
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 (OJNo. 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mineral water) by including in it an additional ground on which recognition of water as a natural mineral water may be withdrawn by the relevant authority or the Secretary of State (*regulation 5(a)*),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

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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.

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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).