

The European Drinking Water Industrial Alliance Views on the Draft Standardisation Mandate in support of the drinking water policies of the European Union as regards water supply systems and their components

The European Drinking Water Industrial Alliance (EDW) believes that the draft standardisation mandate under the Construction Products Regulation (CPR) will fall short of the objective to harmonise hygienic rules on materials and products in contact with drinking water. The EDW supports the view that harmonised EU-wide hygienic requirements should be set under a horizontal piece of legislation, such as the Drinking Water Directive (DWD) or - ideally - a new regulation on materials and products in contact with drinking water.

Assessment of the Commission's draft standardisation mandate

The EDW believes that the draft standardisation mandate under the CPR will not provide a sufficient degree of harmonisation for the reasons below.

- a) **The standardisation mandate excludes many materials and products in contact with drinking water from the scope of the harmonisation.** This situation would create a significant legal loophole and legal vacuum for a broad share of products:
- Many products (e.g. water heaters, water meters, pumps, taps, hoses, gaskets, some types of valves, etc.) do not and cannot fall under the scope of the CPR, since they are not defined as 'construction products' under Art. 2 (1) of Regulation (EU) No 305/2011.
 - The standardisation mandates only cover water supply systems in buildings. That means that all materials and products used in the water supply system outside buildings (i.e. distribution networks) would be excluded from the scope of these standards.
- b) **Harmonised standards do not generally set hygienic common requirements, but they only cover assessment methods.** This is also recognised by the Commission's Review of the Implementation of the CPR:

"CPR-based harmonised standards are expected only to outline the methods and criteria for assessing the performance of construction products in relation to their essential characteristics. In general, they are not setting requirements for products' performance itself. This is due to the division of powers between the EU and Member States described above"¹

¹ European Commission, Report on the implementation of Regulation (EU) No 305/2011, 7 July 2016, p. 6, Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0445&from=EN>

As recognised by the Commission, in general standards are not setting the hygienic requirements against which products should be tested. **No real harmonisation is possible without EU-wide hygienic requirements ensuring that all EU citizens enjoy the same high level of health protection.**

Against this background, the standardisation mandate refers to a possibility for the Commission to “authorise CEN to establish classes or threshold levels for the performance of these products, as well as rules for classified (sic) without (further) testing, serving the same purpose as positive lists”.² **EDW believes that this wording is not only in contradiction with the Commission’s own review of the CPR (see above), but that it adds even more confusion to the existing situation:**

- Classes of performance cannot be established in the absence of EU-wide hygienic rules: without such rules, there would be no reference point around which performance classes can be built.
- The Commission’s standardisation mandate confounds hygienic rules with testing. **Hygienic rules are a pre-requisite to testing and, therefore, should be kept separated from testing methods.** It is not clear how ‘rules for classified (sic) without further testing’³ could ever replace a positive list. A positive list is a list of substances allowed in the production of materials (organic materials, cement, metals, elastomers, etc.) in contact with drinking water. On the other side, testing methods set out a methodology to ensure that the hygienic requirements related to the positive list (e.g. identification of substances, migration) are met. To sum up, The Commission’s approach fails to grasp this crucial difference between hygienic requirements and test methods.
- The Commission’s standardisation mandate fails to grasp the difference between materials (e.g. organic materials, elastomers, metals, cement) and products (e.g. pipes) in contact with drinking water. **EDW believes that positive lists (i.e. list of allowed substances) should not be connected with construction products in contact with drinking water – as it is the case in the draft Commission standardisation mandate.** This approach would create significant loopholes since such positive lists would not apply to all materials in contact with drinking water, but only to a limited set of products (i.e. construction products). Moreover - as already mentioned above – harmonised standards under the Construction Products Regulation are not suitable to set hygienic requirements such as positive lists.

EDW supports the view that positive lists should be, instead, directly linked to materials in contact with drinking water. This approach would be in line with the EU approach to the Food Contact Framework legislation, whereby positive lists includes substances allowed in the production of all materials (e.g. organic materials, metals, elastomers, cement, etc.) used for the production of products in contact with drinking water. In this way, positive lists would apply to all materials used in the manufacturing of products in contact with drinking water and not only to construction products. **The only way to achieve this is by setting positive**

² Page 10 of the Commission’s draft standardization mandate

³ Ibidem

lists under the framework of a horizontal legislation, such as the Drinking Water Directive or – ideally - a new regulation on materials and products in contact with drinking water.

To summarise, the Commission's approach to harmonisation is unsatisfactory: first, it will exclude many materials and products in contact with drinking water from the scope of harmonisation; second, it will not harmonise hygienic requirements; third, it fails to take into account the difference between materials and products in contact with drinking water.

EDW recommendations

The EDW calls for a pragmatic solution to ensure full harmonisation and high safety standards for materials and products in contact with drinking water. In the context of the revision of the Drinking Water Directive (DWD), we recommend EU policy-makers to:

- 1) **Revise the DWD in a way that enables EU institutions to adopt legally binding measures to further harmonise horizontal hygienic requirements on materials in contact with drinking water**, including the gradual development of an EU-wide list of substances approved for the production of materials⁴ in contact with drinking water (positive list). This approach would:
 - Ensure that the same high safety standards apply to all European consumers and close potential loopholes in consumers safety at national level;
 - Ensure that all products – irrespective of whether they fall under the scope of the CPR - are covered by harmonised hygienic rules;
 - Enhance the innovation potential of the European industry through the creation of a level playing field between all EU Member States.

- 2) **Ensure coherence between the Drinking Water Directive (DWD) and the Construction Products Regulation (CPR)**. This requires that the harmonised standards developed under the CPR make a reference to the legally binding measures expected under the revised DWD⁵. As a result, products in contact with drinking water compliant the EU-wide hygienic requirements set by the DWD could be marketed throughout the EU.

In addition, harmonised standards under the CPR could be used to harmonise assessment methods (e.g. testing methods) for construction products in contact with drinking water. Nonetheless - for all the reasons expressed before - the CPR is not the adequate tool to harmonise hygienic requirements for materials in contact with drinking water. Such requirements should be set under a horizontal piece of legislation (in this case, the Drinking Water Directive)

The EDW Industrial Alliance believes that the above recommendations constitutes the basis for an **ambitious and pragmatic solution** towards the development of a fully harmonised legal framework on drinking water applications. **This solution will create fruitful synergies between the Drinking Water Directive and the Construction Product Regulation**. As a result, such harmonisation would

⁴ Among the materials in contact with drinking water are organic materials, elastomers, cement, metals.

⁵ See point 1

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both safeguard equal drinking water quality for the consumers across Europe and improve the competitiveness and innovation capability of the European industry.



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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



EHI
European Heating Industry



ELISANA
European Light Stabilisers
and Antioxidants



ESA
European Sealing
Association



ETRMA
European Tyre & Rubber
Manufacturers' Association



Europump
The European Pump
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EVA
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 FCA Food Contact Additive	 figawa	 KRV KUNSTSTOFFROHRIEINDUSTRIE	 PlasticsEurope ASSOCIATION OF PLASTICS MANUFACTURERS
FCA Food Contact Additives (a Cefic Sector Group)	Figawa Association of Companies for Gas and Water Technologies	KRV Fachverband der Kunststoffrohrindustrie	PlasticsEurope
 SOIA Synthetic Organic Ion Exchange & Adsorbent Materials	 teppfa Chemical Performance	 VDDW	 VRH
SOIA Synthetic Organic Ion Exchangers and Adsorbents	TEPPFA The European Plastic Pipes and Fittings Association	VDDW Association of German water- and heat meters industry	VRH Association for Piping Systems Inside Buildings
 WQA Water Quality Association	 ZVEI Die Elektroindustrie		
WQA Water Quality Association	ZVEI German Electrical and Electronic Manufacturers' Association		

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.

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