



NOTICE TO BUSINESS OPERATORS 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 the withdrawal agreement establishes another date or the period is extended by the European Council in accordance with Article 50(3) of the Treaty on European Union, all Union primary and secondary law ceases to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ("the withdrawal date"). The United Kingdom will then become a 'third country'.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, all interested parties are reminded of certain legal repercussions stemming from currently applicable rules of Union law if the United Kingdom becomes a third country.

According to Article 2 and Article 1(1) and (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
- 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, if the United Kingdom becomes a third country:

- Waters currently recognised by the United Kingdom as natural mineral waters shall be considered as extracted from the ground of a third country and should be recognised by the responsible authority of a Member State to be authorised for import into the European Union.
- 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

be recognised as such by the responsible authority of another Member State to be authorised for import into the European Union.

Taking that regulatory framework into account, business operators concerned should consider taking the relevant actions. In particular with regards to natural mineral waters from third countries currently recognised as such by the United Kingdom, a request for recognition should be submitted to the competent authority of another Member State, if they wish to continue to export those waters into the European Union once the United Kingdom has become a third country.