STATUTORY RULES OF NORTHERN IRELAND

2009 No. 260

FOOD

The Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*7th July 2009*
Coming into operation	*16th July 2009*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred on it by Articles 15(1), 16(1), 25(1)(a) and (3), 32 and 47(2) of, and paragraphs 1 and 4(b) of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(**2**).

In accordance with Article 47(3A) of that Order, it has had regard to relevant advice given by the Food Standards Agency.

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**) there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 16th July 2009.

Amendment of the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007

2. The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2007(**4**) are amended in accordance with regulations 3 to 7.

3. In regulation 2(1) (interpretation)—

(a) the definition of "Directive 80/777" is deleted;

(**1**) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)
(**2**) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R. 2004 Nos. 482 and 505
(**3**) OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 202/2008 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the Scientific Panels of the European Food Safety Authority (OJ No. L60, 5.3.2008, p.17)
(**4**) S.R. 2007 No.420

(b) immediately after the definition of "Directive 2003/40" there is inserted —

""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 (Recast)(**5**);"

(c) for the definition of "EEA State" there is substituted—

""EEA State" means a member State of the European Communities, Norway, Iceland and Liechtenstein;"; and

(d) for the definition of "natural mineral water" there is substituted—

""natural mineral water" 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 shall 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, and

(ii) its original purity; and

(d) is for the time being recognised pursuant to and in accordance with regulation 4;".

4.—(1) In each of the provisions referred to in paragraph (2), for the reference to "Directive 80/777" there is substituted a reference to "Directive 2009/54".

(2) The provisions are regulation 2(2) and (3) and regulation 4(1)(b) and (c) and (8) (recognition as natural mineral water).

5. In regulation 8 (marking, labelling and advertising of natural mineral water)—

(a) for paragraph (1)(c) there is substituted—

"(c) any indication, designation, trade mark, brand name, picture or other sign, whether figurative or not, the use of which suggests a characteristic which the water does not possess, in particular as regards its origin, the date of authorisation to exploit it, the results of analyses or any similar references to guarantees of authenticity;";

(b) for paragraph (1)(h) there is substituted—

"(h) a sales description other than—

(i) in the case of an effervescent natural mineral water, one of the following, as appropriate—

(aa) "naturally carbonated natural mineral water" to describe water whose content of carbon dioxide from the spring after decanting, if any, and bottling is the same as at source, taking into account where appropriate the reintroduction of a quantity of carbon dioxide from the same water table or deposit equivalent to that released in the course of those operations and subject to the usual technical tolerances;

(**5**) OJ No. L164, 26.6.2009, p.45