Republic of Latvia

Cabinet
Regulation No. 736
Adopted 15 December 2015

Regulations Regarding Natural Mineral Water and Spring Water

Issued pursuant to
Section 4, Paragraph two and Section 10.[1,] Clause 1, Section 13, Paragraph three, Clause 3 and Section 20, Paragraph two of the Law On the Supervision of the Handling of Food

I. General Provisions

1. This Regulation prescribes:

1.1. the mandatory harmlessness requirements for natural mineral water and spring water;

1.2. the requirements for additional labelling of natural mineral water and spring water;

1.3. the procedures by which a permit for the distribution of natural mineral water in the market shall be issued and cancelled;

1.4. the amount of the State fee for the issuance of a permit for the distribution of natural mineral water in the market and the procedures for the payment of the fee.

2. The Regulation shall not apply to mineral water which has been recognised as a medicinal product or which is used in medical treatment at thermal or hydrotherapy institutions which are located at the source of the water.

3. In accordance with the procedures laid down in this Regulation:

3.1. microbiologically harmless water which has been exploited from an groundwater deposit and emerging from a spring tapped at one or more natural or bore exits, may be recognised as natural mineral water, if it conforms to the following requirements:

3.1.1. natural mineral water can be clearly distinguished from the drinking water:

3.1.1.1. by its nature, which is characterised by its mineral content, presence of trace elements or other constituents (hereinafter – the essential constituents) in the water;

3.1.1.2. by original purity of natural mineral water;

3.1.2. the characteristics referred to in Sub-paragraphs 3.1.1.1 and 3.1.1.2 of this Regulation having been preserved intact because of the underground origin of such water, which has been protected from all risk of pollution;

3.1.3. the essential constituents and other essential characteristics of natural mineral water have been evaluated in accordance with Annex 1 to this Regulation;

3.1.4. the composition, temperature and other essential characteristics of natural mineral water remain stable within the limits of natural fluctuation. The possible fluctuation in the flow rate of water do not affect the composition, temperature and other essential characteristics of natural mineral water;

3.2. natural mineral water the carbon dioxide content of which after decantation, if any has been performed, and bottling in a container intended for the end consumer is the same as

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at the mineral water deposit may be recognised as naturally carbonated natural mineral water. If necessary, such quantity of carbon dioxide is reintroduced from the same deposit that has been released in the course of the abovementioned operations;

3.3. natural mineral water the carbon dioxide content of which from the same deposit after decantation, if any, and bottling in a container intended for the end consumer is greater than that established at the deposit may be recognised as natural mineral water fortified with gas from the groundwater deposit;

3.4. natural mineral water to which carbon dioxide of an origin other than the water deposit from which the water comes has been added may be recognised as carbonated natural mineral water;

3.5. the designation "spring water" shall be used for groundwater (fresh waters) intended for human consumption naturally, are bottled in a container intended for end consumers at the site where water is exploited and:

3.5.1. conform to the conditions for exploiting referred to in Paragraphs 7, 8, 9, 52, and 53 of this Regulation;

3.5.2. conform to the norms of microbiological indicators specified in Paragraphs 17, 18, 19, 20, and 21 of this Regulation;

3.5.3. conform to the labelling requirements laid down in this Regulation;

3.5.4. have not been treated in any other way other than according to the conditions referred to in Paragraphs 10, 12, 14, 15, and 16 of this Regulation;

3.5.5. in addition to the conditions referred to in this Regulation conform to the laws and regulations regarding the mandatory harmlessness and quality requirements for drinking water;

3.5.6. the requirements of this Regulation regarding the necessity of recognition do not apply to them.

4. A food establishment shall ensure the geological, hydrogeological, physical, chemical, physico-chemical, and microbiological evaluation of natural mineral water in accordance with Paragraphs 1, 2, and 3 of Annex 1 to this Regulation.

5. In order to characterise the specific effects of natural mineral water on the functions of human organism, in accordance with the laws and regulations regarding clinical trials of medicinal products the food establishment shall ensure the pharmacological, physiological and clinical assessment of mineral water in accordance with Paragraph 4 of Annex 1 to this Regulation.

6. The State supervision and control of conformity with this Regulation shall be ensured by the Food and Veterinary Service (hereinafter – the Service) and the State Environmental Service in accordance with the laws and regulations regarding the supervision of the handling of food and the use of subterranean depths.

II. Mandatory Harmlessness Requirements of Natural Mineral Water and Spring Water

7. It shall be permitted to commence the exploitation of natural mineral water and spring water in accordance with the laws and regulations regarding the use of subterranean depths, water management and determination of protection zones.

8. Equipment for exploiting and treatment of natural mineral water and spring water shall be installed as to avoid any possibility of contamination and to preserve the properties, which the natural mineral water and spring water possesses at source. In order to ensure the fulfilment of the abovementioned requirements:

8.1. the source of natural mineral water and spring water shall be protected against the risks of pollution, in conformity with the requirements laid down in the laws and regulations regarding protection zones;

8.2. the equipment, pipes and reservoirs of natural mineral water and spring water, and the containers referred to in Sub-paragraph 8.4 of this Regulation shall be of materials suitable for water which conform to the laws and regulations regarding materials and articles intended to come into contact with food, and so built as to prevent any chemical, physico-chemical or microbiological alteration of the water;

8.3. the conditions of exploitation and treatment of natural mineral water and spring water (also the washing and bottling equipment) shall meet hygiene requirements. The containers shall be so manufactured or treated as to avoid adverse effects on the microbiological and chemical characteristics of the natural mineral water and spring water;

8.4. natural mineral water and spring water shall be transported in containers authorised for supply of the product to the end consumer.

9. If it is detected at a place of exploitation of a natural mineral water and spring water deposit that the water is polluted and does not conform to the microbiological pollution norms referred to in Paragraphs 17, 18, 19, 20, and 21 of this Regulation, the food establishment shall discontinue any activities without delay until the causes of pollution have been eliminated and the water once again conforms to the norms referred to in Paragraphs 17, 18, 19, 20, and 21 of this Regulation.

10. Natural mineral water and spring water must not be the subject of any treatment other than:

10.1. the separation of its unstable elements, such as iron and sulphur compounds, by filtration or decantation, possibly preceded by oxygenation, in so far as this treatment does not alter the composition of mineral water as regards the essential constituents which give it its properties;

10.2. the separation of iron, manganese, sulphur and arsenic compounds by treatment with ozone-enriched air provided that the treatment does not alter the essential constituents of mineral water;

10.3. the separation of undesirable constituents other than those referred to in Sub-paragraphs 10.1 and 10.2 of this Regulation, for example, fluorides, provided that the treatment does not alter the essential constituents of mineral water. Treatment shall be performed in accordance with Articles 1 and 2 of Commission Regulation (EU) No 115/2010 of 9 February 2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters (hereinafter – Commission Regulation No 115/2010);

10.4. the separation of carbon dioxide or reduction of its content by physical methods.

11. The requirements referred to in Paragraph 10 of this Regulation shall not apply to natural mineral water and spring water, if they are used as constituents in the manufacture of soft drinks and other goods.

12. The performer of treatment referred to in Sub-paragraphs 10.2 and 10.3 of this Regulation shall, at least three months prior to commencing the treatment of natural mineral water and spring water, submit a notification to the Service. The following shall be indicated in the notification:

12.1. the content of iron, manganese, sulphur and arsenic compounds in the water and the information confirming that the requirements referred to in Paragraph 14 of this Regulation will be conformed to, if treatment is to be performed with ozone and air mixture;

12.2. information on the treatment in accordance with the conditions referred to in Article 3(2) of Commission Regulation No 115/2010, if fluorides are to be separated.

13. The Service shall examine the notification referred to in Paragraph 12 of this Regulation, take a decision on the conformity of the treatment with the requirements of this Regulation, and notify the food establishment thereof in accordance with the procedures laid down in the Law on Notification. If the Service takes a decision on the non-conformity of the treatment with the requirements of this Regulation, the food establishment shall eliminate the deficiencies detected and submit a new notification to the Service regarding commencing the treatment in accordance with Paragraph 12 of this Regulation.

14. It shall be permitted to use ozone-enriched air for the treatment of natural mineral water and spring water only if:

14.1. the physico-chemical composition of the essential constituents in natural mineral water does not change after treatment;

14.2. prior treatment the water conforms to the requirements referred to in Paragraphs 17, 19, 20, and 21 of this Regulation;

14.3. the substances which have emerged in the water after treatment do not exceed the maximum permissible concentration indicated in Annex 2 to this Regulation, as well as other substances which may endanger human health do not emerge.

15. It shall not be permitted to add any other substance to natural mineral water and spring water, except carbon dioxide, as indicated in Sub-paragraphs 3.2, 3.3, and 3.4 of this Regulation.

16. Any disinfection treatment by whatever means and the addition of bacteriostatic elements or any other treatment likely to change the viable colony count of the natural mineral water is prohibited for natural mineral water and spring water.

17. The revivable total colony count of a natural mineral water and spring water at source shall conform to its normal revivable colony count and give satisfactory evidence of the protection of the source against all contamination. This total colony count shall be determined in accordance with Sub-paragraph 3.3 of Annex 1 to this Regulation.

18. The revivable total colony count of a natural mineral water and spring water in retail trade or wholesale trade may only be that resulting from the normal increase in the bacterial count which it had at source. The natural mineral water and spring water must not contain any organoleptic defects.

19. The revivable total colony count of a bottled natural mineral water and spring water must not exceed 100 colony-forming units per millilitre (100 CFU/ml) by growing at 20 to 22°C in 72 hours on agar-agar or an agar-gelatine mixture and 20 colony-forming units per millilitre (20 CFU/ml) by growing at 37°C in 24 hours on agar-agar. The samples shall be analysed within the 12 hours following the bottling. The samples to be tested shall be maintained at 4°C ± 1°C during this 12-hour period.

20. The revivable total colony count of a natural mineral water and spring water at the source must not exceed 20 colony-forming units per millilitre (20 CFU/ml) by growing at 20 to 22°C in 72 hours and five colony-forming units per millilitre (5 CFU/ml) by growing at 37°C in 24 hours (Sub-paragraph 3.3 of Annex 1).

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21. At source, as well as upon distribution in retail trade or wholesale trade, a natural mineral water and spring water shall be free from:

21.1. parasites (including cysts of pathogenic unicellular parasites and eggs of parasitic worms or helminths) and pathogenic micro-organisms;

21.2. *Escherichia coli* and other coliforms, faecal streptococci in any 250 ml sample examined;

21.3. sporulated sulphite-reducing anaerobes (*Clostridia*) in any 50 ml sample examined;

21.4. *Pseudomonas aeruginosa* in any 250 ml sample examined.

22. Natural components in a natural mineral water must not exceed the maximum permissible concentration (Annex 3). Concentration of substances not occurring in nature or of polluting substances of anthropogenic origin (pesticides, hydrocarbons and volatile organic substances) in a natural mineral water must not exceed the maximum permissible norms laid down in the laws and regulation regarding the harmlessness and quality requirements for drinking water.

23. When determining the pollution indicated in Paragraph 22 of this Regulation, the laboratories shall use methods which conform to the criteria referred to in Annex 4 to this Regulation.

24. The natural mineral water and spring water shall be filled in containers equipped with such closing devices which preclude the possibility of falsifying or contaminating it.

III. Requirements for Labelling of Natural Mineral Water and Spring Water

25. Natural mineral water and spring water shall be labelled in accordance with the laws and regulations regarding the requirements for labelling of packaged food and Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004. In addition the following information shall be indicated in the labelling:

25.1. the trade name in accordance with Sub-paragraphs 3.1, 3.2, 3.3, and 3.4 of this Regulation (“Natural mineral water”, “Naturally carbonated natural mineral water”, “Natural mineral water fortified with gas from the groundwater deposit”. “Carbonated natural mineral water”);

25.2. the trade name “spring water” in accordance with Sub-paragraph 3.5 of this Regulation;

25.3. the indication “Completely decarbonated” or “Partly decarbonated” shall be added to the trade name of the mineral water, if the natural mineral water has been subjected to the treatment referred to in Sub-paragraph 10.4 of this Regulation;

25.4. the indication “carbonated” shall be added to the trade name, if the spring water has been subjected to the treatment referred to in Paragraph 15 of this Regulation;

25.5. the essential constituents of the natural mineral water and their quantity. The permissible threshold values of natural variations of the volume of the essential constituents in the labelling shall conform to:

25.5.1. for water exploited in Latvia – in accordance with the laws and regulations regarding the procedures for use of subterranean depths, including:

25.5.1.1. that specified in the groundwater deposit passport, if it is planned to exploit at least 100 cubic metres of groundwater per day;

25.5.1.2. the groundwater study data which have been obtained by the exploiter of the groundwater, if it is planned to exploit less than 100 cubic metres of groundwater per day;

25.5.2. for water exploited in the third countries – according to the conditions referred to in the groundwater exploitation documents of the relevant third country;

25.6. the name of the water deposit and the name of the exploiting site of the water deposit;

25.7. information on the treatment referred to in Sub-paragraphs 10.2 and 10.3 of this Regulation;

25.8. an indication "Water has been treated using ozone-enriched air, with permitted oxidation method", if the natural mineral water has been treated with ozone-enriched air. The abovementioned indication shall be placed next to the indication of constituents;

25.9. an indication "Water has been treated using permitted absorption method", if the natural mineral water and spring water has been purified from fluorides. The abovementioned indication shall be placed next to the indication of constituents;

25.10. an indication "Contains more than 1.5 mg/l of fluorides: not appropriate for regular use in nutrition of infants and in nutrition of children less than seven years of age", if the concentration of fluorides in the natural mineral water and spring water exceeds 1.5 mg/l. The abovementioned indication shall be placed next to the trade name so that the indication is clearly visible;

25.11. the actual quantity of fluorides in accordance with Sub-paragraph 25.5 of this Regulation, if the concentration of fluorides in the natural mineral water and spring water exceeds 1.5 mg/l. Information regarding the quantity of fluorides in the indication of constituents.

26. The name of a natural mineral water and spring water may contain the name of a locality, village or other place provided that the exploiting site of the deposit of a natural mineral water and spring water is located in this territory and it is not misleading the consumer as regards to the exploiting site of the deposit.

27. The natural mineral water and also spring water exploited from one and the same deposit shall have one product name.

28. When the labels or inscriptions on the containers in which the natural mineral waters and spring waters are sold include a product name different from the name of the deposit or the place of its exploitation, the name of the deposit or the place of exploitation shall be indicated in letters at least one and a half times the height and width of the largest of the letters used in the trade description.

29. It is prohibited, both on packaging or labels and in advertising in any form whatsoever of the natural mineral water and spring water, to use designations, trade marks, brand names, pictures or other signs, as well as symbols that suggest characteristics which the product does not possess. The abovementioned requirements shall particularly apply to the natural origin of the natural mineral water and spring water, the date of the authorisation to exploit it, the results of analyses or any similar references to guarantees of authenticity.

30. Words " mineral water" and "spring water" shall be used in the trade name in the advertising and labellings of such natural mineral waters and spring water which conform to the requirements of this Regulation.

31. All indications attributing to a natural mineral water and spring water properties relating to the prevention, treatment or cure of a human illness are prohibited in the regulatory

technical documents, labelling, instruction for use, advertising material and other information related to the natural mineral water and spring water.

32. It shall be permitted to indicate special characteristics in the labelling of the natural mineral water, if the norms of indicators specified in Annex 5 to this Regulation are conformed to. If relevant indicators and their norms are not specified in Annex 5 to this Regulation, they may be specified on the basis of physico-chemical analyses and, where necessary, pharmacological, physiological and clinical examinations carried out in accordance with the requirements referred to in Annex 1 to this Regulation.

33. The labelling may contain the indications "Stimulates digestion", "May facilitate the hepato-biliary functions" or similar indications, provided that the latter do not conflict with the requirements referred to in Paragraph 31 of this Regulation and conform to the requirements referred to in Paragraph 32 of this Regulation.

IV. Procedures for Issuing and Cancelling a Permit for the Distribution of Natural Mineral Water

34. Natural mineral water exploited in Latvia and the third countries shall be distributed, if a permit for distribution of natural mineral water issued by the Service (hereinafter – the permit) has been received.

35. In order to receive the permit, a food establishment shall submit the following to the Service:

35.1. an application for receipt of the permit (Annex 6);

35.2. for natural mineral water exploited in Latvia – a conformity certificate certifying that the natural mineral water conforms to the requirements of this Regulation. The conformity certificate shall be issued by the certification authority which has been accredited with the limited liability company "Standardisation, Accreditation and Metrology Centre" according to the standard LVS EN ISO/IEC 17065:2013 "Conformity assessment – Requirements for bodies certifying products, processes and services" and regarding which the limited liability company "Standardisation, Accreditation and Metrology Centre" has published information on its website (hereinafter – the certification authority);

35.3. for natural mineral water exploited in the third countries:

35.3.1. a certification of the competent authority of the relevant state regarding conformity of the natural mineral water with the requirements of Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters, as well as a certification regarding regular provision of State supervision in order to guarantee the conformity with the requirements referred to in Paragraphs 8, 9, and 10 of this Regulation, or a conformity certificate issued by the certification authority referred to in Sub-paragraph 35.2 of this Regulation certifying that the natural mineral water conforms to the requirements of this Regulation;

35.3.2. a conformity certificate issued by a conformity assessment institution accredited according to a standard of the European standardisation organisation or the International Organisation for Standardisation regarding conformity of the manufacturer of the natural mineral water with the requirements laid down in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (hereinafter – Regulation No 852/2004) and in this Regulation.

36. The term of validity of the permit for natural mineral water exploited in the third countries shall not exceed five years, taking into account the information indicated in the conformity certificate issued by the certification authority. The abovementioned term of validity:

36.1. is extended upon re-issuance of the permit, if the food establishment submits an application to the Service for extending the term of validity of the permit at least 30 days prior to expiry of the term of validity of the permit and a conformity assessment of the natural mineral water by the certification authority;

36.2. is not extended, if the food establishment does not submit an application for extending the term of validity of the permit within the time period referred to in Sub-paragraph 36.1 of this Regulation. In order to receive a permit after expiry of the time period referred to in Sub-paragraph 36.1 of this Regulation, the food establishment shall submit the documents referred to in Paragraph 35 of this Regulation to the Service.

37. The Service shall examine the documents referred to in Paragraph 35 and Sub-paragraph 36.1 of this Regulation and take a decision to issue the permit or to refuse to issue the permit. The Service shall notify the food establishment regarding the decision in accordance with the procedures laid down in the Law on Notification.

38. The Service shall, within 30 days, notify the European Commission regarding the permit issued or refusal to issue the permit for distribution of natural mineral waters exploited in Latvia and the third countries.

39. Upon a request of a European Union Member State or the European Commission the Service shall send information on the basis of which the permit was issued, as well as the results of supervision carried out.

40. It shall be permitted to freely bring in and distribute in Latvia the natural mineral water distribution of which has been permitted by the competent authority of any state of the European Union or European Economic Area (the natural mineral water has been included in the list of recognised natural mineral waters published in the Official Journal of the European Union).

41. The certification authority:

41.1. during the term of operation of the conformity certificate issued shall periodically supervise that the natural mineral water conforms to the requirements of this Regulation. The certification authority shall indicate the frequency of supervision in the conformity certificate issued;

41.2. shall inform the Service regarding the issued, cancelled or suspended conformity certificates of the mineral water and the justification of the relevant decision without delay.

42. Upon performing supervision and check of documents of the food establishment, the certification authority may take a decision:

42.1. to suspend the conformity certificate of the natural mineral water, if non-conformity with the requirements of this Regulation has been detected. In order for the food establishment to be able to eliminate the non-conformity, the certification authority shall determine a time period for the performance of corrective measures. If the food establishment has not performed the corrective actions until expiry of the time period specified in the decision and has not submitted written information to the certification authority regarding elimination of the violations detected, the certification authority shall take a decision to cancel the conformity certificate;

42.2. to cancel the conformity certificate of the natural mineral water, if any non-conformity with the requirements of this Regulation which causes threats to human health,

has been detected, as well as if the requirements referred to in Sub-paragraph 42.1 of this Regulation have not been fulfilled.

43. If the certification authority has cancelled the conformity certificate, it shall notify the Service thereof within three working days, and the Service shall take a decision to cancel the permit for distribution of the relevant natural mineral water.

44. If the Service has detected a potential threat of the natural mineral water to human health or non-conformity of the natural mineral water with the requirements of the laws and regulations in the field of handling of food, the Service has the right:

44.1. to take a decision to restrict or prohibit the trade of such product in the territory of Latvia, even if the non-conforming mineral water has a distribution permit issued by any European Union Member State;

44.2. to take a decision to cancel the permit for distribution of the relevant natural mineral water.

45. The Service shall, without delay, inform the European Commission and European Union Member States regarding justification for the decisions referred to in Paragraph 43 or 44 of this Regulation and regarding the actions performed involving the non-conforming product.

46. The Service shall publish and regularly update information on its website regarding natural mineral waters exploited in Latvia and the third countries to which the permit has been issued, drawing up the following lists:

46.1. in Latvia, indicating therein:

46.1.1. the name of the natural mineral water, the name of the deposit, and the name of the place of exploitation of the deposit;

46.1.2. the number of the decision of the Service, the date of issuing the permit, and the term of validity of the permit;

46.1.3. the number, date and term of validity of the conformity certificate issued by the certification authority;

46.2. in English, indicating therein information according to the list of natural mineral waters recognised in European Union Member States which has been published in the Official Journal of the European Union.

V. Amount of the State Fee for the Issuance of the Permit and Procedures for the Payment of the State Fee

47. The State fee shall be paid for the issuance of the permit in the following amount:

47.1. for the issuance of the permit – 142,29 euro;

47.2. for the re-issuance of the permit in accordance with Sub-paragraph 36.1 of this Regulation – 42.69 euro.

48. The State fee shall be paid prior to submitting of documents for the receipt of the permit.

49. The State fee shall be paid in one of the following ways:

49.1. at the Service, using a payment card;

49.2. via such provider of payment services who has the right to provide payment services within the meaning of the Law On Payment Services and Electronic Money.

50. If the Service detects non-conformity of the submitted documents referred to in Paragraph 35 of this Regulation with this Regulation and does not issue the permit, the State fee shall not be reimbursed.

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51. The State fee shall be transferred into the revenue of the State basic budget.

VI. Closing Provisions

52. The norm referred to in Sub-paragraph 8.4 of this Regulation shall not be applied to the spring water, if its production and transportation in containers from the source to the bottling plant in Latvia is permitted and commenced prior to the coming into force of this Regulation and the spring water is distributed in the territory of Latvia.

53. Upon production and transportation of the spring water referred to in Paragraph 52 of this Regulation, the food establishments shall conform to the hygiene requirements laid down in Regulation No 852/2004.

54. In conformity with the principle of mutual recognition, it shall be permitted to distribute such spring water in Latvia which, in accordance with laws and regulations, has been produced in another European Union Member State or a state of the European Economic Area, or Turkey.

55. It shall be permitted to distribute natural mineral water and spring water in Latvia which has been placed on the market or labelled prior to the coming into force of this Regulation in accordance with Cabinet Regulation No. 1130 of 21 December 2010, Regulations Regarding Mandatory Requirements for Harmlessness and Labelling of the Natural Mineral Water and Spring Water and the Procedure for Issue of the Permits for Distribution of the Natural Mineral Water and for Covering the Issue Costs, until expiry of the term of its validity.

56. It shall be permitted to utilise the packaging which has been labelled in accordance with Cabinet Regulation No. 1130 of 21 December 2010, Regulations Regarding Mandatory Requirements for Harmlessness and Labelling of the Natural Mineral Water and Spring Water and the Procedure for Issue of the Permits for Distribution of the Natural Mineral Water and for Covering the Issue Costs, for trading of mineral water and spring water in Latvia until complete selling thereof, but not longer than until 31 December 2017.

57. The permit issued prior to the day of the coming into force of this Regulation shall be valid, if the natural mineral water conforms to the requirements laid down in this Regulation.

Informative Reference to European Union Directives

This Regulation contains legal norms arising from:

1) Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters;

2) 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.

Prime Minister — Laimdota Straujuma

Minister for Agriculture — Jānis Dūklavs

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Annex 1
Cabinet Regulation No. 736
15 December 2015

Information for Assessment of Natural Mineral Water and Essential Constituents of Natural Mineral Water

The essential characteristics of natural mineral water shall be justified, providing the following information:

1. Geological and hydrological information:

1.1. the exact site of the catchment with indication of its altitude, on a map with a scale of not more than 1:1 000;

1.2. a description of the terrain of the on the source of groundwater and its geological nature;

1.3. the stratigraphy of the hydrogeological layer;

1.4. a description of the catchment operations;

1.5. a detailed description of the demarcation of the area or details of other measures protecting the spring against pollution.

2. Information regarding physical, chemical and physico-chemical properties:

2.1. the rate of flow of the spring;

2.2. the temperature of the water at source and the ambient temperature;

2.3. the relationship between the nature of the water deposit and the type and nature of minerals in the water;

2.4. the dry residues at 180°C and 260°C;

2.5. the electrical conductivity or resistivity, with the measurement temperature having to be specified;

2.6. the hydrogen ion concentration (pH);

2.7. the anions and cations;

2.8. the non-ionised elements;

2.9. the trace elements;

2.10. the radio-actinological properties of the water deposit – radon, uranium 238, uranium 234, radium 226, lead 210, and polonium 210 in accordance with the laws and regulations regarding protection against ionising radiation. The levels of radioactivity shall be determined in accordance with the recommendations of the World Health Organisation regarding the drinking-water quality;

2.11. where appropriate, the relative isotope levels of the constituent elements of water, oxygen (16O — 18O) and hydrogen (protium, deuterium, tritium).

3. Information regarding microbiological analyses at the groundwater deposit:

3.1. a demonstration of the absence of parasites and pathogenic micro-organisms;

3.2. a quantitative determination of the revivable colony count indicative of faecal contamination:

3.2.1. absence of *Escherichia coli* and other coliforms in 250 ml of the sample examined at 37°C and 44,5°C;

3.2.2. absence of faecal streptococci in 250 ml of the sample examined;

3.2.3. absence of sporulated sulphite-reducing anaerobes (*Clostridia*) in 50 ml of the sample examined;

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3.2.4. absence of *Pseudomonas aeruginosa* in 250 ml of the sample examined;

3.3. determination of the revivable total colony count per ml of water:

3.3.1. at 20 to 22°C in 72 hours on agar-agar or an agar-gelatine mixture;

3.3.2. at 37°C in 24 hours on agar-agar;

3.4. the normal viable colony count of natural means the reasonably constant total colony count in the mineral water at source before any treatment. The qualitative and quantitative composition of colonies of micro-organisms (according to the self-control system of the food establishment) is checked by periodic analysis. Such testing results shall be evaluated during conformity assessment process of the natural mineral water.

4. Information on clinical and pharmacological analyses:

4.1. the analyses which are carried out in accordance with scientifically recognised methods and which are suited to the particular characteristics of the natural mineral water and its effects on the human organism, such as diuresis, gastric and intestinal functions, compensation for mineral deficiencies;

4.2. the establishment of the consistency and concordance of a substantial number of clinical observations may, if appropriate, take the place of the analyses referred to in Sub-paragraph 4.1 of this Annex. Clinical analyses may, in appropriate cases, take the place of the analyses referred to in Sub-paragraph 4.1 of this Annex provided that the consistency and concordance of a substantial number of observations enable the same results to be obtained;

4.3. the analyses referred to in Sub-paragraph 4.1 of this Annex may be optional where the water presents the compositional characteristics on the strength of which it was considered a natural mineral water, particularly when the water in question contains a minimum of 1 000 mg of total solids in solution or a minimum of 250 mg of free carbon dioxide.

5. List of the most essential parameters – anions, cations, non-ionised elements and trace elements:

No.	Parameters	*Unit of measurement*
5.1.	Anions	
5.1.1.	Borates BO_3 –	mg/l
5.1.2.	Carbonates CO_3^{2} –	mg/l
5.1.3.	Chlorides Cl^-	mg/l
5.1.4.	Fluorides F^-	mg/l
5.1.5.	Hydrogen carbonates HCO_3^-	mg/l
5.1.6.	Nitrates NO_3^-	mg/l
5.1.7.	Nitrites NO_2^-	mg/l
5.1.8.	Phosphates PO_4^{3} –	mg/l
5.1.9.	Silicates SiO_2	mg/l
5.1.10.	Sulphates SO_4^{2} –	mg/l
5.1.11.	Sulphides S^{2} –	mg/l
5.2.	Cations	
5.2.1.	Aluminium $A1^{3+}$	mg/l
5.2.2.	Ammonium NH_4^+	mg/l
5.2.3.	Calcium Ca^{2+}	mg/l
5.2.4.	Magnesium Mg^{2+}	mg/l
5.2.5.	Potassium K^+	mg/l

5.2.6.	Sodium Na^+	mg/l
5.3.	Non-ionised elements	
5.3.1.	Total organic carbon (TOC)	mg/l
5.3.2.	Free carbon dioxide CO_2	mg/l
5.3.3.	Silicone dioxide SiO_2	mg/l
5.4.	Trace elements	
5.4.1.	Barium Ba	µg/l
5.4.2.	Bromine (total) Br	µg/l
5.4.3.	Cobalt Co	µg/l
5.4.4.	Copper Cu	µg/l
5.4.5.	Iodine (total) I	µg/l
5.4.6.	Iron Fe	µg/l
5.4.7.	Lithium Li	µg/l
5.4.8.	Manganese Mn	µg/l
5.4.9.	Molybdenum Mo	µg/l
5.4.10.	Strontium Sr	µg/l
5.4.11.	Zinc Zn	µg/1

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Annex 2
Cabinet Regulation No. 736
15 December 2015

Maximum Permissible Concentration of the Substances Following the Treatment of the Natural Mineral Water and Spring Water, if Ozone-enriched Air is Used

No.	Substance	Maximum permissible concentration* (µg/l)
1.	Dissolved ozone	50
2.	Bromates	3
3.	Tribromomethane (Bromoform, $CHBr_3$)	1

Note. * The Food and Veterinary Service shall supervise the conformity of the relevant water with the maximum permissible concentration in the time period when the water is packaged for the supply to the end consumer.

Minister for Agriculture Jānis Dūklavs

Annex 3
Cabinet Regulation No. 736
15 December 2015

Maximum Permissible Concentration of the Constituents of Natural Origin in the Natural Mineral Water

No.	Substance	Maximum permissible concentration (mg/l)
1.	Antimony	0.0050
2.	Arsenic	0.010 (total)
3.	Barium	1.0
4.	Cadmium	0.003
5.	Chrome	0.050
6.	Copper	1.0
7.	Cyanides	0.070
8.	Fluorides	5.0
9.	Lead	0.010
10.	Manganese	0.50
11.	Mercury	0.0010
12.	Nickel	0.020
13.	Nitrates	50
14.	Nitrites	0.1
15.	Selenium	0.010

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Annex 4
Cabinet Regulation No. 736
15 December 2015

Criteria for the Methods for the Determination of the Constituents of Natural Origin[1]

No.	Substance	Accuracy of method as a percentage of the maximum permissible concentration[2]	Precision of method as a percentage of the maximum permissible concentration[3]	Detection limit of a method as a percentage of the maximum permissible concentration[4]	Notes
1.	Antimony	25	25	25	
2.	Arsenic	10	10	10	
3.	Barium	25	25	25	
4.	Cadmium	10	10	10	
5.	Chrome	10	10	10	
6.	Copper	10	10	10	
7.	Cyanides	10	10	10	see[5]
8.	Fluorides	10	10	10	
9.	Lead	10	10	10	
10.	Manganese	10	10	10	
11.	Mercury	20	10	20	
12.	Nickel	10	10	10	
13.	Nitrates	10	10	10	
14.	Nitrites	10	10	10	
15.	Selenium	10	10	10	

Notes.
[1] With the analytical methods for the determination of the substances referred to in Annex 3 to this Regulation, it should be possible to measure least the maximum permissible concentrations of these substances with a specified accuracy, precision and detection limit. Regardless of the sensitivity of the method of analysis used, the result shall be expressed using at least the same number of decimal places as for the maximum permissible concentration specified in Annex 3 to this Regulation.
[2] Accuracy is the systematic error and is the difference between the average value of a large number of repeated measurements and the exact value.
[3] Precision is the random error and is expressed in general as the standard deviation (within a batch and between batches) of the average value of a result sample. Acceptable precision is equal to twice the relative standard deviation.
[4] The detection limit is three times the relative standard deviation within a batch of natural samples with a low concentration of the parameter or five times the relative standard deviation within a batch of virgin samples.

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[5] The method should make it possible to determine the total amount of cyanide in all its forms.

Minister for Agriculture Jānis Dūklavs

Annex 5
Cabinet Regulation No. 736
15 December 2015

Characteristics, Indicators and Norms of the Natural Mineral Water

No.	Features	Indicators	Norm
1.	Low mineral content	Dry residue	Less than 500 mg/l
2.	Very low mineral content	Dry residue	Less than 50 mg/l
3.	Rich in mineral salts	Dry residue	Greater than 1 500 mg/l
4.	Contains hydrogen carbonates	Hydrogen carbonate content	Greater than 600 mg/l
5.	Contains sulphates	Sulphate content	Greater than 200 mg/l
6.	Contains chlorides	Chloride content	Greater than 200 mg/l
7.	Contains calcium	Calcium content	Greater than 150 mg/l
8.	Contains magnesium	Magnesium content	Greater than 50 mg/
9.	Contains fluorides	Fluoride content	Greater than 1 mg/l
10.	Contains iron	Bivalent iron content	Greater than 1 mg/l
11.	Acidic	Free carbon dioxide content	Greater than 250 mg/l
12.	Suitable for the preparation of infant food	–	–
13.	Contains sodium	Sodium content	Greater than 200 mg/l
14.	Suitable for a low-sodium diet	Sodium content	Less than 20 mg/l
15.	May act as a laxative	–	–
16.	May act as a diuretic	–	–

Minister for Agriculture Jānis Dūklavs

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Annex 6
Cabinet Regulation No. 736
15 December 2015

Application for the Receipt of the Permit for the Distribution of Natural Mineral Water

1. Information on the type of the permit (mark as appropriate with an x):
☐first permit
☐repeat permit

2. Trade name of the natural mineral water (mark as appropriate with an x):
☐natural mineral water
☐naturally carbonated natural mineral water
☐natural mineral water fortified with gas from the deposit
☐carbonated natural mineral water

3. Name of the natural mineral water

_____

4. Name of the deposit and name of the place of its exploitation

_____

_____

5. Essential constituents of the natural mineral water and their volume

6. Producer

Firm name (name)		
Legal address Actual address		
Contact person	Telephone number	E-mail address

7. Applicant

Firm name (name)

Legal address Actual address		
Contact person	Telephone number	E-mail address

8. The following documents have been attached to the application:
8.1. for the natural mineral water exploited in Latvia:

_____

_____

8.2. for the natural mineral water exploited in the third countries:
8.2.1. first permit _____

_____

8.2.2. repeat permit _____

_____

9. Certification of the applicant

I am familiar with the procedures for issuing the permit for distribution of natural mineral water in the Republic of Latvia. I certify that the information provided regarding the applied natural mineral water is true.

_____	_____	_____
(position, given name and surname)	(telephone number)	(signature*)

Place for a seal*

_____
(date)

Note. * The details of the document "signature" and "Place for a seal" shall not be completed if the electronic document has been drawn up in conformity with the laws and regulations regarding the drawing up of electronic documents.

Minister for Agriculture Jānis Dūklavs