

Detergents: use of phosphates and other phosphorous compounds

2010/0298(COD) - 14/12/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 631 votes to 18, with 4 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 648/2004 as regards the use of phosphates and other phosphorus compounds in household laundry detergents.

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement negotiated between the European Parliament and the Council. They amend the proposal as follows:

Definitions: the amended text includes definitions of ‘consumer laundry detergent’; ‘consumer automatic dishwasher detergent’; ‘cleaning’; ‘placing on the market’ as well as the definition of ‘making available on the market’ meaning any supply for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge.

Limitations on the content of phosphates and of other phosphorous compounds (Annex VI a):

(1) Consumer laundry detergents: the text limits, **from 30 June 2013**, placing on the market of these detergents if the total content of phosphorous is equal to or greater than **0.5 g** in the recommended quantity of the detergent to be used in the main cycle of the washing process for a standard washing machine load as defined in section B of Annex VII for water of hard water hardness:

- for ‘normally soiled’ fabrics in the case of heavy-duty detergents;
- for ‘lightly soiled’ fabrics in the case of detergents for delicate fabrics.

(2) Consumer automatic dishwasher detergents: the text limits from 1 January 2017, the placing on the market of these detergents if the total content of phosphorous is equal to or greater than **0.3 g** in the standard dosage as defined in section B of Annex VII.

Labelling of dosage information: the following provisions on labelling shall apply to the packaging of detergents sold to the general public:

(1) Consumer Laundry Detergents: the packaging of detergents sold to the general public intended to be used as laundry detergents shall bear the following information:

- the recommended quantities and/or dosage instructions expressed in millilitres or grams appropriate to a standard washing machine load, for soft, medium and hard water hardness levels and making provision for one or two cycle washing processes,
- for heavy-duty detergents, the number of standard washing machine loads of “normally soiled” fabrics, and, for detergents for delicate fabrics, the number of standard washing machine loads of lightly-soiled fabrics, that can be washed with the contents of the package using water of medium hardness, corresponding to 2.5 millimoles CaCO₃/l,
- the capacity of any measuring cup, if provided, shall be indicated in millilitres or grams, and markings shall be provided to indicate the dose of detergent appropriate for a standard washing machine load for soft, medium and hard water hardness levels.

The standard washing machine loads are 4.5 kg dry fabric for heavy-duty detergents and 2.5 kg dry fabric for light-duty detergents in line with the definitions of Commission Decision 1999/476/EC establishing the Ecological Criteria for the award of the Community eco-label to Laundry Detergents. A detergent shall be considered to be a heavy-duty detergent unless the claims of the manufacturer predominantly promote fabric care i.e. low temperature wash, delicate fibres and colours.

(2) Consumer Automatic Dishwasher Detergents: the packaging of detergents sold to the general public intended to be used as automatic dishwasher detergents shall bear the following information:

- the standard dosage expressed in grams or ml or number of tablets for the main washing cycle for normally soiled tableware in a fully loaded 12 place settings dishwasher, making provisions, where relevant, for soft, medium, and hard water hardness.

It should be noted that the Commission shall make publicly available the list of national measures and the lists of competent authorities and of approved laboratories.

Making available on the market: the amended text provides that the Member States:

- shall not prohibit, restrict or impede the making available on the market of detergents, and/or of surfactants for detergents, which comply with the requirements of this Regulation, on grounds that are dealt with in this Regulation;
- may maintain or lay down national rules concerning restrictions on the content of phosphates and of other phosphorous compounds in detergents for which no restrictions on the content are set out in Annex VIa where justified, in particular, on grounds such as protection of public health or the environment and where technically and economically feasible alternatives are available;
- may maintain national rules that were in force concerning restrictions on the content of phosphates and of other phosphorous compounds in detergents for which restrictions set out in Annex VIa have not yet become applicable. Such existing national measures shall be reported to the Commission and may remain in force until the date when the restrictions set out in Annex VIa apply.

Temporary measures: where a Member State has justifiable grounds for believing that a specific detergent, although complying with the requirements of this Regulation, constitutes a risk to safety or health of humans or of animals or a risk to the environment, it may take all appropriate provisional measures in order to ensure that the detergent concerned, no longer presents that risk, is withdrawn from the market or recalled within a reasonable period or its availability is otherwise restricted, commensurate with the nature of the risk. It shall immediately inform the other Member States and the Commission thereof, giving the reasons for its decision.

Penalties: Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented.

This may also include appropriate measures allowing the Member States' competent authorities to prevent the making available on the market of detergents or surfactants for detergents that fail to comply with this Regulation.

Report: by 31 December 2014, the Commission shall, taking into account information from Member States on the content of phosphorous in consumer automatic dishwasher detergents placed on the market in their territories and in the light of any existing or new scientific information available to it regarding substances employed in phosphate-containing and alternative formulations, evaluate by way of a thorough assessment whether the restriction set out in Point 2 of Annex VIa should be modified. The Commission shall submit this thorough assessment to the European Parliament and to the Council.

Furthermore, if the Commission, on the basis of this thorough assessment, considers that the restriction of phosphates and other phosphorous compounds used in consumer automatic dishwasher detergents require revision, it shall present at the latest by 1 July 2015 an appropriate legislative proposal. Any such proposal must intend to minimise the negative impact from all consumer automatic dishwasher detergent products on the wider environment, whilst considering any economic costs identified in this thorough assessment.

Delegated acts: in order to adapt Regulation (EC) No 648/2004 to scientific and technical progress, to introduce provisions on solvent-based detergents and in order to introduce appropriate individual risk-based concentration limits for fragrance allergens, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amendments to the Annexes to that Regulation that are necessary to meet those objectives. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including consultations at expert level.