27 October 2017



**The Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment Regulations 2017**

**Summary Report Of Responses To Consultation from Stakeholders**

**Food Standards Scotland issued a consultation on the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Amendment Regulations 2017 from 4 July 2017 to 1 August 2017. The purpose of the consultation was to provide interested parties and stakeholders with the opportunity to comment on the proposed regulations and the associated partial Business and Regulatory Impact Assessment (BRIA).**

1. The purpose of the draft Scottish Statutory Instrument is to transpose the requirements of Commision Directive (EU) 2015/1787 in relation to bottled drinking water which is marketed as spring water or bottled drinking water. The Directive amends Annex II to Directive 98/83/EC on the quality of drinking water, removing the need for "check monitoring" and "audit monitoring" by local authorities.
2. The key proposals on which the consultation sought views were:

* Potential impact on Food Business Operators and consumers
* Costing implications

1. FSS invited stakeholders to comment on the BRIA and, in particular, if they agreed with the impact of the proposed Regulations and, if not, provide comments and supporting evidence on any cost implications that may arise.
2. FSS considered responses to stakeholders’ comments and these are summarised in the last column of the table.
3. FSS is grateful to those stakeholders who responded to this consultation - these stakeholders are listed at the end of the document.

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| Q1 Do you agree with the proposal to transpose Commission Directive 2015/1787, which would remove the requirement for local authority check and audit monitoring from 2007 Regulations? | | | |
| Respondent | Method of Response | Comment | Response |
| Drinks Company | E-mail | Yes. We believe the products are sufficiently protected by food safety and HACCP obligations | Noted |
| Deeside Water | E-mail | Yes | Noted |
| British Soft Drinks Association | E-mail | BSDA agree with the proposal to remove the requirement for check and audit  monitoring as sufficient safeguards are in place for spring and bottled drinking waters  in general food safety and HACCP requirements. | Noted |
| Perth and Kinross Council | E-mail | Yes | Noted |
| Angus Council | E-mail | Yes | Noted |

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| Q2 Do you agree that Food Business Operators and consumers will not be impacted by this proposed change? | | | |
| Respondent | Method of Response | Comment | Response |
| Drinks Company | E-mail | Yes | Noted |
| Deeside Water | E-mail | The proposed change should have no impact on consumers, producers or regulators. | Noted |
| British Soft Drinks Association | E-mail | We would agree that consumers will not be impacted. The products are sufficiently safeguarded by general food safety and HACCP requirements. | Noted |
| Perth and Kinross Council | E-mail | Yes | Noted |
| Angus Council | E-mail | Yes, remaining controls are adequate to ensure public health is protected | Noted |

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| Q3 Could local authority Environmental Health Departments with bottled spring water and drinking water producers in their areas please provide evidence of any costing implications that may arise from the implementation of the proposals? | | | |
| Respondent | Method of Response | Comment | Response |
| Drinks Company | E-mail | N/A. However it is the understanding of the writer that the local expertise exists within the enforcement authorities to ensure compliance. | Noted |
| Deeside Water | E-mail | No Comment Made | Noted |
| British Soft Drinks Association | E-mail | N/A | Noted |
| Perth and Kinross Council | E-mail | No costing implications | Noted |
| Angus Council | E-mail | I am satisfied that costing implications relating to Angus Council will be minimal | Noted |

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| Q4 Does the draft partial Business and Regulatory Impact Assessment (see Annex C) provide a reasonable estimate of the costs and benefits likely to arise from the introduction of the amending legislation? If you believe these have not been accurately captured, please provide us with evidence to support your view. | | | |
| Respondent | Method of Response | Comment | Response |
| Drinks Company | E-mail | Yes. | Noted |
| Deeside Water | E-mail | The proposed change should have no impact on consumers, producers or regulators. | Noted |
| British Soft Drinks Association | E-mail | The IA appears reasonable | Noted |
| Perth and Kinross Council | E-mail | Yes | Noted |
| Angus Council | E-mail | Angus Council is content that the estimate of costs has been accurately captured | Noted |

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| Actions To Be Implemented |
| FSS has noted all comments received. Guidance will not be required. Local authority check and audit monitoring are simply no longer needed as existing requirements in other food safety regulations are sufficient . |

**List of Respondents**

1. Drinks Company
2. Deeside Water
3. British Soft Drinks Association
4. Perth and Kinross Council
5. Angus Council