Exploitation and marketing of natural mineral waters: adaptation to the regulatory procedure with scrutiny. Recast

2007/0292(COD) - 18/06/2009 - Final act

PURPOSE: to recast of 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.

LEGISLATIVE ACT: Directive 2009/54/EC of the European Parliament and of the Council.

PURPOSE: the codification of Council Directive 80/777/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters was initiated by the Commission. The new Directive was to have superseded the various acts incorporated in it.

In the meantime Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (comitology) was amended by Decision 2006/512 /EC, which introduced a regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the co-decision procedure.

In accordance with the joint statement of the European Parliament, the Council and the Commission on Decision 2006/512/EC, for this new procedure to be applicable to instruments adopted in accordance with the co-decision procedure, those instruments must be adjusted in accordance with the applicable procedures.

In particular, the Commission should be empowered to adopt limits for the concentrations of constituents of natural mineral waters, any necessary provisions for the indication on the labelling of high levels of certain constituents, the conditions of use of ozone-enriched air for the treatment of natural mineral water, information on the treatments of natural mineral water, methods of analysis to determine the absence of pollution of natural mineral waters, and the sampling procedures and methods of analysis necessary for checking the microbiological characteristics of natural mineral waters. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, inter alia, by supplementing it, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Therefore, the aim of this Directive is to transform the codification of Directive 80/777/EEC into a recast in order to incorporate the amendments necessary for the adjustment to the regulatory procedure with scrutiny.

Lastly, it should be noted that this Directive shall not apply to natural mineral waters intended for export to third countries.

ENTRY INTO FORCE: 16 July 2009.