
WELSH STATUTORY INSTRUMENTS

2007 No. 3165

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

PART 2

Natural mineral water

Recognition as natural mineral water

- 4.—(1) Water is recognised as natural mineral water where —
- (a) in the case of water extracted from the ground in Wales, recognition is granted by the relevant authority in accordance with Part 1 of Schedule 3;
 - (b) in the case of water extracted from the ground in another part of the United Kingdom, it is recognised there pursuant to Directive 80/777 by a responsible authority of that part of the United Kingdom;
 - (c) in the case of water extracted from the ground in an EEA State other than the United Kingdom, it is recognised there pursuant to Directive 80/777 by a responsible authority of that EEA State; and
 - (d) in the case of water extracted from the ground in a country other than an EEA State —
 - (i) it is recognised by the Agency, in accordance with Part 2 of Schedule 3, or
 - (ii) it has an equivalent recognition, given by a responsible authority of —
 - (aa) another part of the United Kingdom, or
 - (bb) an EEA State other than the United Kingdom.

(2) Where, in relation to any water that has been recognised under paragraph (1)(a) or (d)(i), it is found—

- (a) by analysis in accordance with Part 3 of Schedule 3, that the requirements of paragraph 3 of that Part are not met;
- (b) that the requirements of Schedule 4 are not met; or
- (c) that the content of the water is not in accordance with paragraph 2(c) of Part 1 or, as the case may be, paragraph 2(c) of Part 2 of Schedule 3,

the relevant authority or, as the case may be, the Agency, may withdraw that recognition until such time as the requirements concerned are met.

(3) Where—

- (a) the relevant authority declines to grant or withdraws recognition of a water; or
- (b) the Agency declines to grant or withdraws recognition of a water,

the person who exploits or wishes to exploit the spring from which that water emerges or, if different, the person who owns the land on which that spring is situated, may apply to the Agency for a review of that decision.

(4) Upon an application for review of a decision being made under paragraph (3), the Agency must make such inquiry into the matter as may seem to it to be appropriate and, having considered the results of that inquiry and any relevant facts elicited by it, must either—

- (a) confirm the decision; or
- (b) direct the relevant authority to grant or restore, or itself restore, as appropriate, recognition of the water in question.

(5) A person who exploits a spring from which there is extracted water which is recognised as a natural mineral water in accordance with paragraph (1)(a) or (d)(i), may apply to the relevant authority or the Agency, as appropriate, to have that recognition withdrawn.

(6) Where the relevant authority—

- (a) grants, restores or withdraws recognition, it must immediately inform the Agency of that fact;
- (b) is notified of any change to the trade description of a natural mineral water or to the name of a spring from which natural mineral water has been extracted, it must immediately inform the Agency of that change; or
- (c) is directed by the Agency under paragraph (4)(b) to grant or restore recognition, it must immediately comply with that direction.

(7) Any recognition of water as a natural mineral water granted under the Natural Mineral Waters Regulations 1985(1) or the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999(2) and subsisting on the date that these Regulations come into force must—

- (a) in the case of water extracted from the ground in Wales, be treated as if it were recognition granted by the relevant authority under paragraph (1)(a).
- (b) in the case of water extracted from the ground in a country other than an EEA State, be treated as if it were recognition granted by the Agency under paragraph (1)(d)(i); and

(8) The publication in the Official Journal of the European Union of the name of any water as a natural mineral water recognised in the Community for the purposes of Directive 80/777 is, save where recognition was granted in accordance with Schedule 3, conclusive evidence that that water is recognised for the purposes of that Directive.

(9) Schedule 5 has effect for the purposes specified for it in Schedule 3.

(1) S.I.1985/71, revoked by S.I. 1999/1540.

(2) S.I. 1999/1540, amended by S.I. 2000/656, S.I. 2003/3042 (W.287) and S.I. 2004/1509 (W.158).