
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations apply in relation to Wales. They revoke the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999 (S.I.1999/1540), which extend to the whole of Great Britain, in so far as they apply in relation to Wales, and re-enact those Regulations with changes in relation to Wales. Those Regulations were last amended in relation to Wales by the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Wales) Regulations 2004 (S.I. 2004/1509 (W.158)).

2. These Regulations implement in relation to Wales and to the extent specified in paragraph 3 below the Community instruments specified in that paragraph.

3. The Community instruments are—

- (a) Council Directive [80/777/EEC](#) on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters (OJNo. L229, 30.8.80, p.1) as last amended by Regulation (EC) No. [1882/2003](#) of the European Parliament and of the Council (OJ L284, 31.10.2003, p.1);
- (b) Commission Directive [2003/40/EC](#) establishing the list, concentration limits and labelling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and spring waters (OJ No. L126, 22.5.2003, p34); and
- (c) in relation to spring water and bottled drinking water, Council Directive [98/83/EC](#) relating to the quality of water intended for human consumption (OJ No. L330, 3.11.98, p.32) .

4. The principal changes are that—

- (a) it is specifically provided that the Regulations do not apply to packaged ice portions for use in cooling food;
- (b) the requirements in the Regulations relating to marking and labelling of natural mineral water and spring water are extended to advertising of such water; and
- (c) provision is made for retained parts of samples obtained by authorised officers of food authorities for the purpose of analysis to be submitted for analysis to the Government Chemist in specified circumstances.

5. The Regulations—

- (a) provide for exemptions from the Regulations in relation to specified types of water and ice for cooling food (regulation 3);
- (b) prescribe the conditions for recognition of natural mineral water and the procedures for withdrawal of such recognition and provide for review of decisions not to grant or to withdraw recognition where that is requested by the person affected by the decision (regulation 4);
- (c) set out the conditions which must be satisfied for springs to be exploited with a view to marketing water from them as natural mineral water and prohibit exploitation of polluted springs until the cause of the pollution is eradicated (regulation 5);

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- (d) prohibit subsection of natural mineral water to treatments and additions other than specified ones, subject to an exception in the case of such water when used in the manufacture of soft drinks (regulation 6);
- (e) prohibit bottling of natural mineral water containing specified substances above specified limits and prescribe the methods to be used for detection of such substances (regulation 7(1) and (2));
- (f) prohibit bottling of natural mineral water where specified requirements relating to exploitation of the spring from which the water comes and to bottling of the water are not complied with (regulation 7(3));
- (g) prohibit bottling of natural mineral water in containers not satisfying specified requirements (regulation 7(4));
- (h) restrict the marking and labelling that may be applied to bottled natural mineral water (including effervescent natural mineral water), require such water to be marked or labelled with specified information and in two respects regulate advertising of such water in addition to its marking and labelling (regulation 8);
- (i) prohibit sale of water in a bottle whose marking or labelling uses the name “natural mineral water” unless it is such water; impose other prohibitions in relation to the sale of bottled natural mineral water; and prohibit the sale of natural mineral water from a single spring under more than one trade description (regulation 9);
- (j) prohibit bottling of water in a bottle marked or labelled “spring water” unless the water satisfies specified requirements, prohibit such bottling where the water has been treated with ozone enriched air unless the treatment is an authorised one and prohibit exploitation of polluted springs until the cause of the pollution is eradicated (regulation 10);
- (k) restrict the marking and labelling that may be applied to spring water, require such water to be marked or labelled with specified information and in one respect regulate advertising of such water in addition to its marking and labelling (regulation 11);
- (l) prohibit sale of water bottled in a bottle marked or labelled “spring water” if the water does not comply with the requirements as regards bottling, labelling and advertisement in regulations 10 and 11 respectively, and prohibit sale of such water from one spring under more than one trade description (regulation 12);
- (m) prohibit bottling of drinking water unless it satisfies the requirements of Schedule 2 (regulation 13);
- (n) impose restrictions on the marking, labelling and advertising of bottled drinking water (regulation 14);
- (o) prohibit sale of bottled drinking water not bottled in accordance with regulation 13 or not marked or labelled in accordance with regulation 14 (regulation 15);
- (p) allocate responsibility for the enforcement and execution of the Regulations, including the carrying out of specified checks for the purpose of ensuring that specified requirements relating to natural mineral water and the requirements as regards ozone-enriched air oxidation techniques applicable to natural mineral water and spring water are satisfied (regulation 16);
- (q) prescribe the arrangements for handling samples of water taken for analysis for the purposes of the Regulations, provide for submission of a part of the sample to the Government Chemist in specified circumstances and require that, for the purpose of determining whether water complies with Schedule 2, methods of analysis according with Article 7.5 of Directive 98/83/EC must be used (regulations 17 to 19 respectively);
- (r) provide that contravention of specified provisions of the Regulations is an offence and prescribe the penalty applicable in the event of conviction (regulation 20);

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- (s) provide defences for any such offence in relation to water bottled, marked and labelled before the Regulations come into force and water bottled or sold in an EEA State other than the UK and compliant with the law in that EEA State when it was bottled or sold (regulation 21);
- (t) apply for the purposes of the Regulations certain provisions of the Food Safety Act 1990 and the Food Labelling Regulations 1996 (S.I. 1996/1499 as amended) (regulation 22(1) and (2));
- (u) prohibit sale of water not marked or labelled in accordance with regulation 38 (intelligibility) of those Regulations (regulation 22(3)); and
- (v) revoke the Natural Mineral Water Spring Water and Bottled Drinking Water Regulations 1999 (SI 1999/1540 as amended) in so far as they apply in relation to Wales (regulation 23).

6. The requirement contained in paragraph 1(d) of Part 1 of Schedule 2 to these Regulations has been notified to the European Commission in accordance with the requirements of Article 8 of Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations (OJ No. L 204, 21.7.98, p.37) as amended by Directive 98/48/EC of the European Parliament and of the Council (OJ No. L217, 5.8.98, p.18).

7. A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.