



Brussels, 23 January 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF DIRECTIVE 2009/54/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 18 JUNE 2009 ON THE EXPLOITATION AND MARKETING OF NATURAL MINERAL WATERS

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement¹ establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').² The United Kingdom will then become a 'third country'.³

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, food business operators in the field of the exploitation and marketing of natural mineral waters are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, the EU rules in the field of the exploitation and marketing of natural mineral waters apply to the United Kingdom as third country. This has, in particular, the following consequences in the different areas of the natural mineral water legislation:

According to Article 1(1) and (2) and Article 2 of Directive 2009/54/EC, waters may only be marketed as natural mineral waters in the European Union if they comply with the following:

- where waters are extracted from the ground of a Member State, the responsible authority of that Member State has recognised the waters as natural mineral waters in accordance with Directive 2009/54/EC

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

³ A third country is a country not member of the EU.

- where waters are extracted from the ground of a third country, the responsible authority of a Member State has recognised the waters as natural mineral waters in accordance with Directive 2009/54/EC.

It follows that, from the withdrawal date:

- Waters currently extracted from the ground of, and recognised by the United Kingdom as natural mineral waters shall be considered as extracted from the ground of a third country and should no longer be authorised for import into the European Union, unless they are recognised as such by the responsible authority of another Member State.

- Waters currently extracted from the ground of a third country and recognised as natural mineral waters by the responsible authority of the United Kingdom should no longer be authorised for import into the European Union, unless they are recognised as such by the responsible authority of another Member State.

The [website](#) of the Commission on Health and Food Safety provides general information concerning the rules on the exploitation and marketing of natural mineral waters. These pages will be updated with further information, where necessary.

European Commission
Directorate-General Health and Food Safety