

SCHEDULE 3

Regulations 4(1)(a) and (d)(i),(2)(a) and
(c), (8) and (9) and 16(1)(a)(iii)

Recognition of natural mineral waters

PART 1

Natural mineral waters extracted from the ground in England

1. A person seeking to have water which is extracted from the ground in England recognised as a natural mineral water for the purposes of Article 1 shall make application in writing to the relevant authority within whose area the water is extracted, giving the particulars set out in paragraph 2.

2. The particulars are—

- (a) those specified in paragraph 1 of Part 3;
- (b) any other information showing that the matters specified in paragraphs 2 and 3 of Part 3 are established; and
- (c) such evidence as is satisfactory to show that the water contains no substance listed in Schedule 6 at a level which exceeds the maximum limit specified in relation to that substance in that Schedule.

3. In so far as particulars of any of the anions, cations, non-ionised compounds or trace elements specified in column 1 of Schedule 5 are required to be given pursuant to sub-paragraph (b) of paragraph 2, the concentration of each such anion, cation, non-ionised compound or trace element shall be expressed in those particulars in the unit of measurement specified opposite to it in column 2 of that Schedule.

4. Where such particulars have been so given, the relevant authority shall assess them and shall recognise the water to which those particulars relate as natural mineral water if it is satisfied that—

- (a) the water is natural mineral water which complies with paragraph 3 of Section I of Annex I; and
- (b) the characteristics of the water have been assessed in accordance with —
 - (i) the points numbered 1 to 4 set out in paragraph 2(a) of Section I of Annex I,
 - (ii) the requirements and criteria listed in Part 3 of this Schedule, and
 - (iii) recognised scientific methods.

5. The relevant authority shall, on recognising a natural mineral water in accordance with paragraph 4, publish an announcement of such recognition and the grounds on which it has been granted in the London Gazette.

PART 2

Natural mineral waters extracted from the ground in a country other than an EEA State

1. A person seeking to have a water which is extracted from the ground in a country other than an EEA State recognised as a natural mineral water for the purposes of Article 1 shall make application in writing to the Agency, giving the particulars set out in paragraph 2.

2. The particulars are—

- (a) those specified in paragraph 1 of Part 3;

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- (b) any other information showing that the matters specified in paragraphs 2 and 3 of Part 3 are established; and
- (c) such evidence as is satisfactory to show that the water contains no substance listed in Schedule 6 at a level which exceeds the maximum limit specified in relation to that substance in that Schedule.

3. In so far as particulars of any of the anions, cations, non-ionised compounds or trace elements specified in column 1 of Schedule 5 are required to be given pursuant to sub-paragraph (b) of paragraph 2, the concentration of each such anion, cation, non-ionised compound or trace element shall be expressed in those particulars in the unit of measurement specified opposite to it in column 2 of that Schedule.

4. The Agency shall recognise such a water if the responsible authority of the country in which the water is extracted has certified that—

- (a) it is satisfied —
 - (i) that the requirements in paragraphs 2 and 3 of Part 3 are established, and
 - (ii) with the evidence given pursuant to sub-paragraph (c) of paragraph 2; and
- (b) periodic checks are made to ascertain that—
 - (i) the water is natural mineral water which complies with paragraph 3 of Section I of Annex I,
 - (ii) the characteristics of the water are assessed in accordance with—
 - (aa) points numbered 1 to 4 set out in paragraph 2(a) of Section I of Annex I;
 - (bb) the requirements and criteria listed in Part 3; and
 - (cc) recognised scientific methods, and
 - (iii) the provisions of Schedule 4 are being applied by the person exploiting the spring.

5. Recognition of such water shall lapse after a period of five years unless the responsible authority of the country in which the water is extracted has renewed the certification required by paragraph 4.

6. The Agency shall, on recognising water in accordance with this Part of this Schedule, publish an announcement of such recognition in the London Gazette, the Edinburgh Gazette and the Belfast Gazette.

PART 3

Requirements and criteria for recognition as a natural mineral water

- 1.** Geological and hydrological surveys must include the following particulars—
 - (a) the exact site of the catchment with an indication of its altitude, on a map with a scale of not more than 1:1,000;
 - (b) a detailed geological report on the origin and nature of the terrain;
 - (c) the stratigraphy of the hydrogeological layer;
 - (d) a description of the catchment operations; and
 - (e) the demarcation of the area or details of other measures protecting the spring against pollution.
- 2.** Physical, chemical and physico-chemical surveys must establish—
 - (a) the rate of flow of the spring;

- (b) the temperature of the water at source and the ambient temperature;
- (c) the relationship between the nature of the terrain and the nature and type of minerals in the water;
- (d) the dry residues at 180°C and 260°C;
- (e) the electrical conductivity or resistivity, with the measurement temperature being specified;
- (f) the hydrogen ion concentration (pH);
- (g) the anions and cations;
- (h) the non-ionised elements;
- (i) the trace elements;
- (j) the radio-actinological properties at source;
- (k) where appropriate, the relative isotope levels of the constituent elements of water, oxygen (¹⁶O — ¹⁸O) and hydrogen (protium, deuterium, tritium); and
- (l) the toxicity of certain constituent elements of the water, taking account of the limits laid down for each of them.

3. Microbiological analysis at source must show—

- (a) the absence of parasites and pathogenic micro-organisms;
- (b) quantitative determination of the revivable colony count indicative of faecal contamination, demonstrating—
 - (i) absence of *Escherichia coli* and other coliforms in 250 ml at 37°C and 44.5°C,
 - (ii) absence of faecal streptococci in 250 ml,
 - (iii) absence of sporulated sulphite-reducing anaerobes in 50ml, and
 - (iv) absence of *Pseudomonas aeruginosa* in 250 ml; and
- (c) the revivable total colony count per ml of water—
 - (i) at 20 to 22°C in 72 hours on agar-agar or an agar-gelatine mixture, and
 - (ii) at 37°C in 24 hours on agar-agar.

4.—(1) Subject to sub-paragraph (2), clinical and pharmacological analyses must be carried out in accordance with scientifically recognised methods and should be 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.

(2) Clinical analyses may, in appropriate cases, take the place of analyses referred to in sub-paragraph (1), provided that the consistency and concordance of a substantial number of observations enable the same results to be obtained.

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