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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 365**

The Natural Mineral Water, Spring Water and Bottled  
Drinking Water Regulations (Northern Ireland) 2015

PART 1

Introductory

**Citation and commencement**

1. These Regulations may be cited as the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 and come into operation on 28th November 2015.

**Interpretation**

2.—(1) In these Regulations—

“advertisement” means a representation in any form in connection with a trade or business in order to promote the supply of goods;

“The Agency” means the Food Standards Agency;

“authorised officer” has the same meaning as in Article 2(2)(a) of the Order;

“bottle” means a closed container of any kind in which water is sold for drinking by humans or from which water sold for drinking by humans is derived;

“Directive 98/83” means Council Directive [98/83/EC](#) on the quality of water intended for human consumption<sup>(1)</sup>;

“Directive 2003/40” means 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<sup>(2)</sup>;

“Directive 2009/54” means Directive [2009/54/EC](#) of the European Parliament and of the Council on the exploitation and marketing of natural mineral waters<sup>(3)</sup>(Recast);

“Directive 2013/51” means Council Directive 2013/51/EURATOM laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption<sup>(4)</sup>;

“drinking water” means water which is intended for sale for drinking by humans other than—

- (a) natural mineral water; or
- (b) water intended to be labelled and sold as “spring water”;

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(1) OJ No L 330, 5.12.98 p 32, last amended by Commission Directive (EU) 2015/1787 (OJ No L 260 7.10.15, p 6)

(2) OJ No L 126, 22.5.03, p 34

(3) OJ No L 164, 26.6.09, p 45

(4) OJ No L 296, 7.11.2013, p 12

“EEA State” means a Member State of the European Union, Norway, Iceland and Liechtenstein;

“effervescent natural mineral water” means natural mineral water which, at source or after bottling, gives off carbon dioxide spontaneously and in a clearly visible manner under normal conditions of temperature and pressure;

“fluoride removal treatment” means—

- (a) a treatment of natural mineral water or water intended to be bottled and labelled as “spring water” with activated alumina in order to remove fluoride which is authorised in accordance with regulations 9(1)(a)(iii), or 15(1)(a)(iii) and Schedule 2; or
- (b) in the case of water brought into Northern Ireland from another part of the United Kingdom or from another EEA state, a treatment which complies with Articles 1 to 3 of Regulation 115/2010;

“label” means any tag, brand, mark, pictorial or other descriptive matter which is written, printed, stencilled, marked, embossed or impressed on, or attached to the bottle of water;

“natural mineral water” means water which—

- (a) is microbiologically wholesome within the meaning of Article 5 of Directive 2009/54,
- (b) originates in an underground water table or deposit and emerges from a spring tapped at one or more natural or bore exits,
- (c) can be clearly distinguished from drinking water on account of the following characteristics having been preserved intact because of the underground origin of the water, which has been protected from all risk of pollution—
  - (i) its nature, which is characterised by its mineral content, trace elements or other constituents and, where appropriate, by certain effects, and
  - (ii) its original purity; and
- (d) is for the time being recognised pursuant to and in accordance with regulation 4;

“ozone-enriched air treatment” means—

- (a) a treatment of natural mineral water or water intended to be bottled and labelled as “spring water” with ozone-enriched air which is authorised in accordance with regulation 9(1)(a)(iv) or regulation 15(1)(a)(iv) and Schedule 3, or
- (b) in the case of water brought into Northern Ireland from other parts of the United Kingdom or from another EEA State, a treatment which complies with Article 5 of Directive 2003/40, as implemented in that part of the United Kingdom or that EEA State;

“the Order” means the Food Safety (Northern Ireland) Order 1991;

“parameter” means a property, element, organism or substance listed in the second column of any table in Part 2, 3 or 4 of Schedule 7;

“Regulation 115/2010” means 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(5); and

“sell” includes possess for sale and offer, expose or advertise for sale.

(2) Expressions used in these Regulations that are also used in Directive 98/83, Directive 2009/54, Regulation 115/2010 or Directive 2013/51 have the same meaning in these Regulations as they have in those Directives or the Regulation.

(3) References to the Annexes to Directive 98/83, Directive 2003/40, Directive 2009/54, Regulation 115/2010 and Directive 2013/51 are references to those Annexes as amended from time to time.

(4) Any reference in these Regulations to the labelling of a bottle includes both labelling done before any water is bottled, and labelling after bottling.

(5) The Interpretation Act (Northern Ireland) 1954<sup>(6)</sup> applies to these Regulations as it applies to an Act of the Assembly.

### **Exemptions**

3.—(1) These Regulations do not apply to any water which—

- (a) is a medicinal product within the meaning of Directive 2001/83 of the European Parliament and of the Council on the Community code relating to medicinal products for human use<sup>(7)</sup>;
  - (b) is a natural mineral water which is used at source for curative purposes in thermal or hydromineral establishments;
  - (c) is not intended for sale for drinking by humans; or
  - (d) is a natural mineral water intended for export to a country other than an EEA State.
- (2) These Regulations do not apply to packaged ice portions intended for use in cooling food.

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<sup>(6)</sup> 1954 c.33 (NI)

<sup>(7)</sup> OJ No L 311, 28.11.2001 p 67, last amended by Directive 2012/26/EU (OJ No L 299 27.10.2012, p 1)