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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	23 January 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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No. Cion doc.:	C(2024) 242 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 23.1.2024 supplementing Directive (EU) No 2020/2184 of the European Parliament and of the Council by establishing harmonised specifications for the marking of products that come into contact with water intended for human consumption

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Delegations will find attached document C(2024) 242 final.

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Encl.: C(2024) 242 final



Brussels, 23.1.2024  
C(2024) 242 final

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 23.1.2024**

**supplementing Directive (EU) No 2020/2184 of the European Parliament and of the Council by establishing harmonised specifications for the marking of products that come into contact with water intended for human consumption**

(Text with EEA relevance)

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Directive (EU) No 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (recast), includes minimum hygiene requirements for materials that come into contact with water intended for human consumption.

The Commission Delegated Regulation (EU) .../... [*OP: please fill in the reference of C(2024)241*] establishes the procedure to assess whether a product covered by this regulation complies with the hygiene requirements set out in Article 11 of Directive (EU) 2020/2184.

This Commission Delegated Regulation establishes harmonised specifications for a conspicuous, clearly legible and indelible marking to be used to indicate that products coming into contact with water intended for human consumption comply with Article 11 of Directive (EU) 2020/2184.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

The Commission carried out targeted consultations with stakeholders in the water sector during the drawing up of this Regulation.

The Commission consulted Member States' experts in meetings of the expert group on the implementation of the Drinking Water Directive. The Commission also discussed this Regulation with Member States' experts in meetings of the expert group's subgroup on materials that come into contact with drinking water. The last meeting of the Drinking Water Expert Group took place on 16 June 2023 where stakeholders were invited to comment on this Regulation.

In accordance with the Better Regulation rules, the draft delegated act was published on the Have your Say portal for a four-week feedback period between 16 October 2023 and 13 November 2023. Most comments welcomed the introduction of a single marking to indicate the conformity with the minimum hygiene requirements for products that came into contact with drinking water but concerns were also expressed on the implementation of this marking. In particular, some flexibility was requested with regard to the requirement to provide the information text in the official languages of the European Union on the packaging.

Based on careful examination of the feedback received, changes were introduced to reduce complexity and burden of the information text to be affixed on the documentation and on the packaging and the symbol has been slightly simplified.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

In line with Article 11(11) of Directive (EU) 2020/2184, the Commission is empowered to establish harmonised specifications for a conspicuous, clearly legible and indelible marking to be used to indicate that products that come into contact with water intended for human consumption comply with Article 11 of Directive (EU) 2020/2184.

Article 1 sets out the marking requirements and the rules for displaying the marking. Article 2 establishes the date of entry into force. The application of this Regulation will be delayed by two years after its entry into force to align it with the rest of the drinking water contact materials package.

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of 23.1.2024**

**supplementing Directive (EU) No 2020/2184 of the European Parliament and of the Council by establishing harmonised specifications for the marking of products that come into contact with water intended for human consumption**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption<sup>1</sup>, and in particular Article 11(11) thereof,

Whereas:

- (1) Article 11 of Directive (EU) 2020/2184 requires Member States to ensure that certain materials that come into contact with water intended for human consumption do not directly or indirectly compromise the protection of human health, adversely affect the colour, odour or taste of the water, enhance microbial growth, or leach contaminants into the water at levels that are higher than necessary in view of the intended purpose of the material.
- (2) In accordance with Article 11(11) of the Directive (EU) 2020/2184, the Commission is to adopt delegated acts to establish harmonised specifications for a conspicuous, clearly legible and indelible marking to be used to indicate that a product that comes into contact with water intended for human consumption is in conformity with Article 11 of that Directive. A product for which a EU declaration of conformity has been issued in accordance with Commission Delegated Regulation (EU) .../... [*OP: please fill in the reference of C(2024)241*] is to be accompanied by the marking established in this Regulation.
- (3) The harmonised specifications for the position and design of the marking apply to products that are intended to be used in new installations or, in the case of repairs works or reconstruction, in existing installations for the abstraction, treatment, storage or distribution of water intended for human consumption and that are intended to come into contact with such water.

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<sup>1</sup> OJ L 435, 23.12.2020, p. 1.

- (4) In order to be sufficiently visible and clearly identified, a minimum size for the marking should be set out and the marking should be composed of a symbol and an information text.

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The marking referred to in Article 11(11) of Directive (EU) 2020/2184 (the ‘marking’) shall include the symbol reproduced in the Annex. The symbol shall be at least 5 mm high.

Where the symbol of the minimum size cannot be affixed on the product, it shall be affixed to the packaging and to the documentation.

The symbol shall be indelible and visibly affixed to one or more surfaces of the product, on any technical and administrative documents accompanying the product (the ‘documentation’) and on the packaging of the product.

2. The marking on the documentation and on the packaging of the product shall also include the following information text:

‘SUITABLE FOR DRINKING WATER’.

3. The information text referred to in paragraph 2 shall be clearly visible and shall be placed below the symbol, in upper case and in Helvetica Bolt with a minimum font size of 5 mm.

The information text affixed on the documentation shall be written in the official languages of the Member State where the product is placed on the market unless that Member State provides otherwise.

The information text affixed on the packaging shall be written in at least one of the official languages of the Member State where the product is placed on the market.

Additional languages may be used for the information text than those required in this paragraph provided that the same information appears in all languages used.

Where the information text is translated into another language than the required languages referred to in this paragraph, the translated text shall be placed below the information text in those required languages.

4. The colour and presentation of the marking shall be such that the symbol stands out clearly.
5. Other labelling may be affixed to the product, documentation and packaging provided that the visibility, legibility and meaning of the marking is not impaired.

6. All elements of the marking shall be located close to the other labelling on the product, on the documentation and on the packaging.

## *Article 2*

### **Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 31 December 2026.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 23.1.2024

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*