



STATUTORY INSTRUMENTS.

S.I. No. 691 of 2022

EUROPEAN UNION (NATURAL MINERAL WATERS, SPRING WATERS
AND OTHER WATERS IN BOTTLES OR CONTAINERS)
(AMENDMENT) REGULATIONS 2022

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I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020¹, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) (Amendment) Regulations 2022.

(2) The Principal Regulations, the Regulations of 2020 and these Regulations may be cited together as the European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) Regulations 2016 to 2022.

2. These Regulations come into operation on 13 January 2023.

3. In these Regulations—

“Principal Regulations” means the European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) Regulations 2016 (S.I. No. 282 of 2016);

“Regulations of 2020” means the European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) (Amendment) Regulations 2020 (S.I. No. 55 of 2020).

4. Regulation 2 of the Principal Regulations is amended—

(a) in paragraph (1)—

- (i) by deleting the definition of “Council Directive 98/83/EC”,
- (ii) by inserting after the definition of “Directive 2009/54/EC” the following definition:

“Directive 2020/2184” means Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020¹;”,

¹ OJ No. L 435, 23.12.2020, p. 1.

(iii) by substituting for the definition of “General Food Law Regulation” the following:

“‘General Food Law Regulation’ means Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002², as amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council of 22 July 2003³, Commission Regulation (EC) No. 575/2006 of 7 April 2006⁴, Commission Regulation (EC) No. 202/2008 of 4 March 2008⁵, Regulation (EC) No. 596/2009 of the European Parliament and of the Council of 18 June 2009⁶ and Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017⁷;”,

(iv) by substituting for the definition of “Official Controls Regulation” the following:

“‘Official Controls Regulation’ means Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017⁸;”, and

(v) by deleting the definition of “waters intended for human consumption”, and

(b) in paragraph (2), by substituting “Directive 2020/2184” for “Council Directive 98/83/EC”.

5. Regulation 14 of the Principal Regulations is amended by substituting for paragraph (3) the following:

“(3) The requirements applicable to other waters in Regulation 16, with the exception of those under Part A of Annex I to Directive 2020/2184, shall also be applicable to spring waters.”.

6. Regulation 16 of the Principal Regulations is amended—

(a) in paragraph (1)(b), by substituting “Parts A and B of Annex I to Directive 2020/2184” for “Annex I to Council Directive 98/83/EC”,

(b) in paragraph (2)(b), by substituting “Directive 2020/2184” for “Council Directive 98/83/EC”, and

(c) by substituting for paragraph (3) the following paragraph:

² OJ No. L 31, 1.2.2002, p. 1.

³ OJ No. L 245, 29.9.2003, p. 4.

⁴ OJ No. L 100, 8.4.2006, p. 3.

⁵ OJ No. L 60, 5.3.2008, p. 17.

⁶ OJ No. L 188, 18.7.2009, p. 14.

⁷ OJ No. L 117, 5.5.2007, p. 1.

⁸ OJ No. L 95, 7.4.2017, p. 1, as affected by Corrigendum of 7 April 2017 (OJ No. L 137, 24.5.2017, p. 40).

“(3) In taking measures to apply the provisions of this Part, a person engaged in the production, processing or distribution of bottled waters, or the Authority, or an official agency, shall adopt the precautionary principle and shall not allow, whether directly or indirectly—

- (a) any deterioration of the present quality of water intended for human consumption, or
- (b) any increase in the pollution of waters used for the production of water intended for human consumption.”.

7. Regulation 17 (as amended by Regulation 3 of the Regulations of 2020) of the Principal Regulations is amended—

- (a) by deleting paragraphs (1) to (10), and
- (b) in paragraph (13), by substituting “Official Controls Regulation” for “European Communities (Official Control of Foodstuff) Regulations 2010 (S.I. No. 117 of 2010)”.

8. Regulation 18 of the Principal Regulations is amended—

- (a) by deleting paragraphs (1) to (8), and
- (b) in paragraph (9), by substituting “Regulation 31(1) of the Radiological Protection Act 1991 (Ionising Radiation) Regulations 2019 (S.I. No. 30 of 2019)” for “Article 9(1) of the Radiological Protection Act 1991 (Ionising Radiation) Order 2000 (S.I. No. 125 of 2000)”.

9. Regulation 19 of the Principal Regulations is revoked.

10. Regulation 21(1) of the Principal Regulations is amended by substituting “Directive 2020/2184” for “Council Directive 98/83/EC”.

11. Regulation 26(1) of the Principal Regulations is amended by substituting “Article 13” for “Article 9”.

12. Regulation 31(1) of the Principal Regulations is amended by deleting “19”.

13. The Principal Regulations are amended by inserting after Part 6 the following Part:

“PART 7

Transitional provision

Transitional provision

35. Notwithstanding Regulations 14(3) and 16(1)(b), until 11 January 2026 a person may place on the market spring waters or other waters which do not comply with the parametric values set down in Part B of Annex I to Directive 2020/2184 for Bisphenol A, Chlorate, Chlorite, Haloacetic Acids, Microcystin-LR, PFAS Total, Sum of PFAS or Uranium.”.

14. References in other enactments to Council Directive 98/83/EC of 3 November 1998⁹ shall be construed as references to Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020¹.

GIVEN under my Official Seal,
12 December, 2022.

STEPHEN DONNELLY,
Minister for Health.

⁹ OJ No. L 330, 5.12.1998, p. 32.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations give further effect to Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption. The Regulations amend the requirements for water intended for human consumption that is put into bottles or containers, other than natural mineral waters.

These Regulations amend the European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) Regulations 2016.

These Regulations may be cited as the European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) (Amendment) Regulations 2022.

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