

## ETRMA Position on the European Commission Non-paper on the new Article 10a of the Drinking Water Directive

Brussels 29<sup>th</sup> November 2019

The European Tyre & Rubber Manufacturers Association (ETRMA and its members count around 4.300 companies in the EU employing directly 360.000 people.

ETRMA welcomes the efforts of the European Commission, the European Parliament and the Member states towards harmonisation, *through article 10a*, of the methodology and the list of substances used in materials in contact with drinking water at the European level. The assessment of the impacts of the Council proposal for a *new Article 10a* on materials in contact with water under the Drinking Water Directive (DWD), is considered by ETRMA as a *concrete and positive step forward*.

In view of the ongoing trilogues, ETRMA would like to share its position on the Commission non-paper on "Main impacts of Council's Article 10a - new proposal to regulate materials in contact with water at EU level under the Drinking Water Directive", in particular:

ETRMA welcomes the opportunity to exploit the revision of the Drinking Water Directive to serve as a basis for introducing *EU harmonised assessment criteria* for materials in contact with drinking water.

ETRMA would like to reiterate the need for development of a rubber specific methodology, measures and list of substances in contact with drinking water, that will properly address the unique properties of the rubber materials. Currently, it is not possible to apply the criteria developed for *plastics materials* (such as methods, limit values, etc.) to *rubber products*, without a specific assessment, as clearly expressed in the Commission's "non-paper". In fact, *the rubber* is a completely different material compared to *the plastic material*, in terms of composition, production technology, applications, etc.

**Therefore, there is an urgent need for development of a EU rubbers specific provisions that should not be performed starting from the Regulation for plastic materials in contact with foodstuff, but taking as a basis the national provisions rubber specific that are already introduced and successfully implemented in some European Countries.**

The legal provisions establishing minimum requirements for materials that come into contact with drinking water, should be "as clear as possible" to avoid any "conflict legislations" or "discretion from Member states to adopt more stringent measures at national level" or to "restrict some materials". The implementation of an *EU Regulation* for Drinking Water Directive (DWD) products instead of using CPR (which does not cover all the products in contact with the drinking water) would be the best option for the rubber industry. In any case, as stated by the Parliament, the legislation has to be adopted *without any further delay and no later than 4 years*. Therefore, *clear and short deadline and transitional period*, shall be introduced in the legal text, to avoid any time distortion.

### Adoption of common Test procedures

ETRMA already assessed the methods used around Europe to test and accept materials and product intended to be in contact with drinking water and came into similar conclusion as the 4MS: *EU standards are already in place to test materials*.

Regarding the procedures of compliance to demonstrate the safe use of elastomer materials, as mentioned in the ETRMA guideline, it should depend on the surface of contact of the product itself with water. For example, the conditions should be different for seals used in fittings for pipes (where the contact

surface between rubber and water is minimal), hoses (where the contact is only with inner layer), till to tank linings (where entire the inner surface is in contact).

#### **Adoption of EU positive List**

ETRMA welcomes development of an *EU positive list* and the involvement of *European Food Safety Agency (EFSA)*, which have a significant expertise and knowledge in assessing FCM substances.

As some Member states has already developed their own procedures of conformity and data of migration of substances, a positive list of substance should be implemented not from a plastic FCM list but first by gathering 4MS list and other EU list, with specific reference to rubber (as it has already been done in the 4MS' list for organic materials).

ETRMA welcomes the fact that the Commission propose for organic materials to include the possibility "to use non-toxic substances not present on the lists as long as they are migrating in very small quantities (below 0,1 - 10 µg per litre in water) – Article 10 Annex VII".

#### **Adoption of a DWD marking**

ETRMA welcomes the marking of materials and product intended to be in contact with Drinking water, this point is clearly an improvement of the transparency, traceability and information to professionals and consumers. However, this marking should be possible not only on the product itself (which would be impossible for small components, such as o-rings), but also applying to other systems able to preserve the traceability of each individual component.