

Opinion on the proposal for a European Parliament and Council Directive 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

(95/C 110/14)

On 7 November 1994 the Council decided to consult the Economic and Social Committee, under Article 100a of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Protection of the Environment, Public Health and Consumer Affairs, which was instructed to prepare the Committee's work on the subject, drew up its Opinion on 31 January 1995 (Rapporteur: Mr de Paul de Barchifontaine; Co-Rapporteurs: Mr Decaillon and Mr Green).

At its 323rd Plenary Session (meeting of 23 February 1995), the Economic and Social Committee adopted the following Opinion, with three votes against and four abstentions.

1. Introduction

1.1. At the European Council held in Edinburgh on 11/12 December 1992, the Heads of State or Government were briefed by the Commission on its intention to rationalize certain Directives, the provisions of which may be unnecessarily detailed, and which could be replaced by Directives comprising the essential requirements necessary to ensure free movement of goods within the Community.

1.2. One of the Directives mentioned was Directive 80/777/EEC.

2. General comments

2.1. The Committee endorses the proposed Directive amending Council Directive 80/777/EEC. The Committee notes with satisfaction that the lay-out of the Explanatory Memorandum in the form of questions and answers makes it much easier to read.

2.2. The Directive under review deals with the exploitation and marketing of natural mineral waters and one of the objectives is to ensure a high level of consumer protection. The Directive enables EU consumers to choose freely between different natural mineral waters. This freedom of choice is enhanced if the consumer is properly informed. The abovementioned 'essential requirements' of European legislation must take account of the need to ensure that this information is provided.

2.3. There could, in the Committee's view, be some confusion between the different types of water and clear distinctions should therefore be drawn between 'spring water', 'natural mineral water', 'treated water', 'tap water', 'surface water', etc., i.e. between water which is drinkable in its natural state and other water.

2.4. In the Committee's view the term 'natural mineral water' constitutes a seal of quality which it is absolutely essential to preserve.

2.5. The consumption of natural mineral water in the EC has risen from 8 bn. litres in 1980 to 22 bn. litres in 1994. This expansion clearly shows that consumers do not regard all types of water as being similar and highlights the fact that their expectations with regard to water need to be fulfilled.

2.5.1. With this in mind it is essential for water used for human consumption, whether bottled or 'from the tap', to offer a high level of protection. It is the Committee's view that the Council should ask the Scientific Committee for Food to review the parametric values set out in this Directive and to bring them into line with the current state of scientific knowledge, in order to provide the consumer with the highest level of health protection.

2.6. In the Committee's view, it would be beneficial to have access to statistics on imports and exports of bottled water, broken down by type of water. This is particularly important in view of the fact that the Commission is proposing the introduction of more favourable conditions in respect of the certification of natural mineral water imported from non-EU states.

2.7. The labelling of natural mineral waters must be comprehensive and accurate enough to avoid any confusion with other types of bottled waters, and have regard to the conditions laid down in the Food Labelling Directive 79/112/EEC.

2.8. The Committee welcomes the desire expressed by the Commission to keep EU legislation abreast of scientific and technical progress.

2.9. It is, in the Committee's view, vital to ensure that the consumer is not misled in any way. The designation 'natural mineral water' must mean what it says. In this context it should be noted that the greatest possible care and prudence clearly have to be exercised when treating water with ozone-enriched air.

2.10. In the Committee's view Directive 80/777/EEC, which is based on Article 100a of the Treaty establishing the European Community, provides for a high level

of health protection. This aspect cannot be ignored, particularly as the drinking of 'natural mineral water' is often a first step towards adopting a more healthy lifestyle.

2.11. The question of the quantities in which natural mineral water is packaged is not covered by the Directive. These quantities should, however, be set with a view to ensuring that the contents are consumed by a given deadline; otherwise there is a risk of micro-organisms developing. One way of solving this problem would be to include on the packaging a suggested time limit by which the contents should be consumed once the packaging has been opened. Reference should be made to the Codex with regard to this matter.

2.12. The Committee would like 'spring water', too, to be covered by Directive 80/777/EEC as it is essential to make a clear distinction between water which is drinkable in its natural state and other water.

3. Specific comments

3.1. The Committee welcomes the provision in the proposed new Article 1(2) that certification of natural mineral waters imported from non-EU states is to be valid for a period of up to ten years; it would, however, make the proviso that adequate regular inspections should be carried out and that the findings of these inspections be kept for a sufficiently long period.

3.2. The proposed new Article 4(1a) refers to the separation of unstable constituents; the Committee considers that reference should also be made to the separation of 'undesirable constituents', in order to take account of advances in the field of toxicology, subject to the proviso that these constituents are removed using methods authorized under the Directive being considered.

3.3. In the Committee's view, there is a need to specify the conditions to be observed with regard to the process of separating iron, manganese, sulphur and

arsenic compounds by treatment with ozone-enriched air and to ensure that these conditions are strictly applied, as it is vitally necessary to preserve the essential characteristics of water so treated after it has been bottled.

3.4. The Committee proposes the following amendments to the proposed new Article 7(2):

— amend indent (a) to read as follows 'a statement of the analytical composition, giving the characteristic constituents of the mineralization, expressed in milligrams per litre, in accordance with the results of the official analysis carried out as part of the recognition process';

— add the following at the end of indent (b): 'in the case of natural mineral waters imported from non-EU states the name of both the place and the country shall be given'.

3.4.1. The Committee considers that it should be mandatory in all cases for the labelling of natural mineral waters to list any treatment that the water has undergone, in order to avoid any grounds for misapprehension and to guarantee fair trade; the proposed amendment to Article 7(3) does not make such mandatory provision but leaves it up to the Member States to take such action.

3.4.2. There should, however, never be any question of making specific reference to the processes of decantation and filtration since these processes have always been used to treat both mineral water and tap water.

3.5. Under the proposed new Article 11 the Scientific Committee for Food is to be consulted on 'the limits for the levels of constituents of natural mineral waters'. In the Committee's view, it would be perfectly appropriate for the Scientific Committee for Food also to be consulted in respect of the definition of the abovementioned 'undesirable constituents'.

Done at Brussels, 22 February 1995.

*The President
of the Economic and Social Committee*

Carlos FERRER
