

SCHEDULE 3

Recognition of natural mineral waters

PART 2

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 Agency, giving the particulars set out in paragraph 2.

2. The particulars are—

- (a) those specified in paragraph 1 of Part 3;
- (b) any other information showing that the matters specified in paragraphs 2 and 3 of Part 3; are established; and
- (c) such evidence as is satisfactory to show that the water contains no substance listed in Schedule 6 at a level which exceeds the maximum limit specified in relation to that substance in that Schedule.

3. In so far as particulars of any of the anions, cations, non-ionised compounds or trace elements specified in column 1 of Schedule 5 are required to be given pursuant to sub-paragraph (b) of paragraph 2, the concentration of each such anion, cation, non-ionised compound or trace element shall be expressed in those particulars in the unit of measurement specified opposite it in column 2 of that Schedule.

4. The Agency 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 paragraphs 2 and 3 of Part 3 are established; 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 numbered 1 to 4 set out in paragraph 2(a) of Section I of Annex I;
 - (bb) the requirements and criteria listed in Part 3; and
 - (cc) recognised scientific methods; and
- (iii) the provisions of Schedule 4 are being applied by the person exploiting the spring.

5. Recognition of such 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 Agency shall, on recognising water in accordance with this Part of this Schedule, publish an announcement of such recognition in the Edinburgh Gazette, the London Gazette and the Belfast Gazette.