DIRECTIVE 96/70/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 28 October 1996

amending Council Directive 80/777/EEC on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof;

Having regard to the proposal from the Commission (1);

Having regard to the Opinion of the Economic and Social Committee (2);

Acting in accordance with the procedure laid down in Article 189 b of the Treaty (3);

(1) Whereas Directive 80/777/EEC (4) harmonized the laws of the Member States relating to the exploitation and marketing of natural mineral waters;

(2) Whereas the primary purposes of any rules on natural mineral waters should be to protect the health of consumers, to prevent consumers from being misled and to ensure fair trading;

(3) Whereas it is desirable to amend Directive 80/777/EEC to take account of technical and scientific progress since 1980; whereas it is also desirable to rationalize the provisions of that Directive in line with other provisions of Community food law;

(4) Whereas it is necessary to extend the period of recognition for natural mineral waters originating from third countries in order to simplify the administrative procedures;

(5) Whereas it is necessary to clarify the circumstances under which the use of ozone-enriched air may be permitted in order to separate unstable elements from natural mineral waters under conditions which will ensure that the composition of the water as regards its essential constituents is not affected;

(6) Whereas the inclusion of the statement of the analytical composition of a natural mineral water should be made compulsory in order to ensure that consumers are informed;

(7) Whereas it is appropriate to lay down certain provisions on spring waters;

(8) Whereas it is advisable, in order to ensure smooth running of the internal market for natural mineral waters, to introduce a procedure to allow for coordinated action between the Member States in urgent situations which may present a risk to public health;

(9) Whereas a procedure to lay down certain detailed provisions concerning natural mineral waters, notably in respect of the limits for the levels of certain constituents of natural mineral waters, should be established; whereas provisions for the indication, on labelling, of high levels of certain constituents should also be adopted; whereas methods of analysis, including limits of detection, to check the absence of pollution of natural mineral waters, and sampling procedures and methods of analysis for checking the microbiological characteristics of natural mineral waters, should be determined;

(10) Whereas any decision on natural mineral waters likely to have en effect on public health should be adopted following consultation of the Scientific Committee for Food,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 80/777/EEC is hereby amended as follows:

1. The third subparagraph of Article 1 (2) shall be replaced by the following:

'The validity of the certification referred to in the second subparagraph may not exceed a period of five years. It shall not be necessary to repeat the recognition procedure referred to in the first subparagraph if the certification is renewed before the end of the said period.'

2. Article 4 shall be replaced by the following:

'Article 4

1. Natural mineral water, in its state at source, may not be the subject of any treatment other than:

(1) OJ No C 314, 11. 11. 1994, p. 4, and OJ No C 33, 6. 2. 1996, p. 15.
(2) OJ No C 110, 2. 5. 1995, p. 55.
(3) Opinion of the European Parliament of 11 October 1995 (OJ No C 287, 30. 10. 1995, p. 101), common position of the Council of 22 December 1995 (OJ No C 59, 28. 2. 1996, p. 44) and Decision of the European Parliament of 22 May 1996 (OJ No C 166, 10. 6. 1996, p. 61). Council Decision of 26 July 1996.
(4) OJ No L 229, 30. 8. 1980, p. 1. Directive as last amended by the 1994 Act of Accession.