
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Environment, Food and Rural Affairs
(Amendment) (EU Exit) Regulations 2019

PART 2

Amendment of subordinate legislation relating to food and drink in England

The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007

2. In the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007(1) after regulation 9 insert—

“Transitional provision: withdrawal from the EEA and the EU

9A.—(1) The following waters are accredited, that is to say treated for the purposes of these Regulations as if they were natural mineral waters recognised by the Secretary of State under regulation 4(1)(d)(i)—

- (a) established EU recognised natural mineral waters;
- (b) established Icelandic recognised natural mineral waters;
- (c) established Norwegian recognised natural mineral waters.

(2) The accreditation in paragraph (1) continues to have effect in relation to a natural mineral water to which sub-paragraph (a), (b) or (c) of that paragraph applies until the relevant accreditation cessation date.

(3) In the case of an established EU recognised natural mineral water, if the Secretary of State is of the opinion that there is at least one established recognised UK mineral water that is not treated by the responsible authority in at least one member State as a recognised mineral water for the purposes of [Directive 2009/54/EC](#)(2), the Secretary of State may notify the Commission that the accreditation provided for in paragraph (1)(a) in relation to established EU recognised natural mineral waters is to cease.

(4) In the case of an established Icelandic recognised natural mineral water, if the Secretary of State is of the opinion that there is at least one established recognised UK mineral water that is not treated as a recognised mineral water in Iceland for the purposes of [Directive 2009/54/EC](#), the Secretary of State may notify the Icelandic Food and Veterinary Authority that the accreditation provided for in paragraph (1)(b) in relation to established Icelandic recognised natural mineral waters is to cease.

(5) In the case of an established Norwegian recognised natural mineral water, if the Secretary of State is of the opinion that there is at least one established recognised UK mineral water that is not treated in Norway as a recognised mineral water for the purposes

(1) [S.I. 2007/2785](#), to which there are amendments not relevant to these Regulations.

(2) OJ No L 164, 26.6.2009, p. 45.

of [Directive 2009/54/EC](#), the Secretary of State may notify the Norwegian Food Safety Authority that the accreditation provided for in paragraph (1)(c) in relation to established Norwegian recognised natural mineral waters is to cease.

(6) No notification may be given under paragraph (3), (4) or (5) before the end of the period of six months beginning on the day on which exit day falls.

(7) The accreditation cessation date specified in a notification given under paragraph (3), (4) or (5) must be a date that is at least six months after the date on which the notification is given, beginning with the day after the day on which that notification is given.

(8) The Secretary of State must publish a copy of any notification given under paragraph (3), (4) or (5) in such manner as appears appropriate to the Secretary of State in order to bring its effect to the notice of those that the Secretary of State considers likely to be, or representative of those likely to be, affected in England as soon as is reasonably practicable.

(9) The Secretary of State must from time to time publish, in such manner as appears appropriate to the Secretary of State, a list of the names of the established EU, Icelandic and Norwegian recognised natural mineral waters that are treated as accredited natural mineral waters under paragraph (1) (“the paragraph 9 list”).

(10) Where a notification is given under paragraph (3), (4) or (5), the Secretary of State must update the paragraph 9 list as soon as reasonably practicable after the accreditation cessation date specified in the notification.

(11) The paragraph 9 list is to be treated as conclusive evidence that the waters are accredited natural mineral waters for the purposes of these Regulations.

(12) In this regulation—

“accreditation cessation date” means the cessation date as notified by the Secretary of State under paragraph (3), (4) or (5);

“[Directive 2009/54/EC](#)” means [Directive 2009/54/EC](#) as incorporated into the EEA agreement, and as it had effect, immediately before exit day;

“established EU recognised natural mineral water” means—

(a) a natural mineral water extracted from the ground in any member State—

(i) that immediately before exit day had the status of a recognised natural mineral water for the purposes of [Directive 2009/54/EC](#), and

(ii) for which that recognition remains in force;

(b) a natural mineral water extracted from the ground in a third country—

(i) that immediately before exit day had the status of a recognised natural mineral waters for the purposes of [Directive 2009/54/EC](#), having been recognised by any member State as a natural mineral water for the purpose of [Directive 2009/54/EC](#) based on a certificate (“Article 1(2) certificate”) of the type referred to in the second subparagraph of Article 1(2) of [Directive 2009/54/EC](#) issued by the responsible authority in the country of extraction,

(ii) for which that recognition remains in force, and

(iii) for which the Article 1(2) certificate remains valid;

“established Icelandic recognised natural mineral water” means a natural mineral waters extracted from the ground in Iceland—

(a) that immediately before exit day had the status of a recognised natural mineral waters for the purposes of [Directive 2009/54/EC](#), and

- (b) for which that recognition remains in force;
“established Norwegian recognised natural mineral water” means a natural mineral water extracted from the ground in Norway—
- (a) that immediately before exit day had the status of a recognised natural mineral water for the purpose of Directive 2009/54/EC, and
- (b) for which that recognition remains in force;
“established recognised UK natural mineral water” means a natural mineral water extracted from the ground in the United Kingdom—
- (a) that immediately before exit day had the status of a recognised natural mineral water for the purposes of [Directive 2009/54/EC](#), and
- (b) for which that recognition remains in force;
“member State” means a member State of the EU as constituted immediately after exit day;
“third country” has the same meaning as in [Directive 2009/54/EC](#) as it had effect immediately before exit day.”.