

SCHEDULE 1

Regulation 4(2)(a) and 4(2)(d)(i)

Recognition of natural mineral water

PART 1

Natural mineral water extracted from the ground in Northern Ireland

1. A person seeking to have water which is extracted from the ground in Northern Ireland recognised as natural mineral water for the purposes of Article 1 of Directive 2009/54 must apply in writing to the district council within whose district the water is extracted, giving the following information—

- (a) the particulars specified in paragraph 1 of Part 3;
- (b) the information obtained as a result of the surveys and analyses required under paragraphs 1 and 2, as read with paragraph 4 of Part 3 are established; and
- (c) evidence to show that the water contains no substance listed in Part 1 of Schedule 5 at a level which exceeds the maximum limit specified in relation to that substance in that Schedule.

2. Where information on the anions, cations, non-ionised compounds and trace elements is required to be given pursuant to paragraph 1(b), the concentration of each such anion, cation, non-ionised compound and trace element specified in the first column of the tables in Part 4 of this Schedule must be expressed in the unit of measurement specified in the second column of the tables in Part 4.

3. Where information required by paragraph 1 has been given, the district council must assess it and must recognise the water to which the information relates as natural mineral water if it is satisfied that—

- (a) the water is natural mineral water which complies with paragraph 3 of Section 1 of Annex 1 to Directive 2009/54;
- (b) the characteristics of the water have been assessed in accordance with—
 - (i) the points numbered 1 to 4 in paragraph 2(a) of Section I of Annex I to Directive 2009/54;
 - (ii) the particulars and criteria listed in Part 3; and
 - (iii) recognised scientific methods.

4. The district council must, on recognising a natural mineral water in accordance with paragraph 3, publish an announcement of such recognition and the grounds on which it has been granted in the Belfast Gazette.

PART 2

Natural mineral water 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 of Directive 2009/54 must apply in writing to the Agency, giving the following information—

- (a) the particulars in paragraph 1 of Part 3;
- (b) the information obtained as a result of the surveys and analyses required under paragraphs 2 and 3, as read with paragraph 4 of Part 3; and

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- (c) evidence to show that the water contains no substance listed in Part 1 of Schedule 5 at a level which exceeds the maximum limit specified in relation to that substance in that Schedule.
- 2. Where information on anions, cations, non-ionised compounds and trace elements is required to be given pursuant to paragraph 1(b), the concentration of each anion, cation, non-ionised compound and trace element specified in the first column of the tables in Part 4 of this Schedule must in the unit of measurement in the second column of the tables in Part 4.
- 3. The Agency must 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;
 - (ii) with the evidence given pursuant to paragraph 1(c); 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 to Directive 2009/54;
 - (ii) the characteristics of the water are assessed in accordance with—
 - (aa) points numbered 1 to 4 in paragraph 2(a) of Section I of Annex I of Directive 2009/54;
 - (bb) the particulars 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.
- 4. Recognition of such water lapses after a period of five years unless the responsible district council of the country in which the water is extracted has renewed the certification required by paragraph 3.
- 5. The Agency must, on recognising water in accordance with this Part publish an announcement of such recognition in the London Gazette, Edinburgh Gazette and Belfast Gazette.

PART 3

Requirements and criteria for recognition as a natural mineral water

- 1. A person seeking to have water recognised as natural mineral water in accordance with paragraph 1 of Part 1 or paragraph 1 of Part 2 of this Schedule, must carry out—
 - (a) geological and hydrological surveys which include the following particulars—
 - (i) 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;
 - (ii) a detailed geological report on the origin and nature of the terrain;
 - (iii) the stratigraphy of the hydrogeological layer;
 - (iv) a description of the catchment operations; and
 - (v) the demarcation of the area or details of other measures protecting the spring against pollution.
 - (b) physical, chemical and physico-chemical surveys which must establish—
 - (i) the rate of flow of the spring;
 - (ii) the temperature of the water at source and the ambient temperature;

- (iii) the relationship between the nature of the terrain and the nature and type of minerals in the water;
 - (iv) the dry residues at 180°C and 260°C;
 - (v) the electrical conductivity or resistivity, with, the measurement temperature being specified;
 - (vi) the hydrogen ion concentration (pH);
 - (vii) the anions and cations;
 - (viii) the non-ionised elements;
 - (ix) the trace elements;
 - (x) the radio-actinological properties at source;
 - (xi) where appropriate, the relative isotope levels of the constituent elements of water, oxygen (¹⁶O – ¹⁸O) and hydrogen (protium, deuterium, tritium); and
 - (xii) the toxicity of certain constituent elements of the water, taking account of the limits laid down for each of them.
- (c) a microbiological analysis at source which must show—
- (i) the absence of parasites and pathogenic micro-organisms;
 - (ii) quantitative determination of the revivable colony count indicative of faecal contamination, demonstrating an absence of—
 - (aa) *Escherichia coli* and other coliforms in 250ml at 37°C and 44.5°C,
 - (bb) faecal streptococci in 250 ml,
 - (cc) sporulated sulphite-reducing anaerobes in 50ml, and
 - (dd) *Pseudomonas aeruginosa* in 250 ml; and
 - (iii) the revivable total colony count per ml of water—
 - (aa) at 20 to 22°C in 72 hours on agar-agar or an agar-gelatine mixture, and
 - (bb) at 37°C in 24 hours on agar-agar.

2.—(1) Subject to subparagraph (2), a person seeking to have water recognised as natural mineral water in accordance with paragraph 1 of Part 1 or paragraph 1 of Part 2 of this Schedule, must carry out clinical and pharmacological analyses in accordance with scientifically recognised methods which should be suited to the particular characteristics of the natural mineral water and its effect on the human body, such as diuresis, gastric and intestinal functions, and compensation for mineral deficiencies.

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

PART 4

Particulars of anions, cations, non-ionised compounds and trace elements

Table A

<i>Anions</i>	<i>Unit of measurement</i>
Borate BO3 -	mg/l

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<i>Anions</i>	<i>Unit of measurement</i>
Carbonate CO ₃ ²⁻	mg/l
Chloride Cl ⁻	mg/l
Fluoride F ⁻	mg/l
Hydrogen Carbonate HCO ₃ ⁻	mg/l
Nitrate NO ₃ ⁻	mg/l
Nitrite NO ₂ ⁻	mg/l
Phosphate PO ₄ ³⁻	mg/l
Silicate SiO ₂ ²⁻	mg/l
Sulphate SO ₄ ²⁻	mg/l
Sulphide S ²⁻	mg/l

Table B

<i>Cations</i>	<i>Unit of measurement</i>
Aluminium Al	mg/l
Ammonium NH ₄ ⁺	mg/l
Calcium Ca	mg/l
Magnesium Mg	mg/l
Potassium K	mg/l
Sodium Na	mg/l

Table C

<i>Non-ionised compounds</i>	<i>Unit of measurement</i>
Total organic carbon C	mg/l
Free carbon dioxide CO ₂	mg/l
Silica SiO ₂	mg/l

Table D

<i>Trace elements</i>	<i>Unit of measurement</i>
Barium Ba	mg/l
Bromine (total) Br	mg/l
Cobalt Co	mg/l
Copper Cu	mg/l
Iodine (total) I	mg/l
Iron Fe	mg/l
Lithium Li	mg/l

<i>Trace elements</i>	<i>Unit of measurement</i>
Manganese Mn	mg/l
Molybdenum Mo	mg/l
Strontium Sr	mg/l
Zinc Zn	mg/l