
WELSH STATUTORY INSTRUMENTS

2007 No. 3165

The Natural Mineral Water, Spring Water and
Bottled Drinking Water (Wales) Regulations 2007

PART 1

Introductory

Title, application and commencement

1. The title of these Regulations is the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007, they apply in relation to Wales and come into force on 28 November 2007.

Interpretation

2.—(1) In these Regulations —

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“advertisement” (“*hysbyseb*”) and “advertise” (“*hysbysebu*”) have the same meanings as those given to them in regulation 2(1) of the Food Labelling Regulations 1996(1);

“the Agency” (“*yr Asiantaeth*”) means the Food Standards Agency;

“authorised ozone-enriched air oxidation technique” (“*techneg awdurdodedig i ocsidio aer a gyfoethogwyd ag osôn*”) means—

(a) a treatment with ozone-enriched air authorised and carried out in accordance with Schedule 1; or

(b) in the case of water brought into Wales 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;

“bottle” (“*potel*”), the noun, 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, and “bottle” (“*potelu*”), the verb, and cognate expressions, is construed accordingly;

“Directive 80/777” (“*Cyfarwyddeb 80/777*”) means Council Directive [80/777/EEC](#) on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters(2);

“Directive 98/83” (“*Cyfarwyddeb 98/83*”) means Council Directive [98/83/EC](#) relating to the quality of water intended for human consumption(3);

(1) S.I.1996/1499, to which there are amendments not relevant to these Regulations

(2) OJNo. L229, 30.8.80, p.1, as last amended by Regulation (EC) No. 1882/2003 of the European Parliament and of the Council adapting to Council Decision 1999/468/EC the provisions relating to Committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty (OJ No. L284, 31.10.2003, p.1).

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

“Directive 2003/40” (“*Cyfarwydddeb 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⁽⁴⁾;

“drinking water” (“*dwr yfed*”) means water which is 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;

“effervescent natural mineral water” (“*dwr mwynol naturiol eferw*”) 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;

“natural mineral water” (“*dwr mwynol naturiol*”) means water which—

- (a) is microbiologically wholesome;
- (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 ordinary drinking water on account of the following characteristics having been preserved intact because of the underground origin of the water, which origin must have 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,
 - (ii) its original state; and
- (d) is for the time being recognised pursuant to and in accordance with regulation 4;

“parameter” (“*paramedr*”) means a property, element, organism or substance listed in the second column of any Table in Part 2 of Schedule 2;

“prescribed concentration or value” (“*crynodiad neu werth a ragnodwyd*”), in relation to any parameter, means the concentration or value specified in relation to that parameter in any Table in Part 2 of Schedule 2 as measured by reference to the unit of measurement so specified;

“relevant authority” (“*awdurdod perthnasol*”) means the council of a county or county borough; and

“sell” (“*gwerthu*”) includes possess for sale and offer, expose or advertise for sale, and “sale” is construed accordingly.

(2) Other expressions used both in these Regulations and in Directive 80/777 or Directive 98/83 have the same meaning in these Regulations as they bear in the Directive concerned.

(3) Any reference in these Regulations to a numbered Article or Annex is, save where the contrary intention appears, a reference to the Article or Annex so numbered in Directive 80/777.

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

Exemptions

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

- (a) has a product licence issued under the provisions of the Medicines Act 1968⁽⁵⁾, or a marketing authorisation within the meaning of the Medicines for Human Use (Marketing

(4) OJ No. L126, 22.5.2003, p.34.

(5) 1968 c. 67.

- Authorisations etc.) Regulations 1994⁽⁶⁾, or a marketing authorisation within the meaning of the Veterinary Medicines Regulations 2005⁽⁷⁾;
- (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.

⁽⁶⁾ S.I. [1994/3144](#); to which there are amendments not relevant to these Regulations.
⁽⁷⁾ S.I. [2005/2745](#).