the prepackaging in accordance with paragraphs 2 to 6 in an easily recognisable, clearly legible and indelible manner.

(2) Unless otherwise provided for in this Regulation, the numerical indications of the nominal filling quantity shall have at least the following font sizes:

Nominal filling quantity in g or ml	Font size in mm
5 to 50	2
more than 50 to 200	3
more than 200 to 1 000	4
more than 1 000	6

(3) The numerical and written particulars referred to in § 35(3)(1) and (2) and (4) and (5) shall have at least the following font sizes:

Nominal filling quantity in ml	Font size in mm
5 to 200	3

Nominal filling quantity in ml	Font size in mm
more than 200 to 1 000	4
more than 1 000	6

(4) The figures on collective packs referred to in § 39(3) and (4) shall have a font size of at least 4 millimetres.

(5) The drained net weight referred to in § 5 shall be expressed in close proximity to the nominal filling quantity and in at least the same font size as the nominal filling quantity.

(6) By way of derogation from paragraph 2, the font size of the figures on prepackaging of an unequal nominal filling quantity for the manufacture of which weighing scales with a weight imprint are used shall be at least 2 millimetres.

(7) A person who manufactures and offers prepackaging for direct sale predominantly by hand may indicate the nominal filling quantity by means of a plaque on or next to the prepackaging.

(8) In the case of prepackaged foodstuffs weighing more than 10 kilograms or with a volume of more than 10 litres, in the cases referred to in Article 8(7) of Regulation (EU) no. 1169/2011, the nominal filling quantity shall be marked on the prepackaged packaging or on a label associated with it or on the commercial documents relating to the foodstuff, provided that it can be ensured that those documents are either accompanying the foodstuff to which they refer or are dispatched before or at the same time as the delivery.

Section 39 **Multiple packaging, multipack**

(1) Anyone who manufactures a prepackaging consisting of several packaging of the same product not intended for retail sale, places it within the scope of the Measurement and Calibration Act, places it on the market or otherwise makes it available on the market must label it with the total nominal filling quantity and the number of individual packaging. The indication of the number of packaging may be omitted if all packaging are visible and easily countable.

(2) Where a prepackaging consists of several packaging containing different types of products which are not intended for retail sale or where different types of products are packaged separately in a prepackaging, the quantities of each product shall be indicated.

(3) In the case of packaging consisting of several prepackaging (multipacks), in addition to indicating the nominal filling quantity on the individual prepackaging, the number and nominal filling quantity of the individual prepackaging shall be indicated on the packaging of the collective packaging. These additional indications are not required if the individual prepackaging is visible and easily countable and the indication of the fill quantity is recognisable on all prepackaging, or, in the case of prepackaging of the same nominal fill quantity, at least on one prepackaging.

(4) In the case of collective packaging consisting of several prepackaging with wines or spirits according to § 23, the nominal filling quantities listed in Annex 1(1) shall apply to each individual prepackaging. In the case of prepackaging consisting of several packaging that are not intended for retail sale, the nominal filling quantities listed in point 1 of Annex 1 shall apply to the prepackaging.

Section 40 **Market monitoring**

(1) Market surveillance authorities shall, on the basis of samples, verify, in an appropriate manner and to the extent necessary, compliance with:

1. The requirements for prepackaging and other sales units under this regulation
2. Article 9 of Commission Regulation (EC) no. 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) no. 1234/2007 as regards marketing standards for poultrymeat (OJ L 157, 17.6.2008, p. 46), as last amended by Commission Regulation (EU) no. 519/2013 of 21 February 2013 (OJ L 158,

10.6.2013, p. 74)

3. Article 9(1)(a), indents 9 to 11, Articles 10 and 11 of Regulation (EC) no. 2003/2003 of the European Parliament and of the Council of 13 October 2003 on fertilisers (OJ L 304, 21.11.2003, p. 1), as regards EC fertilisers;
4. Article 19(1)(b) of Regulation (EC) no. 1223/2009 as regards cosmetic products; and
5. Article 9(1)(e) in conjunction with Article 23(1) and (3) and in conjunction with Annex IX, point 3, first sentence, points 4 and 5, first sentence, of Regulation (EU) no. 1169/2011 and Article 9(1)(h) of Regulation (EU) no. 1169/2011.

(2) The test referred to in subsection (1) may be carried out at the time of manufacture or introduction into the scope of application of the Measurement and Calibration Act and at all stages of trade. The procedure for checking the filling quantities of Appendix 3 or Appendix 4 prepackaging shall be used. Exceptions to the test period are determined in accordance with Annex 5.

(3) Compliance with Sections 35 and 36 may be checked by the competent authority on the basis of random sampling at the establishments that manufacture measuring containers, place them within the scope of the Measuring and Calibration Act or place them on the market. For the test, the procedure for testing container cylinders of Appendix 6 shall be used.

Section 41 **Control and documentation obligations**

(1) Anyone who manufactures prepackaging of the same nominal filling quantity with weight marking or volume marking, places them within the scope of the Measurement and Calibration Act, places them on the market or otherwise makes them available on the market must ensure that, when filling them with a measuring instrument suitable for the intended use, which meets the requirements of the Measurement and Calibration Act

1. Compliance with the nominal filling quantity in accordance with the requirements of this Regulation and in accordance with paragraph 3;
 - a) is measured or
 - b) monitoredand
2. The results of the measurements or controls shall be recorded and stored in accordance with paragraph 4.

(2) Anyone who manufactures prepackaging of the same nominal filling quantity with marking according to quantity, length or area, places them in the scope of application of the Measurement and Calibration Act, places them on the market or otherwise makes them available on the market must comply with the nominal filling quantity.

1. Measure or control in accordance with paragraph 3; and
2. Record and store the results of the measurements or controls in accordance with paragraph 4.

(3) Within the context of the measurement or control of filling quantities, generally accepted measurement methods or accepted statistical principles shall be applied. The measuring instruments used for inspection or measurement shall comply with the requirements of Appendix 7.

(4) The results referred to in paragraph 3 shall be recorded. The records shall be kept until the subsequent examination in accordance with Section 40.

(5) Where prepackaging not covered by the symbol referred to in § 11 are predominantly produced by hand, the competent authority may, upon request, grant exemptions from paragraphs 1 to 4, provided that this does not jeopardise compliance with the nominal filling quantity requirements.

(6) Other appropriate control devices or means of verification may be used in place of measuring instruments to check the

filling quantities of dimensional containers and the weights of yarns. The same applies to the testing of filling quantities by length, area or number of units of labelled prepackaging as well as for non-EC fertilisers, soil aids, growing media and plant aids.

Section 42 **Reference temperature**

The nominal filling quantity requirements are based on a temperature of 20 °C in terms of volume. The first sentence shall not apply to quick-frozen and frozen products whose nominal filling quantity is marked in volume.

Section 11 **Administrative offences, transitional provisions**

Section 43 **Administrative offences**

Anyone who deliberately or negligently commits the following acts shall be deemed to have committed an administrative offence within the meaning of § 60(1)(26) of the Measurement and Calibration Act:

1. Contrary to § 17(1), fails to ensure that the fruit and vegetables referred to therein are labelled
2. Contrary to Section 17 (3), does not ensure that the fruit or vegetables referred to therein are placed on the market
3. Contrary to Section 18 (1) sentence 1 or (2) does not ensure that a baked goods or bread referred to therein are labelled
4. Contrary to § 18(4), fails to ensure that baking goods referred to therein are placed on the market
5. Contrary to § 29(2), points 1, 2 or 3, fails to ensure that an open packaging is labelled
6. Contrary to Section 29(2)(4) or Section 30(1)(3), fails to ensure that the nominal filling quantity complies with a requirement set out therein, or
7. Contrary to § 30 paragraph 1 number 1 or 2 does not ensure that a sales unit is labelled without wrapping.

Section 44 **Transitional provisions**

(1) By way of derogation from Section 38(4), group packs manufactured before 1 November 2021 may be brought into the scope of application of the Measurement and Calibration Act, placed on the market or made available on the market.

(2) Measuring instruments manufactured before 31 December 2021 pursuant to Section 27 or Section 31 of the Prepackaging regulation in the version published on 8 March 1994 (BGBl. I p. 1989, 2259), last amended by Article 17 of the regulation of 5 July 2017 (BGBl. I p. 2272), have been used for control, do not yet need to comply with the requirements of Annex 7 by the end of 31 December 2031.

Annex 1
(re § 1(2)(5), § 23, § 39(4))
Mandatory values for nominal filling quantities of prepackaging of wine and spirits

1. Products sold by volume (quantity in millilitres)

Wine	In the filling range between 100 ml and 1 500 ml, only the following eight nominal filling quantities are permitted: ml: 100 – 187 – 250 – 375 – 500 – 750 – 1 000 – 1 500
Yellow wine	In the filling range between 100 ml and 1 500 ml, only the following nominal filling quantity is permitted: ml: 620
Sparkling wine	In the filling range between 125 ml and 1 500 ml, only the following five nominal filling quantities are permitted: ml: 125 – 200 – 375 – 750 – 1 500
Liqueur wine	In the filling range between 100 ml and 1 500 ml, only the following seven nominal filling quantities are permitted: ml: 100 – 200 – 375 – 500 – 750 – 1 000 – 1 500
Aromatised wine	In the filling range between 100 ml and 1 500 ml, only the following seven nominal filling quantities are permitted: ml: 100 – 200 – 375 – 500 – 750 – 1 000 – 1 500
Spirits	In the filling range between 100 ml and 2 000 ml, only the following nine nominal filling quantities are permitted: ml: 100 – 200 – 350 – 500 – 700 – 1 000 – 1 500 – 1 750 – 2 000
Shochu	In the filling range between 100 ml and 2 000 ml, the following nominal filling quantities are also permitted: ml: 720 – 1 800

2. Definitions applicable to the products

Wine	Wine as defined in Article 1(2)(1) in conjunction with Annex I, Part XII, point (b) of Regulation (EU) no. 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Regulations (EEC) no. 922/72, (EEC) no. 234/79, (EC) no. 1037/2001 and (EC) no. 1234/2007 (OJ L 347, 20.12.2013, p. 671), as last amended by Regulation (EU) no. 2017/2393 (OJ L 350, 29.12.2017, p. 15); CN code ex 2204
Yellow wine	French wine as defined in Article 56 in conjunction with point 3(b) of Annex VII with the designation of origin 'Côtes du Jura', 'Arbois', 'L'Étoile' and 'Château-Chalon' in bottles as defined in point 3(a) of Annex VII to Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) no. 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection and labelling and presentation (OJ L 9, 11.1.2019, p. 2)
Sparkling wine	Wine-sector product within the meaning of points 4, 7, 8 and 9 of Part II of Annex VII to Regulation (EU) no. 1308/2013; CN code 2204 10
Liqueur wine	Wine as defined in point 3 of Part II of Annex VII to Regulation (EU) no. 1308/2013; CN-code 2204 21 – 2204 29
Aromatised wine	Aromatised wine products as defined in Article 3 para. 2 of Regulation (EU) no. 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and protection of geographical indications of aromatised wine products, repealing Council Regulation (EEC) no. 1601/91 of the Council (ABI. L 84 dated 20.3.2014, p. 14); KN code 2205
Spirits	Spirit drinks as defined in Article 2(1) to (3) of Regulation (EC) no. 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Regulation (EEC) 1576/89 (OJ L 39, 13.2.2008, p. 16; CN code 2208), as last amended by Regulation (EU) no. 787/2019 (OJ L 130, 17.5.2019, p. 1); CN code 2208
Shochu	Spirit drinks as defined in Article 24a of Regulation (EC) no. 110/2008

Annex 2
(re § 2, first sentence, point 10)
Determination of different dates of manufacture for prepackaging and other sales units

1. Prepackaging and other units of sale marked by weight or volume

	Product	Time of production
a)	Smoked products, sausages that are treated after the meat has been poured into the sausage casing (smoked, air-dried, cooked, frying)	After completion of the secondary packaging by ready-to-sell preparation such as film packaging, labelling, sealing, etc.
b)	Sliceable raw sausages	Once the ratio of meat's own water to meat protein (feather count) is 2.5 and 2.8 with a calibre diameter greater than 70 millimetres
c)	Frozen products, frozen poultry for slaughter	After shock freezing
d)	Ice creams	After curing after at least 2 weeks of freezer storage
e)	Bar soap	1 hour after forming

2. Prepackaging with drained net weight marking

	Product	Time of production
a)	Canned fruit & vegetables and other plant-based foods as preserves	30 days after sterilisation
b)	Bratfish marinades	48 hours after casting
c)	Sausages, meat and other meat products	5 days after sterilisation
d)	Mozzarella and cheese placed on the market in or from a liquid	5 days after bottling

Annex 3
(for § 9(1)(1), (2)(1), § 10(1), (2),
Section 30(3), Section 34(3), (4) and Section 40(2)
Procedure for checking the filling quantity by weight or volume of labelled prepackaging and other sales units by the competent authorities

0. Preliminary remarks

The competent authorities of the Länder shall use an appropriate statistical sampling method in accordance with the recognised rules of technology, the effectiveness of the sampling method being comparable to the reference method described in point 5 of Annex I to European Directive 76/211/EEC.

The aforementioned requirements are covered in particular by the following test plan.

1. Scope of testing

The tests consists of

- a) the determination of the lot size;
- b) the sampling of the associated random sample;
- c) the additional findings in point 5;
- d) the determination of the mean value;
- e) the determination of compliance with the permissible negative deviations;
- f) the determination of compliance with the marketability limit.

2. Determination of batch size

If the prepackaging is tested immediately after completion of the manufacturing process, the size of the lot shall correspond to the maximum hourly performance of the packaging plant, without limiting the size of the batch. In the remaining cases the batch size shall be limited to 10 000 units.

If, during the inspection at the warehouse, it is not possible to determine the affiliation of a delivery to a lot, the lot size shall be limited by the number of identical prepackaging in the stock.

3. Scope of the samples

The random inspection of the prepackaging must be a random sample. The sample size is calculated according to Tables a, b or f for non-destructive testing and according to Tables c, d or e if all prepackaging in the sample have to be destroyed. If the batch size is less than 10 prepackaging, a destructive or non-destructive test may be carried out for compliance with the marketability values for individual or all prepackaging.

The scope of other tests shall be determined in accordance with point 5.

- a) Non-destructive test: normal single sample test

N			n	c	d	k
100	until	500	50	3	4	0.379
501	until	3 200	80	5	6	0.295
3 201	until	10 000	125	7	8	0.234
10 001	and more		160	8	9	0.207

- b) Non-destructive testing: Full inspection

N		
10	until	99

If the batch size is less than 100 prepackaging, the non-destructive test covers all prepackaging (full test).

- c) Destructive test: Single-sample testing with reduced sample size

N			n	c	d	k
10	until	99	5	0	1	2.058
100	until	500	8	0	1	1.237
501	until	3 200	13	1	2	0.847
3 201	until	10 000	20	1	2	0.640
10 001	and more		30	2	3	0.503

- d) Destructive test with drained net weight marking: Single-sample testing with reduced sample size

N			n	c	d	k
10	until	99	5	–	–	2.058
100	until	500	8	–	–	1.237
501	until	3 200	13	–	–	0.847
3 201	until	10 000	20	–	–	0.640
10 001	and more		30	–	–	0.503

- e) Destructive testing

Single-sample check with reduced sample size for prepackaging marked with the 'e' character in accordance with § 11

N			n	c	d	k
Regardless of lot size (N ≥ 100)			20	1	2	0.640

- f) Non-destructive testing for prepackaging of EC fertilisers, fertilisers other than those referred to as EC fertilisers, soil auxiliaries, growing media and plant auxiliaries exceeding 10 litres;

N		n
Regardless of lot size (N ≥ 20)		20

In the tables:

N	Batch size
n	Number in sample
c	Acceptance criterion
d	Referral number
k	Factor for calculating the confidence range; with t as a random variable of student distribution $k = \frac{t}{\sqrt{n}}$

4. Determination of capacities
As a rule, the following shall be determined:
- a) Weights by weighing;
 - b) Weights of textile products within the meaning of Article 19(3) of Regulation (EU) no. 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and the related labelling and labelling of the fibre composition of textile products and repealing Council Directive 73/44/EEC and European Council Directives 96/73/EC and 2008/121/EC (OJ L 272, 18.10.2011, p. 1), in accordance with generally accepted technical rules; the weight shall be the dry weight, without wrapping, inlaying or the like and without weighting, where the weighting is not due to the nature of the product and the manufacture, plus a moisture surcharge for the fibres listed in Annex IX to Regulation (EU) no. 1007/2011;
 - c) Volume by weighing in conjunction with a determination of the mean density;
 - d) Volume in the case of prepackaging containing EC fertilisers, fertilisers other than those referred to as EC fertilisers, soil auxiliaries, growing media and plant auxiliaries exceeding 10 litres by weighing in conjunction with a determination of bulk density in accordance with recognised technical rules.
5. Additional findings
- a) Measurement uncertainty
The measurement uncertainty of the test procedure must be taken into account.
 - b) Determination of the average tare
Tare dispersion may be neglected if the average tare weight does not exceed 10% of the nominal filling quantity.
The tare scattering may be neglected if the standard deviation of the tare weights of 10 tare samples during testing at the place of filling and of 5 tare samples during testing in the warehouse or in the premises of the competent authority is not greater than 0.25 times the permissible negative deviation.
The tare weight shall be the mean of 10 samples when tested at the place of bottling and the mean of 5 tare samples when tested in the warehouse or in the premises of the competent authority.
In all other cases, the weight of each empty packaging must be determined.
 - c) Determination of loss on drying for textile products
The mean loss of drying of the product shall be determined on at least 3 prepackaging from the sample referred to in points 3(a) and 3(b). The total weight of this drying sample shall be at least 35 grams.
6. Determination of the mean value
- a) The requirements for the mean filling quantity are met if the determined mean value \bar{x} of the filling quantities x_i ,
 - aa) From the sample referred to in point 3(a), (c), (d) and (e), increased by the amount $k \cdot s$; or
 - bb) In a full test as referred to in point 3(b)
 is greater than or equal to the nominal filling quantity.
The k value is derived from the tables in point 3; s is the standard deviation of the fill quantities x_i of the sample.

$$s = + \sqrt{\frac{1}{n-1} \cdot \sum_{i=1}^n (x_i - \bar{x})^2}$$
 - b) Prepackaging of textile products marked by weight;
From the determined mean value \bar{x} of the sample and the determined individual weights x_i of the sample, the mean loss on drying is deducted; the moisture surcharge calculated from Annex IX to Regulation (EU) no. 1007/2011 is added. In all other respects, point 6(a) shall apply.
7. Determination of compliance with the permissible negative deviations

- a) Normal single sampling test in accordance with point 3(a)
If the number of prepackaging exceeding the permitted negative deviations is equal to or greater than the reference number d, the requirements are not met.
 - b) Full test referred to in point 3(b)
If the number of prepackaging exceeding the permitted negative deviations exceeds 2% of the number of prepackaging tested in the full test, the requirements are not met.
 - c) Simple sampling test referred to in points 3(c) and 3(e)
If the number of prepackaging exceeding the permitted negative deviations is equal to or greater than the reference number d, the requirements are not met.
 - d) Test of drained net weight
Drained net weights shall be determined in accordance with the generally accepted rules of technology.
Points 1 to 6 shall apply accordingly.
8. Unequal nominal filling quantity
The provisions of points 4 and 5(a) and (b) shall also apply to prepackaging with an uneven nominal filling quantity.
9. Testing of other sales units
Points 1 to 7 of this Annex shall apply, mutatis mutandis, to the testing of other sales units.

Annex 4

**(re § 26(2)(1) and § 28(1) and (2),
Section 30(3) and Section 40(2))**

Procedure for checking the filling quantity by length, surface area or number of units of labelled prepackaging and other sales units of the same nominal length or surface area without wrapping by the competent authorities

0. Preliminary remarks:
The competent authorities of the Länder shall use an appropriate statistical sampling method in accordance with the recognised rules of technology, the effectiveness of the sampling method being comparable to the reference method described in point 5 of Annex I to Directive 76/211/EEC.
1. Scope of testing
The tests consists of
- a) the determination of the lot size;
 - b) the sampling of the associated random sample;
 - c) the additional findings referred to in subparagraph 5, where necessary;
 - d) the determination of the mean value;
 - e) the determination of compliance with the marketability limit.
2. Determination of batch size
Where prepackaging or other sales units are inspected immediately after completion of the manufacturing process, the volume of the lot shall be equal to the maximum hourly capacity of the filling plant, without limiting the volume of the lot. In the remaining cases the batch size shall be limited to 10 000 units.
If, during the inspection at the warehouse, it is not possible to determine the affiliation of a delivery to a lot, the lot size shall be limited by the number of identical prepackaging in the stock.
3. Scope of the samples
The random testing of prepackaging or other sales units shall be a random sample. If the batch size is less than 26 prepackaging, a destructive or non-destructive test may be carried out for compliance with the marketability values for individual or all prepackaging.
The following table applies to the sample size:

N			n	a
26	until	50	3	1.0
51	until	150	5	0.35
151	until	500	8	0.2
501	until	3 200	13	0.15
3 201	until	10 000	20	0.1
10 001	and more		30	0.085

In the table below, the following definitions apply:

N	Batch size
n	Number in sample
a	Factor for calculating the safety surcharge

4. Determination of capacities

- a) As a rule, the following shall be determined:
- aa) Lengths by length measurement;
 - bb) Lengths of yarns by weighing in conjunction with a determination of the fineness;
 - cc) Surfaces by length measurement;
 - dd) Number of units by counting.
- b) By way of derogation from point 4(a)(aa), cc and dd, the following may be determined:
- aa) Lengths by weighing in conjunction with the determination of the mean length-related mass referred to in point 5(b) where the following conditions are simultaneously met:
 - aaa) The weighing values of the individual lengths determined in accordance with point 5(b) shall not deviate from the mean value by more than $\pm 1\%$.
 - bbb) When testing the prepackaging, the weighing value corresponding to 2% of the marked length shall be at least 10 times the division value of the scales used.
 - bb) Quantities by weighing in conjunction with the determination of the mean quantity-based mass referred to in point 5(c) where the following conditions are simultaneously met:
 - aaa) The weightings of the 10 mean values \bar{x}_i determined in accordance with point 5(c) shall not deviate from the total mean value \bar{x} by more than $\pm 1\%$.
 - bbb) When testing the prepackaging, the weighing value corresponding to the permissible negative deviation shall be at least 10 times the dividing value of the weighing instrument used.
As a rule, net considerations must be made for the determinations referred to in point 4(b).

5. Additional findings

- a) Measurement uncertainty
The measurement uncertainty of the test procedure must be taken into account.
- b) Determinations of the mean length-related mass
The average length-related mass of the product shall be determined from the weight of at least 5 individual $\frac{200 \text{ g}}{m}$ lengths of at least 1 metre in length. If the mean length-related mass is greater than $\frac{200 \text{ g}}{m}$, the individual lengths shall not be greater than 0.2 metres.
- c) Determination of the average unit-number-related mass
The average unit-number-related mass shall be determined from 10 groups of at least 10 individual pieces. The total number of individual pieces shall be at least 10% of the nominal number of prepackaging.
- d) Determination of the length of textile products
The length of textile products shall be determined in accordance with the generally accepted rules of

technology. The mean moisture-induced change in the length of textile products and the mean fineness of yarns shall be determined on 3 samples from the sample referred to in point 3.

6. Determination of the mean value
The requirements for the average filling quantity of this Regulation are met if the average determined \bar{x} of the filling quantities x_i from the sample, multiplied by the amount 'a * R', is greater than or equal to the nominal filling quantity.
The factor a is given in the table in point 3; R is the range of the fill quantities x_i of the sample.
7. Testing of sales units of the same nominal length or nominal area without wrapping
Points 1 to 6 of this Annex shall apply accordingly to the testing of sales units of the same nominal length or nominal area without wrapping.

Annex 5
(re Section 40(2))
Deviating test periods for prepackaging and other sales units

1. Prepackaging and other units of sale with weight marking

	Product	Test time
a)	Baked goods without prepackaging	Up to 11 hours after the date of removal of the oven
b)	Fresh fruit or vegetables, potatoes	Up to 1 month after the date of manufacture
c)	Adhesives containing solvents	Up to 1 week after the date of manufacture

2. Prepackaging with drained net weight marking

	Product	Test time
a)	Fruit, vegetables and other plant-based foods as preserves	Up to 2 years after the date of manufacture
b)	Fish, products from salted fish, anchoses, marinades, cooked fish products, preserved fish stocks, bivalve molluscs, crabs, alternating animals, crustaceans and shellfish, molluscs or products from these animals, except glazed products	Up to 14 days after the date of manufacture
c)	Bratfish marinades	Up to 14 days after the date of manufacture
d)	Mozzarella and cheese placed on the market in or from a liquid	Up to 14 days after the date of manufacture

Annex 6
(re Section 40(3))
Procedure for the examination of dimensional container bottles by the competent authorities

0. Preliminary remarks
The competent authorities of the Länder shall use an appropriate statistical sampling method in accordance with the recognised rules of technology, the effectiveness of the sampling method being comparable to the reference method described in Annex II to Directive 75/107/EEC.
1. Taking random samples
A sample of 35 containers shall be randomly taken from a lot corresponding to an hourly production of bottles of the same sample from the same production and, in the case of imported bottles, determined by the number of identical bottles of a consignment or, if the affiliation to a consignment cannot be established, by the stock.
2. Measurement of the volume of the bottles of the sample
The bottles are weighed empty. They are filled with water of known density at a temperature of 20 °C edge-full or up to the height of the specified distance from the upper edge plane. They are weighed full.
The measurement uncertainty of the determination of the volume may not exceed one fifth of the deviations permitted under Section 36(2) for the nominal volume of the bottles.

3. Discussion of results

a) Calculate the mean \bar{x} of the measured volume x_i of the bottles of the sample, the standard deviation s of the measured volume x_i of the bottles of the sample.

b) The following limit values are calculated:

Upper tolerance limit T_o as the sum of the marginal full volume or the volume limited by the specified distance and the associated deviation in accordance with § 36(2) or (3),

Lower tolerance limit T_u as the difference between the marginal full volume or the volume limited by the specified distance and the associated deviation in accordance with § 36(2) or (3).

c) Acceptance criteria

The lot shall satisfy the requirements of Section 35(2) or (3) if the values \bar{x} and s simultaneously meet the following three inequalities:

$$\bar{x} + k \cdot s \leq T_o$$

$$\bar{x} - k \cdot s \geq T_u$$

$$s \leq F (T_o - T_u)$$

with $k = 1.57$ and $F = 0.266$

d) Calculation of the values \bar{x} and s

The mean value of the sample is:

$$\bar{x} = \frac{\sum_{i=1}^{35} X_i}{35}$$

The standard deviation of the random check is:

$$s = + \sqrt{\frac{1}{34} \cdot \sum_{i=1}^{35} (x_i - \bar{x})^2}$$

If the control result leads to complaints, a second test can be carried out. The sample shall then be taken from a lot corresponding to a longer production period, or the entries on appropriate control cards or on appropriate control records of the manufacturer shall be taken into account if the establishment of the manufacturer has been inspected by the competent authorities.

Annex 7
(for Section 34(5), first sentence, Section 41(3), second sentence, Section 44(2))
Requirements for measuring devices

1. General

a) Unless otherwise specified below, measuring instruments within the meaning of Section 41 (3) sentence 2 are suitable if they are assessed or calibrated for conformity.

b) If measuring instruments are used to determine mass or volume, the traffic error limit of the measuring instruments used when measuring or checking the filling quantity of a prepackaging, the filling quantity of a sales unit without wrapping or the weight of a baked product without prepackaging may not exceed one fifth of the values in the table in § 9(3), as well as the values in § 30(4) or § 34(3).

aa) Where non-automatic weighing instruments are used, they shall comply with accuracy class III or better. The calibration value shall not be greater than:

Nominal filling quantity Q_N of the prepackaging in [g] or [ml]				maximum permissible calibration value in [g]
of	5	to less than	10	0.1
of	10	to less than	25	0.2

Nominal filling quantity Q_N of the prepackaging in [g] or [ml]				maximum permissible calibration value in [g]
of	25	to less than	150	0.5
of	150	to less than	350	1.0
of	350	to less than	1 750	2.0
of	1 750	to less than	3 500	5.0
of	3 500	to less than	7 000	10.0
of	7 000	to less than	25 000	20.0
of	25 000	to less than	50 000	50.0
of	50 000	to less than	100 000	100.0
of	100 000	to less than	600 000	200.0
of	600 000	until	1 500 000	500.0

bb) When automatic control weighing machines are used, they shall be of accuracy class XIII (1) or better. The calibration value shall not be greater than:

Nominal filling quantity Q_N of the prepackaging in [g] or [ml]				maximum permissible calibration value in [g]
of	5	to less than	20	0.1
of	20	to less than	50	0.2
of	50	to less than	175	0.5
of	175	to less than	500	1.0
of	500	to less than	5 000	2.0
of	5 000	to less than	10 000	5.0
of	10 000	to less than	15 000	10.0
of	15 000	to less than	50 000	20.0
of	50 000	until	100 000	50.0

2. Exemptions

If baked goods are mainly produced by hand without prepackaging or for the immediate sale of pre-packaged foodstuff, calibrated commercial scales are suitable for measuring or checking.

3. Additional devices on measuring instruments referred to in point 1(a) and (b), which are used in the manufacture of prepackaging for measuring and checking and which are used for the registration and evaluation of measured values, are excluded from the application of the Measurement and Calibration Act.