

# Detergents: use of phosphates and other phosphorous compounds

2010/0298(COD) - 04/11/2010 - Legislative proposal

**PURPOSE:** to ensure a high level of protection of the environment from the potential adverse effects of phosphates and others phosphorous compounds in detergents and to ensure a well functioning internal market for detergents.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**BACKGROUND:** phosphates are used in detergents to combat water hardness in order to allow efficient cleaning. Phosphates from detergents can contribute to certain adverse effects in the aquatic environment. The prime concern is that they can lead to an excess of nutrients which cause an accelerated growth of algae and higher forms of plant life to produce an undesirable disturbance to the balance of organisms, a phenomenon called eutrophication.

Nevertheless, in view of concerns about eutrophication, the Commission presented the report in 2007 and concluded that the state of knowledge concerning the contribution of phosphates in detergents to eutrophication was still incomplete, but was developing rapidly. Further scientific work conducted thereafter, as well as information on economic and social impacts of possible restrictions, have been the basis for an impact assessment report, which analyses a number of policy options to address the use of phosphates in detergents

**IMPACT ASSESSMENT:** the analysis of the impacts of the various policy options has been conducted taking into consideration results of the scientific analysis of the contribution of phosphates in detergents to eutrophication risks in the EU, as well as the criteria of effectiveness and efficiency (including practicality, socio-economic impacts, and monitorability). **Five policy options** have been scrutinised for their impact:

- **Option 1:** No action at EU level, leaving the responsibility to act to the Member States or in the context of regional cooperation (baseline option);
- **Option 2:** Voluntary action by industry;
- **Option 3:** Total ban of phosphates in detergents;
- **Option 4:** Restriction/limitation of phosphates content in laundry detergents;
- **Option 5:** Setting limits values for the content of phosphates in detergents.

The evaluation and the impact analysis of the options shows that the introduction at European level of a limitation on the use of phosphates and other phosphorous compounds in household laundry detergents (**option 4**) will reduce the contribution of phosphates from detergents to eutrophication risks of EU waters and reduce the cost of phosphorous removal for waste water treatment plants.

**LEGAL BASIS:** Article 114 of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** the proposal aims to extend the scope of Regulation (EC) No 648/2004 to allow introduction of a **limitation on the content of phosphates** and others phosphorous compounds in household laundry detergents, in order to decrease detergents' contribution to the overall eutrophication of EU surface waters, following the conclusions of the evaluations and the impact assessment performed by the Commission pursuant to Article 16 of Regulation (EC) No 648/2004.

The draft Regulation, therefore, establishes an **overall limit of 0.5 % by weight** for the content of phosphorous in household laundry detergents, covering all phosphates and phosphorous containing compounds. For the time being, until technically and economically viable alternatives to phosphates become available for other types of detergent, the proposal limits the content of phosphates and other phosphorous compounds only in household laundry detergents.

For household **automatic dishwasher detergent containing phosphates**, it is proposed that the Commission is tasked to review their contribution to the eutrophication risk within 5 years after the adoption of the proposed act, to submit a report to the European Parliament and to the Council (amendment of Article 16) and if deemed appropriate, to propose restrictions concerning their phosphates content by adapting the new Annex VIa to technical progress.

The proposal also adapts the current provisions of Regulation (EC) No 648/2004 to empower the Commission to adopt **delegated acts** in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Finally, the proposed act maintains the already existing provision allowing Member States to lay down **national rules** to limit the content of phosphates and other phosphorous compounds in detergents other than household laundry detergents, if justified on environmental grounds.

**BUDGETARY IMPLICATION:** this proposal has no implication for the EU budget.