



# GUIDE FOR THE RECOGNITION OF NATURAL MINERAL WATERS AND SPRING WATERS AND FOR THE INCLUSION OF NATURAL MINERAL WATERS IN THE LIST OF WATERS RECOGNISED IN THE EU - Unofficial translation of the Spanish Guide.

This information is merely informative, and in no case may it have any binding legal effect (Royal Decree 208/1996 of 9 February, which regulates the administrative information and citizen services, art. 4 b)

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## INTRODUCTION

Natural mineral waters (NMW) and spring waters (SW) are regulated by [Royal Decree 1798/2010](#) and are characterized by their underground origin and their content of minerals, trace elements and other components as well as their original purity. These two types of water are only differentiated by the chemical constancy of the NMW with respect to the SW, applying, to both, different criteria regarding the source of origin and in the bottled water and in the labeling.

In accordance with the provisions of the mentioned Royal Decree 1798/2010, the requirements for the declaration and authorization of use of the spring/recognition of NMW and SW will depend on the origin of its extraction.

Thus, for its placing on the market, the economic operators responsible for marketing NMW or SW in Spain must notify the recognition as such of water extracted from Spanish springs and, in the case of NMW or SW from a third country, request recognition from the Spanish Agency for Food Safety and Nutrition (AESAN).

Likewise, in accordance with community provisions, the competent authorities of each Member State must remit to the European Commission the list of the recognized NMW of the springs in their territory and those of springs in third countries that have been recognized by them, for their marketing in the European Union. The EU list is published once a year in the Official Journal of the EU and [is constantly updated by the European Commission on its website](#).

AESAN is responsible for informing the Commission about the list of NMW recognized in Spain that can be consulted in the [search engine](#) enabled by the [General Sanitary Registry of Food and Food Companies \(RGSEAA\)](#).

The purpose of this Guide is to provide simple, complete and systematic information on this administrative procedure directed to operators who have this obligation to the competent Spanish authorities.

The following waters are **expressly excluded** from the scope of this guide:

- a) waters that are considered medicines,
- b) mineral-medicinal waters for therapeutic purposes,
- c) prepared bottled waters (as defined in [Royal Decree 1799/2010](#)),
- d) bottled water for public consumption



## WHERE CAN THE DECLARATION AND AUTHORIZATION OF USE OF THE SPRING/WATER RECOGNITION BE REQUESTED?

This will depend on the source of water extraction:

- If this origin is national, the request for the declaration of water as NMW or SW and its subsequent authorization for use must be submitted to the competent authority of the autonomous community to which the spring belongs.
- If the waters come from a third country, they can only be recognized directly by the Spanish State and such reasoned recognition must be requested to AESAN

## WHO COMMUNICATES/REQUESTS THE DECLARATION/RECOGNITION OF NMW OR SW?

- Once the request for use of the spring has been obtained, as established in Law 22/1973 on Mines and Royal Decree 1798/2010, the Spanish bottling plant of the NMW or SW must register in the RGSEAA and it will be **the economic operator responsible for the NMW or SW** that markets it **in Spain**, whose name or business name and address appears on the label, the responsible for completing this administrative procedure.
- For the marketing on Community territory of **NMW and SW from third countries**, they must have a **distributor in the EU**, who will be responsible for them, identified on the product label.

In Spain, the recognition of these NMW and SW must be requested by these distributors prior to importation.

If future imports of these NMW and SW are made at Border Control Posts by Spanish importers, these operators must be registered in the RGSEAA under the bottled water and ice sector (key 27).

## WHEN IS THE COMMUNICATION/REQUEST FOR DECLARATION/RECOGNITION OF NMW OR SW MADE?

- For NMW and SW **extracted and bottling in Spain**, according to **the deadlines established by the health authorities of the autonomous community where the activity takes place**.



- In the case of NMW and SW **from third countries**, recognition will be requested to **AESAN, prior to importation.**

## WHERE IS THE COMMUNICATION/REQUEST FOR DECLARATION/RECOGNITION OF NMW OR SW MADE?

The procedure will be carried out before the different health authority depending on the location of the spring:

- **NMW or SW from a Spanish exploitation.** The procedure will be carried out before the [health authority of the autonomous community where the spring is located](#), in accordance with the procedures established by them.

The Autonomous Community will notify AESAN of the information necessary for the inclusion in the List of NMW recognized by Spain

- **NMW or SW from third countries** (not belonging to the European Union): The importing operator of NMW or SW will contact AESAN which will carry out its assessment and acceptance, where appropriate.

## WHAT DOCUMENTATION IS REQUIRED FOR THE COMMUNICATION/REQUEST FOR DECLARATION/RECOGNITION OF NMW OR SW AND, IF SO, THE INCLUSION IN THE COMMISSION'S NMW LIST?

The operators responsible for the NMW or SW are responsible for processing the communication/application for recognition/declaration of NMW or SW and **inclusion** in the Commission's list, as well as any **modification** in the company's data, exploitation or activity **cancellation** to keep its annotation in the RGSEAA database updated.

The following documentation will be required:

1. NMW and SW **from a Spanish exploitation** ([see diagram](#)). This procedure is defined by the [health authorities of the autonomous communities](#) where the where the company's activity takes place.
2. NMW and SW from countries outside the European Union ([see diagram](#)). Documentation for the recognition of the MNW or SW [will be submitted to AESAN](#).
  - a. [Application form](#) for recognition of third country NMW or SW.
  - b. Certificate of the competent authority of that third country in the official language of the Spanish State or with a sworn translation. Where it is certified that natural mineral water complies with the provisions of the Royal Decree 1798/2010. The



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validity of this certificate may not exceed five years. It will not be necessary to proceed to the previously mentioned recognition again if the certificate issued by the authority of the country of origin was renewed before the end of the cited period.

- c. Label of the product to be marketed that complies with article 9 of Royal Decree 1798/2010.
- d. Apostille of the Hague.
- e. Payment of [fees](#).

This recognition will be **valid for a maximum of five years** and will be renewed only on request of the interested party. It will not be necessary to proceed to the previously mentioned recognition again if the certificate issued by the authority of the country of origin was renewed before the end of the cited period.



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## ANNEX I - NON-EXHAUSTIVE LIST OF APPLICABLE LEGISLATION

[Regulation \(EU\) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers](#)

[Real Decreto 1334/1999, de 31 de julio, por el que se aprueba la Norma general de etiquetado, presentación y publicidad de los productos alimenticios](#)

[Real Decreto 1798/2010, de 30 de diciembre de 2010, por el que se regula la explotación y comercialización de aguas minerales naturales y aguas de manantial envasadas para consumo humano](#)