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STATUTORY INSTRUMENTS

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**1999 No. 1540**

**The Natural Mineral Water, Spring Water and  
Bottled Drinking Water Regulations 1999**

**Part II**

**Natural mineral water**

**Recognition as natural mineral water**

- 4.—(1) Water is recognised for the purposes of Article 1 where—
- (a) in the case of water extracted from the ground in Great Britain, it is recognised for those purposes by the relevant authority, such recognition having been granted in accordance with Part I of Schedule 1;
  - (b) in the case of water extracted from the ground in Northern Ireland, it is recognised there for those purposes by a responsible authority of Northern Ireland;
  - (c) in the case of water extracted from the ground in an EEA State other than the United Kingdom, it is recognised there for those purposes 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 for those purposes by the Minister, such recognition having been granted in accordance with Part II of Schedule 1; or
    - (ii) it has an equivalent recognition, given by a responsible authority, in—
      - (aa) Northern Ireland; or
      - (bb) an EEA State other than the United Kingdom.

(2) Where, in relation to any water after it has been recognised for the purposes of Article 1 in accordance with Schedule 1, it is found—

- (a) that, by analysis in accordance with Section II of Annex I, the requirements as to demonstration and determination in paragraph 1.3 of that Section are not met; or
- (b) that the exploitation and bottling requirements are not met,

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

(3) Where the relevant authority decides either not to grant or to withdraw recognition of a water for the purposes of Article 1 the person who exploits the relevant spring, or if different, the person who owns land on which the relevant spring is situated, may apply, in the case of a water extracted from the ground in England or Wales, to the Minister or, in the case of a water extracted from the ground in Scotland, to the Secretary of State for Scotland, for a review of that decision.

(4) Upon an application for review of a decision being made pursuant to paragraph (3) above the Minister or Secretary of State, as the case may be, shall make such inquiry into the matter as may seem to him appropriate, and, having considered the results of that inquiry and any relevant facts

elicited by it, shall either confirm the decision or direct the relevant authority to grant or restore, as appropriate, recognition of the water in question for the purposes of Article 1, and in the case of such a direction the relevant authority shall thereupon comply with the said direction.

(5) Upon the grant or withdrawal of recognition for the purposes of Article 1 pursuant to this regulation the person who grants or withdraws it shall inform the Commission of the European Community of such grant or withdrawal.

(6) A person who exploits a spring in Great Britain or in a country other than an EEA State from which there is extracted water which is recognised for the purposes of Article 1, such recognition having been granted in accordance with Schedule 1, may apply to the Minister or relevant authority, as appropriate, to have that recognition withdrawn.

(7) The publication in the Official Journal of the European Community of the name of any water as that of a natural mineral water recognised in the Community for the purposes of Article 1 shall, save where recognition was granted in accordance with Schedule 1, be conclusive evidence that that water is recognised for the purposes of that Article.

(8) For the purposes of paragraph (3) above “relevant spring” means the spring from which, pursuant to a permission given under regulation 6(1)(b) or to the seeking of recognition under the Natural Mineral Waters Regulations 1985<sup>(1)</sup>, there is extracted water in respect of which—

- (a) an application for recognition for the purposes of Article 1 in accordance with Part I of Schedule 1 has been made but not granted; or
  - (b) recognition for the purposes of Article 1 has been withdrawn.
- (9) Schedule 2 shall have effect for the purposes specified for it in Schedule 1.

### **Prohibition on sale**

5. No person shall sell any water the marking or labelling of which uses the name “natural mineral water” in, or as, the name of the water unless the water is natural mineral water.

### **Exploitation of natural mineral water springs**

6.—(1) No person shall exploit any natural mineral water spring or bottle any water extracted from such a spring unless—

- (a) the water extracted from that spring is natural mineral water;
- (b) the relevant authority has given permission for that spring to be exploited; and
- (c) subject to the final unlettered sub-paragraph of paragraph 2 of Annex II, the exploitation and bottling requirements are met.

(2) No person shall sell any water extracted from a spring which is exploited in contravention of paragraph (1) above.

### **Treatments and additions**

7.—(1) Subject to paragraph (3) below no person shall subject natural mineral water in its state at source to—

- (a) any treatment other than a treatment referred to in sub-paragraph (a) or (d) of Article 4.1; or
- (b) any addition other than the introduction or the reintroduction of carbon dioxide under the conditions laid down in Section III of Annex I.

(2) No person shall sell any natural mineral water which, in its state at source, has been subjected to any treatment or addition in contravention of paragraph (1) above.

(1) S.I.1985/71; amended by S.I. 1990/2486, 1991/1476, 1992/2596, 1994/3142 and 1994/3144.

(3) Paragraph (1) above shall not prevent the utilisation of natural mineral water in the manufacture of soft drinks.

### **Colony count and organoleptic defects**

**8.**—(1) No person shall bottle any natural mineral water the revivable total colony count of which, determined under the conditions laid down in paragraph 1.3.3. of Section II of Annex I—

- (a) does not conform to the normal viable colony count of that water; or
- (b) shows that the source of that water is contaminated.

(2) No person shall bottle or sell any natural mineral water which contains any of the organisms or substances referred to in Article 5.2.

(3) No person shall sell any bottled natural mineral water—

- (a) which was bottled in contravention of paragraph (1) above;
- (b) the total colony count of which fails, or has failed, to comply with the limits specified in paragraph (4)(a) below;
- (c) in respect of which the requirement in paragraph (4)(b) below has not been met; or
- (d) if—
  - (i) its revivable total colony count is in excess of that which would result from the normal increase in the bacteria content which it had at source; or
  - (ii) it contains any organoleptic defect.

(4) For the period of 12 hours following bottling—

- (a) the total colony count of water at source shall not exceed—
  - (i) 100 per ml at 20 to 22°C in 72 hours on agar-agar or an agar-gelatine mixture; and
  - (ii) 20 per ml at 37°C in 24 hours on agar-agar; and
- (b) water shall be maintained at a temperature of 4°C +/- 1°C.

(5) Where it is found during exploitation that natural mineral water is polluted and the bottling or sale, as appropriate, of the water would be in contravention of paragraph (1), (2) or (3) above, the spring from which the water is extracted shall not be exploited nor shall the water be bottled until the cause of the pollution is eradicated and the bottling and sale of the water does not contravene paragraph (1), (2) or (3) above.

### **Bottling of natural mineral water**

**9.** No person shall bottle a natural mineral water, or sell a natural mineral water which is bottled, in any container other than a container which is fitted with closures designed to avoid any possibility of adulteration or contamination.

### **Labelling of natural mineral water**

**10.**—(1) No person shall cause a natural mineral water to be marked or labelled with—

- (a) any sales description other than a sales description referred to in paragraph (2) below;
- (b) a trade description which—
  - (i) includes the name of a locality, hamlet or place where the inclusion of that name is not in accordance with Article 8.1; or
  - (ii) is different from the name of the spring or the place of its exploitation other than in accordance with the requirements of Article 8.3;

- (c) any designation, proprietary name, trade mark, brand name, illustration or other sign, whether emblematic or not, the use of which is forbidden by Article 9.1(a);
  - (d) any indication (other than those specified in sub-paragraphs (f) and (g) below) attributing to the natural mineral water properties relating to the prevention, treatment or cure of a human illness;
  - (e) any indication listed in column 1 of Annex III if a criterion appears in column 2 of that Annex opposite the indication and the natural mineral water does not meet that criterion;
  - (f) the indication “may be diuretic” or “may be laxative” unless the natural mineral water has been assessed as possessing the property attributed by the indication in accordance with physico-chemical analysis and pharmacological, physiological or clinical examination, as appropriate; or
  - (g) the indication “stimulates digestion” or “may facilitate the hepato-biliary functions” unless the natural mineral water has been assessed as possessing the property attributed by the indication in accordance with physico-chemical analysis and pharmacological, physiological and clinical examination.
- (2) The sales description of natural mineral water shall be–
- (a) in the case of a natural mineral water other than an effervescent natural mineral water, “natural mineral water”; and
  - (b) in the case of an effervescent natural mineral water, the description in sub-paragraph (a), (b) or (c) of Section III of Annex I within which the water falls.
- (3) Natural mineral water shall be marked or labelled with–
- (a) where it has undergone the treatment of total or partial elimination of free carbon dioxide by exclusively physical methods, the indication “fully de-carbonated” or “partially de-carbonated” as appropriate; and
  - (b) the mandatory information referred to in paragraph (4) below.
- (4) The mandatory information for natural mineral waters is–
- (a) a statement of the analytical composition which statement shall indicate the characteristic constituents of the water; and
  - (b) the name of the place where the spring is exploited and the name of the spring.
- (5) No person shall sell any natural mineral water which–
- (a) is marked or labelled in contravention of paragraph (1) above;
  - (b) has undergone any of the treatments referred to in paragraph (3)(a) above unless it is marked or labelled with the appropriate indication in accordance with that paragraph;
  - (c) is not marked or labelled with the mandatory information referred to in paragraph (4) above; or
  - (d) is marked or labelled with a trade description which is different from the trade description with which any other natural mineral water from the same spring is marked or labelled.