

Views on the Non-Paper from “Like-Minded Member States” on harmonisation of materials and products in contact with drinking water

The EDW considers the “Like-Minded” Member States proposal on a new Article 10 as a **significant improvement** compared to the Commission original proposal for the following reasons:

- ✓ It applies to **all materials and products in contact** with water intended for human consumption.
- ✓ It **specifies the hygienic requirements** on drinking water applications that need to be harmonised.
- ✓ It **clarifies the link between** the requirements on **materials** in contact with drinking water and those on the **products** made from such materials.
- ✓ It provides for the establishment of a **EU-wide marking system** for products in contact with drinking water that are compliant with Article 10. The creation of a marking system is an important step towards the creation of an EU-wide market for drinking water application, provided that it is complementary and does not duplicate other applicable marks.

The EDW supports introducing some provisions to better specify the scope of the new Article 10 and to ensure the consistency between the Drinking Water Directive and other pieces of legislation, such as the Food Contact Framework Regulation (FCM Regulation). The EDW calls on EU policy-makers to:

1. **Replace the definition of “starting substances” with a definition of “substances”**¹. The EDW believes that the Drinking Water Directive should refer to “substances”, rather than to “starting substances”, to ensure consistency between the DWD and other relevant legislation² and to avoid any potential confusion. The EDW supports the definition of substances below:

*‘substance’ for the purpose of Article 10a shall mean starting substance used for the production of organic materials, composition list of metallic materials and other substances used in enamels, cementitious, ceramic or other materials referred to in Art 10a(1).*³

2. **Replace the general 0.1 µg/l maximum limit in drinking water for both starting materials and reaction products with specific limits – to be adopted through implementing acts - that should be tailored to different types of organic material.**⁴ As for many substances a threshold of 0.1 µg/l is not detectable through existing analytic techniques, we call for the development of limits that are tailored to the different types of organic materials and take into account the state of progress of analytic techniques.
3. **Strengthen the provision linking the Drinking Water Directive and product legislation.**⁵ We believe that there should be an obligation – and not a mere possibility - for the Commission to

¹ Article 10a (13)

² The Food Contact Framework Regulation and the 4 Member States approach also refer to the concept of “substances”.

³ This definition of substances was proposed by the EU Presidency of the Council (14 January 2019)

⁴ Annex VII (organic materials)

⁵ Article 10 a (8)

request standardisation bodies to draft European standards for **uniform compliance testing and assessment** of the final product. These standards are needed to ensure uniform application of the provisions of Article 10a across the EU.

4. **Introduce a new provision specifying that the new Article 10a of the DWD only applies to the materials and products that can come in contact with water intended for human consumption that meet both criterion a) and b):**
- a) They form **integral part of the water distribution network** between the point of abstraction and the tap; and
 - b) They are **not** already subject to the requirements set by the Food Contact Framework Regulation⁶.

The primary intention of the DWD is to protect citizens when consuming water. As of today, the Directive applies to all materials and products in contact with water intended for human consumption which are used in **fixed public or private water supply equipment** (from the abstraction of water up to the tap). As drinking water leaves the tap, it is **the Food Contact Framework Regulation (FCM Regulation)** that applies to products in contact with water intended for human consumption such as glasses, bottles, spoons, kettles, etc.

Products which are not part of the domestic distribution system but are permanently connected to it and do not provide water intended for human consumption (e.g. washing machines, dishwashers, etc.) should only fulfil the requirements of the Directive for the parts connected the domestic distribution system and where the water could potentially back-flow into the system.

The above-mentioned new provision on the definition of the scope of Article 10a will:

- Avoid double-regulation for products falling under the scope of the DWD that are already subject and compliant with food contact requirements.
- Ensure a harmonised application of the new Article 10a by drawing a clear line between the scope of the FCM Regulation and that of the DWD.

⁶ Regulation (EC) No 1935/2004.

European Drinking Water – Member associations



ANIMA
Federation of Association of
Mechanical and Engineering
Industry



APPLIA
Home
Appliance
Europe



AQUA
European Association of
Water Meters and Heat
Meters Manufacturers



AQUA EUROPA



BMA
Bathroom Manufacturers
Association



Branchehuset



British Water



CEIR
European Association for
the Taps and Valves
Industry



CES
Silicones Europe



CESA
Catering Equipment
Suppliers Association



DKI
Copper Alliance



EADIPS
European Association for
Ductile Iron Pipe Systems



EFCEM
European Federation of
Catering Equipment
Manufacturers



EHI
European Heating Industry



ELISANA
European Light Stabilisers
and Antioxidants



ESA
European Sealing
Association



ETRMA
European Tyre & Rubber
Manufacturers' Association













Europump
The European Pump
Manufacturers Association



EVA
European Vending
Association



EWTA
European Water
Treatment Association

			
<p>FCA Food Contact Additives (a Cefic Sector Group)</p>	<p>Figawa Association of Companies for Gas and Water Technologies</p>	<p>KRV Fachverband der Kunststoffrohrindustrie</p>	<p>PlasticsEurope</p>
			
<p>SOIA Synthetic Organic Ion Exchangers and Adsorbents</p>	<p>TEPPFA The European Plastic Pipes and Fittings Association</p>	<p>VDDW Association of German water- and heat meters industry</p>	<p>VRH Association for Piping Systems Inside Buildings</p>
			
<p>WQA Water Quality Association</p>	<p>ZVEI German Electrical and Electronic Manufacturers' Association</p>		

About us

The European Drinking Water (EDW) is an alliance of currently 30 European trade associations representing industries involved with the supply of products or materials that are used in drinking water applications and connected to municipal drinking water supplies within the European Union (EU). This ranges from raw materials suppliers to producers of pumps, water meters, pipes, valves, taps, fittings, water treatment, water heaters, catering equipment industry, seals, etc. and all types of materials, such as elastomers, metals, plastics, etc. The alliance is open to any industry association relevant to drinking water contact applications