



Notification Number: 2005/496/F

## Draft Order on the programme of health inspection and monitoring analyses of packaged waters, used in public refreshment rooms or in thermal establishments

Date received : 16/09/2005

End of Standstill : 19/12/2005

### Message

Message 002

Communication from the Commission - SG(2005) D/52180

Directive 98/34/EC

Translation of the message 001

Notification: 2005/0496/F

No abre el plazo - Nezhajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200502180.EN)

#### 1. Structured Information Line

MSG 002 IND 2005 0496 F EN 19-12-2005 16-09-2005 F NOTIF 19-12-2005

#### 2. Member State

France

#### 3. Department Responsible

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#### **4. Notification Number**

2005/0496/F - C50A

#### **5. Title**

Draft Order on the programme of health inspection and monitoring analyses of packaged waters, used in public refreshment rooms or in thermal establishments

#### **6. Products Concerned**

Water for human consumption, including packaged natural mineral waters.

#### **7. Notification Under Another Act**

Other Directive or Regulation:

- Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs;
- Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules;
- 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, as amended by Directive 96/70/EC of the European Parliament and of the Council of 28 October 1996 and Commission Directive 2003/40/EC of 16 May 2003 establishing the list, concentration limits and labelling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and spring waters;
- Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption.

#### **8. Main Content**

The draft Order sets out the programme (type and frequency) of analyses laid down by order, established in accordance with the provisions applicable to packaged potable water, laid down in table B2 of annex II to Directive 98/83/EC of 3 November 1998.

Monitoring performed by the operator includes a minimum proportion, supplemented by analyses performed on his initiative, within the framework of the quality assurance process (R.1322-44). Article R.1322-43 lays down that the prefect may impose supplementary analyses on the operator if circumstances so require.

Health inspection analysis laboratories remain subject to approval by the Minister for Health (R\*.1322-49) but the conditions of approval are harmonised with those that apply to potable water analysis laboratories, laid down in Article R\*.1321-21, adapted to the specific technical requirements of natural mineral waters. The Order of 24 January 2005 on the conditions of approval of laboratories to perform sampling and health inspection analysis of water will consequently be amended within one year, specified by a transitional provision laid down in Article 8(IV) of this draft Decree. Before this date, the existing list of approved laboratories, which appears in Article 2 of the Order of 14 October 1937, laid down on the basis of the preceding Article R.1322-33, will continue to apply to operators.



Furthermore, factory laboratories or those in thermal establishments may be subject to administrative recognition (R.1322-45).

Keywords: analyses, programme of quality control of water.

#### **9. Brief Statement of Grounds**

To guarantee the health quality of water for human consumption.

#### **10. Reference Documents - Basic Texts**

The references to the basic texts of the draft are in the following articles of the Public Health Code:

- water for human consumption with the exception of natural mineral waters: R.1321-15 and R.1321-23
- natural mineral waters: R.1322-42

(A correspondence table is attached to this draft)

#### **11. Invocation of the Emergency Procedure**

NO

#### **12. Grounds for the Emergency**

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#### **13. Confidentiality**

NO

#### **14. Fiscal measures**

NO

#### **15. Impact assessment**

-

#### **16. TBT and SPS aspects**

TBT aspect (Agreement on technical barriers to trade)

- a) NO
- b) The draft conforms to an international standard

SPS Aspect (Agreement on sanitary and phytosanitary measures)

- a) NO
- The content of the draft is substantially the same as that of an international standard, directive or recommendation.

David O'Sullivan  
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European Commission



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