
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 66

**The Food, Natural Mineral Water, Spring
Water and Bottled Drinking Water (EU Exit)
(Scotland) (Amendment) Regulations 2021**

**Amendment of the Natural Mineral Water, Spring Water and Bottled Drinking Water
(Scotland) (No. 2) Regulations 2007**

2.—(1) The Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007⁽¹⁾ are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) in the definition of “authorised activated alumina treatment”—

(aa) after paragraph (a) omit “or”, and

(bb) for paragraph (b) substitute—

“(b) in the case of natural mineral water or spring water brought into Scotland from England or Wales, a treatment which complies with Articles 1 to 3 of Regulation 115/2010⁽²⁾;

(c) in the case of natural mineral water or spring water brought into Scotland from Northern Ireland or from an EEA State, a treatment which complies with Articles 1 and 2 of Regulation 115/2010⁽³⁾ as it has effect in EU law;

(d) in the case of natural mineral water or spring water brought into Scotland from a country outside the United Kingdom and the EEA, a treatment which complies with Articles 1 and 2 of Regulation 115/2010;”;

(ii) in the definition of “authorised ozone-enriched air oxidation technique”, for paragraph (b) substitute—

“(b) in the case of water brought into Scotland from other parts of the United Kingdom, a treatment that complies with the relevant bottled water legislation in force in that part of the United Kingdom;”;

(iii) omit the definition of “Directive 2003/40”;

(iv) after the definition of “Regulation 1169/2011” insert—

““relevant bottled water legislation” means—

(a) in relation to England, the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007⁽⁴⁾;

⁽¹⁾ S.S.I. 2007/483 as relevantly amended by S.S.I. 2010/89, S.I. 2011/1043, and S.S.I. 2014/312.

⁽²⁾ EUR 115/2010.

⁽³⁾ OJ No. L 37, 10.02.2010, p.13-15.

⁽⁴⁾ S.I. 2007/2785, amended by S.I. 2009/1598, S.I. 2010/433, S.I. 2010/896, S.I. 2011/451, S.I. 2011/1043, S.I. 2014/1855, S.I. 2018/352, S.I. 2019/150, S.I. 2019/778, and S.I. 2020/1501.

- (b) in relation to Northern Ireland, the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015⁽⁵⁾;
- (c) in relation to Wales, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015⁽⁶⁾;
- (v) after the definition of “sell” insert—
 - ““third country” means any country, other than the United Kingdom, and includes—
 - (a) the Bailiwick of Guernsey;
 - (b) the Bailiwick of Jersey;
 - (c) the Isle of Man.”;
- (b) in paragraph (2) omit “2003/40.”
- (3) In regulation 3 (exemptions), for paragraph (1)(d) substitute—
 - “(d) is a natural mineral water intended for—
 - (i) movement into Northern Ireland;
 - (ii) export to a third country.”
- (4) In regulation 4 (recognition as natural mineral water)—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (b), for “Directive 2009/54;” substitute “relevant bottled water legislation; and”,
 - (ii) omit sub-paragraph (c),
 - (iii) for sub-paragraph (d) substitute—
 - “(d) in the case of water extracted from the ground in a third country—
 - (i) by the Agency, in accordance with Part 2 of schedule 3;
 - (ii) in accordance with equivalent recognition in Northern Ireland granted by the relevant Agency in accordance with regulation 4(2)(d)(i) of, and Part 2 of schedule 1 of the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015;
 - (iii) in accordance with equivalent recognition in England granted by the Secretary of State in accordance with regulation 4(1)(d)(i) of, and Part 2 of schedule 3 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007; or
 - (iv) in accordance with equivalent recognition in Wales granted by the relevant Agency in accordance with regulation 4(2)(d)(i) of, and Part 2 of schedule 1 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015.”
 - (b) in paragraph (7)(b), for “country other than an EEA State” substitute “third country”,
 - (c) omit paragraph (8).
- (5) In regulation 21 (defences)—
 - (a) in paragraph 21(2)(a) for “an EEA State” substitute “a third country”,
 - (b) in paragraph 21(2)(b) for “EEA State” substitute “third country”.

⁽⁵⁾ S.R. 2015/365, amended by S.R. 2017/201, S.R. 2019/353, and S.R. 2019/1342.

⁽⁶⁾ S.I. 2015/1867, amended by S.I. 2017/935, and S.I. 2019/1046.

- (6) In schedule 3 (recognition of natural mineral waters), in Part 2—
 - (a) in the heading, for “country other than an EEA State” substitute “third country”,
 - (b) in paragraph 1, for “country other than an EEA State” substitute “third country”.