



Contributing to safer drinking water

Safer Chemicals Conference 2021

Panagiotis Zarogiannis

#SAFERCHEMICALS

The updated Drinking Water Directive

Overview and focus on
Article 11





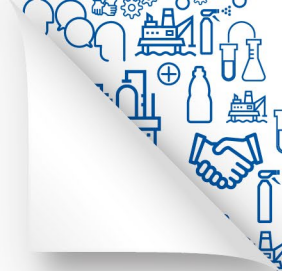
What is new on drinking water?

- Revised directive adopted on 16 December 2020
- **Article 11 – focus of ECHA’s tasks**
 - Minimum hygiene requirements
 - Better functioning of the internal market
- Several other changes (outside ECHA’s scope)
 - Update existing safety standards
 - ‘Risk-based approach’ for whole supply chain
 - Access to water obligations
 - Improved transparency for consumers



Article 11 – Scope

- Applies to:
 - Materials in new installations, repair works or reconstruction in existing installations
 - Abstraction, treatment, storage or distribution
- Aims to protect human health by preventing:
 - Adverse effects on colour, odour or taste
 - Microbial growth
 - **Leaching of contaminants into water**
- Focus on health and hygiene aspects
 - Product safety covered elsewhere (e.g. Construction Products Regulations)



Article 11 – Principles

- Tools for minimum hygiene requirements:
 - **4 European positive lists** (ECHA)
 - Methodologies for testing and accepting **starting substances, compositions & constituents** to lists (ECHA & Joint Research Centre - JRC)
 - Procedures and methods for testing and accepting **final materials** based on European positive list entries (JRC)
 - European standard for testing and assessment of products
 - EU mark (label)



Article 11 – Timeline for European positive lists

Event or task	Time/ deadline
Entry of directive into force	12 Jan 2021
Submission of national positive lists & accompanying information to ECHA	12 July 2021
Adoption of methodologies for testing & accepting starting substances to be included in European positive lists (Art. 11(2)(a)) - Implementing Act – Act 1	12 Jan 2024
Adoption of first EUPL with expiry dates per entry (Art. 11(2)(b)) - Implementing Act – Act 2	12 Jan 2025
Adoption of procedure for applications and proposals submitted to ECHA (Art. 11(5)) - Delegated Act – Act 3	<i>Not specified in legal text</i>
Earliest application or proposal submitted to ECHA	Jan 2025

ECHA's work to support DWD implementation



ECHA's tasks

- **Task 1:** Support the Commission to develop 1st European positive lists
 - Timeline: January 2021 to January 2025
- **Task 2:** Set up procedures and systems to maintain European positive lists
 - Timeline: January 2021 to January 2025
- **Task 3:** Maintain the European positive lists
 - Timeline: from January 2025 onwards
 - Review of 1st European positive lists within 15 years (by 2040)

Task 1: Support the Commission to develop 1st European positive lists

- 1st European positive lists
 - Based on existing national positive lists and provisions
 - Including Plastic Food Contact Material List of Plastics Regulation 10/2011
- **Member States notified their lists in July 2021**
- Next steps:
 - Processing and compiling national submissions
 - Reviewing extent to which notified lists represent whole EU market
 - Assigning expiry dates
 - Commission, with support from Member State expert group, adopts 1st European positive lists



Notified positive lists – first look

European positive lists	Origin	# entries
Organics	Plastic Food Contact Material List (Reg. 10/2011)	~900
	4 Member State Initiative (4MSI) Core & Combined Positive Lists	~320
	Other approved substances notified by Member States	>100 (TBC)
Metallics	4MSI Metallics Positive List	~50
	Other approved alloys notified by Member States	<100 (TBC)
Cementitious	4MSI Cementitious Positive List	~200
	Other approved substances notified by Member States	>100 (TBC)
Enamels, ceramics, inorganics	4MSI Enamels, Ceramics and other Inorganics Positive List	~10
	Other approved compositions notified by Member States	<20 (TBC)



Task 2: Set up procedures and systems to maintain European positive lists

- Development of:
 - Information requirements
 - Substance/composition identity
 - Hazard information
 - Migration data
 - Risk assessment methods
 - Application procedure
 - Submission and development of opinion by Committee for Risk Assessment (RAC)
- Setup of IT systems for application procedure
 - Applications and proposals will be in IUCLID format
- Aim to be ready in **January 2024**



Task 3: Maintaining lists

• Industry

Submission of application

- **Application** to add entry to European positive lists
- **Review application** to keep entry on European positive lists

• Member States

Submission of proposal

- **Proposal** to add entry to European positive lists
- **Proposal** to remove entry from lists
- **Proposal** to update entry of substance on lists

Assessment of application/proposal

- Technical and contents checks
- Consultation of interested parties

ECHA

Opinion development

Committee for Risk Assessment

Decision (Comitology)

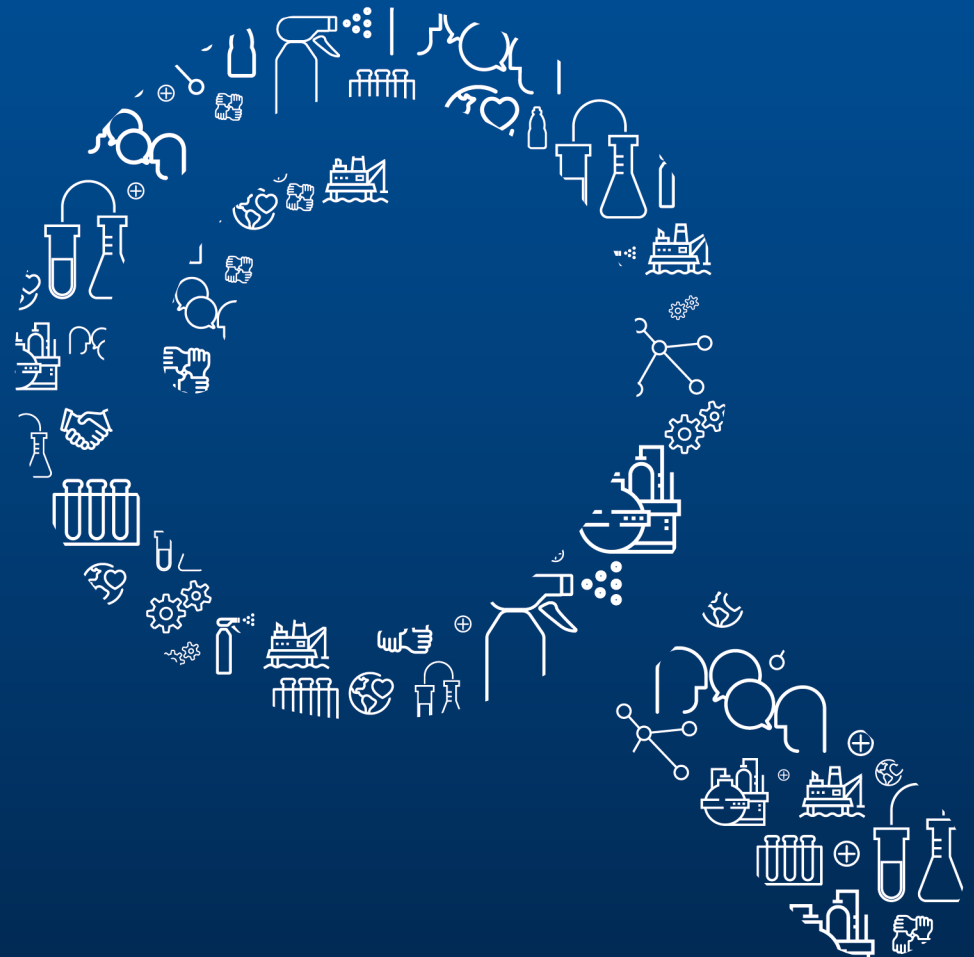
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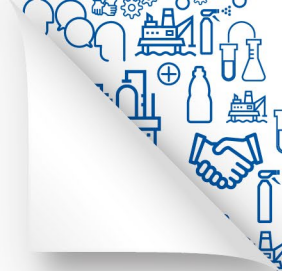
Update of European positive lists

European Commission

Expiry day lapses with no application → entry removed from European positive list

Looking to the future





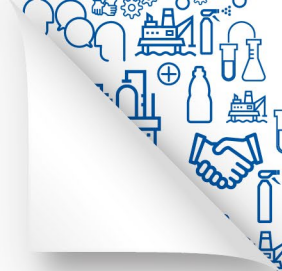
New obligations arising in 2025

- **Before** adoption of European positive lists (Jan 2025)
 - Existing legislation remains in force
 - National positive lists will be subject to maintenance
 - EU plastic material list subject to additions and updates
 - *NB. EU legislation subject to revision in coming years*
- **After** adoption of European positive lists (Jan 2025)
 - Use EU positive lists are used for new materials/repairs
 - Apply to ECHA to renew/add a new/remove list entries
 - Send relevant data related to applications and proposals to RAC, if requested



Summary

- New obligations for drinking water contact materials from January 2025
- Information requirements and risk assessment methods are in preparation – will make use of past work in relevant fields (REACH, Biocides, plastic food contact materials, 4MSI)
- New IT application system in preparation; applications made in IUCLID format
- 1st European positive lists for contact materials will be adopted based on existing national lists, alongside expiry dates for each entry



Useful links

- [Drinking Water Directive legal text](#)
- [ECHA's dedicated DWD page](#)
- [ECHA events](#)
- [Commission Expert Group on the Implementation of the Drinking Water Directive](#)
- ECHA's dedicated DWD mailbox:
[ECHA_DWD\(at\)echa.europa.eu](mailto:ECHA_DWD@echa.europa.eu)



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