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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in Wales, implement and enforce the following European instruments—

- (a) Council Directive [98/83/EC](#) relating to the quality of water intended for human consumption (OJ No L 330, 3.11.1998, p 32), so far as it applies to water intended to be labelled and sold as “spring water” or “dŵr ffynnon” and bottled drinking water;
- (b) Directive [2009/54/EC](#) of the European Parliament and of the Council on the exploitation and marketing of natural mineral waters (OJ No L 164, 26.6.2009, p 45);
- (c) 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 L 126, 22.5.2003, p 34);
- (d) Commission Regulation (EU) No 115/2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters (OJ No L 37, 10.2.2010, p 13); and
- (e) Council Directive 2013/51/Euratom laying down the requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption (OJ No L 296, 7.11.2013, p 12), so far as it applies to water intended to be labelled and sold as “spring water” or “dŵr ffynnon” and bottled drinking water.

The Regulations revoke and replace the Natural Mineral Water, Spring Water and Bottled Water (Wales) Regulations 2007 ([S.I. 2007/3165 \(W.276\)](#)) and amending instruments.

Part 1 is introductory and includes relevant definitions.

Part 2 prescribes the conditions for recognising natural mineral water. Regulation 5 enables a food authority to refuse to grant or withdraw recognition of natural mineral water and provides a right to appeal against such a decision. Part 2 also applies restrictions on exploiting natural mineral water springs as well as the treatment, bottling, labelling, advertisement and sale of natural mineral water.

Part 3 applies restrictions on exploiting springs and the treatment, bottling, labelling, advertisement and sale of water intended to be sold as “spring water” or “dŵr ffynnon”.

Part 4 applies restrictions on the bottling, labelling, advertisement and sale of bottled drinking water.

Part 5 prescribes the requirements for monitoring natural mineral water, water bottled and labelled as “spring water” or “dŵr ffynnon” and bottled drinking water for the purpose of ensuring that the requirements of these Regulations are satisfied.

Regulation 26 prescribes the remedial action that must be taken by a food authority in relation to water bottled and labelled as “spring water” or “dŵr ffynnon” and bottled drinking water in the event of non-compliance with the parametric values for the parameters set out in Schedule 7.

Part 6 provides for enforcement, transitional provisions, revocations and amendments to other legislation. Regulation 32 imposes an obligation on food authorities to execute and enforce the Regulations.

Regulations 33 to 35 and Schedule 12 apply certain provisions of the Food Safety Act 1990 ([1990 c. 16](#)), with modifications. This includes the application (with modifications) of section 10(1),

**Status:** This is the original version (as it was originally made).

enabling an improvement notice to be served requiring compliance with specified provisions of the Regulations. The provisions, as applied, make the failure to comply with an improvement notice an offence.

Regulation 38 and Schedule 13 make amendments to the Private Water Supplies (Wales) Regulations 2010, the Food Safety (Sampling and Qualifications) (Wales) Regulations 2013 and the Food Information (Wales) Regulations 2014.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Food Standards Agency at Food Standards Agency Wales, 11<sup>th</sup> Floor, Southgate House, Wood Street, Cardiff, CF10 1EW or from the Agency's website at [www.food.gov.uk/wales](http://www.food.gov.uk/wales).