



POLICY AND LEGAL ADVICE CENTRE (PLAC III)

Draft Law on water for human consumption and draft Rulebook on water in original packing

Robert Seelig, Belgrade, February 7, 2020



Structure of Presentation

- **EU framework**
- **Status quo in Serbia**
- **Transposition in Serbia**
- **The Law**
- **The Rulebook**
 - Natural Mineral water
 - Spring water
 - Table water



Natural mineral water and spring water, EU framework

- **Directive 2009/54/EC on the exploitation and marketing of natural mineral waters**
- **Directive 2003/40/EC establishing the list of concentrations and labeling requirements for constituents of natural mineral waters and the conditions for the use of Ozone-enriched air for the treatment of natural mineral waters and spring waters**



- **Regulation (EU) No 115/2010 laying down the conditions for the use of activated alumina for the removal of fluoride from natural mineral waters and spring waters**



Directive 2009/54/EC

- **Different categories of waters intended for human consumption: natural mineral waters and spring waters**
- **Regulates the marketing and exploitation of natural mineral waters**
- **Natural mineral waters are subject to an authorization procedure carried out by the competent authorities of the EU countries or by European Economic Area (EEA) countries**



- **Some provisions also apply to spring waters: microbiological requirements and labeling requirements**
- **Natural mineral waters and spring waters may be treated at source to remove unstable elements and some undesirable constituents, add Carbondioxid, removing fluoride**



Directive 2003/40/EC

Establishes the list of concentration limits and labeling requirements for the natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and spring waters



Regulation (EU) No 115/2010

**Lays down the conditions for use of
activated alumina for the removal of
fluoride from natural mineral waters
and spring waters**



Water in Original Packing (WOP) Differentiation

- **Mineral water is the only food to receive official recognition**
- **Spring water requires no recognition**
- **Only a few treatment procedures are allowed for NMW and SW**
- **Table water is an artificial product, which can be produced using different types of water, minerals can be added**



Status quo in Serbia

- **“Rulebook on quality and other requirements for natural mineral water, natural spring water, and table water” from 2005**
- **4 years before 2009/54 Directive.**
- **EU MS-related obligations not transposed.**



- **Regulation (EU) No 115/2010 is considered in articles and annexes, although technically no transposition is needed, but Serbia as non-EU – MS must reflect this regulation in its national legislation.**



Transposition in Serbia

- **All three EC enactments (two Directives and Regulation)**
- **Law on water for human consumption – the legal basis**
- **Rulebook on Water in original Packing – the details**



The law on water for human consumption (WHC)

- **First Serbian law on WHC**
- **Definitions**
- **Separate chapters on DW and WOP**
- **Details in RB**
- **Focus: Recognition procedure**



The Law

Main content:

- **Art 20: Legal basis for RB**
- **Art 21: Exploitation (RB details)**
- **Art 22: Recognition (Law procedure, RB details)**
- **Art 23: Labeling (RB details)**
- **Art 24-30: Rights and obligations of producers, public authorities and controls, record and report**



The law: Recognition of NMW

- **Definition:**

Recognition of natural mineral water means the procedure for determining the quality of natural mineral water that is packaged in its original packaging, for the entry into a register of recognised mineral waters



The Law: Recognition of NMW

- **Water exploited in Serbia:**
Recognised by the Minister or an EU MS
- **3^d Countries (EU and Non-EU) :**
Certificate of 3^d country that the natural mineral water is recognised under recognition procedure of RB



The Rulebook on WOP

Structure / main chapters:

- **Definitions**
- **Natural Mineral water (NMW)**
- **Spring water (SW)**
- **Table water (TW)**



NMW

- **Originates from a single source**
- **Differs from drinking water in the content of minerals, trace chemical elements and other constituents**
- **Original purity**



Recognition of NMW

Water exploited from Serbia:

- **Recognition procedure based on Study on recognition of NMW**
- **Study in accordance with the requirements of Annex 1**
- **Detailed contents**



Art. 5: Microbiological Characteristics

- **Detailed Art. 5**
- **Reference to Annex 1, 3.3.**



Art. 6: Exploitation and Packaging

Exploitation:

- **Approval of authority for mining and geological research**
- **Requirements for materials**

Packaging:

- **Closed lid no contamination before use**

In case of contamination:

- **Exploitation and packaging suspended**



Art. 7: Methods for laboratory testing

Must be read in context with:

- **Annex 2 (Constituents naturally present)**
- **Annex 3 (Performance characteristics)**



Art. 8: Treatment of NMW

- **NMW in its source state**
- **Separation of unstable elements**
- **Treatment with ozone-enriched air**
- **Separation of undesirable constituents other than above**
- **Elimination of free carbon dioxide**



- **Removal of fluorides with activated alumina**
- **Only carbon dioxide can be added or re-added**
- **Above treatment must be justified**
- **No disinfection permitted**



Art. 9: Carbon Dioxide

Permitted denomination for NMW:

- **“naturally carbonated natural mineral water”**
- **“natural mineral water fortified with gas from the spring”**
- **“carbonated natural mineral water”**
- **“fully de-carbonated” or “partially de-carbonated”**



Art. 10: Treatment with activated alumina

- **Must be carried out in accordance with Annex 5**
- **Announced 3 months prior to commencement**



Art. 11: Label shall contain

- **brand name**
- **name of the source location and name of the spring**
- **name and address of the manufacturer**
- **information on the production lot**
- **net volume of water**
- **information on the shelf life of the product**



- **information on storage**
- **information on the presence of characteristic constituents**
- **one brand name per single source**
- **brand name can be source name**
- **if brand name differs from source location name, source location name printed larger than brand name**



Art. 12: Quotes and statements on label

Quotes, paragraph 1:

- **“Contains more than 1.5 mg/l of fluoride: not suitable for regular consumption by infants and children under 7 years of age”**
- **“Water subjected to an authorised ozone-enriched air oxidation technique”**
- **“Water subjected to an authorised adsorption technique”**



Statement, paragraphs 2, 3 and 4:

- **Only statements permitted in accordance with the criteria in Annex 6**

Art. 12: Continued

- **General principle for statements:**

No statements relating to human diseases, by use of natural mineral water, or to a special suitability of natural mineral water

- **Exception:**

Only permitted or similar statements, complying with the criteria under Annex 6 to this Rulebook.



- **In the absence of criteria under Annex 6, the statement must comply with criteria of national or international results of physico-chemical analyses and, if necessary, pharmacological, physiological and clinical examinations, with recognised scientific methods. Minister decision under Art. 23 Law**



Art. 13: Definition of SW

- **Originates from a single source of groundwater**
- **Meets microbiological requirements, Art. 5**
- **Exploited and packed Art. 6**
- **Treatment under Art. 8 and Art. 10**
- **For parameters not defined in RB, it must comply with requirements of RB on DW**
- **No recognition !**



Art. 14: Labeling of SW

Refers to:

- **Art. 11**
- **Art. 12 (par. 1, item 2, and item 3)**
- **Replace “NMW” with “SW”**
- **No misleading label that the SW is mistaken for NMW**



Table water

- **There is no EU legislation on table water**
- **Most states have table water legislation because table water is on the market**
- **Artificial product**
- **Excursus: “Mother Nature’s Son”**

<https://www.thesun.ie/video/tv/bottling-peckham-springs-water-in-classic-only-fools-and-horses-clip/>



Art. 15: TW Definition

- **Water of any origin**
- **One or several treatments**
- **Microbiological, Art. 5**
- **For parameters not defined in RB, it must comply with requirements of RB on DW**



Art. 16: Label of TW

- **Names and information under Art. 11, par. 1**
- **Replace NMW with TW**
- **Clearly visible letters on origin of water used for production**
- **No misleading label that the TW is mistaken for NMW or SW**



Annex 1

Contents of the Study about the recognition of natural mineral water



Annex 2

Constituents naturally present in natural mineral waters and maximum limits which, if exceeded, may pose a risk to public health



Annex 3

Performance characteristics (*) for analysing the constituents in Annex 2



Annex 4

Maximum limits for residues from treatment of natural mineral waters and spring waters by ozone-enriched air



Annex 5

Technical requirements for the use of activated alumina for the removal of fluoride from natural mineral waters and spring waters



Annex 6

Statements on the label



Hvala puno!

Questions, comments, discussion