

SCHEDULE 1

Regulation 4

Recognition of natural mineral waters

PART I

Natural mineral waters extracted from the ground in Northern Ireland

1. A person seeking to have water which is extracted from the ground in Northern Ireland recognised as a natural mineral water for the purposes of Article 1 shall make application in writing to the district council within whose district the water is extracted, giving the particulars set out in paragraph 2.

2. The particulars to be given are—

- (a) the particulars in paragraph 1.1 of Section II of Annex I;
- (b) any other information showing that the requirements in paragraph 1.2 and 1.3 of the said Section II are established by analysis in accordance with that Section; and
- (c) such evidence as is satisfactory to show that the water contains no substance named in column 2 (parameters) of Table B in Schedule 3 opposite any of item numbers 1 to 9 in column 1 of the said Table in an amount, expressed in the unit of measurement specified opposite that substance in column 3 of that Table, which exceeds the maximum concentration specified opposite that substance in column 4 of that Table.

3. In so far as particulars of any of the anions, cations, non-ionised compounds or trace elements specified in column 1 of Schedule 2 are required to be given pursuant to paragraph 2, the concentration of each such anion, cation, non-ionised compound or trace element shall, in those particulars, be expressed in the unit of measurement specified opposite it in column 2 of that Schedule.

4. Where such particulars have been so given, the district council shall assess them and shall, for the purposes of Article 1, recognise the water to which those particulars relate if it is satisfied that—

- (a) the water is natural mineral water which complies with paragraph 3 of Section I of Annex I; and
- (b) the characteristics of the water have been assessed in accordance with—
 - (i) the points set out in paragraph (a) of the first unlettered sub-paragraph of paragraph 2 of Section I of Annex I;
 - (ii) the requirements and criteria listed in Section II of Annex I; and
 - (iii) recognised scientific methods.

5. The district council shall, on recognising a natural mineral water for the purposes of Article 1 in accordance with paragraph 4, publish an announcement of such recognition, and the grounds on which it has been granted, in the Belfast Gazette.

PART II

Natural mineral waters extracted from the ground in a country other than an EEA State

1. A person seeking to have a water which is extracted from the ground in a country other than an EEA State recognised as a natural mineral water for the purposes of Article 1 shall make application in writing to the Department, giving the particulars set out in paragraph 2.

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2. The particulars to be given are—
 - (a) the particulars in paragraph 1.1 of Section II of Annex I;
 - (b) any other information showing that the requirements in paragraph 1.2 and 1.3 of the said Section II are established in accordance with that Section; and
 - (c) such evidence as is satisfactory to show that the water contains no substance named in column 2 (parameters) of Table B in Schedule 3 opposite any of item numbers 1 to 9 in column 1 of the said Table in an amount, expressed in the unit of measurement specified opposite that substance in column 3 of that Table, which exceeds the maximum concentration specified opposite that substance in column 4 of that Table.
3. In so far as particulars of any of the anions, cations, non-ionised compounds or trace elements specified in column 1 of Schedule 2 are required to be given pursuant to paragraph 2 the concentration of each such anion, cation, non-ionised compound or trace element shall, in those particulars, be expressed in the unit of measurement specified opposite it in column 2 of that Schedule.
4. The Department shall not recognise such a water unless the responsible authority of the country in which the water is extracted has certified that—
 - (a) it is satisfied—
 - (i) that the requirements in paragraph 1.2 and 1.3 of Section II of Annex I are established by analysis in accordance with that Section; and
 - (ii) with the evidence given pursuant to sub-paragraph (c) of paragraph 2; and
 - (b) periodic checks are made to ascertain that—
 - (i) the water is natural mineral water which complies with paragraph 3 of Section I of Annex I;
 - (ii) the characteristics of the water are assessed in accordance with—
 - (aa) the points set out in paragraph (a) of the first unlettered sub-paragraph of paragraph 2 of Section 1 of Annex I;
 - (bb) the requirements and criteria listed in Section II of Annex I; and
 - (cc) recognised scientific methods; and
 - (iii) the provisions of paragraphs 2 and 3 of Annex II are being applied by the person exploiting the spring.
5. Recognition of such a water shall lapse after a period of five years unless the responsible authority of the country in which the water is extracted has renewed the certification required by paragraph 4.
6. The Department shall, on recognising a water in accordance with this Part, publish an announcement of such recognition in the Belfast Gazette.