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Consultation on the draft Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2011

December 2010

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This document is available on the Defra website:
<http://www.defra.gov.uk/corporate/consult/bottled-water/index.htm>

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1. Executive Summary

Purpose of the consultation

- 1.1. This non-formal consultation seeks views on the draft Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2011. These amending Regulations will make it clear that the use of other languages in addition to English on the labels of bottled waters is permitted.
- 1.2. The current Regulations (The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Regulations) 2007 (as amended)) are considered not to permit certain legal terms, such as sales descriptions, to be included in languages other than English for the labelling of natural mineral water. This consultation paper seeks views on the wording of the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2011.
- 1.3. In addition as policy responsibility for The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Regulations) 2007 (as amended) has moved from the Food Standards Agency to Defra, these amending Regulations change references to functions carried out by the Food Standards Agency so they instead refer to Defra.
- 1.4. A non-formal written six week consultation, reduced from 12 weeks, is being held on these Regulations, as no impact on businesses is expected and no responses were received by the Food Standards Agency for the consultations on equivalent draft Regulations in Scotland, Wales and Northern Ireland.
- 1.5. Having considered your submissions and published a response, we will draft the amending Regulations accordingly

2. Introduction

Purpose of the consultation

- 2.1. This consultation seeks views on the draft Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2011. These amending Regulations will allow bottled natural mineral waters to be labelled with certain legal terms, such as the sales description, in languages other than English, provided that the prescribed English words are also present on the label.
- 2.2. The current Regulations (The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Regulations) 2007 (as amended)) are considered not to permit certain legal terms, such as sales description, to be included in languages other than English for the labelling of natural mineral water. This consultation paper seeks views on the wording of the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2011.
- 2.3. This amendment also includes changes to the text of the current Instrument to reflect the fact that responsibility for this policy area has moved from the Food Standards Agency to Defra. It removes competent authority status from the Food Standards Agency and assigns it to Defra. For the UK this involves recognition of non-EEA natural mineral water sources. For England, this involves responsibility

for reviewing Local Authority decisions to revoke (or refuse to grant) recognition or to authorise certain treatments for natural mineral water, where a producer applies for such a review. Defra would also act as the contact point for LAs to provide updates on the recognition status of natural mineral water sources located in England.

2.4. The key wording of the proposed amendment is given below.

The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007⁽¹⁾ are amended by inserting after regulation 3—

“Additional language

3A. Nothing in these Regulations prevents a bottle being marked or labelled with any other language in addition to English.”.

(5) Substitute “the Secretary of State” for “the Agency” in —

- (a) regulation 4 each time it appears;
- (b) paragraph 9 of Schedule 1;
- (c) paragraph 10 of Schedule 1 both times it appears;
- (d) paragraph 7 of Schedule 1A;
- (e) paragraph 8 of Schedule 1A each time it appears; and
- (f) paragraph 1 of Part 2 of Schedule 3.

(6) Substitute “The Secretary of State” for “The Agency” in paragraphs 4 and 6 of Part 2 of Schedule 3.”

The full wording and context can be found in Annexe A:

<http://www.defra.gov.uk/corporate/consult/bottled-water/index.htm>

Who has an interest in the consultation?

2.4. Bottled water producers, importers, enforcement authorities and trade associations will have an interest in this consultation.

2.5. A list of the organisations that have been approached directly for views accompanies this consultation. It is available alongside the consultation document via the Defra web site at www.defra.gov.uk. However, we would welcome views from any interested party.

Who will be affected?

2.6. We do not believe that these draft Regulations will create any costs for businesses as they do not impose any further duties. These Regulations will simply allow businesses to continue to label natural mineral water sales descriptions and certain other particulars in another language if they wish. As such, no Impact Assessment has been prepared for this amendment, but if you believe that these Regulations will create costs for your business then please let us know.

(1) S.I. 2007/2785, amended by S.I. 2009/1598 and S.I. 2010/433. S.I. 2010/433 was itself amended by S.I. 2010/896.

- 2.7. This consultation applies to England only. Similar but separate consultations have been held in Scotland, Wales and Northern Ireland. Details of these consultations can be found on the Food Standards Agency's website:
<http://www.food.gov.uk/consultations>

How to respond

- 2.8. This consultation is being held for 6 weeks from 13 December 2011. Please send your responses by email or by post to the address below by **24 January 2011**.

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Email: bottled.water@defra.gsi.gov.uk

Publication of responses (confidentiality)

- 2.9. In line with Defra's policy of openness, at the end of the consultation period copies of the responses we receive will be made publicly available through the Defra Information Resource Centre, Lower Ground Floor, Ergon House, 17 Smith Square, London SW1P 3JR. The information they contain may also be published in a summary of responses to this consultation.
- 2.10. **If you do not consent to this, you must clearly request that your response be treated as confidential.** Any confidentiality disclaimer generated by your IT system in email responses will not be treated as such a request. Respondents should also be aware that there may be circumstances in which Defra will be required to communicate information to third parties on request, in order to comply with its obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations.
- 2.11. The Information Resource Centre will supply copies of consultation responses to personal callers or in response to telephone or email requests (tel: 020 7238 6575 or email defra.library@defra.gsi.gov.uk). Wherever possible, personal callers should give the Centre 24 hours notice of their requirements. An administrative charge will be made to cover any photocopying and postage costs.

Comments or complaints

- 2.12. If you have any comments or complaints about the consultation process, please address them to Defra's Consultation Co-ordinator, Area 7C Nobel House, 17 Smith Square, London SW1P 3JR, or email consultation.coordinator@defra.gsi.gov.uk.

Code of practice on written consultations

- 2.13. As this a non-formal written consultation it has not intended to be in line with the Code of Practice on Consultations. This can be found at <http://www.berr.gov.uk/bre>

Next steps

2.14. All the responses received by the deadline will be analysed and a summary placed on the Defra web site.

3. Annexe A

3.1. The draft Natural Mineral Water, Spring Water and Bottled Drinking Water (England) (Amendment) Regulations 2011 can be found on the Defra website at <http://www.defra.gov.uk/corporate/consult/bottled-water/index.htm>.