

# European Drinking Water background

## DWD 98/83/TC directive

### Background

#### Aim

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.

There have been several attempts to create a single Europe wide standard in compliance with the Drinking Water Directive DWD 98/83/EC. In 1998 an initiative under the European Acceptance Scheme (EAS), with work carried out under the auspices of the European Commission (DG Enterprise), was started. The target was to bring greater harmonization by combining the Drinking Water Directive and the Construction Products Directive. In particular the EAS was to standardise the quality assurance of treatments, equipment, and materials in contact with drinking water.

#### Mandate 136

This mandate was issued in 2001, and revised in 2006 and required the harmonisation of standards for Construction Products in contact with water intended for human consumption, transportation, storage, and distribution right to the tap. An Expert Group, Construction Products Drinking Water (EG-CPDW) was set up to help the initiative.

#### 4 Member States (4MS)

There appear to have been too many issues associated with the EAS for potable water. The general view was that Mandate 136 was far too wide in scope, with too many political requirements to ever deliver a unified scheme, lacked the required resources, and as a result the European Commission withdrew its support for the EAS in 2006.

So the four Member States (4MS) agreed in 2007 to pursue a common approach to the assessment of products in contact with drinking water. The long-term goal of this project is to set a pilot project as the basis for future EU regulation.

The 4 member states are **France** (Ministere du Travail de l'emploi et de sante); **Germany** (Bundersministerium fur Gesundheit); **Netherlands** (Ministerie van Infrastructuur en Milieu); and **United Kingdom** (Defra – department for environment, food and rural affairs). A fifth member, **Portugal**, is in the process of joining the project.

The basis for the common approach was agreed as:

- The acceptance of the constituents used in materials in contact with drinking water
- The testing of materials and setting acceptance levels
- The specification of tests to be applied to products
- Reviewing factory production control and for audit testing
- Assessing the capabilities of certification and testing bodies

Today the four Member States still all have their own standards and acceptance tests, with the result that suppliers potentially have to have materials tested 4 times to ensure their products are accepted for use with potable water throughout Europe. (See appendix 1 for details of schemes and costs). This is patently a nonsense and a large additional cost to the suppliers, as well as creating a barrier to trade in Europe.

Members of the 4MS initiative have worked hard to agree a standard test that could satisfy everyone. At present there is no agreement between the Member States with the issues appearing to be:

- Water sources vary dramatically across Europe and the results obtained are totally different when one material is tested using the same criteria but with different water sources.
- There is a debate on whether it should be products that are tested or whether their constituent materials need to be approved separately.
- One member state believes the testing should be based on the effect material has on drinking water, and not the effect of each component material.
- The loss of income from the certified testing facilities in the 4 member states.

However despite the differences of opinion the 4MS agreed a **Declaration of Intent (DOI)** made in 2011, which whilst not legally binding, would appear to give the best chance of success. The objectives of the DOI are:

- Establish convergence of the operations of the national approval systems for material and products in contact with drinking water.
- To provide approval systems providing high uniform level of consumer protection.
- To promote optimum use of regulatory and scientific resources.
- To collaborate in supporting developments at an EU level and at creating consistent practice.

## **CEN TC 164 WG2**

In 2014 and in parallel to the 4MS initiative, the CEN TC 164 was set by the Commission in order to move towards a step-by-step approach on standards harmonization. The group is responsible for carrying out the technical work on synchronising and detailing the tests.

The Technical committee TC 164 is well on with getting agreement on the following issues:

- Organic materials (Elastomers).
- Metallic materials.
- Cementitious materials.
- Plastic materials.
- Test methods.

The ESA has been in contact with the chairman of TC 164, and are now an accredited Liaison Member of TC 164, and attend their technical meetings.

ESA is also a member of the **European Drinking Water association (EDW)**, formerly ICPCDW, which is also a full member of TC 164 and a very representative association of suppliers of products for use with drinking water. See the web site [www.europeandrinkingwater.eu](http://www.europeandrinkingwater.eu) for details of the association and its members.

## Mutual Recognition

The European Union concept of “Mutual Recognition” is a legal condition of EU membership that states that if a product or material passes an agreed test in one member state, then the other members states are bound to accept this product or material under the system of mutual recognition.

The EC view on this concept is that whilst it would clarify the position on materials and products in contact with drinking water, it would lead to differing standards being adopted throughout Europe, denying some citizens from the correct protection, and would be very difficult to enforce politically. Therefore this route has not been chosen

## Current status

### Article 10 of the Drinking Water Directive

DG Environment has conducted a review of Article 10 of the Drinking Water Directive, because of concerns at the lack of harmony within the EU of requirements for materials and products used in drinking water applications. ESA formerly responded to this initiative giving details of the typical costs members encounter when having to conduct 4 versions of tests for each product to gain local approval for their use on drinking water.

The Commission has now decided to cancel Article 10 and will now release a **legislative proposal on the Revision of the Drinking Water Directive** as part of the implementation of the Circular Economy Action Plan.

That means that the European Commission has issued a draft a roadmap/inception impact assessment presenting different options to revise the DWD.

**The European Drinking Water association (EDW)** has formally responded to the EC on behalf of all members (including ESA) and recommended the following:

***“EDW recommends that the Commission revises 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:***

- ***The development of common European requirements ensuring protection of consumers’ health and the quality of drinking water. In this respect, the Drinking Water Directive should empower the Commission to adopt specific legally binding measures on the hygienic safety of materials and products in contact with drinking water. These legally binding measures should ensure that all European citizens benefit from the same high level of human protection. Such measures should, ultimately, lead to the progressive development of an EU-wide harmonised list of substances allowed in the production of materials and products in contact with drinking water.***

- ***The specification of common European test methods and procedures for conformity assessment of the hygienic safety of materials and products in contact with drinking water. The Commission should issue a mandate for the development of EU-wide common procedures for conformity assessment and test methods on the hygienic safety of all materials and products in contact with drinking water. 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 procedures for conformity assessment and test methods should be presumed to be compliant with the provisions of the DWD”***

The ESA fully endorses this approach to the DWD

The Commission has promised to release the final proposal, including the impact assessment in **Q4 2017**.

### **ESA Position on Drinking Water Directive**

***ESA’s position is that it fully supports EDW position paper and will continue to participate in TC 164 and the work on harmonising a single pan European test for products and materials in contact with drinking water as proposed by EDW association.***

***ESA has asked for a Sealing Product cluster to be considered as some sealing products are made up of several differing materials not fully defined in the material tests.***

## Appendix 1:

<b>European Potable water testing</b>				
<b>CURRENT STANDARDS USED</b>				
<b>Country</b>	<b>Standard</b>	<b>Approver</b>	<b>Life of approval</b>	<b>Cost of tests</b>
<b>France</b>	Attestation de Conformité Sanitaire <b>ACS (AFNOR XP P41-250)</b>	ACS, Carso	5 Years	Euros 7,000
<b>Germany</b>	Kunststoffe und Trinkwasser <b>KTW</b>	DVGW, Karlsruhe	5 Years	Euro 4,000
<b>United Kingdom</b>	Water Regulations Advisory Scheme <b>WRAS/WRC</b> BS 6920.2000	WRAS	5 Years	£825 to £1295 + £325 for certificate
<b>Netherlands</b>	KIWA test <b>ISO 17025</b>	KIWA test centre	5 Years	Euro 1,200
<b>United States of America</b>	National Science Foundation <b>NSF</b> ANSI 61	Licensed test houses	5 Years	\$2,000