

POLICY NOTE

THE NATURAL MINERAL WATER, SPRING WATER AND BOTTLED DRINKING WATER (SCOTLAND) AMENDMENT REGULATIONS 2015

SSI 2015 No. 363

1. Description

The above instrument was made in exercise of the powers conferred by sections 6(4), 16(1), 17(1), 26(1) (a) and (3) and 48(1) of the Food Safety Act 1990, and all other powers enabling them to do so.

2. Policy Objective

2.1 These Regulations are necessary to meet the following policy objectives:

To amend the Natural Mineral Water, Spring water and Bottled Drinking Water (Scotland) (No 2) Regulations 2007 in relation to spring water and drinking water in a bottle:

- Transpose Council Directive 2013/51/Euratom which takes effect from 28 November 2015.
- Enable the enforcement of and provide penalties for non-compliance with the requirements of the Council Directive.

3. Policy background

3.1 The Natural Mineral Water, Spring water and Bottled Drinking Water (Scotland) (No 2) Regulations 2007, as amended, implement Council Directive 2013/51/Euratom of 22 October 2013 which lays down general principles for monitoring radioactive substances in bottled drinking water and spring water as well as specifying the technical rules on the methods and frequencies of sampling. The legislative requirements for Natural mineral waters are dealt with separately.

4. Consultation

4.1 A UK wide Stakeholder meeting was held on 4 June 2015 which included discussion on proposals to update the legislation on natural mineral waters, spring waters and bottled drinking water with respect to Council Directive 2013/51 Euratom. Comments received on the new radioactivity monitoring requirements helped to draft the amendment Regulations and develop the Business and Regulatory Impact Assessment.

4.2 One hundred and twenty-one interested parties were consulted between 21 September 2015 to 16 October 2015 on the draft Scottish Regulations and the Business and Regulatory Impact Assessment (BRIA). This included producers of bottled waters and spring waters, a consumer organisation, trade associations,

enforcement authorities and the consultation was available on the Food Standards Scotland (FSS) website.

4.3 FSS received two responses from bottled water trade associations, two from bottled water producers operating in Scotland and one from the Royal Environmental Health Institute of Scotland. Specific points raised during the consultation included clarification of on-going costs, queries on monitoring criteria and the place of sampling. These areas will be covered in guidance. In addition, industry provided data on additional costs related to radon testing. None of the comments received raised concerns about the Scottish Statutory Instrument.

5. Other Administrations

5.1 These Regulations apply in relation to Scotland only. However, equivalent legislation will be introduced in the other UK countries.

6. Guidance

6.1 Guidance on the new Regulations is being developed in conjunction with stakeholders.

7. Impact Assessment

7.1 A final Business and Regulatory Impact Assessment (BRIA) has been prepared following public consultation and discussion with stakeholders and accompanies this note.

8. Regulating small businesses

8.1 These Regulations apply to all businesses trading in bottled water and spring water.

9. Monitoring

9.1 While we do not anticipate additional testing to be required, FSS will work with Enforcement Authorities where problems or suspected infringements of the legislation arise. The effectiveness of this instrument will also be monitored via general feedback from industry and Enforcement Authorities.

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