

EUROPEAN COMMUNITIES (NATURAL MINERAL WATERS) (AMENDMENT) REGULATIONS 1998

I, Brian Cowen, Minister for Health and Children, 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 effect to Directive 96/70/EC of the European Parliament and of the Council of 28 October 1996 I hereby make the following regulations:
1 O.J. No. L 299, 23. 11. 96, p. 26

REG 1

1. These Regulations may be cited as the European Communities (Natural Mineral Waters) (Amendment) Regulations, 1998.

REG 2

2. In these Regulations "the Principal Regulations" means the European Communities (Natural Mineral Waters) Regulations, 1986 (S.I. No. 11 of 1986).

REG 3

3. Regulation 2 of the Principal Regulations is hereby amended by the substitution for paragraph (1) of the following paragraph:
"(1) In these Regulations -
'approved examiner' means such person as may be appointed for the purposes of these Regulations by the Minister;
'authorised officer' means -
(a) an officer of the Minister who is authorised in writing by the Minister, or
(b) an officer of a health board who is authorised in writing by the Chief Executive Officer of the health board,
to be an authorised officer for the purposes of these Regulations;
'the Council Directive' means Council Directive No. 80/777/EEC of 15 July 1980 2, as amended by Directive 96/70/EC of the European Parliament and of the Council of 28 October 1996 1;
2 O.J. No. L 229, 30. 08. 80, p. 1
1 O.J. No. L299, 23. 11. 96, p. 26
'Member State' means a Member State of the European Community;
'the Minister' means the Minister for Health and Children;
'natural mineral waters' means waters which comply with the provisions of Article 1 of the Council Directive;
'the responsible authority' means the National Standards Authority of Ireland."

REG 4

4. The Principal Regulations are hereby amended by the substitution for Regulation 11 of the following Regulation:

"11. (1) A person who fails to comply with the provisions of Regulation 5, 6, 7 or 8 of these Regulations shall be guilty of an offence.

(2) A person guilty of an offence under Regulation 3 of these Regulations or paragraph (1) of this Regulation shall be liable on summary conviction to a fine not exceeding £1,500.

(3) A person guilty of an offence under Regulation 10 of these Regulations shall be liable on summary conviction to a fine not exceeding £1,000."

REG 5

5. The Principal Regulations are hereby amended by the substitution for Regulation 13 of the following Regulation:

"13. An offence under these Regulations may be prosecuted by -

(a) the Minister, or

(b) the health board within whose functional area the offence was committed."

REG 6

6. Notwithstanding the Principal Regulations (as amended by these Regulations) trade in products placed on the market or labelled before 28 October 1998, and not conforming with Directive 96/70/EC of the European Parliament and of the Council of 28 October 1996 1, may continue until stocks of these products run out.

1 O.J. No. L299, 23. 11. 96, p. 26

GIVEN under my Official Seal, this 4th day of December, 1998.

Brian Cowen, T.D

Minister for Health and Children.