
WELSH STATUTORY INSTRUMENTS

2019 No. 1046

**The Food (Miscellaneous Amendments)
(Wales) (EU Exit) (No. 2) Regulations 2019**

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

8.—(1) The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015(1) are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

(i) omit the definition of “Directive 2003/40”;

(ii) at the appropriate place, insert—

““relevant bottled water legislation” (*“deddfwriaeth berthnasol ynghylch dŵr wedi’i botelu”*) means—

(a) in relation to England, the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007(2);

(b) in relation to Northern Ireland, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Northern Ireland) Regulations 2015(3);

(c) in relation to Scotland, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007(4);”;

(iii) at the appropriate place, insert—

““third country” (*“trydedd wlad”*) means any country other than the United Kingdom, and includes—

(a) the Bailiwick of Guernsey;

(b) the Bailiwick of Jersey;

(c) the Isle of Man.”;

(b) in paragraph (3), omit “Directive 2003/40.”.

(3) In regulation 3(1)—

(a) in sub-paragraph (a), for the words from “Directive” to the end substitute “regulation 2(1) of the Human Medicines Regulations 2012(5)”;

(b) in sub-paragraph (d), for “country other than an EEA State” substitute “third country”.

(4) In regulation 4—

(a) in paragraph (2)—

(1) [S.I. 2015/1867 \(W. 274\)](#), amended by [S.I. 2017/935 \(W. 229\)](#).
(2) [S.I. 2007/2785](#). Relevant amending instruments are [S.I. 2009/1598](#), [S.I. 2010/433](#), [S.I. 2011/451](#), [S.I. 2014/1855](#) and [S.I. 2018/352](#).
(3) [S.R. 2015/365](#). Amended by [S.R. 2017/201](#).
(4) [S.S.I. 2007/483](#). Relevant amending instruments are [S.S.I. 2009/273](#), [S.S.I. 2010/89](#), [S.I. 2011/1043](#).
(5) [S.I. 2012/1916](#).

- (i) in sub-paragraph (b), for “pursuant to Directive 2009/54” substitute “under the relevant bottled water legislation”;
- (ii) omit sub-paragraph (c);
- (iii) in sub-paragraph (d)—
 - (aa) in the words before paragraph (i), for “country other than an EEA State” substitute “third country”;
 - (bb) for paragraph (ii) substitute—
 - “(ii) it has an equivalent recognition given by a responsible authority of another part of the United Kingdom.”;
- (b) omit paragraph (3).
- (5) After regulation 4 insert—

“Transitional provision: withdrawal from the EEA and the EU

4A.—(1) The following waters are accredited, that is to say treated for the purposes of these Regulations as if they were natural mineral waters recognised by the Agency under regulation 4(2)(d)(i)—

- (a) established EU recognised natural mineral waters;
- (b) established Icelandic recognised natural mineral waters;
- (c) established Norwegian recognised natural mineral waters.

(2) The accreditation in paragraph (1) continues to have effect in relation to a natural mineral water to which sub-paragraph (a), (b) or (c) of that paragraph applies until the relevant accreditation cessation date.

(3) In the case of an established EU recognised natural mineral water, if the Welsh Ministers are of the opinion that there is at least one established recognised UK mineral water that is not treated by the responsible authority in at least one member State as a recognised mineral water for the purposes of [Directive 2009/54/EC](#)(6), the Welsh Ministers may notify the Commission that the accreditation provided for in paragraph (1)(a) in relation to established EU recognised natural mineral waters is to cease.

(4) In the case of an established Icelandic recognised natural mineral water, if the Welsh Ministers are of the opinion that there is at least one established recognised UK mineral water that is not treated as a recognised mineral water in Iceland for the purposes of [Directive 2009/54/EC](#), the Welsh Ministers may notify the Icelandic Food and Veterinary Authority that the accreditation provided for in paragraph (1)(b) in relation to established Icelandic recognised natural mineral waters is to cease.

(5) In the case of an established Norwegian recognised natural mineral water, if the Welsh Ministers are of the opinion that there is at least one established recognised UK mineral water that is not treated in Norway as a recognised mineral water for the purposes of [Directive 2009/54/EC](#), the Welsh Ministers may notify the Norwegian Food Safety Authority that the accreditation provided for in paragraph (1)(c) in relation to established Norwegian recognised natural mineral waters is to cease.

(6) No notification may be given under paragraph (3), (4) or (5) before the end of the period of 6 months beginning on the day on which exit day falls.

(6) OJ No L 164, 26.6.2009, p. 45.

(7) The accreditation cessation date specified in a notification given under paragraph (3), (4) or (5) must be a date that is at least 6 months after the date on which the notification is given, beginning with the day after the day on which that notification is given.

(8) The Welsh Ministers must publish a copy of any notification given under paragraph (3), (4) or (5) in such manner as appears appropriate to the Welsh Ministers in order to bring its effect to the notice of those that the Welsh Ministers consider likely to be, or representative of those likely to be, affected in Wales as soon as is reasonably practicable.

(9) The Welsh Ministers must from time to time publish, in such manner as appears appropriate to the Welsh Ministers, a list of the names of the established EU, Icelandic and Norwegian recognised natural mineral waters that are treated as accredited natural mineral waters under paragraph (1) (“the paragraph 9 list”).

(10) Where a notification is given under paragraph (3), (4) or (5), the Welsh Ministers must update the paragraph 9 list as soon as reasonably practicable after the accreditation cessation date specified in the notification.

(11) The paragraph 9 list is to be treated as conclusive evidence that the waters are accredited natural mineral waters for the purposes of these Regulations.

(12) In this regulation—

“accreditation cessation date” (“*dyddiad y daw’r achrediad i ben*”) means the cessation date as notified by the Welsh Ministers under paragraph (3), (4) or (5);

“[Directive 2009/54/EC](#)” (“*Cyfarwyddeb 2009/54/EC*”) means [Directive 2009/54/EC](#) as incorporated into the EEA agreement, and as it had effect, immediately before exit day;

“established EU recognised natural mineral water” (“*dŵr mwynol naturiol sefydledig a gydnabyddir yn yr UE*”) means—

(a) a natural mineral water extracted from the ground in any member State—

- (i) that immediately before exit day had the status of a recognised natural mineral water for the purposes of [Directive 2009/54/EC](#), and
- (ii) for which that recognition remains in force;

(b) a natural mineral water extracted from the ground in a third country—

- (i) that immediately before exit day had the status of a recognised natural mineral water for the purposes of [Directive 2009/54/EC](#) having been recognised by any member State as a natural mineral water for the purposes of [Directive 2009/54/EC](#) based on a certificate (“Article 1(2) certificate”) of the type referred to in the second subparagraph of Article 1(2) of [Directive 2009/54/EC](#) issued by the responsible authority in the country of extraction,
- (ii) for which that recognition remains in force, and
- (iii) for which the Article 1(2) certificate remains valid;

“established Icelandic recognised natural mineral water” (“*dŵr mwynol naturiol sefydledig a gydnabyddir yng Ngwlad yr Iâ*”) means a natural mineral water extracted from the ground in Iceland—

- (a) that immediately before exit day had the status of a recognised natural mineral water for the purposes of [Directive 2009/54/EC](#), and
- (b) for which that recognition remains in force;

“established Norwegian recognised natural mineral water” (“*dŵr mwynol naturiol sefydledig a gydnabyddir yn Norwy*”) means a natural mineral water extracted from the ground in Norway—

- (a) that immediately before exit day had the status of a recognised natural mineral water for the purposes of [Directive 2009/54/EC](#), and
 - (b) for which that recognition remains in force;
- “established recognised UK natural mineral water” (“*dŵr mwynol naturiol sefydledig a gydnabyddir yn y DU*”) means a natural mineral water extracted from the ground in the United Kingdom—
- (a) that immediately before exit day had the status of a recognised natural mineral water for the purposes of [Directive 2009/54/EC](#), and
 - (b) for which that recognition remains in force;
- “member State” (“*Aelod-wladwriaeth*”) means a member State of the EU as constituted immediately after exit day;
- “third country” (“*trydedd wlad*”) has the same meaning as in [Directive 2009/54/EC](#).”
- (6) In regulation 24(1)(a), omit “satisfies the requirements of Directive 98/83 and in particular”.
- (7) In regulation 27A—
- (a) in paragraph (b), omit “or from another EEA State”;
 - (b) in paragraph (c)—
 - (i) for “country other than an EEA State” substitute “third country”;
 - (ii) omit “or in another EEA State”.
- (8) In regulation 27B—
- (a) in paragraph (b)—
 - (i) omit “or from another EEA State”;
 - (ii) for the words from “as complying” to “as implemented” substitute “under the relevant bottled water legislation applying”;
 - (iii) omit “or that EEA State”;
 - (b) in paragraph (c)—
 - (i) for “country other than an EEA State” substitute “third country”;
 - (ii) omit “or in another EEA State”;
 - (iii) for the words from “Article 5” to “spring water” substitute “the relevant bottled water legislation that applies in that part of the United Kingdom”.
- (9) Omit regulation 33(4).
- (10) In regulation 36(1)(b), for “country other than an EEA State” substitute “third country”.
- (11) In Schedule 1—
- (a) in paragraph 1, in the words before sub-paragraph (a), omit “for the purposes of Article 1 of Directive 2009/54”;
 - (b) in Part 2, in the heading, for “country other than an EEA State” substitute “third country”;
 - (c) in paragraph 5, in the words before sub-paragraph (a)—
 - (i) for “country other than an EEA State” substitute “third country”;
 - (ii) omit “for the purposes of Article 1 of Directive 2009/54”.
- (12) In Schedule 10, in paragraph 1(1), omit “with Annex III to Directive 98/83 and”.
- (13) In Schedule 11, in paragraph 1, omit “Annex III to Directive 2013/51 and”.

