

Detergents: use of phosphates and other phosphorous compounds

2010/0298(COD) - 14/03/2012 - Final act

PURPOSE: to limit the use of phosphates in consumer laundry detergents and consumer automatic dishwasher detergents in order to reduce the contribution of phosphates from detergents to eutrophication risks and to reduce the cost of phosphates removal in waste water treatment plants.

LEGISLATIVE ACT: Regulation (EU) No 259/2012 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 consumer laundry detergents and consumer automatic dishwasher detergents.

CONTENT : following agreement in first reading, the European Parliament and Council adopted a Regulation restricting the use of phosphates and other phosphorus compounds in consumer laundry and automatic dishwasher detergents in order to reduce the level of phosphorus poured into the waters

The new Regulation amends Regulation (EC) No 648/2004, which harmonised the labelling of detergents and the biodegradability of certain substances they contain. It will also improve the free movement of detergents in the internal market by harmonising existing different national rules concerning their phosphate content. In the absence of EU legislation, some countries had taken national measures restricting the use of phosphates in detergents.

Others had relied on voluntary action by industry to replace phosphates. Imports of detergents from third countries into the EU are insignificant.

Phosphates and other phosphorous compounds are used in detergents to reduce water hardness and allow detergents to perform efficiently. However, they can damage the aquatic environment and disturb the ecological balance by increasing the proliferation of algae, a phenomenon called eutrophication. Eutrophication is currently monitored under Directive 2000/60/EC (Water Framework Directive.)

Consumer laundry detergents: the limit value for consumer laundry detergents is set at 0.5 grams of phosphorus per washing process in a standard washing machine. It will be applicable as from 30 June 2013.

In addition to domestic detergents, the scope of the regulation also includes detergents used in public laundrettes.

Consumer automatic dishwasher detergents: the limit value for consumer automatic dishwasher detergents is set at 0.3 grams of phosphorus in a standard dosage. It will be applicable as from 1 January 2017.

This limit will have to be confirmed before that date by means of a thorough assessment in the light of the most recent scientific data and taking into account available alternatives to the use of phosphates.

The deferred application of the restrictions is intended to give producers (in particular small and medium-sized enterprises) enough time to reformulate their phosphate-based detergents with more ecological alternatives.

Free movement: Member States may lay down **national rules concerning restrictions on the content of phosphates and of other phosphorus compounds in detergents** for which no restrictions on the content are set out in the Regulation where justified, in particular, on grounds such as the protection of public health or the environment and where technically and economically feasible alternatives are available.

They may maintain **national rules that were in force on 19 March 2012 concerning restrictions on the content of phosphates and of other phosphorus compounds in detergents** for which restrictions set out have not yet become applicable. Such existing national measures shall be reported to the Commission by 30 September 2012 and may remain in force until the date when the restrictions set out apply.

From **19 March 2012 until 31 December 2016** Member States may adopt national rules that implement the restriction on the content of phosphates and of other phosphorus compounds, where justified, in particular, on grounds such as the protection of public health or the environment and where technically and economically feasible alternatives are available. Member States shall notify such measures to the Commission in accordance with Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

Where a Member State has justifiable grounds for believing that a specific detergent, although complying with the requirements of the Regulation, constitutes a risk to the safety or health of humans or of animals or a risk to the environment, it may take all appropriate provisional measures, commensurate with the nature of the risk, 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.

Report: by 31 December 2014, the Commission shall evaluate by way of a thorough assessment **whether the restriction on phosphorous in dishwasher detergents should be modified**. That assessment shall include an analysis of the impact on the environment, industry and consumers of consumer automatic dishwasher detergents with phosphorus levels above and below the limit value, taking into account matters including cost, availability, cleaning efficiency and the impact on waste water treatment.

In addition, if the Commission, on the basis of this thorough assessment, considers that the restriction of phosphates and other phosphorus compounds used in consumer automatic dishwasher detergents requires revision, it shall, by 1 July 2015, present an appropriate legislative proposal.

ENTRY INTO FORCE: 19/04/2012.

DELEGATED ACTS: the Commission has the power to adopt delegated acts in respect of amendments to the Annexes to Regulation (EC) No 648/2004 in order to adapt the Regulation 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 delegated acts shall be conferred on the Commission for a period of 5 years from 19 April 2012. By 19 July 2016, the Commission shall draw up a report in respect of the delegation of power. The delegation of power shall be tacitly extended for further periods of 5 years, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each such period. Delegated acts shall enter into force only if no objection has been expressed either by the European Parliament or the Council.