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REPORT

on the proposal for a directive of the European Parliament and of the Council
on the exploitation and marketing of natural mineral waters (recast)
(COM(2007)0858 – C6-0005/2008 – 2007/0292(COD))

Committee on Legal Affairs

Rapporteur: József Szájer

(Recast – Rule 80a of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on the exploitation and marketing of natural mineral waters (recast)
(COM(2007)0858 – C6 0005/2008 – 2007/0292(COD))**

(Codecision procedure – recast)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0858),
 - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0005/2008),
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹,
 - having regard to Rules 80a and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on the Environment, Public Health and Food Safety (A6-0298/2008),
- A. whereas, according to the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance,
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission and as amended hereunder;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

¹ OJ C 77, 28.3.2002, p. 1.

Amendment 1

Proposal for a directive

Article 11 – paragraph 4 - subparagraph 2

Text proposed by the Commission

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in **Article 14(3)**.

Amendment

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in **Article 14(2)**. ***On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 14(3).***

Justification

Standard text for the urgency procedure should be used, in order to ensure that this procedure is only used when there are imperative grounds of urgency.

Amendment 2

Proposal for a directive

Annex II – paragraph 2 – subparagraph 3

Text proposed by the Commission

However, point (d) need not be applied to mineral waters exploited and marketed in the territory of a Member State if, in that Member State at the time of notification of **this** Directive, transport of the natural mineral water in tanks from the spring to the bottling plant was authorised.

Amendment

However, point (d) need not be applied to mineral waters exploited and marketed in the territory of a Member State if, in that Member State at the time of notification of Directive **80/777/EEC**, transport of the natural mineral water in tanks from the spring to the bottling plant was authorised.

Justification

It should be clarified that "this Directive" is referring to Directive 80/777/EEC.

EXPLANATORY STATEMENT

Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹ was amended by Council Decision 2006/512/EC of 17 July 2006². Article 5a of amended Decision 1999/468/EC introduced the new 'regulatory procedure with scrutiny' (RPS) for *'measures of a general scope which seek to amend non-essential elements of a basic instrument adopted in accordance with codecision, inter alia by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements'*.

Following the screening of the existing legislation and on-going procedures³, the European Commission presented inter alia this recast proposal, transformed from a codification in order to incorporate the amendments necessary for the alignment to RPS.

In its decision of 12 December 2007 the Conference of Presidents designated the Committee on Legal Affairs as the lead Committee to deal with this 'comitology alignment' and the specialised committees as opinion-giving committees. The Conference of Committee Chairs agreed on 15 January 2008 on the modalities of cooperation between the Committee on Legal Affairs and the other committees involved.

In view of the fact that the proposed alignment to RPS is complete, the Committee on Legal Affairs does not propose any amendments apart from the one suggested by the sectoral committee with regard to the urgency procedure, as well as another one of a technical nature.

¹ OJ C 203, 17.7.1999, p. 1.

² OJ L 200, 22.7.2006, p. 11.

³ COM(2007)0740.

5.6.2008

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Legal Affairs

on the proposal for a directive of the European Parliament and of the Council on the
exploitation and marketing of natural mineral waters (Recast)
(COM(2007)0858 – C6-0005/2008 – 2007/0292(COD))

Draftswoman: Irena Belohorská

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a directive

Article 11 – paragraph 4 - subparagraph 2

Text proposed by the Commission

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in **Article 14(3)**.

Amendment

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in **Article 14(2)**. ***On imperative grounds of urgency, the Commission may use the urgency procedure referred to in Article 14(3).***

Justification

Standard text for the urgency procedure should be used, in order to ensure that this

procedure is only used when there are imperative grounds of urgency.

Amendment 2

Proposal for a directive

Annex II – paragraph 2 – subparagraph 3

Text proposed by the Commission

However, point (d) need not be applied to mineral waters exploited and marketed in the territory of a Member State if, in that Member State at the time of notification of **this** Directive, transport of the natural mineral water in tanks from the spring to the bottling plant was authorised.

Amendment

However, point (d) need not be applied to mineral waters exploited and marketed in the territory of a Member State if, in that Member State at the time of notification of Directive **80/777/EEC**, transport of the natural mineral water in tanks from the spring to the bottling plant was authorised.

Justification

It should be clarified that "this Directive" is referring to Directive 80/777/EEC.

PROCEDURE

Title	Exploitation and marketing of natural mineral waters (recast version)						
References	COM(2007)0858 – C6-0005/2008 – 2007/0292(COD)						
Committee responsible	JURI						
Opinion by Date announced in plenary	ENVI 19.2.2008						
Drafts(wo)man Date appointed	Irena Belohorská 27.2.2008						
Discussed in committee	5.5.2008						
Date adopted	3.6.2008						
Result of final vote	<table> <tr> <td>+</td><td>52</td></tr> <tr> <td>–</td><td>0</td></tr> <tr> <td>0:</td><td>0</td></tr> </table>	+	52	–	0	0:	0
+	52						
–	0						
0:	0						
Members present for the final vote	Georgs Andrejevs, Margrete Auken, Liam Aylward, Pilar Ayuso, Irena Belohorská, Johannes Blokland, John Bowis, Frieda Brepoels, Dorette Corbey, Magor Imre Csibi, Chris Davies, Mojca Drčar Murko, Edite Estrela, Anne Ferreira, Matthias Groote, Françoise Grossetête, Cristina Gutiérrez-Cortines, Satu Hassi, Gyula Hegyi, Marie Anne Isler Béguin, Christa Klač, Eija-Riitta Korhola, Peter Liese, Jules Maaten, Roberto Musacchio, Riitta Myller, Péter Olajos, Miroslav Ouzký, Vladko Todorov Panayotov, Vittorio Prodi, Frédérique Ries, Dagmar Roth-Behrendt, Guido Sacconi, Horst Schnellhardt, Richard Seeber, Kathy Sinnott, Bogusław Sonik, María Sornosa Martínez, Antonios Trakatellis, Anja Weisgerber, Åsa Westlund, Anders Wijkman, Glenis Willmott						
Substitute(s) present for the final vote	Inés Ayala Sender, Iles Braghetto, Bairbre de Brún, Genowefa Grabowska, Rebecca Harms, Henrik Lax, Johannes Lebech, Miroslav Mikolášik, Alojz Peterle						

**ANNEX: OPINION IN LETTER FORM OF THE LEGAL SERVICES'
CONSULTATIVE WORKING PARTY**

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

**Proposal for a directive of the European Parliament and of the Council on the
exploitation and marketing of natural mineral waters
COM(2007) 858 final of 21.12.2007 - 2007/0292 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 10 January 2008 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a directive of the European Parliament and of the Council recasting 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 resulted in the Consultative Working Party's establishing, by common accord, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing text, without any change in its substance.

C. PENNERA
Jurisconsult

J.-C. PIRIS
Jurisconsult

M. PETITE
Director General

¹ The Consultative Working Party had at its disposal the English, French and German language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion.

PROCEDURE

Title	Exploitation and marketing of natural mineral waters (recast version)
References	COM(2007)0858 – C6-0005/2008 – 2007/0292(COD)
Date submitted to Parliament	21.12.2007
Committee responsible Date announced in plenary	JURI 19.2.2008
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 19.2.2008
Rapporteur(s) Date appointed	József Szájer 19.12.2007
Date adopted	26.6.2008
Result of final vote	+: 24 -: 0 0: 0
Members present for the final vote	Carlo Casini, Titus Corlăţean, Bert Doorn, Monica Frassoni, Giuseppe Gargani, Neena Gill, Othmar Karas, Piia-Noora Kauppi, Klaus-Heiner Lehne, Hans-Peter Mayer, Manuel Medina Ortega, Hartmut Nassauer, Aloyzas Sakalas, Francesco Enrico Speroni, Diana Wallis, Rainer Wieland, Jaroslav Zvěřina, Tadeusz Zwiefka
Substitute(s) present for the final vote	Sharon Bowles, Vicente Miguel Garcés Ramón, Jean-Paul Gauzès, Eva Lichtenberger, József Szájer, Ieke van den Burg