


Food Contact Additives, a sector group of Cefic, and PlasticsEurope support the implementation of Article 11 of Drinking Water Directive ((EU) 2020/2184) initiated by the European Commission. At the same time, we would like to ask the European Commission, ECHA and the Member States to consider the complexity of the issues, and legal certainty and enforceability of this Article 11 implementation package in the coming months.


## The following is a list of our suggestions for a workable implementation across the EU.

### We support a reasonable timeline for adoption of the legislative proposals.




The envisaged timeline for adoption of the six legislative proposals appears very ambitious and challenging, given the complexity of establishing the EU Positive List ('EUPL') and the need for clarity on technical issues. We are particularly concerned that a hasty adoption of the current EUPL would lead to unintentional consequences and uncertainties for authorities and industry.

### We ask for coherence with other legislation on the assessment of substances.




We would like to highlight that the assessment approach suggested under the legislative proposal is not in line with the EU Commission's intention to implement the 'One Substance, One Assessment' concept, which is currently under preparation by the Commission's services. The original draft acts require different data package requirements for substances used in the production of materials coming into contact with drinking water, compared to the current requirements requested by the European Food Safety Authority (EFSA) for the assessment of substances to be used in food contact materials (FCM).

### We recommend a reasonable timeline and consistence with international guidelines in the assessment of EUPL.




There are concerns with (1) the expiry dates proposed in the draft EUPL, (2) the timeline of the re-assessment procedures, and (3) inconsistency with the WHO guidelines.

### We suggest reconsideration of references to test standards and methods.



Many of the requested testing parameters are not referenced in the European Standards (CEN). In addition, test methods – especially those which are new to the industry – would need round-robin tests to ensure harmonised testing across the EU accredited laboratories.

### We trust that consistent definitions in the legislative proposals and with Drinking Water Directive is crucial.



Among the legal texts, we found ambiguous definitions and inconsistencies with one another, as well as with other legislation, which can potentially lead to legal uncertainty. We propose clearly defining the concepts once, the first time they are used, to avoid duplication and repeating definitions already present in the Drinking Water Directive.

We would be happy to contribute to discussions on the legislative proposals and offer our industry insights and expertise provided by member companies of FCA and PlasticsEurope.

Please read our comprehensive proposals in the full position paper accessible at <https://fca.cefic.org/> and <https://plasticseurope.org/>