



Notification Number: 2011/348/UK

Relaxation of the Water Supply (Water Fittings) Regulations 1999 England and Wales

Date received : 11/07/2011
End of Standstill : 12/10/2011 (11/01/2012)
Issue of comments by : Commission
Issue of detailed opinion by : Commission

Message

Message 001

Communication from the Commission - SG(2011) D/51637

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2011/0348/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201101637.EN)

1. Structured Information Line

MSG 001 IND 2011 0348 UK EN 11-07-2011 UK NOTIF

2. Member State

UK

3. Department Responsible

Department for Business, Innovation and Skills
Innovation & Enterprise Group
1 Victoria Street, London, SW1H 0ET.

Email: 9834@bis.gsi.gov.uk.

3. Originating Department



Welsh Government
Climate Change and Water Division
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4. Notification Number

2011/0348/UK - B30

5. Title

Relaxation of the Water Supply (Water Fittings) Regulations 1999 England and Wales

6. Products Concerned

To amend the safety requirements for unvented hot water primary and secondary storage systems.

7. Notification Under Another Act

- The proposed relaxation is in response to the EU Pilot communication issued by the Commission on 14 October 2010 in relation to the possible infringement of Directives 97/23/EC and 2009/142/EC by the Water Supply (Water Fittings) Regulations 1999 for England and Wales.

8. Main Content

In light of the issues raised in the EU Pilot communication, we propose to introduce a new relaxation to bring the requirements for safety devices for both primary and secondary systems of unvented hot water storage systems in line with the requirements within Part G of the Building Regulations 2010. The Building Regulations have already been amended in line with similar concerns raised by the Commission in their Detailed Opinion in 2009. Therefore the relaxation will provide a more consistent regulatory approach and ensure that the requirements of the Water Supply (Water Fittings) Regulations 1999 do not impede the installation of hot water boilers that meet the requirements of Directives 97/23/EC and 2009/142/EC.

The Water Regulations Advisory Scheme (WRAS), who are technical experts in the field of product testing for Regulations compliance and provide advice to Defra on this area, requested the relaxation on behalf of water undertakers in England and proposed the following amended text:

“The requirements of Paragraphs 17,18 and 23 of Schedule 2 of the Water Supply (Water Fittings) Regulations 1999, regarding the provision of safety devices for preventing the temperature of water exceeding 100°C in primary or secondary unvented hot water storage systems, to be complied with by the provision of safety devices for the same purposes which satisfy the requirements of Part G of the Building Regulations.”

9. Brief Statement of Grounds

These regulations were originally drafted on a joint England and Wales basis, however, there are separate relaxations in respect of England and Wales which will come into effect on different dates. For this reason England have already notified their relaxations separately to Wales, the previous notification number is 2011/0184/UK.

The relaxation is in response to the Commission's concerns that the Water Supply (Water Fittings) Regulations



1999 (S.I. 1148/1999) (WSWFR) contain provisions that impede the placing on the market and /or the putting into service of hot water boilers which comply with Directive 97/23/EC on pressure equipment and Directive 2009/142/EC on gas appliances which bear the CE mark.

The WSWFR require that unvented water heaters shall include “appropriate vent pipes, temperature control devices and combined temperature pressure and relief valves shall be provided to prevent the temperature of the water within a secondary hot water system from exceeding 100C”. This prevents the installation of hot water boilers which are equipped with a thermostatic temperature control and a separate pressure relief valve which comply with Directive 97/23/EC and/or Directive 2009/142/EC.

However, Directives 97/23/EC and 2009/142/EC do not require the inclusion of a combined temperature and pressure relief valve and the choice of the technical solution to meet the required safety level by the Directives is left to the manufacturer of the product. The provisions in the WSWFR are more prescriptive and incompatible with Article 4(1) of both Directives which states that member states may not prohibit, restrict or impede the sale and installation of appliances which comply with the provisions of that Directive.

10. Reference Documents - Basic Texts

No Basic Text exists

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

-

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

-

16. TBT and SPS aspects

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft has no significant impact on international trade



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