

CONSULTATION

Topic: Amendment to the Enforcement Provisions in the European Communities Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers Regulations (S.I. No. 225 of 2007)

Start date of consultation: Tuesday, 14th August 2007

Closing date of consultation: Wednesday, 22nd August 2007

Consultation details

The European Communities Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers Regulations (S.I. No. 225 of 2007) transpose into Irish legislation, inter alia, the provisions applicable to bottled waters as set out in Council Directive 98/83/EC on the quality of water intended for human consumption. The Regulations provide that offences under those Regulations may be prosecuted as summary offences. A person who is found guilty of an offence is liable to a fine not exceeding €5,000 or at the discretion of the Court to imprisonment for a term not exceeding 6 months, or both.

Following from a European Commission Reasoned Opinion in respect of the level of sanction, and subject to the Minister's approval, it is proposed to amend [S.I. No. 225 of 2007](#) to make provision for indictable offences and increased penalty provisions in line with the European Communities Act, 2007 (No 18 of 2007). This is based on the European Commission's assertion that the existing penalties were not 'effective, persuasive and proportionate'. Under the proposed amendment a person who is found guilty on conviction on indictment, is liable to a fine not exceeding €500,000, or imprisonment for a term not exceeding 3 years, or both. The introduction of such provisions will bring S.I. 225 of 2007 in line with the provisions included in [S.I. 278 of 2007](#) (the European Communities (Drinking Water) (No. 2) Regulations 2007 introduced by the Department of the Environment, Heritage and Local Government) which transposes Directive 98/83/EC in respect of all waters other than those in bottles or containers.

The FSAI welcomes your views in regard to this proposed amendment and in particular, we invite you to submit your comments in relation to the proposal.

Responses should be submitted by 5pm on Wednesday, 22nd August 2007 to:
consultation@fsai.ie

Or via post to:

Consultations, Food Safety Authority of Ireland, Abbey Court, Lwr Abbey Street, Dublin 1.
Fax +353 1 817 1301

If you have any difficulty accessing the documents please telephone us on 01-817 1300.