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Brussels,

Dear Ms Jacquemart, dear Mr Rohwedder,

Thank you for your letter, dated 19 February 2024, concerning unauthorised treatments to bottled natural mineral water by manufacturers in France.

Let me first confirm that the Commission had not been informed before the publication of the articles in the press about practices allegedly followed by manufacturers in France.

Natural mineral water is distinguished from ordinary drinking water by its nature which is characterised, among other elements, by its mineral content and trace elements, and by its original purity. Directive 2009/54/EC on the exploitation and marketing of natural mineral waters (Directive on natural mineral water) sets out the permitted treatments for natural mineral waters and specifies their conditions of use. The Commission Regulation (EU) No 115/2010 lays down the conditions of use of activated alumina for the removal of fluoride from natural mineral waters and spring waters. The conditions of using ozone-enriched air for the treatment of natural mineral waters and spring waters are provided in Commission Directive 2003/40/EC.

Natural mineral water, in its state at source, may not be the subject of any other treatment. Disinfection treatments are clearly prohibited under EU law as well as any other treatment likely to change the viable colony count of the water.

The authorisation of new treatments for natural mineral waters does not fall under the remit of Member State competent authorities. The Commission may authorise new treatments for natural mineral waters with specific conditions of use, in so far as these treatments do not alter the composition of the water as regards the essential constituents which give it its properties, following consultation of the European Food Safety Authority. Should this be the case, food business operators have to notify the competent national authorities about their use of the authorised treatments and the competent authorities have to specifically control their use.

Jörg Rohwedder
Executive Director
Foodwatch International

Karine Jacquemart
Executive Director
Foodwatch France

I fully share your views on the right to transparency and it is of utmost importance for me to ensure that consumers receive clear and reliable information, especially on matters concerning the food they consume and the water they drink. EU rules are in place aiming to pursue a high level of protection of consumers' health and interests, to protect consumers from being misled and to ensure fair trading.

The Directive on natural mineral water provides for clear requirements for natural mineral waters to be recognised as such, as well as for possible measures to be taken in cases of non-compliance with its rules. Notably, the Directive provides that where a Member State has detailed grounds for considering that a natural mineral water does not comply with the applicable EU rules and where the natural mineral water is freely circulating in one or more Member States, it may temporarily restrict or suspend trade in the concerned product. In that case, it shall immediately inform the Commission and the other Member States. It is up to the Member State to decide on possible follow-up actions. Any possible measures adopted by Member States within this context would trigger a careful examination and potential follow-up by the Commission within the applicable legal framework.

Member States are responsible to efficiently enforce the applicable EU rules to ensure that consumers are not misled. Systematic monitoring and proper enforcement are therefore key in preventing incompliances in the future. The Commission monitors the application of Union law by the Member States. The Commission has invited the French authorities to present the actions they have taken at a forthcoming Standing Committee on Plants, Animals, Food and Feed (Section biological safety of the food chain) which is provisionally planned to take place on 30 April 2024. At that occasion, the Commission will call upon all Member States to strengthen their controls on natural mineral waters and to report any cases of non-compliances detected accordingly.

A forthcoming on-the-spot audit will be carried out to check the performance of the French competent authorities in verifying compliance with the EU rules on natural mineral waters, and to gather further information on the situation. This audit may trigger recommendations to assist the competent authorities in taking corrective measures or result in other follow-up actions by the European Commission in agreement with other Member States. This report, as for any other audit report, will be made publicly available by the Commission.

I would like to assure you about the support provided by the Commission in the key role that Member States have in the correct implementation of EU law. The Commission services will continue to work closely with the Member States to properly address any non-compliances detected.

Yours sincerely,

