



Recast Drinking Water Directive 2020/2184



Materials in contact with drinking water

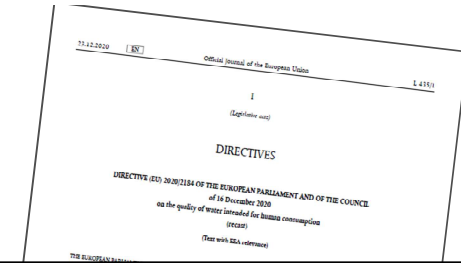
CEN/TC 164 – Water Supply
56th plenary meeting

– 23/6/2021

Angela Oppelt

*European Commission
DG ENV C2 – Marine Environment
& Water Industry*

Drinking Water Directive (DWD)



General obligations

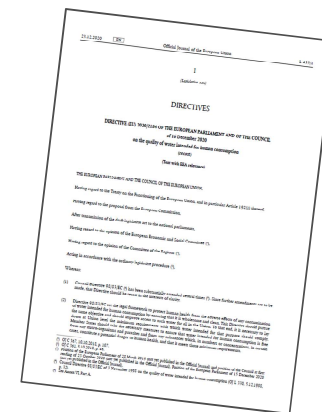
Member States shall ensure that water intended for human consumption is wholesome and clean:

- water is free from micro-organisms, parasites or any other substances which constitute a potential human health risk,
- water meets the minimum requirements (microbiological and chemical parameters and parameters relevant for domestic distribution systems) laid down by the Directive,
- Member States take all measures to comply with the DWD

New Drinking Water Directive – Summary

- I. State of Play of the recast Directive 2020/2184
- II. General overview: what's new compared to Directive 98/83/EC
- III. Commission's empowerments and implementation deadlines – provisions on substances and materials in contact with drinking water
- IV. Key challenges

I. State of Play



- Adoption by Council and European Parliament – **16 December 2020**
- Publication in the Official Journal (OJ)
<http://data.europa.eu/eli/dir/2020/2184/oj> – **23 December 2020**
- Entry into force 20 days after publication in OJ – **12 January 2021**
- Member States have 2 years to duly comply – **12 January 2023**

What's new?

Introduction of 'risk-based approach' (RBA)

covering whole supply chain



Updated existing safety standards + **watch list** mechanism



Provisions on **substances/materials** in contact with DW (Article 11 of DWD)

Access to water

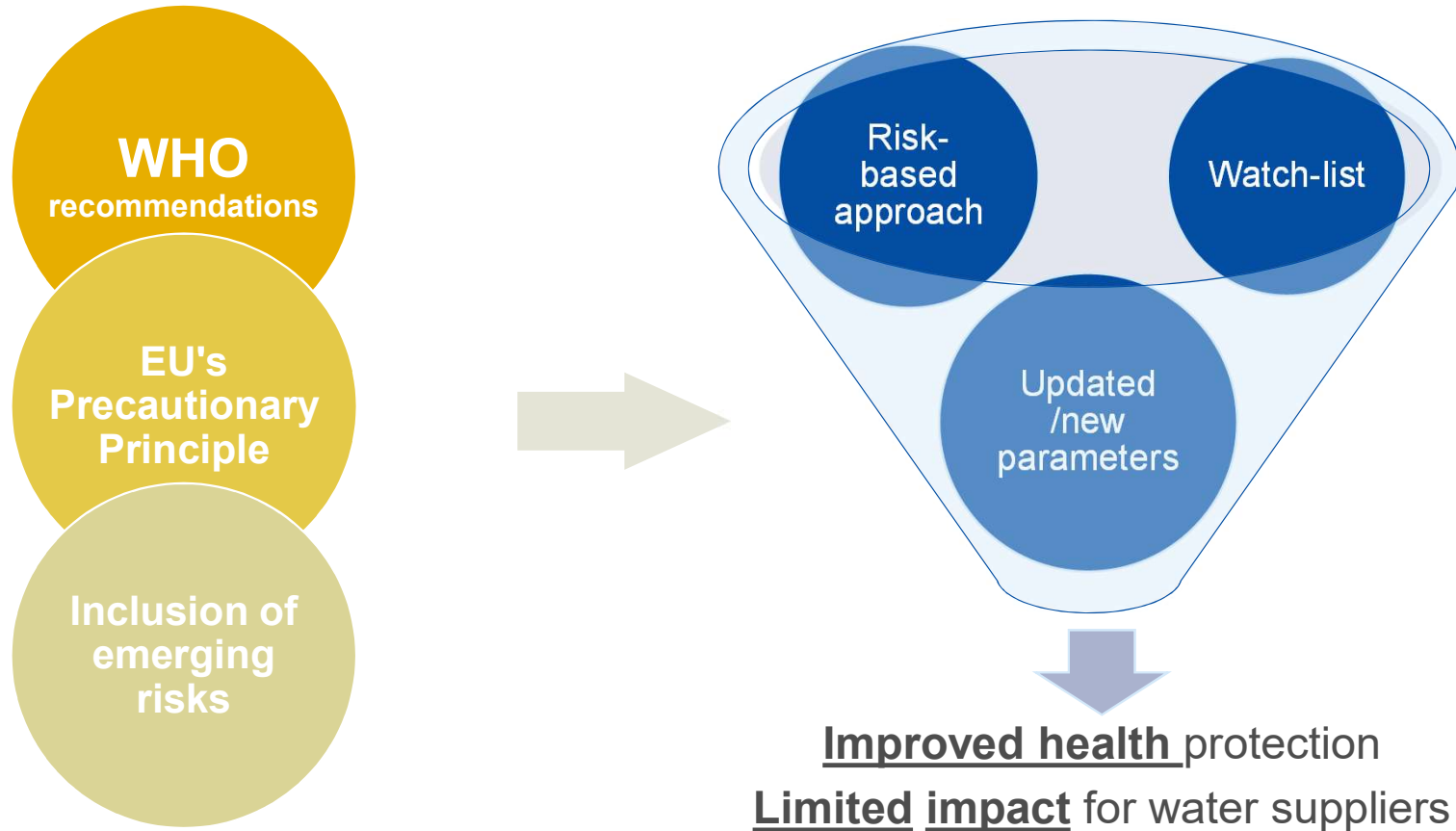
obligation for MS to improve or maintain access to safe drinking water for all, in particular to vulnerable and marginalised groups



Increased transparency

for consumers on water suppliers' efficiency and measures for their improvement → leakages

II. What's new ?

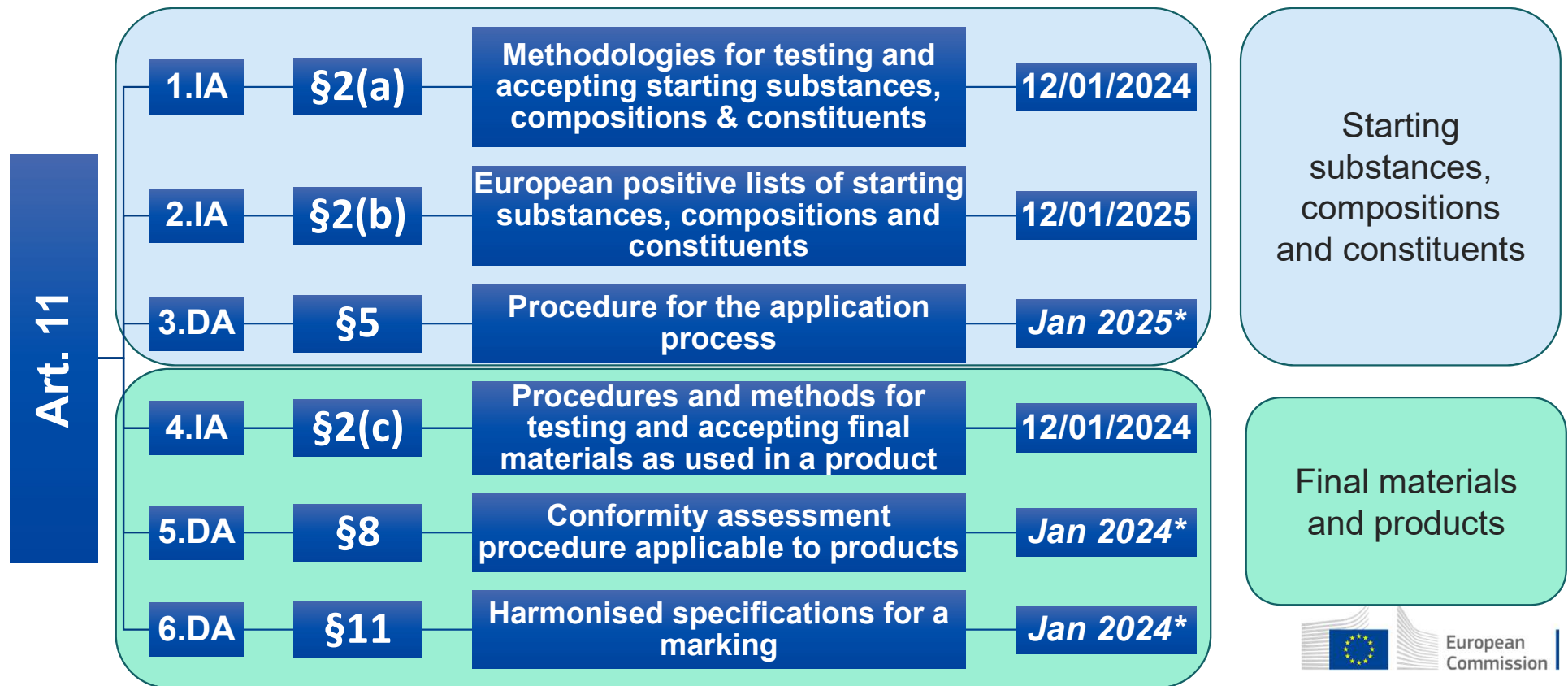


III. Commission's empowerments

- **Delegated and Implementing acts (DA – IA)**
 - What ?
 - Delegation of power to Commission to adopt non-legislative acts
 - Why ?
 - To implement the legislative act (= recast DWD)
 - To supplement or amend the legislative act in its non essential elements
 - In case of technical decisions, flexibility needed, ...

III. Commission's empowerments

- Provisions on **substances/materials in contact with DW** (Article 11 of DWD)



(*) Commission's indicative target date, no date specified in DWD

III. Commission's empowerments

- Provisions on substances/materials in contact with DW (Article 11 of DWD)
 - Establishment of a **subgroup on substances** (WG-S) under Expert group DW
 - Chaired by **ECHA** – participation of COM (DG ENV/JRC) and EFSA (observer)
 - Member States have nominated experts
 - Main objectives are to establish:
 - ❖ methodologies for testing and accepting **starting substances, compositions and constituents** - Art. 11§2(a)
 - ❖ the **European positive lists** - Art. 11§2(b)
 - ❖ the procedure on the **application process** from economic operators/relevant authorities for inclusion/removal - Art. 11§5

III. Commission's empowerments

- Provisions on substances/materials in contact with DW (Article 11 of DWD)

Step 1: Member States notification to ECHA (Art.11§3)

When:
by 12 July
2021

What:

- Existing national positive lists
 - Other provisions
- Available assessments

How:
Directly to ECHA

III. Commission's empowerments

- Provisions on substances/materials in contact with DW (Article 11 of DWD)

Step 2: Assessment of Member States' positive lists

Step 3: Proposal + consultations + EG / Committee meetings (voting on IA)

Step 4: Adoption methods testing and accepting by 12/1/2024

Step 5: EU positive lists + procedure application process by 12/1/2025

III. Commission's empowerments

- Provisions on substances/materials in contact with DW (Article 11 of DWD)
 - **Subgroup on materials**: options in consideration, closely linked to the subgroup on substances.
 - **JRC** on the lead on scientific/technical issues
 - Main objectives to establish:
 - ❖ procedures and methods for testing and accepting **final materials** as used in a product - Art. 11§2(c)
 - ❖ **conformity assessment procedure** applicable to products - Art. 11§8
 - ❖ harmonised specifications for a **marking** - Art. 11§11

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 - ❖ harmonised specifications for a **marking** - Art. 11§11

Conformity assessment procedure applicable to products - Art. 11§8

- COM shall determine **the appropriate conformity assessment procedure** applicable to products on basis of modules in **Annex II of Dec. No 768/2008/EC**
- COM shall take as a **starting point** the **System 1+** of assessment and verification of constancy of performance (**Annex V of Regulation (EU) No 305/2011**)
- Or a broadly equivalent procedure
- Delegated acts shall contain rules for **designation of conformity assessment bodies**

Harmonised specifications for a marking - Art. 11§11

- COM shall establish **harmonised specifications** for a **conspicuous, clearly legible and indelible marking**
- to indicate that **products** in contact with water intended for human consumption are in **conformity with this Article**
- **Regulation (EU) N° 305/2011 Chapter II Article 8 (General principles and use of CE marking)**
- **Regulation (EU) N° 305/2011 Chapter II Article 9 (Rules and conditions for the affixing of CE marking)**

IV. Key challenges



- **Deadlines** for adopting IA and DA
- Ensure and improve DW **quality** → human health
- Ensure efficient and effective system for **all** 27 MS
- Ensure **flexibility**: application procedure, assessment, ...
- Administrative burden/costs for economic operators

Thank you for your attention!

Angela Oppelt – Angela.Oppelt@ec.europa.eu