

2003 No. 666

FOOD, ENGLAND

**The Natural Mineral Water, Spring Water and Bottled
Drinking Water (Amendment) (England) Regulations 2003**

Made - - - - - *11th March 2003*

Laid before Parliament *12th March 2003*

Coming into force *3rd April 2003*

The Secretary of State, in exercise of the powers conferred on him by sections 16(1), 17(1), 26(1)(a) and (3), 31 and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990(a) and now vested in him(b) and, having had regard, in accordance with section 48(4A) of that Act, to relevant advice given by the Food Standards Agency, and after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c) and in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

Title, commencement and extent

1. These Regulations may be cited as the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (England) Regulations 2003, shall come into force on 3rd April 2003 and shall extend to England only.

Amendments to the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999

2. The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999(d) shall be amended in relation to England in accordance with regulations 3 to 21.

3. In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) in the definition of “bottle”, for the words “for human consumption” in both cases where they appear, there shall be substituted the words “for drinking by humans”,

(a) 1990 c. 16.

(b) Functions formerly exercisable by “the Ministers” (being in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable, in relation to England, by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28), and paragraphs 12(a) and 21 of that Schedule amend respectively sections 17(1) and 48 of the 1990 Act. Those functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act. Those functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46) as read with section 40(2) of the 1999 Act. Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to amend existing Regulations made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990.

(c) OJ No. L31, 1.2.2002, p.1.

(d) S.I. 1999/1540, amended by S.I. 2000/656.

- (ii) after the definition of “Directive 80/778”, there shall be inserted the following definition—
 - ““Directive 98/83” means Council Directive 98/83/EC relating to the quality of water intended for human consumption(a);”
- (iii) for the definition of “drinking water”, there shall be substituted the following definition—
 - ““drinking water” means water intended for sale for drinking by humans other than—
 - (a) natural mineral water; or
 - (b) water bottled in a bottle marked or labelled “spring water” in accordance with regulation 11;”, and
 - (iv) in each of the definitions of “parameter” and “prescribed concentration or value”, there shall be inserted at the beginning the words “subject to paragraph (5) below;”;
- (b) for paragraph (2), there shall be substituted the following paragraph—
 - “(2) Other expressions used both in these Regulations and in Council Directive 80/777 or 80/778 have the same meanings in these Regulations as they bear in the Directive concerned.”; and
- (c) after paragraph (4), there shall be added the following paragraphs—
 - “(5) Before 25th December 2003, the references to “Schedule 3”, in the definitions of “parameter” and “prescribed concentration or value” in paragraph (1) above, shall have effect as if the amendments made to these Regulations by regulations 17 to 21 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (England) Regulations 2003 had not been made.
 - (6) Any reference in these Regulations to the marking or labelling of a bottle relates both to the case where the marking or labelling occurs before any water is bottled and also to the case where it occurs after bottling.”.
- 4. In paragraph (c) of regulation 3 (exemptions), for the words “human consumption” there shall be substituted the words “drinking by humans”.
- 5. In regulation 4 (recognition as natural mineral water)—
 - (a) in paragraph (2)—
 - (i) in sub-paragraph (a) the word “or” shall be deleted.
 - (ii) in sub-paragraph (b) there shall be added at the end the word “or”, and
 - (iii) after sub-paragraph (b) there shall be inserted the following sub-paragraph—
 - “(c) that the content of the water is not in accordance with paragraph 2(c) in Part I or, as the case may be, paragraph 2(c) in Part II, of Schedule 1;”;
 - (b) for paragraph (5), there shall be substituted the following paragraph—
 - “(5) Upon the grant or withdrawal pursuant to this regulation, by the relevant authority in England, of recognition for the purposes of Article 1, the authority concerned shall immediately inform the Agency of such grant or withdrawal.”; and
 - (c) immediately after paragraph (7), there shall be inserted the following paragraph—
 - “(7A) Upon receiving notification of any change to the trade description of a natural mineral water, or to the name of the spring from which a natural mineral water has been extracted, the relevant authority in England shall immediately inform the Agency of that change.”.
- 6. In regulation 5 (prohibition on sale), after the words “any water” there shall be inserted the words “bottled in a bottle”.
- 7. In regulation 10 (labelling of natural mineral water)—

(a) OJ No. L330, 5.12.98, p.32.

- (a) in paragraph (1), after the words “cause a natural mineral water to be” there shall be inserted the words “bottled in a bottle”;
- (b) in paragraph (3), after the words “Natural mineral water shall be” there shall be inserted the words “bottled in a bottle”; and
- (c) for paragraph (5), there shall be substituted the following paragraph—

“(5) No person shall sell any natural mineral water which—

- (a) is bottled in a bottle marked or labelled in contravention of paragraph (1) above;
- (b) has undergone any of the treatments referred to in paragraph (3)(a) above, unless the bottle in which it is bottled is marked or labelled with the appropriate indication in accordance with that paragraph;
- (c) is bottled in a bottle not marked or labelled with the mandatory information referred to in paragraph (4) above; or
- (d) is bottled in a bottle marked or labelled with a trade description which is different from the trade description with which any other natural mineral water originating from the same spring is marked or labelled.”.

- 8. For regulation 11 (spring water), there shall be substituted the following regulation—

“Spring water

11.—(1) No person shall cause any water to be bottled in a bottle marked or labelled with the description “spring water” unless—

- (a) that water has been extracted from a spring;
- (b) subject to paragraph (4) below, that water would, if it were a natural mineral water, meet the exploitation and bottling requirements;
- (c) that water would, if it were a natural mineral water, be capable of being bottled or sold without contravening the provisions of regulation 8;
- (d) subject to paragraphs (6) and (7) below, that water satisfies the requirements of Schedule 3; and
- (e) the bottling occurs at source.

(2) No person shall cause any bottle to be marked or labelled with the description “spring water” unless the water contained in it—

- (a) is, subject to paragraphs (6) and (7) below, bottled as specified in paragraph (1) above;
- (b) is (if it has not undergone any treatment) intended for consumption in its natural state; and
- (c) would (where the bottle is marked or labelled with any trade description), if it were a natural mineral water, comply with the requirements of Article 8.

(3) No person shall cause any water to be bottled in a bottle marked or labelled with the description “spring water” unless the bottle is also marked or labelled with—

- (a) the name of the place where the spring in question is exploited; and
- (b) the name of the spring.

(4) Any water bottled in a bottle marked or labelled with the description “spring water”, which is transported from the spring to the bottling plant in a container which is not for distribution to the ultimate consumer, shall not, for that reason alone, be taken to have failed to meet the exploitation and bottling requirements if, on or before 23rd November 1996, the water from that spring was so transported to the bottling plant.

(5) No person shall sell any water which, subject to paragraphs (6) and (7) below, is—

- (a) bottled otherwise than as specified in paragraph (1) above; or
- (b) bottled in a bottle marked or labelled in contravention of paragraph (2) or (3) above.

(6) Before 25th December 2003, the references in paragraph (1)(d) above and paragraph (7) below to “Schedule 3” shall have effect as if the amendments made to these Regulations by regulations 17 to 21 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (England) Regulations 2003 had not been made.

(7) For the purposes of paragraphs (2)(a) and (5) above, where the water concerned has been bottled in an EEA State other than the United Kingdom, but does not satisfy the requirements of Schedule 3, it shall be deemed to satisfy those requirements if, at the date of bottling—

(a) it satisfies the requirements prescribed in that State corresponding to those in Schedule 3; and

(b) those requirements are in accordance with—

(i) (where the bottling occurs before 25th December 2003) whichever of Directives 80/778 and 98/83 is applicable in that State, or

(ii) (where the bottling occurs on or after that date) Directive 98/83.”.

9. In regulation 12 (bottled drinking water)—

(a) for paragraph (1), there shall be substituted the following paragraph—

“(1) Subject to paragraphs (3) and (4) below, no person shall cause any drinking water to be bottled, or sell any bottled drinking water, unless it satisfies the requirements of paragraph (2) below and Schedule 3.”;

(b) for paragraph (2), there shall be substituted the following paragraph—

“(2) No person shall cause any drinking water which does not satisfy the provisions of section 1 of Annex I to be bottled in a bottle marked or labelled with 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(b).”; and

(c) after paragraph (2), there shall be added the following paragraphs—

“(3) Before 25th December 2003, the references in paragraph (1) above and paragraph (4) below to “Schedule 3” shall have effect as if the amendments made to these Regulations by regulations 17 to 21 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (England) Regulations 2003 had not been made.

(4) For the purposes of paragraph (1) above, where the water concerned has been bottled in an EEA State other than the United Kingdom, but does not satisfy the requirements of Schedule 3, it shall be deemed to satisfy those requirements if, at the date of bottling—

(a) it satisfies the requirements prescribed in that State corresponding to those in Schedule 3: and

(b) those requirements are in accordance with—

(i) (where the bottling occurs before 25th December 2003) whichever of Directives 80/778 and 98/83 is applicable in that State, or

(ii) (where the bottling occurs on or after that date) Directive 98/83.”.

10. In regulation 13 (enforcement)—

(a) for paragraph (1), there shall be substituted the following paragraph—

“(1) Subject to paragraphs (2) and (3) below, each food authority shall—

(a) enforce and execute these Regulations within its area; and

(b) with effect from 25th December 2003, for the purposes of carrying out that function, take within its area, in relation to products to which these Regulations and Directive 98/83 apply, the steps required of member States and competent authorities by Article 7.1 to 3 and 7.6 of that Directive.”;

- (b) in sub-paragraph (a)(i) of paragraph (2), for the expression “4(b)” there shall be substituted the expression “4(a)”; and
- (c) in paragraph (3), for the expression “and 11(1)(e) and (f)” there shall be substituted the expression “, 11(2), (3) and (5)(b) and 12(2)”.

11. For regulation 16 (analysis), there shall be substituted the following regulation—

“**16.**—(1) Subject to paragraph (2) below, methods of analysis which accord with Article 7.5 of Directive 98/83 shall be used for the purposes of determining whether or not water satisfies the provisions of Schedule 3.

(2) Before 25th December 2003, paragraph (1) above shall have effect as if the reference therein to Article 7.5 of Directive 98/83 were a reference to Article 12.5 of Directive 80/778 and the amendments made to these Regulations by regulations 17 to 21 of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (England) Regulations 2003 had not been made.”.

12. In regulation 17 (offences and penalties), for the expression “10(1) or (5), 11(1) or (3), 12” there shall be substituted the expression “10(1) or (5), 11(1), (2), (3) or (5), 12(1) or (2)”.

13. In regulation 18 (defences)—

(a) for sub-paragraph (b) of paragraph (1), there shall be substituted the following sub-paragraph—

“(b) if the water was intended for export to an EEA State, that—

(i) in the case of water bottled in a bottle marked or labelled with the term “spring water”—

- (A) where the export was to take place before 25th December 2003, the legislation complies with the provisions of Directive 80/777 and whichever of Directives 80/778 and 98/83 is applicable in the State concerned, and
- (B) where the export was to take place on or after that date, the legislation complies with the provisions of Directives 80/777 and 98/83, and

(ii) in the case of bottled drinking water—

- (A) where the export was to take place before 25th December 2003, the legislation complies with the provisions of whichever of Directives 80/778 and 98/83 is applicable in the State concerned, and
- (B) where the export was to take place on or after that date, the legislation complies with the provisions of Directive 98/83.”;

(b) in paragraph (2)(a), after the word “or” there shall be inserted the words “the bottle in which it was bottled was marked or”; and

(c) in paragraph (3), before the words “marked or labelled”, wherever they appear, there shall be inserted the words “bottled in a bottle”.

14. In paragraph (3) of regulation 19 (application of other provisions), for the word “it” there shall be substituted the words “the bottle in which it is bottled”.

15.—(1) Subject to paragraph (2), in paragraph 2(c) of each of Parts I and II of Schedule 1 (recognition of natural mineral waters), after the expression “numbers 1 to 9” there shall be inserted the expression “and 12”.

(2) Before 25th December 2003, paragraph 2(c) in each of Parts I and II of Schedule 1 shall have effect as if the amendments made by paragraph (1) and regulation 19 had not been made.

16. In Schedule 2 (particulars of anions, cations, non-ionised compounds and trace elements), in the entry in the second column opposite to the entry in the first column relating to the anion Fluoride F, for the expression “µg/l” there shall be substituted the expression “mg/l”.

17. In paragraph 1 of Part I of Schedule 3 (requirements for spring water and drinking water including prescribed concentrations or values of parameters)—

(a) for sub-paragraph (a), there shall be substituted the following sub-paragraphs—

“(a) the water does not contain—

- (i) any micro-organism (other than a parameter) or parasite, or
- (ii) any property, element or substance (other than a parameter),

at a concentration or value which would constitute a potential danger to human health;

(aA) the water does not contain any substance (whether or not a parameter) at a concentration or value which, in conjunction with any other property, element, substance or organism it contains (whether or not a parameter), would constitute a potential danger to human health;”;

(b) for sub-paragraph (b), there shall be substituted the following sub-paragraph—

“(b) the water does not contain concentrations or values of any of the parameters listed in Tables A to D in Part II of this Schedule in excess of the prescribed concentrations or values; and”;

(c) in sub-paragraph (c), the words from “and its alkalinity” to the end shall be deleted.

18. For Table A in Part II of Schedule 3 (prescribed concentrations or values of spring water and drinking water) and the note attached to it, there shall be substituted the following provisions—

“TABLE A

Column 1 <i>Item</i>	Column 2 <i>Parameters</i>	Column 3 <i>Units of Measurement</i>	Column 4 <i>Concentration or Value (maximum unless otherwise stated)</i>
1.	Colour	mg/l Pt/Co scale	20
2.	Turbidity	NTU	4
3.	Odour	Dilution number	3 at 25°C
4.	Taste	Dilution number	3 at 25°C
5.	Sulphate	mg SO ₄ /l	250
6.	Sodium	mg Na/l	200
7.	Nitrate	mg NO ₃ /l	50 (note 1)
8.	Nitrite	mg NO ₂ /l	0.5 (note 1)
9.	Aluminium	µg Al/l	200
10.	Copper	mg Cu/l	2
11.	Fluoride	mg F/l	1.5
12.	Hydrogen ion concentration	pH units	6.5 (minimum) 9.5 (maximum)
13.	Tritium (for radioactivity)	Bq/l	100
14.	Total indicative dose	mSv/year	0.10 (note 2)
15.	Manganese	µg Mn/l	50

Note 1: The concentration (mg/l) of nitrate divided by 50 added to the concentration (mg/l) of nitrite divided by 3 must not exceed 1.

Note 2: Excluding tritium, potassium-40, radon and radon decay products.”.

19. For Table B in Part II of Schedule 3 and the notes attached to it, there shall be substituted the following provisions—

“TABLE B

Column 1 <i>Item</i>	Column 2 <i>Parameters</i>	Column 3 <i>Units of Measurement</i>	Column 4 <i>Maximum Concentration</i>
1.	Arsenic	µg As/l	10
2.	Cadmium	µg Cd/l	5
3.	Cyanide	µg CN/l	50
4.	Chromium	µg Cr/l	50
5.	Mercury	µg Hg/l	1
6.	Nickel	µg Ni/l	20
7.	Selenium	µg Se/l	10
8.	Antimony	µg Sb/l	5
9.	Lead	µg Pb/l	10
10.	Pesticides and related products:		
	(a) individual substances	µg/l	0.10 (notes 1 and 2)
	(b) total substances	µg/l	0.50 (notes 1 and 3)
11.	Polycyclic aromatic hydrocarbons	µg/l	0.1 sum of concentrations of specified compounds (note 4)
12.	Bromate	µg BrO ₃ /l	10

Note 1: “Pesticides” means:

- organic insecticides,
- organic herbicides,
- organic fungicides,
- organic nematocides,
- organic acaricides,
- organic algicides,
- organic rodenticides,
- organic slimicides,

related products (inter alia, growth regulators) and their relevant metabolites, degradation and reaction products.

Only those pesticides which are likely to be present in a given water need to be monitored.

Note 2: The maximum concentration applies to each individual pesticide. In the case of aldrin, dieldrin, heptachlor and heptachlor epoxide the maximum concentration is 0.030 µg/l.

Note 3: The maximum concentration for “total substances” refers to the sum of the concentrations of all individual pesticides detected and quantified in the monitoring procedure.

Note 4: The specified compounds are benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, indeno(1.2,3-cd) pyrene.”.

20. For Table C in Part II of Schedule 3 and the notes attached to it, there shall be substituted the following provisions—

“TABLE C

Column 1 <i>Item</i>	Column 2 <i>Parameters</i>	Column 3 <i>Units of Measurement</i>	Column 4 <i>Maximum Concentration</i>
1.	<i>Escherichia coli</i> (<i>E.coli</i>)	number/250 ml	0/250 ml
2.	Enterococci	number/250 ml	0/250 ml
3.	Colony count 22°C	number/ml	100/ml (notes 1 and 2)
4.	Colony count 37°C	number/ml	20/ml (notes 1 and 3)
5.	<i>Pseudomonas aeruginosa</i>	number/250 ml	0/250 ml

Note 1: The total viable colony count should be measured within 12 hours of bottling, with the sample water being kept at a constant temperature during that 12 hour period. Any increase in the total viable colony count of the water between 12 hours after bottling and the time of sale should not be greater than that normally expected.

Note 2: In 72 hours on agar-agar or an agar-gelatine mixture.

Note 3: In 24 hours on agar-agar.”.

21. For Table D in Part II of Schedule 3, there shall be substituted the following provisions—

“TABLE D

Column 1 <i>Item</i>	Column 2 <i>Parameters</i>	Column 3 <i>Units of Measurement</i>	Column 4 <i>Maximum Concentration</i>
1.	Boron	mg B/l	1.0
2.	Benzo (a) pyrene	µg/l	0.010
3.	Tetrachloroethene and Trichloroethene	µg/l	10 (note 1)
4.	Tetrachloromethane	µg/l	3
5.	Benzene	µg/l	1.0
6.	1,2-dichloroethane	µg/l	3.0

Column 1 <i>Item</i>	Column 2 <i>Parameters</i>	Column 3 <i>Units of Measurement</i>	Column 4 <i>Maximum Concentration</i>
7.	Trichloromethane, Dichlorobromomethane, Dibromochloromethane and Tribromomethane	µg/l	100 (note 1)
8.	Epichlorohydrin	µg/l	0.10 (note 2)
9.	Vinyl chloride	µg/l	0.50 (note 2)
10.	Acrylamide	µg/l	0.10 (note 2)

Note 1: The maximum concentration specified applies to the sum of the concentrations of the specified parameters.

Note 2: The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with the water.”.

Consequential amendments

22.—(1) In Schedule 1 to the Food Safety (Sampling and Qualifications) Regulations 1990(**a**) (provisions to which those Regulations do not apply) the reference in the second column, opposite to the reference in the first column to the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999, shall be amended in relation to England so as to read “S.I. 1999/1540 as amended by S.I. 2003/666”.

(2) In relation to England, in the Food Safety (General Food Hygiene) Regulations 1995(**b**) in paragraph (1) of regulation 2 (interpretation), in the definition of “water”, after the date “1999” there shall be inserted the words “as amended by the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (England) Regulations 2003”.

Signed by authority of the Secretary of State for Health

Hazel Blears
Parliamentary Under Secretary of State,
Department of Health

11th March 2003

(a) S.I. 1990/2463; the relevant amending instrument is S.I. 1999/1540.

(b) S.I. 1995/1763; to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations, which extend to England only, amend the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999 (S.I. 1999/1540, “the principal Regulations”), which extend to the whole of Great Britain and which have already been amended by the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 (S.I. 2000/656).
2. These Regulations implement, in relation to spring water and bottled drinking water, Council Directive 98/83/EC relating to the quality of water intended for human consumption (OJ No. L330, 5.12.1998, p.32).
3. These Regulations—
 - (a) amend the principal Regulations by—
 - (i) in regulation 2(1) (the main interpretation provision), amending the definitions of the terms “bottle”, “parameter” and “prescribed concentration or value”, inserting a definition of the term “Directive 98/83” and substituting a new definition of the term “drinking water” (*regulation 3(a)*),
 - (ii) substituting a revised version of regulation 2(2), so as to remove otiose wording and make a drafting improvement (*regulation 3(b)*),
 - (iii) adding a transitional provision (regulation 2(5)) which lays down how the terms “Schedule 3”, “parameter” and “prescribed concentration or value”, as used in regulation 2(1), are to be construed prior to 25th December 2003 (*regulation 3(c)*),
 - (iv) inserting a provision (regulation 2(6)) prescribing how references in the principal Regulations to the marking or labelling of a bottle are to be construed (*regulation 3(c)*),
 - (v) modifying the wording of paragraph (c) of regulation 3 (exemptions) (*regulation 4*),
 - (vi) modifying paragraph (2) of regulation 4 (recognition as natural mineral water) by including in it an additional ground on which recognition of water as a natural mineral water may be withdrawn by the relevant authority or the Secretary of State (*regulation 5(a)*),
 - (vii) Substituting a revised version of paragraph (5) of regulation 4 so as to impose an obligation on relevant authorities to inform the Food Standards Agency when they recognise or withdraw recognition of water as a natural mineral water (*regulation 5(b)*),
 - (viii) inserting a requirement (new regulation 4(7A)) that relevant authorities have to inform the Food Standards Agency of notifications to them of changes as regards trade descriptions of natural mineral water or names of springs or origin (*regulation 5(c)*),
 - (ix) Clarifying regulations 5 (prohibition on sale) and 10 (labelling of natural mineral water) (*regulations 6 and 7*),
 - (x) substituting a revised version of regulation 11 (spring water) so as to modify the requirements relating to the bottling and sale of spring water and the marking and labelling of bottles bearing the description “spring water”; adding a transitional provision laying down how the term “Schedule 3”, as used in regulation 11, is to be construed prior to 25th December 2003; and adding a mutual recognition provision in respect of spring water bottled in an EEA State other than the United Kingdom (*regulation 8*),
 - (xi) substituting a revised version of regulation 12 (bottled drinking water) so as to modify the requirements relating to the bottling and sale of bottled drinking water; adding a transitional provision laying down how the term “Schedule 3”, as used in regulation 12, is to be construed

prior to 25th December 2003; and adding a mutual recognition provision in respect of bottled drinking water bottled in an EEA State other than the United Kingdom (*regulation 9*),

- (xii) substituting a revised version of paragraph (1) of regulation 13 (enforcement) so as to impose an obligation on food authorities, from 25th December 2003, to monitor the quality of spring water and bottled drinking water in accordance with specified requirements of Directive 98/83/EC (*regulation 10(a)*),
 - (xiii) revising the criteria by reference to which water has to be assessed as part of the periodic checks required to be carried out on it pursuant to regulation 13(2)(a) to ensure that it is a natural mineral water (*regulation 10(b)*),
 - (xiv) revising the list of provisions of the principal Regulations referred to in regulation 13(3) for whose purposes specified authorities are not classed as food authorities (*regulation 10(c)*),
 - (xv) substituting a revised version of regulation 16 so as to provide that, with effect from 25th December 2003, the methods of analysis used to check compliance of spring water and bottled drinking water with Schedule 3 have to be carried out in accordance with Article 7.5 of Directive 98/83/EC (*regulation 11*),
 - (xvi) making consequential changes to regulations 17 and 18, which provide respectively for offences and penalties and defences (*regulations 12 and 13*),
 - (xvii) making a minor, clarificatory amendment to regulation 19(3) (which prohibits the sale of bottles of natural mineral water, spring water and drinking water which are not marked or labelled in accordance with regulation 38 of the Food Labelling Regulations 1996, S.I. 1996/1499 as amended) (*regulation 14*),
 - (xviii) revising, from 25th December 2003, the particulars specified in Parts I and II of Schedule 1 (particulars required to be given by a person applying to have a water recognised as a natural mineral water (*regulation 15*),
 - (xix) correcting a typographical error in Schedule 2 (particulars of anions, cations, non-ionised compounds and trace elements) (*regulation 16*), and
 - (xx) revising the requirements as regards spring water and bottled drinking water, including the requirements as regards prescribed concentrations or values of parameters, contained in Schedule 3 (*regulations 17 to 21*); and
- (b) make consequential amendments to the Food Safety (Sampling and Qualifications) Regulations 1990 (S.I. 1990/2463, as already amended) and the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763, as already amended) (*regulation 22*).
4. A regulatory impact assessment has been prepared for these Regulations and has been placed in the library of each House of Parliament. A transposition note setting out how the main elements of Directive 98/83/EC are transposed into domestic law by these Regulations has also been prepared and has been placed in the Library of each House of Parliament. Copies of those documents may be obtained from the Food Labelling and Standards Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.
5. These Regulations include provisions notified to the European Commission under Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services (OJ No. L204, 21.7.1998, p.37).

2003 No. 666

FOOD, ENGLAND

**The Natural Mineral Water, Spring Water and Bottled
Drinking Water (Amendment) (England) Regulations 2003**

£2.50

© Crown copyright 2003

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

E0490 4/03 ON (MFK)