June 21, 2024

Subject: Information for the application of delegated acts - Drinking Water Directive (DWD) - lead release limit in drinking water - compliant and available brass alloys

The DWD, amended in 2020[1], established that Member States must adopt the new limit for the release of Pb into drinking water at the tap of 5µg/l by 31.12.2036 at the latest. This limit is the sum of the lead releases deriving from the water works and the domestic drinking water distribution system.

The same directive provides for the publication of delegated acts for its implementation. These Acts[2] were published in April 2024 in the EU Official Journal.
The published documents are as follows:

1. Commission Implementing Decision (EU) 2024/365 laying down rules for the application of Directive (EU) 2020/2184 of the European Parliament and of the Council as regards methodologies for testing and accepting starting substances, compositions and constituents to be included in the European positive lists
2. Commission Implementing Decision (EU) 2024/367 laying down rules for the application of Directive (EU) 2020/2184 of the European Parliament and of the Council by establishing the European positive lists of starting substances, compositions and constituents authorised for use in the manufacture of materials or products that come into contact with water intended for human consumption
3. Commission Delegated Regulation (EU) 2024/369 supplementing Directive (EU) 2020/2184 of the European Parliament and of the Council by laying down the procedure regarding inclusion in or removal from the European positive lists of starting substances, compositions and constituents
4. Commission Implementing Decision (EU) 2024/368 laying down rules for the application of Directive (EU) 2020/2184 of the European Parliament and of the Council as regards the procedures and methods for testing and accepting final materials as used in products that come into contact with water intended for human consumption
5. Commission Delegated Regulation (EU) 2024/370 supplementing Directive (EU) 2020/2184 of the European Parliament and of the Council by laying down conformity assessment procedures for

[1] 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
[2]Attached to this document is the list of documents published with a link to the OJEU website

products that come into contact with water intended for human consumption and the rules for the designation of conformity assessment bodies involved in those procedures

6. Commission Delegated Regulation (EU) 2024/371 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

For brass production the decisive acts are Decision 2024/367 and Regulation 2024/370.

Decision 2024/367 establishes that from 31.12.2026 only materials included in the EU positive list (EUPL) may be used for contact with drinking water[3]. The materials listed in the EUPL are considered to be compliant with the requirement of 5µg/l at the tap.
The materials already present in the EUPL, currently used by operators who use brass bars, are:

- ✓ CW509L-DW (Pb mx 0,2%)
- ✓ CW510L-DW (Pb mx 0,2%)
- ✓ CW724R-DW

Furthermore: materials (alloys) which, between 2021 and 2026, have been approved by the competent authority of a Member State (e.g. UBA) and which respect the parameter value of 5µg/l at the tap, can be used in the manufacture of products in contact with drinking water until 31.12.2032.

The "UBA list" includes the CW727R[4] alloy suitable for contact with drinking water and compliant with the new release limit of 5µg/l; the CW511L alloy with Pb<0.10% should be included in the list once the corresponding request has been accepted by UBA, having already passed the release tests compliant with the new limit.
In the next amendment to the national assessment criteria document, UBA plans to mark alloys that do not comply with the limit value/parametric value of 5 µg/l for lead.

[3] Germany with the "German Drinking Water Ordinance", All III (Ordinance on the Quality of Water Intended for Human Consumption (Trinkwasserverordnung – TrinkwV) (gesetze-im-internet.de) has introduced the limit of 5µg/l starting from 12 January 2028. In Germany, since the entry into force of the DWD, 12 January 2021, for the approval of materials in contact with drinking water, the limit of 5 µg/l has been used as a parameter value for the release of lead into drinking water.
[4] Not yet reported in the EN product Standards.

In Germany from 12 January 2028 onwards, alloys that do not comply with the new limit value of 5 µg/l (which will be marked in the future) will no longer be allowed to be placed on the market. The CW511L alloy (Pb<0.2%), marked, can only be used until January 12, 2028. Alloy CW727R complies with the limit value/parametric value of 5 µg/l for lead and will therefore not be marked. The same applies to the above-mentioned alloys that are on the EUPL.

Article 11 of Delegated Regulation (EU) 2024/370 establishes that **products** compliant with national hygiene requirements (e.g. DVGW, KIWA, etc.) that come in contact with water intended for human consumption and for which the national certificate of conformity is still valid as of 31.12.2026, the Regulation itself applies from 31.12.2032, except for more restrictive modifications envisaged by each individual member state (e.g. Germany).

Special cases

1) Products made with alloys already included in a national hygienic list (e.g. UBA list), before the entry into force of the DWD, and compliant with the release limit of 10 µg/l at the sampling point (e.g. CW617N-DW) can be installed on water systems drinkable until 31.12.2026. From 01.01.2027 and until 31.12.2032 the same product can be installed provided that the certificate of conformity issued by an accredited body of a member state (e.g. KIWA) was still valid as of 31.12.2026 and until the certificate itself expires in the respective member state.

In Germany the deadline of 31 December 2032 mentioned above, has been brought forward to 12 January 2028, because a national law is in force (see note 3). Accordingly, products placed on the German market have to comply with the requirement of 5µg/l.

2) Q&A:
Which material can be used to design a product compliant with the requirement of 5µg/l at the tap, to place it on the market from 01.01.2027, and without taking advantage of the transitional period?

To create the new product, it is possible to use all the alloys present in the EUPL and, until 31.12.2032, those approved by one of the member states and compliant with the 5µg/l limit (e.g. CW727R and CW511L Pb max 0.10 wt-%). The latter will meanwhile be included in the EUPL between 2027 and 2032, as they comply with the new limits of the Directive.

3) Q&A:

When will it be possible and how soon will new alloys be included in the EUPL?

The procedure of application for listing in the EUPL is described in Commission Delegated Regulation (EU) 2024/369. The application of this act will start from 31 December 2026. A Notification of Interest can already be submitted beginning with January 2025. It is unclear however how fast new alloys will be included after application. Alloys added to the UBA-list between 2021 and 2026 that comply with the 5µg/l at the tap requirement are expected to be included shortly after the EUPL is open for new entries.