



Notification Number: 2004/95/F

## **Notice to those responsible for marketing materials and objects that come into contact with water intended for human consumption, except for natural mineral waters, used in water production, treatment and distribution installations.**

Date received : 29/03/2004

End of Standstill : 30/06/2004

### Message

Message 002

Communication from the Commission - SG(2004) D/50635

Directive 98/34/EC

Translation of the message 001

Notification: 2004/0095/F

Fristerne indledes ikke - Kein Fristbeginn - Καμμία έναρξη προθεσμίας - Does not open the delays - No abre el plazo - N'ouvre pas de délais - Non fa decorrere la mora - Geen termijnbegin - Nao inicia o prazo - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200400635.EN)

#### **1. Structured Information Line**

MSG 002 IND 2004 0095 F EN 29-03-2004 F NOTIF

#### **2. Member State**

FRANCE

#### **3. Department Responsible**

Délégué interministériel aux normes - SQUALPI - DIGITIP 5 - Bâtiment le Bervil - 12 rue Villiot - 75512 Paris cedex 12

#### **3. Originating Department**

Ministère de la santé, de la famille et des personnes handicapées - Direction Générale de la Santé -  
Sous-direction de la gestion des risques des milieux - Bureau des eaux - 8 Avenue de Ségur - 75350 Paris 07 SP

#### **4. Notification Number**

2004/0095/F - C70A



## 5. Title

Notice to those responsible for marketing materials and objects that come into contact with water intended for human consumption, except for natural mineral waters, used in water production, treatment and distribution installations.

## 6. Products Concerned

Materials in contact with water intended for human consumption (pipework, coatings, fittings, joints, accessories).

## 7. Notification Under Another Act

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## 8. Main Content

The amended Order of 29 May 1997 lays down the conditions for authorising the use of materials and objects placed in contact with water intended for human consumption, used in fixed water production, treatment and distribution installations. This Order:

specifies the technical specifications with which the materials concerned must comply, in terms of composition and chemical formulation, to ensure that they are non-toxic;

lays down the obligation on those responsible for marketing the products concerned to have proof that their products comply in health terms with the above-mentioned specifications.

These provisions already apply to those responsible for marketing products such as pipes, fittings, coatings, joints etc., regardless of the material used, and to certain accessories. The amended Order of 29 May 1997 provides that said provisions apply to all accessories from 24 December 2003. Pending completion of a European Acceptance Scheme (EAS) for these materials (set for 2006), a draft Order provides for the amendment of the amended Order of 29 May 1997, in particular by extending the date limit for checking the compliance in health terms of marketed accessories to 24 December 2006, without prejudice to specific provisions relating to certain categories of accessories.

This notice reminds the manufacturers concerned of the regulatory provisions to which they are subject and, in particular, indicates the schedule for bringing accessories into compliance, which should already be followed so as to have proof that the products comply in health terms (taking into account the technical and organisational aspects linked to the health inspection of products) and which will be repeated in future regulations on the materials.

## 9. Brief Statement of Grounds

The provisions of the modified Order of 29 May 1997 fall within the scope of the Directives on construction products (Directive 89/106/EEC of 21 December 1988) and on water intended for human consumption (Directive 80/778/EEC of 15 July 1980, repealed by Directive 98/83/EC of 3 November 1998). While Directive 80/778/EEC introduced the necessity of assessing a material's compatibility with water intended for human consumption in order to comply with quality requirements for water provided to the consumer, Directive 98/83/EC now urges Member States to take appropriate measures to limit the effects of materials on water quality (Article 10). The postponement of the date from 24 December 2003 (to 24 December 2006) and the proposed schedule will make it possible to give manufacturers enough time to perform migration tests on the constituent materials of accessories, with a view to proving the non-toxicity of the marketed products.



## 10. Reference Documents - Basic Texts

Articles R.1321-1 et seq. of the Public Health Code on water intended for human consumption, except for natural mineral waters, and in particular Article R\*.1321-48;

[www.legifrance.gouv.fr/waspad/](http://www.legifrance.gouv.fr/waspad/)

Decree No 89-3 of 3 January 1989 on waters intended for human consumption, except for natural mineral waters;

Decree No 2001-1220 of 20 December 2001 on waters intended for human consumption, except for natural mineral waters; <http://www.legifrance.gouv.fr/texteconsolide/SQHJ3.htm>.

Order of 29 May 1997 on materials and objects used in fixed production, treatment and distribution installations for water intended for human consumption (notification No 96/0248/F).

## 11. Invocation of the Emergency Procedure

Yes

## 12. Grounds for the Emergency

As the provisions of the amended Order of 29 May 1997 lapsed on 25 December 2003, it is a matter of urgency to reinstate the regulatory provisions relating to the quality of materials placed in contact with water intended for human consumption and to methods of checking their compliance in health terms.

The urgency procedure currently sought was granted in February 2002 when the previous amendment to the above-mentioned Order of 29 May 1997 was notified to the Member States of the European Union.

## 13. Confidentiality

No

## 14. Fiscal measures

No

## 15. Impact assessment

No

## 16. TBT and SPS aspects

a. No

iii) The draft does not have any notable impact on international trade.

b. No

iii) The draft does not have any notable impact on international trade.

David O'Sullivan  
General Secretary  
European Commission

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**EUROPEAN COMMISSION**  
GROWTH DIRECTORATE-GENERAL

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