

**Appendice E. The decree of the government N 296, 02.21.2017 and the order of the government N 574, 12.15.2022 ([www.matsne.gov.ge](http://www.matsne.gov.ge))**

**Decree No. 296 of the Government of Georgia**

**February 21, 2017**

**Tbilisi**

**On Determining the Initial Auction Price and Giving Consent to Determine Additional License Conditions for Issuing a License for the Study and Extraction of Mineral Resources (Mineral Water "Zanavi")**

On the basis of paragraph 2 of Article 6 and paragraphs 1<sup>3</sup> and 1<sup>4</sup> of Article 7 of the Regulation approved by Resolution No. 136 of the Government of Georgia of August 11, 2005, "On Approval of the Regulation on the Rule and Conditions for Issuing a License for the Extraction of Mineral Resources":

1. The initial auction price for issuing a license for the study and extraction of mineral resources (mineral water "Zanavi") (boreholes: No. 143, No. 144, and No. 39) shall be determined in the amount of 5,000,000 (five million) GEL.
2. Consent shall be given to the LEPL - National Environmental Agency of the Ministry of Environment and Natural Resources Protection of Georgia to determine the following additional license conditions for issuing a license for the study and extraction of mineral resources (mineral water "Zanavi") in the adjacent territory of the village of Zanavi, Borjomi Municipality: a) The license holder is obliged to: a.a) Within a period of 2 (two) years from the issuance of the license, study the resource of mineral resources, calculate the water reserves, and submit the reserves report to the relevant body for approval; a.b) After the approval of the reserves, utilize the entire resource of

the deposit within the limits of the approved reserves; a.c) Within a period of 2 years from the issuance of the license, for the purpose of bottling mineral water, make an investment of not less than the equivalent of one million US dollars in GEL; a.d) Within the framework of the activity envisaged by the license, ensure the employment of not less than 30 (thirty) citizens of Georgia; a.e) Within a period of 3 years from the approval of the reserves, at the request of the Ministry of Environment and Natural Resources Protection of Georgia and within the timeframes established by it, implement the financing of environmental measures in the amount of 300,000 (three hundred thousand) GEL; a.f) Within a period of 1 month from the fulfillment of the obligation envisaged by subparagraph "a.c" of this paragraph, submit to the license issuer a conclusion prepared by the LEPL - Levan Samkharauli National Forensics Bureau, which will confirm the implementation of the investment of the equivalent of one million US dollars in GEL.

3. On the basis of Article 61 of the General Administrative Code of Georgia, Decree No. 1494 of the Government of Georgia of October 23, 2013, "On Establishing Requirements for Issuing a License for the Extraction of Mineral Resources (Mineral Water "Zanavi")" shall be declared invalid.

**Prime Minister Giorgi Kvirikashvili**

**Order No. 574 of the Government of Georgia**

**December 15, 2022**

**Tbilisi**

**On Approval of the Technical Regulation - Rules for the Exploitation and Placing on the Market of Natural Mineral Waters**

**Article 1**

In accordance with Article 75(2) of the Code on Food/Animal Feed Safety, Veterinary and Plant Protection, Article 56(1) and Article 58(2) of the Code on Product Safety and Free Movement, the attached “Technical Regulation — Rules for the Exploitation and Placing on the Market of Natural Mineral Waters” shall be approved.

**Article 2**

Natural mineral waters that are placed on the market before the entry into force of this Resolution and do not comply with the requirements defined by the Technical Regulation approved by this Resolution may be placed on the market until 1 June 2028.

**Article 3**

In accordance with Article 25 of the Organic Law of Georgia “On Normative Acts”, upon the entry into force of this Resolution, Resolution No. 719 of the Government of Georgia of 26 December 2014 “On Approval of the Technical Regulation on Packaged Natural Mineral Water and Spring Water” shall be declared invalid.

**Article 4**

This Resolution shall enter into force on 1 January 2027.

**Prime Minister Irakli Gharibashvili**

## **Technical Regulation - Rules for the Exploitation and Placing on the Market of Natural Mineral Waters**

### **Article 1**

1. The “Technical Regulation - Rules for the Exploitation and Placing on the Market of Natural Mineral Waters” (hereinafter - the Rule) establishes requirements for natural mineral waters and regulates the conditions for their extraction, production, treatment, distribution and placing on the market by a business operator.

2. The requirements defined by this Rule shall apply to natural mineral waters extracted in the territory of Georgia, which must meet the requirements defined by Part 1 - “Definition” of Annex No. 1 to this Rule.

3. The requirements defined by this Rule shall also apply to imported natural mineral waters bottled for human consumption, which have been confirmed as such by the Legal Entity under Public Law - National Food Agency (hereinafter - the Agency).

4. The confirmation defined by paragraph 3 of this Article shall be possible only if the imported natural mineral water is accompanied by a document confirming conformity, issued by the competent authority of the country of exploitation (extracting country), confirming that the natural mineral water meets the requirements defined by Part 1 of Annex No. 1 to this Rule and that it is regularly inspected in accordance with the requirements defined by paragraph 2 of Annex No. 2 - “Conditions for the Exploitation and Placing on the Market of Natural Mineral Water” to this Rule.

5. Information on the document confirming conformity defined by paragraph 4 of this Article shall be placed on the Agency’s website. The validity period of the document confirming conformity shall not exceed 5 (five) years.

6. If the document confirming conformity defined by paragraph 4 of this Article is renewed before the expiry of the established term, in such case it shall not be necessary to repeat the confirmation procedures defined by the same paragraph.

7. The requirements defined by this Rule shall not apply to:

a) medicinal mineral waters;

b) waters intended for use for medicinal purposes directly at the place of water extraction, in geothermal and hydromineral establishments;

c) natural mineral water imported by an individual within the scope of the tax benefit provided for by subparagraph “d.a” of Article 199 of the Tax Code of Georgia.

**Article 2.** The Agency shall take all measures to ensure that only natural mineral water that meets the requirements defined by this Rule is placed on the market.

**Article 3.** The exploitation of natural mineral water deposits and bottling shall be carried out in accordance with the conditions defined by Annex No. 2 to this Rule.

#### **Article 4**

1. Natural mineral water, in the form in which it is extracted from the deposit, shall not be subject to additional treatment, except in the following cases:

a) removal of unstable elements - iron and sulphur compounds - by decantation or filtration, which may be preceded by oxygenation, provided that such treatment does not cause a change in the composition of the water, in particular, a change in the essential constituents that give it its characteristic properties;

b) removal of iron, manganese, sulphur and arsenic compounds from natural mineral waters by ozone-enriched air, provided that such treatment does not cause a change in the composition of the water, in particular, a change in the essential constituents that give it its characteristic properties, and also:

b.a) the treatment complies with the requirements defined by the Code on Food/Animal Feed Safety, Veterinary and Plant Protection;

b.b) the Agency has information on the treatment methods and exercises state control over them;

c) in addition to the removal of undesirable constituents defined by subparagraph “a” or “b” of this paragraph, the use of other treatment methods is permitted, provided that:

c.a) such treatment does not cause a change in the composition of the water, in particular, a change in the essential constituents that give it its characteristic properties;

c.b) the Agency has information on the treatment methods and exercises state control over them;

d) full or partial removal of free carbon dioxide shall be carried out only by physical methods;

e) the requirements defined by subparagraph “b.a” of this paragraph shall not impede the use of natural mineral waters and spring waters in the production of soft/non-alcoholic beverages.

2. It shall be prohibited to add any other additive to natural mineral water extracted from a deposit, except carbon dioxide or the re-addition of carbon dioxide, in accordance with the conditions defined by Part 3 of Annex No. 1 to this Rule - “Additional Definitions/Qualifications Related to Carbonated Natural Mineral Waters”.

3. For disinfection purposes, any treatment of natural mineral water by various means shall be prohibited and, taking into account the requirements defined by paragraph 2 of this Article, the use of bacteriostatic elements or other means that may cause a change in the number of viable colonies in natural mineral water shall be prohibited.

## **Article 5**

1. The total number of viable colonies in a natural mineral water deposit shall correspond to the normal count and shall provide reliable information on the protection of the deposit from any contamination. The total number of these colonies shall be determined in accordance with the requirements defined by subparagraph “c” of paragraph 3 of Part 2 of Annex No. 1 to this Rule - “Requirements and Criteria for the Application of the Definition”.

2. After bottling from the deposit, the total number of colonies (colony-forming unit - CFU) in each millilitre of water, when cultivated on agar-agar or an agar-gelatin mixture at a temperature of 20 to 22°C for 72 hours, shall not exceed 100, and when cultivated on agar-agar at a temperature of 37°C for 24 hours - 20.

3. The total number of colonies (colony-forming unit - CFU) shall be determined within 12 hours after bottling. During this period, the water shall be stored/held at a temperature of 4°C  $\pm$  1°C.

4. The total number of microbial colonies (colony-forming unit - CFU) in the deposit, in each one millilitre, when cultivated on agar-agar at a temperature of 20 to 22°C for 72 hours, shall not exceed 20, and when cultivated on agar-agar at a temperature of 37°C for 24 hours, shall not exceed 5. This indicator shall be considered as an indicative/guidance indicator and not as the maximum permitted concentration.

5. At the deposit and at the stage of placing on the market, natural mineral water shall not contain:

- a) pathogenic microorganisms and parasites;
- b) *Escherichia coli*, other coliforms and faecal streptococci, in any 250 ml test sample;
- c) spore-forming sulphite-reducing anaerobes, in any 50 ml test sample;
- d) *Pseudomonas aeruginosa*, in any 250 ml test sample.

6. Taking into account the requirements defined by paragraphs 1, 2–5 of this Article and by Annex No. 2 to this Rule, at the stage of placing on the market:

- a) the total number of viable colonies in natural mineral water may be only the result of the normal growth and development of bacteria present in the deposit;
- b) natural mineral water shall have no organoleptic defect.

**Article 6.** Any vessel/container used for bottling natural mineral water shall have such a cap/closure that protects it from falsification and contamination.

## **Article 7**

1. Natural mineral water intended for sale shall be labelled in accordance with the requirements defined by the legislation of Georgia and by this Rule.

2. The trade names of natural mineral water shall be:

- a) “Natural mineral water”;
- b) “Naturally carbonated natural mineral water with carbon dioxide” or “Naturally carbonized natural mineral water with carbon dioxide”;
- c) “Natural mineral water carbonated with carbon dioxide from the spring (deposit)” or “Natural mineral water carbonized with carbon dioxide from the spring (deposit)”.

3. If natural mineral water has been subjected to the treatment defined by subparagraph “d” of paragraph 1 of Article 4 of this Rule, the following shall be indicated in the trade name: “fully degassed natural mineral water” (the same as “fully decarbonized natural mineral water”) or “partially degassed natural mineral water” (the same as “partially decarbonized natural mineral water”).

4. In addition to the requirements defined by paragraphs 1, 2 and 3 of this Article, the following information must be placed on the label of natural mineral water:

a) a statement on the analytical composition of the natural mineral water, which gives the characteristics — names and quantities - of its specific constituent components;

b) the place of exploitation of the spring and the name of the spring;

c) any use of the treatment methods defined by subparagraphs “b” and “c” of paragraph 1 of Article 4 of this Rule.

## **Article 8**

1. A trade name may include the name of a place, city, village or municipality, provided that the spring from which the natural mineral water is extracted is located and exploited directly at that place, and that this information does not mislead the consumer with respect to the place of exploitation of the spring.

2. It shall be prohibited to sell natural mineral water extracted from one spring (deposit) on the local market under more than one trade name.

3. If the label or inscription on the vessel/container by which natural mineral water is sold includes a trade name that differs from the name of the spring or the place of exploitation, in such case the name of the spring and the place of exploitation shall be indicated in a font whose size, and the height and width of the letters, is at least one and a half times greater than the height and width of the letters denoting the trade name.

4. The requirements defined by paragraph 1 of this Article shall be applied *mutatis mutandis* (with appropriate changes) in any form of advertising of the trade name of natural mineral water, the name of the spring and the place of its exploitation.



## Article 9

1. It shall be prohibited to use, on packaging or a label, and also in any form of advertising, symbolically or otherwise, such trade names, brand names, images or other designations that:

a) in the case of natural mineral water, indicate properties that it does not actually have, in particular, indications of its origin, the date of confirmation of exploitation, the results of analysis or other similar indications referring to the reliability of authenticity;

b) in relation to drinking water that is bottled in a vessel/container that does not meet the requirements defined by Part 1 of Annex No. 1 to this Rule, may cause confusion with natural mineral water by indicating the reference “mineral water”.

2. Any indication regarding the properties of natural mineral water for the prevention, treatment or prophylaxis of human disease shall be permitted in accordance with the requirements defined by the legislation of Georgia.

3. The use of the criteria and indications defined by Annex No. 3 to this Rule - “Indications and Criteria” shall be permitted if the natural mineral water meets the requirements defined by the same Annex and the data are confirmed by the physical-chemical analyses defined by paragraph 2 of Part 1 of Annex No. 1 to this Rule, and, where necessary, by pharmacological, physiological and clinical studies conducted by recognized scientific methods.

4. The use of the indications “stimulates digestion”, “may contribute to hepatobiliary function” or similar indications, as well as the use of other indications, shall be permitted, provided that they meet the requirements defined by paragraph 3 of this Article.

5. In accordance with the procedure established by the legislation of Georgia, it shall be permitted to define additional requirements regarding the use of natural mineral water in infant nutrition for placing indications on packaging, labels or in advertising, as well as to define additional requirements regarding the properties of natural mineral water intended for infant nutrition that determine such use. In addition, the use of natural mineral water in infant nutrition shall be permitted by the Agency in accordance with the requirements provided for by the legislation of Georgia.

6. The term - “spring water” shall be used only for water that is intended for human consumption in its natural state, bottled directly from the deposit and:

a) meets the exploitation conditions defined by paragraphs 2 and 3 of Annex No. 2 to this Rule, which shall fully apply to spring waters;

b) meets the microbiological requirements defined by Article 5 of this Rule;

c) with regard to labelling, meets the requirements defined by subparagraphs “b” and “c” of paragraph 4 of Article 7 and by Article 8 of this Rule;

d) has not been subjected to any treatment other than the treatment methods defined by Article 4 of this Rule.

7. “Spring water” shall meet the requirements defined by the legislation of Georgia regarding the quality of water intended for human consumption.

8. With regard to the treatment methods defined by subparagraph “d” of paragraph 6 of this Article, it shall be permitted to define additional requirements for the treatment of spring water in accordance with the procedure established by the legislation of Georgia.

## **Article 10**

Appropriate measures shall be taken to ensure that trade in natural mineral waters, with respect to their properties, composition, exploitation conditions, bottling/packaging, labelling and advertising, meets the requirements defined by this Rule and by the legislation of Georgia.

## **Article 11**

1. If there is a substantiated suspicion that natural mineral water does not meet the requirements defined by this Rule and by the legislation of Georgia or poses a risk to public health, trade in this product in the territory of Georgia shall be temporarily restricted or suspended.

2. The country in which the natural mineral water was confirmed shall, upon request, immediately make available information on the confirmation of the natural mineral water confirmed by it, as well as the results of regular inspections.

3. In the case of confirmation of compliance with the requirements defined by this Rule, the Agency shall assign to natural mineral waters extracted in the territory of Georgia the category defined by the legislation of Georgia.

## Part 1. Definition

1. **Natural mineral water** is water that, due to its underground origin, is naturally protected from the risks of contamination and is microbiologically wholesome; it is extracted/bottled from one or more natural springs or wells of one underground water deposit and differs from ordinary drinking water by:

a) its natural composition and the content of minerals, trace elements or other constituents and, in some cases, by a specified action/effectiveness;

b) its natural, original purity.

2. The characteristics defined by paragraph 1 of Part 1 of this Annex, which may determine the beneficial properties of natural mineral water for human health, shall be assessed:

a) on the basis of the following studies:

a.a) geological and hydrogeological;

a.b) physical, chemical and physicochemical;

a.c) microbiological;

a.d) where necessary, pharmacological, physiological and clinical;

b) according to the criteria defined by Part 2 of this Annex;

c) by methods confirmed by the competent authority.

3. The assessment defined by subparagraph “a.d” of paragraph 2 of Part 1 of this Annex shall be carried out where, both at the deposit and after bottling, the dry matter content in the water is 1000 mg or the free carbon dioxide content is at least 250 mg.

4. The composition, temperature and other essential characteristics of natural mineral water shall be stable within the limits of natural variability. In particular, they shall not be affected by possible changes in flow rate.

5. The normal number of viable colonies in natural mineral water defined by paragraph 1 of Article 5 of this Rule means the constant number of colonies in the deposit before treatment

by any method; its quantitative and qualitative composition, which is taken into account when confirming this water, shall be verified by periodic analyses.

## **Part 2. Requirements and Criteria for the Application of the Definition**

1. The hydrogeological and geological assessment defined by subparagraph “a.a” of paragraph 2 of Part 1 of this Annex includes the provision of the following information:

- a) the exact location of the catchment, indicating its altitude (height above sea level), on a map at a scale not exceeding 1:1 000;
- b) a detailed geological conclusion on the constituent rocks;
- c) a brief geological-hydrogeological characterization of the region/district (stratigraphic, tectonic and hydrogeological description);
- d) a description of the water-bearing horizons;
- e) data on the demarcation of the area or on other measures for protecting the spring from contamination.

2. The requirements for the physical, chemical and physicochemical studies defined by subparagraph “a.b” of paragraph 2 of Part 1 of this Annex include the provision of the following information:

- a) flow rate;
- b) the temperature of the deposit water and the ambient temperature;
- c) the general hydrogeochemical characterization of the region/district and the deposit, and their interrelationship;
- d) dry residue at temperatures of 180°C and 260°C;
- e) electrical conductivity or specific resistance, indicating the measurement temperature;
- f) hydrogen ion concentration (pH);
- g) anions and cations;

- h) non-ionized elements;
- i) trace elements;
- j) the radioactinological (effect of light on chemical substances) properties of the deposit;
- k) where necessary, information on the quantity of oxygen isotopes ( $^{16}\text{O}$  -  $^{18}\text{O}$ ) and hydrogen isotopes ( $^1\text{H}$  - protium,  $^2\text{H}$  - deuterium and  $^3\text{H}$  - tritium) of the constituent elements of water;
- l) the toxicity of certain constituent elements of water, indicating the permissible limits established for them.

3. The microbiological assessment of the deposit defined by subparagraph “a.c” of paragraph 2 of Part 1 of this Annex includes the provision of the following information:

- a) confirmation of the absence of parasites and pathogenic microorganisms;
- b) the number of viable colonies as an indicator of faecal contamination, including:
  - b.a) the absence of *Escherichia coli* and other intestinal bacilli in 250 ml at temperatures of 37°C and 44.5°C;
  - b.b) the absence of faecal streptococci in 250 ml;
  - b.c) the absence of sulphite-reducing spore-forming anaerobes in 50 ml;
  - b.d) the absence of *Pseudomonas aeruginosa* in 250 ml;
- c) the total number of viable colonies in each millilitre of water:
  - c.a) at a temperature of 20°C to 22°C, for 72 hours on agar-agar or on an agar-gelatin mixture;
  - c.b) at a temperature of 37°C, within 24 hours, on agar-agar.

4. The pharmacological and clinical assessment defined by subparagraph “a.d” of paragraph 2 of Part 1 of this Annex includes the provision of the following information:

- a) analyses to be carried out using scientifically recognized methods shall correspond to the specific characteristics of natural mineral waters and their effect on the human body. For example, diuresis, gastrointestinal function, compensation for mineral deficiency;

b) where it is necessary to establish the consistency and conformity of a significant number of clinical observations, this may be carried out according to the analyses referred to in subparagraph “a” of this paragraph. Clinical analysis may be carried out according to the analyses referred to in subparagraph “a” of this paragraph, provided that the consistency and observations on a significant number make it possible to obtain the same results.

### **Part 3. Additional Definitions/Qualifications Related to Carbonated Natural Mineral Waters**

At the deposit or after bottling, natural mineral waters, under normal temperature and pressure conditions, spontaneously and clearly release carbon dioxide. Such natural mineral waters are divided into three categories, for the designation of which the following names shall be used:

- a) naturally carbonated/carbonized natural mineral water — natural mineral water in which the carbon dioxide content after decantation and bottling is the same as at the time of its extraction from the deposit. The same category includes natural mineral water to which carbon dioxide extracted from the same deposit has been added, and the quantity of the added carbon dioxide is equivalent to the quantity of carbon dioxide lost during bottling within the limits of technical tolerance;
- b) natural mineral water carbonated/carbonized with deposit gas — natural mineral water that is carbonated/carbonized with carbon dioxide obtained from the same deposit and whose carbon dioxide content, after decantation, in the bottled product is greater than at the time of extraction from the deposit;
- c) carbonated/carbonized natural mineral water — natural mineral water that is partially or fully carbonated/carbonized with carbon dioxide extracted from another deposit.

### Conditions for the Exploitation and Placing on the Market of Natural Mineral Water

1. The exploitation of natural mineral water sources shall be carried out in accordance with the requirements defined by the legislation of Georgia, after it has been confirmed that the natural mineral water complies with the requirements defined by Annex No. 1 to these Rules.

2. All types of equipment and devices used for the exploitation of natural mineral water shall be installed in such a manner as to prevent contamination of the water and ensure its natural stability. For this purpose:

- a) the source or borehole shall be protected from risks of contamination;
- b) the water catchment, pipes and reservoirs shall be made of appropriate material and arranged in such a manner as to prevent contamination by any chemical substance and any physical, chemical and microbiological change in the water;
- c) the exploitation conditions, in particular the washing and bottling equipment, shall comply with the hygiene requirements defined by the legislation of Georgia; specifically, containers shall be treated or manufactured in such a manner as to prevent any impact on the microbiological, chemical and physical indicators of natural mineral waters;
- d) the transport of natural mineral waters in containers that are not authorised for delivery to the final consumer shall be prohibited;
- e) the transport of water between the water deposit and the water bottling enterprise shall be carried out only by means of a pipeline connecting them.

3. If, during exploitation, it is established that the natural mineral water is contaminated and no longer complies with the microbiological indicators defined by Article 5 of these Rules, the exploitation process, in particular the bottling process, shall be immediately suspended by the business operator until the cause of contamination has been eliminated and the water complies with the requirements defined by Article 5 of these Rules.

4. The competent authority of the country of origin of natural mineral waters shall carry out periodic inspections in order to establish that:

- a) the natural mineral waters whose source is authorised for exploitation comply with the requirements defined by Part 1 of Annex No. 1 to these Rules;

b) the activity of the person carrying out the exploitation of the source (extracting country) complies with the requirements defined by paragraphs 3 and 4 of this Annex.



## Indications and Criteria

Indication	Criterion
Very low mineral content	Mineral salt content, calculated as fixed residue, not more than 50 mg/l
Low mineral content	Mineral salt content, calculated as fixed residue, not more than 500 mg/l
Rich in mineral salts	Mineral salt content, calculated as fixed residue, more than 1500 mg/l
Contains bicarbonate	Bicarbonate content more than 600 mg/l
Contains sulphate	Sulphate content more than 200 mg/l
Contains chloride	Chloride content more than 200 mg/l
Contains calcium	Calcium content more than 150 mg/l
Contains magnesium	Magnesium content more than 50 mg/l
Contains fluoride	Fluoride content more than 1.0 mg/l
Contains iron	Divalent iron content more than 1.0 mg/l
Acidic	Free carbon dioxide content more than 250 mg/l
Contains sodium	Sodium content more than 200 mg/l
Used for the preparation of food intended for infants	-
Used for a low-sodium diet	Sodium content less than 20 mg/l
May cause diarrhoea	-
May be diuretic (urine-promoting)	-