



The Bottled Water Regulations

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Disclaimer

The advice contained in this presentation should not be taken as an authoritative statement of the law or its interpretation. The opinion of enforcement authorities may differ. Only the courts can decide whether in particular circumstances an offence has been committed.



Talk Outline

- 1) Regulatory setting
- 2) Categories of bottled water and their compliance points
- 3) Recognition of natural mineral water
- 4) Responsibilities of producers, regulators and enforcers



Current English Legislation

- Statutory Instrument 2007 No. 2785, The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 2007
- Came into force on 31st October 2007
- Amended by SI No. 1598 The Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations 2009
16th July 2009



Statutory Instrument 2007 No.2785 (as amended)

Implements

- Directive 2009/54/EC (recast of 80/777/EEC later amended by 96/70)
- Directive 2003/40/EC (*natural mineral water and spring water*)
- Directive 98/83/EC (*spring water and bottled drinking water*)



Summary of SI 2007 No. 2785_(cont)

- Schedule 1: Conditions for ozone enriched air treatment (*NMW & spring water*)
- Schedule 2: Chemical and bacterial parameters for spring and BDW
- Schedule 3: Recognition of NMW
- Schedule 4: Exploitation and Bottling Requirements (*NMW and spring water*)



Summary of SI 2007 No. 2785_(cont)

- Schedule 5: List of ions, non-ionised compounds and trace elements (*NMW*)
- Schedule 6: Maximum limits for natural constituents of *NMW*
- Schedule 7: Performance characteristics for analysis of the chemicals in Schedule 6
- Schedule 8: Specific labelling indications (*NMW*)



Guidance to the Legislation

- To be read along with SI 2007 No. 2785
- Aims to address common queries regarding bottled waters making collective instructions clearer and easy to understand
- Annex deals, in detail, with the process of recognising a natural mineral water



Relationship with other Regulations

Examples (not exhaustive)

- The Food Safety Act 1990
- General Food Law Regulation 178/2002
- Food Labelling Regulations 1996
- The Water Supply (Water Quality) Regulations 2000
- The Private Water Supplies Regulations 1991 (*soon to be updated*)



Categories of bottled water and their compliance points



3 Types of Bottled Water in Law

- Natural Mineral Water (NMW)
- Spring Water (SW)
- Bottled Drinking Water (BDW)



Natural Mineral Water

- Free from pollution
- Microbiologically and chemically wholesome
- Essentially an untreated product
- Lengthy recognition process
- Composition of minerals and microbes must be stable



Spring Water

- Underground source does not have to be officially recognised
- Compositional requirements (schedule 2) and exploitation & bottling (schedule 4)
- Some treatments for SW permitted



Bottled Drinking Water

- All other types of bottled water (e.g. table water, artesian etc.)
- No restriction on the source of the water - mains, etc.
- Does not include 'flavoured' water



Points of Compliance for NMW

- Stability of composition: At source and bottling (during recognition and exploitation).
- Contamination: None permitted at source or from equipment used for exploitation.
- Chemical limits: At source (during recognition) and at bottling (during exploitation).
- Microbiological limits: At source and at bottling for total colony count, and at source and during marketing for: parasites, pathogens, *E. Coli*, coliforms, faecal *streptococci*, sporulated sulphite reducing anaerobes and *P. aeruginosa*



Points of Compliance for Spring Water

- Contamination: None from equipment for exploitation, and source protected against risks of pollution.
- Chemical limits: At bottling.
- Microbiological limits: At source and bottling for total colony count, and at source and during marketing for: total colony count, parasites, pathogens, *E. Coli*, coliforms, faecal *streptococci*, *Enterococci*, sporulated sulphite reducing anaerobes and *P. aeruginosa*



Points of Compliance for Bottled Drinking Water

- Everything: At Bottling



Recognition of Natural Mineral Water



UK Regulations for NMW

- Requires all NMW to be officially recognised
- Prescribes conditions for the exploitation of springs, wells or boreholes
- Regulates treatments which may be applied
- Controls the packaging, labelling and advertising



Data required for recognition

- Hydrogeological description of the source
- Physical and chemical characteristics
- Microbiological analyses
- Analysis for toxic substances
- Free from pollution
- Stability of essential characteristics



Responsibilities of producers, regulators and enforcers



Role of the FSA

- Developing legislation
- Advise on interpretation of legislation (via guidance notes, etc) Though cannot advise as to whether a specific product complies with the law or not
- Recognition of NMW from non-EEA countries



Developing Legislation

- The FSA negotiates legislation at an EU level on behalf of the UK
- Consults stakeholders
- Assesses impact of measures proposed
- Implements legislation



Advice on Interpretation of Regulations

- Provides guidance to consumers, industry and LA's on interpretation of the regulations
- Guidance notes on our website address common queries
<http://www.food.gov.uk/multimedia/pdfs/waterguideeng07.pdf>
- Only a court of law can decide if a product complies with the regulations or not.
- LACORS food labelling focus group



Recognition of Third Country NMW

- Recognition of NMW from third countries (non-EEA States)
- The FSA is the UK's competent authority
- Mutual recognition allows sale across Europe
- Cannot just meet country of origin requirements
- Recognition process requires 2 years of testing data (microbiological, hydrogeological, chemical)
- Recognition lasts 5 years



Assessment

- The FSA recommends data to be provided over 2 years (although Regulations do not specify)
- Need to prove stability of the source
- Data from accredited laboratory
- Full requirements are set out in SI 2007 No.2785 and Directive 80/777/EEC



Role of Local Authorities

- Enforce legislation
- Advise on Compliance of products
- Recognise UK NMW
- Sampling of water
- Inform FSA of non compliance or changes to recognised waters



The Role of Local Authorities (cont)

- To carry out routine sampling of all bottled drinking waters
- Provide advice to importers, if a point of entry
- Inform Agency of any non-compliant waters
- Inform Agency of new NMW recognition or changes to an existing recognition



Monitoring frequencies for natural mineral waters

- Local authority has responsibility to carry out checks, recommended at least once a year
- Quality control laboratory carry out routine analysis of the water
- Producers carry out analysis on a daily basis



Monitoring frequency for spring waters and bottled drinking waters

TABLE B2

Minimum frequency of sampling and analysis for water put into bottles or containers intended for sale

Volume of water produced for offering for sale in bottles or containers each day ⁽¹⁾ m ³	Check monitoring number of samples per year	Audit monitoring number of samples per year
≤ 10	1	1
> 10 ≤ 60	12	1
> 60	1 for each 5 m ³ and part thereof of the total volume	1 for each 100 m ³ and part thereof of the total volume

⁽¹⁾ The volumes are calculated as averages taken over a calendar year.

- Table taken from 98/83/EC



The Role of Producers

- To provide accurate, clear information required when recognising a NMW
- Duty of care to ensure water is compliant and safe (via monitoring, HACCP, etc)
- If there is any breach of legal requirements or risk to health producers must inform the LA and FSA



Natural Mineral Waters

- Up to date list of recognised Natural Mineral Waters in the UK on FSA website
- Under
 - Enforcement
 - Industry Sector Rules
- Consolidated EU list on Eur-lex website

