STATUTORY RULES OF NORTHERN IRELAND

# 2017 No. 201

# FOOD

# The Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2017

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| *Made - - - -* | *27th September 2017* |
| *Coming into operation* | *27th October 2017* |

The Department of Health(**1**), in exercise of the powers conferred by Articles 15(1), 16(1), 25(1) and (3), 32 and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**), makes the following Regulations.

In accordance with Article 47(3A) of the Food Safety (Northern Ireland) Order 1991, the Department of Health has taken into account relevant advice given by the Food Standards Agency.

There has been open and transparent 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(**3**).

## Citation and commencement

**1.** These Regulations may be cited as the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2017 and come into operation on 27th October 2017.

## Amendment of the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015

**2.** The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015(**4**) are amended in accordance with regulations 3 to 12.

## Amendment of regulation 2(1) (interpretation)

**3.** Regulation 2(1) (interpretation) is amended in accordance with paragraphs (a) and (b)—

(**1**) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5(NI), section 1
(**2**) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), paragraphs 26to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R. 2004 No. 482 and 505
(**3**) OJ No. L31, 1.2.2002, p1 as last amended by Regulation (EU) No. 652/2014 of the European Parliament and of the Council (OJ No. L189, 27.5.2014, p 1)
(**4**) S.R. 2015 No. 365

(a) For the definition of "fluoride removal treatment" substitute—

""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,

(b) in the case of natural mineral water or water intended to be bottled and labelled as "spring water", brought into Northern Ireland from another part of the United Kingdom or from another EEA state, a treatment which has been authorised by the competent authority in the area in which the water is extracted as complying with the requirements of Articles 1 to 3 of Regulation 115/2010 and which treatment does not have a disinfectant action; or

(c) in the case of natural mineral water or water intended to be bottled and labelled as "spring water", brought into Northern Ireland from a non-EEA state, a treatment that has been authorised by the competent authority in that state in accordance with procedures for authorising fluoride removal treatment in that state which have been found by the Agency or equivalent authority in another part of the United Kingdom or an EEA State to be equivalent to the requirements of Articles 1 to 3 of Regulation 115/2010 and which treatment does not have a disinfectant action;".

(b) For the definition of "ozone-enriched air treatment" substitute—

""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 regulations 9(1)(a)(iv) or 15(1)(a)(iv) and Schedule 3,

(b) in the case of natural mineral water or water intended to be bottled and labelled as "spring water", brought into Northern Ireland from other parts another part of the United Kingdom or from another EEA State, a treatment that has been authorised by the competent authority in the area in which the water is extracted as complying with Article 5 of Directive 2003/40, as implemented in that part of the United Kingdom or that EEA State, and which treatment does not have a disinfectant action; or

(c) in the case of natural mineral water or water intended to be bottled and labelled as "spring water", brought into Northern Ireland from a non-EEA state, a treatment that has been authorised by the competent authority in that state in accordance with procedures for authorising ozone-enriched air treatment in that state which have been found by the Agency or equivalent authority in another part of the United Kingdom or an EEA State to be equivalent to the requirements of Article 5 of Directive 2003/40, and which treatment does not have a disinfectant action;".

**Amendment of regulation 13 (sale of natural mineral water)**

**4.** For regulation 13(2) (sale of natural mineral water) substitute—

"(2) A person must not sell bottled natural mineral water if it—

(a) has been extracted from a spring—

(i) in Northern Ireland, which has been exploited in contravention of regulation 8; or

(ii) outside Northern Ireland, which has been exploited otherwise than in compliance with the requirements as described at regulation 8(1)(a) and (c) and regulation 8(2), or if the competent authority of the area in which the spring is exploited has not given permission for the spring to be so exploited;

(b) has been subjected—

(i) in Northern Ireland, to any treatment or addition in contravention of regulation 9; or

(ii) outside Northern Ireland, to—

(aa) a treatment which is not described at regulation 9(1)(a)(i), 9(1)(a)(ii), a fluoride removal treatment, or an ozone-enriched air oxidation treatment;

(bb) any addition other than an addition described in regulation 9(1)(b); or

(cc) any disinfection treatment, the addition of bacteriostatic elements, or any other treatment likely to change the viable colony count of the natural mineral water;

(c) is bottled—

(i) in Northern Ireland, in contravention of regulation 10; or

(ii) outside Northern Ireland, in contravention of the requirements as described in regulation 10;

(d) is labelled—

(i) in Northern Ireland, in contravention of regulation 11; or

(ii) outside Northern Ireland, in contravention of the requirements as described in regulation 11;

(e) is advertised in contravention of regulation 12.".

**Amendment of regulation 15 (treatments and additions for water intended to be labelled and sold as "spring water")**

**5.** After regulation 15(1) (treatments and additions for water intended to be labelled and sold as "spring water") insert—

"(2) Paragraph (1) does not prevent the use of water labelled and sold as "spring water" in the manufacture of soft drinks.".

**Amendment of regulation 17 (advertising of water as "spring water")**

**6.** After regulation 17(2) (advertising of water as "spring water") insert—

"(3) A person must not advertise water intended to be labelled and sold as "spring water" under—

(a) a designation, proprietary name, trade mark, brand name, illustration or other sign, whether emblematic or not, the use of which is liable to cause confusion of the water with a natural mineral water; or

(b) the description "mineral water".".

**Amendment of regulation 18 (sale of water as "spring water")**

**7.** For regulation 18(1) (sale of water as "spring water") substitute—