

ESA Position Statement on EU Drinking Water Directive (Directive (EU) 2020/2184).

The aim of the directive is to ensure that European citizens enjoy good quality drinking water in line with the World Health Organisation (WHO) requirement that all citizens have a right to safe drinking water.

ESA continues to align with the Drinking Water Regulations in the EU as an associate member of the EDW association. A significant milestone was achieved on November 9, 2023, when assessment bodies in the EU (including DVGW and KIWA) endorsed a mission statement. This statement applauds EU legislators' efforts to harmonize minimum hygiene requirements for materials in contact with drinking water, following the **EU Drinking Water Directive (Directive (EU) 2020/2184)**.

ECHA has published 5 guidance documents to facilitate the implementation of the European positive list (EUPL) under the drinking water directive.

This guidance document is targeting materials and products used in new installations, as well as during renovations or repairs of existing installations. The primary goals are to prevent microbial growth and minimize the risk of harmful substances leaching into drinking water.

This guidance document is intended to facilitate and support the practical implementation of the requirements set out and defined in Article 11 of Directive (EU) 2020/2184, which is set to take effect on December 31, 2026 as well as Commission Implementing Decision (EU) 2024/368 and Commission Delegated Regulation (EU) 2024/370 supplementing and specifying these requirements, in the manufacture of products and the corresponding conformity assessment procedure.

It is addressed equally at conformity assessment bodies, notifying authorities, manufacturers of final products intended to come into contact with water intended for human consumption and producers of products in the upstream supply chain that are required for this purpose.

1. Purpose, Scope and Key Objectives

Directive (EU) 2020/2184 recasts and replaces Council Directive 98/83/EC in order to modernise, clarify and strengthen the European Union's legal framework governing drinking water quality. Its overarching objectives are:

1. **To protect human health** from the adverse effects of any contamination of water intended for human consumption.
2. **To ensure that drinking water is wholesome and clean**, meeting updated minimum quality standards.
3. **To improve access to water intended for human consumption**, especially for vulnerable and marginalised groups.

The Directive applies to:

All water intended for drinking, cooking, food preparation, and other domestic purposes, whether supplied through a distribution network, tanker, or bottled/container format (with specific distinctions).

Water used in food businesses for manufacturing or processing food products.

It does **not** apply to:

Natural mineral waters (regulated separately).

Waters classified as medicinal products.

Certain small private supplies (serving fewer than 50 persons or providing less than 10 m³ per day), unless supplied as part of commercial or public activity.

By recasting earlier legislation, the Directive integrates scientific progress, lessons learned from implementation gaps, and policy developments such as the European Citizens' Initiative "Right2Water" and the UN Sustainable Development Goals (SDG 6).

2. Updated Quality Standards and Parametric Values

• 2.1 General Safety Requirements

Water intended for human consumption must:

- Be free from micro-organisms and parasites that pose a health risk.
- Be free from substances that, in certain concentrations, constitute a potential danger to human health.
- Comply with minimum parametric values set out in Annex I of the Directive.

The parametric values are based on:

- The latest scientific knowledge.
- WHO recommendations.
- The precautionary principle.
- Long-term, life-long consumption safety.

• 2.2 New and Revised Parameters

Following a review by the WHO Regional Office for Europe, the Directive updates and expands the list of parameters. Notable developments include:

- **Addition of new chemical parameters**, including substances of emerging concern.
- Introduction of a **watch list mechanism** to monitor emerging pollutants such as endocrine disruptors, pharmaceuticals and microplastics.
- Specific attention to **Bisphenol A (BPA)**, which is included with a health-based parametric value.
- Inclusion of substances such as Nonylphenol and Beta-estradiol in the watch list framework.
- **2.3 Lead**

Lead is addressed with a transitional approach:

- The existing parametric value of 10 µg/l may remain for up to 15 years after entry into force.
- After this transitional period, the limit will be reduced to 5 µg/l.
- The lower value is immediately applicable to new materials in contact with drinking water.

The Directive encourages Member States to progressively replace lead-containing components in domestic distribution systems, particularly during renovations or repairs.

• 2.4 Indicator Parameters

Indicator parameters (e.g., related to taste, odour, hardness, or operational performance) do not directly affect health but are important for:

- Ensuring the proper functioning of treatment and distribution systems.
- Maintaining consumer confidence.

3. Introduction of a Comprehensive Risk-Based Approach

One of the Directive's most important innovations is the introduction of a **full risk-based approach to water safety**, covering the entire supply chain from source to tap.

This approach consists of three components:

• 3.1 Risk Assessment and Management of Catchment Areas

Member States must:

- Identify and map catchment areas for abstraction points.
- Identify hazards and hazardous events (e.g., pollution sources).

- Monitor relevant pollutants (e.g., nitrates, pesticides, pharmaceuticals, priority substances under EU water legislation).
- Implement preventive measures to reduce pollution at source.

This approach is aligned with the Water Framework Directive (2000/60/EC) and seeks to reduce the level of treatment needed by improving source protection.

- **3.2 Risk Assessment and Management of Supply Systems**

Water suppliers must assess and manage risks within:

- Abstraction
- Treatment
- Storage
- Distribution systems

Monitoring programmes may be adapted based on identified risks. If a parameter is shown to be absent or irrelevant, monitoring frequency can be reduced.

Small suppliers (10–100 m³/day or 50–500 persons) may be exempt from full risk assessment of the supply system under certain conditions, reducing administrative burdens.

- **3.3 Risk Assessment of Domestic Distribution Systems**

Special attention is given to risks within building plumbing systems, including:

- Legionella, Lead leaching. And Migration of harmful substances from materials.

Member States must identify **priority premises**, such as:

- Hospitals
- Healthcare institutions
- Retirement homes
- Schools and childcare facilities
- Restaurants and public facilities

Appropriate control and management measures must be taken, especially in case of outbreaks.

4. Materials and Products in Contact with Drinking Water

The Directive establishes harmonised minimum hygiene requirements for materials that come into contact with drinking water, addressing long-standing fragmentation across Member States.

- **4.1 European Positive Lists (EUPL)**

The Directive introduces **European positive lists** of:

- Starting substances (for organic materials).
- Compositions (for metals, ceramics, etc.).
- Constituents allowed in contact materials.

Inclusion in these lists requires:

- Risk assessment of the substance and foreseeable degradation products.
- Evaluation of migration limits and toxicological risks.

The European Chemicals Agency (ECHA) plays a key role in:

- Reviewing substances.
- Providing opinions.
- Supporting updates to the lists.

- **4.2 Conformity and Market Surveillance**

Products in contact with drinking water must:

- Comply with harmonised hygiene requirements.

- Undergo conformity assessment.
- Be clearly marked as suitable for use with drinking water.

Market surveillance rules align with EU product legislation to ensure consistency and protect public health.

5. Monitoring, Compliance and Remedial Action

5.1 Monitoring Programmes

Member States must ensure regular monitoring of drinking water quality. The Directive:

- Sets minimum frequencies for compliance monitoring.
- Allows flexibility under risk-based assessment.
- Encourages operational monitoring to ensure treatment effectiveness.

5.2 Non-Compliance and Remedial Measures

If parametric values are exceeded:

- Authorities must investigate immediately.
- Remedial action must be taken as soon as possible.
- If there is a potential danger to human health, water supply must be restricted or prohibited.

Priority must be given to action at source, consistent with Article 191(2) TFEU (preventive and precautionary principles).

5.3 Derogations

Member States may grant temporary derogations under strict conditions:

- No danger to human health.
- No other reasonable means to maintain supply.
- Limited duration and justified circumstances.

6. Improving Access to Water

Responding to the Right2Water initiative and SDG 6, the Directive strengthens the social dimension of water policy.

Member States must:

- Improve or maintain access to safe drinking water for all.
- Pay special attention to vulnerable and marginalised groups.

Measures may include:

- Public fountains and indoor/outdoor access points.
- Alternative supply systems (e.g., tankers).
- Infrastructure for camps or informal settlements.

The Directive acknowledges Member States' discretion in choosing measures, consistent with subsidiarity.

7. Transparency, Consumer Information and Public Confidence

The Directive significantly enhances public access to information.

7.1 Information to Consumers

Consumers must have easy access (including online) to:

- Monitoring results.
- Information on treatment methods.
- Exceedances of parametric values.
- Advice on reducing water consumption and avoiding risks.

- Historical data upon request.

For large suppliers ($\geq 10,000$ m³/day or $\geq 50,000$ people), additional data must be provided:

- Leakage rates.
- Ownership and tariff structure.
- Performance efficiency.

- **7.2 Promoting Tap Water Use**

Improved transparency aims to:

- Increase public trust.
- Encourage the consumption of tap water.
- Reduce plastic bottle use and associated greenhouse gas emissions.
- Support environmental and climate objectives.

8. Water Leakage and Infrastructure Efficiency

Member States must:

- Assess water leakage levels using the Infrastructure Leakage Index (ILI) or equivalent methods.
- Communicate results to the Commission.
- Develop action plans if leakage exceeds a future threshold set by delegated act.

This addresses:

- Over-exploitation of water resources.
- Underinvestment in infrastructure.
- Environmental and public health implications.

9. Reporting, Evaluation and Governance

- **9.1 Data Reporting**

Member States must:

- Establish and maintain datasets on implementation and exceedances.
- Share data with the Commission and the European Environment Agency (EEA).
- Use standards consistent with environmental information directives.

This replaces older reporting systems and aims to reduce administrative burden.

- **9.2 Evaluation and Future Adaptation**

The Commission:

- Must evaluate the Directive after implementation.
- Is empowered to adopt delegated acts to update technical aspects (e.g., microplastics methodology, parametric values).
- May revise provisions in light of scientific progress.

Conclusion

Directive (EU) 2020/2184 represents a major modernisation of EU drinking water law.

It updates health-based standards in line with scientific progress while introducing a comprehensive risk-based approach from catchment to tap.

It harmonises hygiene requirements for materials in contact with drinking water and strengthens monitoring and enforcement.

Improves transparency and consumer empowerment and promotes universal and equitable access to safe drinking water, while supporting environmental sustainability and climate objectives.

Position statement of ESA

The **European Drinking Water (EDW)** industry initiative is an alliance of 35 trade associations including the **European Sealing Association (ESA)** representing industries supplying products or materials used in drinking water applications and municipal drinking water supply within the European Union.

With the broad knowledge of its members, covering both the individual elements of the supply chain and the wide range of drinking water applications, that initiative has established itself as the voice of the industry and is now a recognized partner for legislators, regulators and other stakeholders.

Main EDW Concerns:

Conformity Procedure for Site-Built Structures:

Current conformity modules (B/C and B/D) apply only to factory-made products. EDW will propose the inclusion of a procedure for on-site applied materials in CDR 2024/370.

Extension of Implementation Timelines:

Short implementation timelines pose certification challenges. EDW advocates a phased approach — voluntary EU certification by 2027, with national rules remaining valid until 2032.

Mutual Recognition of National Assessments:

To promote EU-wide market access, EDW supports mutual acceptance of substances approved by one Member State by others.

Corrections to the European Positive List (EUPL):

EDW calls for mechanisms to ensure timely updates and corrections to the EUPL.

Harmonisation of Material Testing:

Further work is needed to align testing procedures and ensure consistent results across laboratories.

Clarification on Ion Exchangers and Membranes:

A legal interpretation under Articles 11 and 12 is still pending. Depending on the Commission's outcome, EDW will advocate for either a DWD amendment or a targeted change to CID 2024/368.

EDW Strategy and Timeline

EDW's strategic roadmap focuses on these six priority areas that integrate actions on both primary and secondary legislation.

EDW highlights the urgent and unresolved challenges related to the implementation of Article 11 of the Drinking Water Directive (EU) 2020/2184, and has been communicated during a meeting with the EU Commissioner to discuss the matter in more detail.

The initiative has been coordinated jointly by the EDW platform, supported by 35 associations including ESA and a large number of companies from across Europe.

Next steps include:

- Continued engagement with DG ENV and the European Commission's Cabinet
- Outreach through EDW events, workshops, and cooperation with partner associations
- Assignment of dedicated action owners for each key topic
- **ESA will continue to participate in plenary meetings by EDW in Brussels**
- **ESA will continue to participate in webinar meetings by DWD**
- **ESA will participate to the 5th Symposium on 17th June 2026 hosted by: European Drinking Water association (EDW), the European Water Services (EurEau) and European Metals (EM).**

EDW is preparing in parallel a short guidance document of 30 pages maximum for stakeholders to better understand what is required and how to handle the upcoming EU legislation.

Therefor an harmonized and standardized approach to risk assessment, monitoring and quality management would increase water quality and reduce costs for handling drinking water at the benefit of consumers, the competent authorities and businesses within the European Union.

REFERENCES

1. **DIRECTIVE (EU) 2020/2184 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2020**
2. **ECHA Guidance documents Volumes I – II – III – IV and V**