



Breakfast session on

**“Act now - set hygienic requirements for all materials in contact with drinking water”**

**07 June 2018**

**07:45-09:00**

**European Parliament  
Summary**

On 1 February 2018 the European Commission adopted a proposal for a revised Drinking Water Directive (DWD) “Quality of water intended for human consumption (recast)” to improve the quality of drinking water and provide better access and information to citizens. The ‘Quality assurance of treatment, equipment and materials’ (current Article 10 of the DWD) is deleted in the new proposal. As the way forward, the Commission proposes to harmonise standards and the issuance of standardisation mandates under the Construction Products Regulation (CPR). Therefore, on 07 June 2018 a breakfast was hosted in the European parliament to discuss options for regulating materials in contact with drinking water in a way that meets two targets: one is to ensure that all European citizens benefit from a high level of drinking water hygiene, particularly from installation products made of safe materials; the other is to ensure smooth access of such products to the EU’s internal market on the basis of harmonised hygiene requirements for the materials from which they are produced.

**MEP Karl-Heinz Florenz** opened the breakfast, thanked the co-host and welcomed the high-ranking participants from the European Parliament, the Permanent Representations and representatives of the water industry. Mr Florenz set the scene for the further discussion on Article 10 of the proposed DWD in regard to materials in contact with drinking water.

**Ingrid Chorus** from UBA thanked Mr Florenz for the possibility to discuss the important topic in the Parliament. She welcomed all participants and emphasised the need to improve the proposed DWD particularly for this issue. She pointed out two current disparities: (i) We regulate quality requirements up to point at which drinking water reaches the building very strictly and then more or less disregard the impact of “the last few meters” within buildings. (ii) Drinking water – often regarded as our “foodstuff number one” – needs to be “packaged” with the same care as foods such as yoghurt or the sliced meats on our breakfast sandwiches. However, while materials in contact with food are strictly regulated, the new directive still lacks ambitious requirements for products in contact with drinking water.

**Tobias Biermann** from the European Commission, DG Environment, presented the Commission’s proposal in regard to the safety of tap water in Europe and in regard to the current problem the new directive aims to tackle. First of all, the Drinking Water standards apply at the consumer’s tap and

ensure inherently a high protection of human health, including from the adverse effects of contamination from materials. He emphasised the lack of mutual recognition of products in contact with drinking water among the Member States of the European Union. Mr Biermann referred to the new Articles 9 and 10 and the risk based approach they contain. The proposal adds with the supply risk assessment and the domestic distribution risk assessment an additional layer of protection to control material risks inside and outside buildings. The new Article 10 covers the domestic distribution risk assessment and includes, similar to the old Article 10, a provision requiring Member States to take measures ensuring that construction products are safe. Mr Biermann underlined the complexity of products in contact with drinking water. He also stated that the Drinking Water Directive, that has an environment legal basis, is not an appropriate instrument to set rules for products or materials, as Member States can set stricter requirements than what is in the directive. The COM does not agree that products in contact with drinking water would be less effectively regulated under the CPR. Mr. Biermann underlined that hygienic and health requirements are set out in Annex I, while a system of conformity attestation is also covered under the CPR predecessor (Decision 2002/359/EC). Finally, he further specified that a standardisation request is included in the 2017 standardisation work programme and that a draft mandate is under consultation. The COM ensured that the CPR guarantees the same level of human health protection as the 4 MS initiative does.

**Birgit Mendel**, German Ministry of Health, presented the statement of the 4-MS-Initiative (FRA, NLD, GBR, GER) and explained the difference between the level of protection of consumer's health under the food packaging directive as compared to the way forward now proposed in the proposed drinking water directive for materials: the food packaging directive clearly regulates which materials are safe to be used, e.g. for drinking cups made of plastic. However, under the CPR a wide range of products (such as shower heads, water meters, pumps) cannot be regulated at all. Ms Mendel strongly argued that the CPR approach does not solve the need for a horizontal harmonized regulation of health requirements, does not guarantee equitable consumer protection for EU citizens and does not cover all products. Additionally, the DWD draft only covers construction products in domestic installations. The 4-MS initiative sees an issue in unclearness of the current proposal (time scale, involvement and arbitrament of regulators, grade of commitment). Ms Mendel is concerned that this would lead to regulatory decisions on consumer protection levels on the lowest level. She explained that the CPR mainly focuses on the internal market by harmonisation of testing and on market related requirements for information on CP. Therefore there is an urgent need not only for harmonised testing methods, but also for harmonised standards against which conformity can be tested. Finally, Ms Mendel pointed out that the 4-MS initiative could be the basis for drafting horizontal requirements which will support any product regulations including the CPR.

### **Czech Republic**

The Attaché Helena Kostohryzova stated that the new proposal by the European Commission would be a step backward and is not a good common European approach. While noting that the proposal to regulate the issue via the CPR covers neither the entire supply system nor the whole range of materials in contact with drinking water, she also pointed out that the CPR may be part of an overall solution. A system of assessing materials should be established. Furthermore, common health requirements are essential. The Czech Republic, even though not among the four member states, supports the 4-MS initiative and emphasised that the proposed mandate needs to imply horizontal health requirements.

### **Italy**

The Italian representative of the National Scientific Institute in cooperation with the Minister of Health, reported Italy is currently engaged in the revision of the current Ministerial Decree 174/2004 on the quality of materials, objects, chemicals and treatment agents in contact with drinking water through the finalization of a new national regulatory proposal relying upon a national approval scheme based on third-party certification. The new scheme will be a pre-requisite to assess the

proposal of Italy's entrance in the 4MS system. For this aim the National Institute of Health, as scientific-technical advisor of Minister of Health is closely following the work of 4MS and was pleased to host the last meeting of the 4MS in Rome in January 2018.

### **Belgium**

The Attaché Marie-Charlotte Delvaux from Belgium emphasised that already the current Article 10 is challenging and important. She supports the 4-MS initiative and calls for an harmonised approval scheme for materials in contact with drinking water at EU level. Belgium has recently introduced a lead prevention policy. Recent sampling programs in priority premises showing high levels of lead have demonstrated that in 65% of the cases where no lead pipes were present, the most probable cause explaining the presence of lead is migration of lead from materials such as taps and brass connection devices. A system at EU level as proposed by the 4-MS initiative is needed. The Parliament, the Commission and all Member States are called upon to analyse the current situation and to develop a common approach.

### **Luxembourg**

Jean-Paul Lickes, Water Director Luxembourg, explained the difficult position of small countries in the European Union. Small Member States do not have the capability to develop their own approval schemes and establish institutes with their own technical standards like bigger countries do. The testing of materials in contact with drinking water is strongly needed and the COM position of "not having a problem" with those materials is absolutely rejected. Legionella induced growth by corrosion and lead leaching out of plastic pipes are two current and obvious problems stemming from water contacts materials which need to be solved through an EU regulatory approach.

**Claudia Castell-Exner**, Vice-President of EurEau, mentioned that EurEau represents 32 national associations of water services from 29 European countries. Ms Castell-Exner stressed out that the drinking water suppliers are concerned about the current proposal of the COM. She stated that materials are components of various products that build the water supply systems and that the suppliers need to be certain on the quality of the products they buy from manufacturers on the market. These must not affect the drinking water quality and subsequently the human health. Ms Castell-Exner further argued that material in contact with drinking water could impair the drinking water quality by, e.g. leaching of hazardous substances and enhance microbial growth which also poses a risk to human health. Therefore, EurEau is in favour of strengthening the current Article 10. Ms Castell-Exner declared that EurEau strongly advocates for EU-wide hygienic requirements to be set on materials in contact with drinking water and support an EU approach directly within the scope of the DWD. EurEau otherwise sees negative impacts for European consumers and companies like differences on the level of consumer health protection, high administrative and financial burdens for producers and obstacles to innovation.

**Volker Meyer**, Chairman of the European Drinking Water Alliance (EDW), represents 30 European trade associations on behalf of the European Industry for materials and products in contact with drinking water. Mr Meyer stated that his alliance supports the development of a harmonised EU-wide regulatory framework as a way to safeguard equal drinking water quality for all consumers across Europe. Improvement of competitiveness and innovation capability of the European industry is needed. According to Mr Meyer EU-wide harmonised rules on materials and products in contact with drinking water are lacking. This need has been recognised by the Commission as a 'challenge to the provision of clean and health drinking water in the EU' and "several Member States have set up their own approval systems for products in contact with drinking water, for which mutual recognition provisions mostly do not work and (these approval systems) have been identified as an obstacle to the internal market" while other MS do not have any requirements at all. Mr Meyer pointed out that the Commission's approach in the new DWD does not solve the problem, though it uses the tool of harmonised standards under the CPR. The CPR does not cover a large share of products in contact with drinking water (e.g. pumps, water meters, water heater, hoses, gaskets, etc.) and standards

under the CPR cannot set rules for health requirements. Furthermore, a consequence would be that there are no sufficient EU-wide hygienic requirements for materials and products. Therefore, Mr Meyer stated that the setting of harmonised EU-wide rules for materials should occur under the DWD in such a way that these rules apply to all materials and products in contact with drinking water. At the same time, Mr Meyer explained that common hygienic requirements exist and should also be applied to other EU sectorial and products legislation. Common hygienic requirements provide a good basis for deepening the internal market for materials and products in contact with drinking water and enhance the competitiveness and the innovation potential for the EU industry.

**Manfred Fuchs** from the Commission (DG GROW) directly commented the statements of the MS the water suppliers and the Industry. As a civil engineer he agrees that the health and safety aspect is lacking. He confirmed that the scope of the Construction Products Regulation (CPR) leaves a gap for the products mentioned e.g. by Volker Meyer and that this problem needs to be fixed. He supported the idea to harmonise standards and the issuance of standardisation mandates under the Construction Products Regulation (CPR). The CPR provides a common technical language via technical standards and within its scope a range of classes for different protection levels (e.g. depending on different risk scenarios) can be provided. The safety levels will still be selected by the Member States. According to Mr Fuchs the flow of information is the key to improve quality. Standardization provides information on the quality of products in contact with drinking water. However, Member State experts have to participate in the mandating work and in the standardisation work to get harmonised technical solutions for the health related requirements set at national and EU level. However, to control and guarantee the quality of drinking water is Member State obligation.

## Discussion

The discussion started with a Member of the Chemical Industry (Italy), who stated that according to the EU Chemical Industry the CPR can set technical standards, but it cannot set the EU-wide hygienic requirements that are needed.

Ms Mendel wanted to know what the Commission means with “Classes of performance give the possibility to Member States to set stricter requirements” – stricter than what? As currently requirements are lacking, there is no basis for making them “stricter”. Harmonising test methods is insufficient if it is not clear, against which pass/fail-criteria to test. That is why it is so important to set common provisions – i.e. the quality requirements for materials in contact with drinking water.

Ms Schmitz from the Federal Association of the German Energy and Water Industries confirmed that the full range of materials and products is not covered by the CPR. She supported the COM position that not everything should be regulated through the DWD, but rather a harmonizing process is needed at EU level. Ms Schmitz mentioned that “some links are missing”, causing irritations in the discussion for the best solution to guarantee a high quality of drinking water.

Mr Loebel from EurEau supported the idea to harmonize test methods, but also stated that this is not enough. Tests without standards to rely on do not deliver a clear message.

A government representative, Mr van den Belt (Drinking Water Expert) from Belgium supported the position of EurEau. Moreover, many Member States do not have the values. An EU-wide acceptance scheme and feasible directive is needed. As some Member States do not have the capacity, they are forced into noncompliance. The directive gives the opportunity to agree on harmonized criteria.

In response to a discussion of the health protection level to target, Ms Chorus (UBA Germany) clarified that water supply in e.g. hospitals is different from households but that hospitals themselves take measures for people with specific needs regarding the purity of water. There is no need for

different classes (protection levels) for products and for water. She further highlighted that many new organic substances are being designed and used for products in contact with water, and that it is essential to ensure that they do not leach into the drinking water – particularly as the COM wishes to take consumer concerns about endocrine effects or cancer seriously. Ms Chorus again argued that the CPR and supplementary requirements are put in place for setting a standard but are not effective to cover hygienic requirements.

A Member from the Commission replied that the CPR foresees the functioning of the internal market but that delegated acts can be implemented for further requirements.

Mr Florenz concluded the EP Breakfast, thanked the audience for the controversial discussion and informed that the DWD will be debated in ENVI Committee later in the day.