

The European Drinking Water consortium feedback on the Commission Roadmap on the Revision of the Drinking Water Directive

The European Drinking Water (EDW) supports the Commission's ongoing work on the revision of the of the "Drinking Water Directive" (DWD). In particular, the Commission evaluation of the DWD has highlighted that art. 10 of the Drinking Water Directive on materials and products in contact with drinking water gives Member States too much legal flexibility: this provision allows Member States to have different national approval systems for materials and products in contact with drinking water which are not mutually recognised across different Member States.

As of today, this lack of harmonisation mainly stems from:

- The existence of **different certification procedures and test methods on the safety of materials and products in contact with drinking water which are not mutually recognised across Member States**. As a result, a material or product in contact with drinking water that has been tested and certified as compliant in one Member State often usually need to undergo additional testing to be marketed in other Member States.
- Different national provisions on the **safety of contact materials**. For instance, Member States have drafted different and, in several cases, diverging lists of substances which are allowed in the production of materials and products in contact with drinking water.

This situation has led to:

- Potentially different levels of **consumer protection** across EU Member States.
- **Significant obstacles to the functioning of the EU internal market.**
- Lack of incentives to place on the market of **innovative products**, since companies do not have the legal certainty that their products will be accepted by other EU Member States;
- **High administrative and financial burden, especially for SMEs.**
- **Competitive disadvantage of European manufacturers vis-à-vis third countries in the competition for extra-EU markets.** Today, the standards accredited by the American National Standards Institute (ANSI) are widely recognised across the world (in a health and safety context, specifically those issued by the National Safety Foundation NSF). On the contrary, there is no EU product safety mark for materials and articles in contact with drinking water, hereby hindering the export potential of EU companies."

EDW Recommendations

For all the above reasons, EDW believes that the Revision of the Drinking Water Directive should bring a high level of harmonisation on provisions on materials and products in contact with drinking water. In this respect, there have been some positive initiatives in recent years, but with limited progress, such as the 4 Member States (France, Germany, Netherlands and UK) initiative which aims at adopting common practices on the assessment of the safety of materials and products in contact with drinking water.

EDW recommends the Commission to revise art. 10 of the Drinking Water Directive to ensure that the safety of materials and products in contact with drinking water is regulated at the EU level.

This requires that

- **The Commission issues a mandate for the development of EU-wide common certification procedures and test methods, by material category, on the hygienic safety of all materials and products in contact with drinking water:** they should identify a common assessment scheme for the impact of materials and products on the quality of drinking water while incorporating harmonised test methods already produced by CEN/TC164. Specific certification procedures and test methods should be developed at least for the 4 most common material categories used in drinking water applications: plastics, metals, elastomers and cement. **Art. 10 of the DWD should then contain an explicit reference to the above-mentioned documents: test results for materials and products in contact with drinking water which are tested according to EU-wide certification procedures and test methods should be presumed to be compliant with the provisions of the DWD.**

The development of the above-mentioned documents should also be linked to parallel developments under the **Construction Product Regulation (CPR)**. In particular, the certification procedure and test methods referred in the previous paragraph should apply exclusively to hygienic requirements (by derogation from the “basic requirement 3” of the CPR). They should also list all products that are used in applications that are directly connected to the drinking water supply. Such a link between the CPR and the DWD would ensure coherence between the two legislations and avoid unnecessary duplications.

- **Article 10 of the DWD empowers the Commission to adopt specific legally binding measures on the hygienic safety of materials and product in contact with drinking water.** These legally binding measures should ensure that all European citizens benefit from the same level of human health protection. In particular, these specific measures should ultimately lead to the progressive development of a EU-wide harmonised list of substances allowed in the production of materials and products in contact with drinking water.

The above-mentioned EU-wide measures should take into due account both the experience at national level on the management of materials and products in contact with drinking water and the existing harmonisation efforts, such as the 4 Member States Initiative.

About EDW

European Drinking Water is an alliance of currently 28 European associations formed in 2015 representing the industries which manufacture and supply products that are used in drinking water applications. This includes pumps, pipes, valves, taps, fittings, water treatment, water heaters and catering equipment industry. Therefore, European Drinking Water represents the industry value chain of producers of materials and products in contact with drinking water.