

4MS- COMMON APPROACH – PLANNING AND IMPLEMENTATION

Date: 20 April 2016

1. Implementation and planning in MS

France (last update March 2016)

Currently working on the arrangements to introduced into national regulations the assessment and approval of the three main material types. Each type will be separate and although the start dates for each will be staggered, they will then be proceeding broadly in parallel. The first proposals, concerning cementitious materials should be available for European consultation (Directive 98/34) in the next few years.

For metallic materials, a new regulatory text is necessary to fit with 4MS approach. The work has been initiated. An order will be available for European consultation in 2016 for tin alloys. Then an order concerning all the others alloys will be initiated in 2016. It should be available for European consultation in 2017 or 2018.

The test method ENs should be coming into use for organic materials the next few years.

The current Regulations can be found via the following link:

https://www.legifrance.gouv.fr/affichCode.do;jsessionid=C209E23BC9B30C0AB3846D95CFE167A2.tpdjo14v_2?idSectionTA=LEGISCTA000006198948&cidTexte=LEGITEXT000006072665&dateTexte=20090803

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000749834&fastPos=1&fastReqId=1192061376&categorieLien=cid&oldAction=rechTexte>

Germany (last update February 2016)

Evaluation criteria for metallic materials (implementing the 4MS approach) have been notified with the European commission. The update of the composition list is linked to the 4/5MS process.

For organic materials notified UBA-guidelines exist, that are in line with the 4MS approach. The guidelines refer exclusively to EN test methods. The documents will be transferred to mandatory evaluation criteria in 2017.

For cementitious materials a national standard (DVGW 347) exists. New evaluation criteria are being developed. The implementation is planned in 2017 and will be in line with the 4MS approach.

The current Regulation can be found via the following link:

<https://www.umweltbundesamt.de/en/topics/water/drinking-water/distributing-drinking-water/guidelines-evaluation-criteria>

Portugal (last update March 2016)

The Portuguese Regulation laying down the conditions for the Approval Scheme for materials in contact with drinking water (PAS) is based on the Dutch arrangements, as well as the 4MS principles.

The Regulation is applied to all organic, cementitious and metallic products in contact with drinking water, from source to tap, as well as the chemical products used in the treatment

of water. The approval scheme is based on the product certification, however it is foreseen a simple product approval for low risk products, which are the products that, due to their physical and/or chemical composition as well as its type of use are considered to have low potential to change water quality, as set is the Annexes of the Regulation.

It comprises an article regarding the mutual recognition of products approved by other Member States.

Portugal has notified the Regulation with the approval scheme for products in contact with drinking water to the EC, notification Number: 2015/234/P. Despite the positive reaction from the EC to the notified document in November 2015, the new Board of Directors of ERSAR intend to postpone the publication of the PAS into the internal law. This decision is somehow related to some pressure from the Portuguese industry, which raised some doubts in the new Board of Directors, leading to their decision to wait for more countries to get involved in this matter. Therefore, by this time we cannot predict a date for the PAS to come into force in Portugal.

The Regulation can be found via the following link <http://ec.europa.eu/growth/tools-databases/tris/en/index.cfm/search/?trisaction=search.detail&year=2015&num=234&dLang=EN>

The Netherlands (last update March 2016)

NL has implemented 4MS Common Approaches on organic and metallic materials in a national regulation (published “Staatscourant” 2011 nr. 11911 EC; notification number 2011-0068-NL). This regulation is applied to all organic, cementitious and metallic products in contact with drinking water, from source to tap, as well as the chemical products used in the treatment of water. The approval scheme is based on product certification.

It comprises an article regarding the mutual recognition of products approved by other Member States.

The Regulation of 2011 is recently updated. The amendments are according the advice of the Commission of Experts (article 20 of the Drinking Water Decree) and are in line with 4 MS approach. The update of the composition list and positive list is linked to the 4MS process. Also reference to European harmonized test standards developed by CEN is actualized. The amendments enhances the possibility of mutual recognition between Member States. The amended regulation is under notification (notification number is 2015-0384-NL). The implementation is planned in 2017.

The current Regulation can be found via the following link:

http://wetten.overheid.nl/BWBR0030279/geldigheidsdatum_28-01-2016

The Amendments of the Regulation can be found via the following link:

<http://ec.europa.eu/growth/tools-databases/tris/en/index.cfm/search/?trisaction=search.detail&year=2015&num=384&mLang=EN>

UK (last update April 2016)

The UK has two sets of regulations, the Water Supply (Water Fittings) Regulations and Scottish Water Byelaws covering products used within buildings and the Water Supply (Water Quality) Regulations covering product used by water suppliers.

The Water Supply (Water Fitting) Regulations and Scottish Water Byelaws are enforced by water suppliers and the use of WRAS approved materials and products is one way to demonstrate compliance with the Regs. Most WRAS product approvals are given to assembled products and those which have a small surface area. In the absence of 4MS guidance on assembled and small surface area products the 4MS requirements cannot be applied to the majority of (WRAS) approvals. The non-metallic materials in WRAS approved products have to comply with BS 6920. Although, the Water Supply (Water Fitting) Regulations and Scottish Water Byelaws and the WRAS approval process, do permit the recognition of other national specification of an EEA State which provides an equivalent level of protection and performance. However, there are very few applications which submit evidence other than BS6920.

The Water Supply (Water Quality) Regulations are implemented by the DWI. Regulation 31 deals with the use by water suppliers of product and substances in contact with drinking water. Small surface area non-metallic products can be used under this regulation provided they do not give rise to taste or odour or enhanced microbial growth. For large surface area products EN test methods are used where available. The Water Supply (Water Quality) Regulations also allow the use of a national specification of an EEA State which provides an equivalent level of protection and performance.

The current Regulations can be found via the following link:

[The Water Supply \(Water Quality\) Regulations 2000](#)

[The Water Supply \(Water Fittings\) Regulations 1999](#)

2. Overview with regard to (mutual) recognition based on current situation

Germany and the Netherlands aim to update their national requirements for assessment of materials as the 4MS Common Approach principles and practices are agreed. These procedures are already in hand. Portugal has introduced its new scheme, and so practice can be based on 4MS principles from the outset. France plans to revise its national requirements dealing with materials over the next five years. The organisational arrangements are more complicated in the UK. There is more focus on products and less on materials approval requirements, although there are some arrangements for the approval of substances and materials. This means that the UK implementation process will be different. Both sets of UK Regulations allow the use of a national specification of an EEA State which provides an equivalent level of protection and performance.

The introduction of Common Approaches to the acceptance of materials is already in place (opinion procedures). The second major area – approval of products – has to be addressed now. It was noted earlier that the 4MS will need to develop a Common Approach to product testing requirements. With regard to areas of mutual recognition focus should be now also on equivalence of products testing (requirements) and the level of certification. See the 4MS document about the working programme.

The JMC agreed to prepare an overview (in the form of a table) of the current situation which should address the areas between the 4/5MS for which (mutual) recognition) is already possible. The idea is that a table should mirror the “Swiss model” where appropriate.