Detergents

2002/0216(COD) - 04/11/2003 - Council position

The Council adopted the common position, by a qualified majority, the Portuguese delegation voting against. The Council accepted 5 amendments as they were accepted by the European Parliament and 12 were accepted in principle. All the other amendments have been rejected. The common position amends the Commission's proposal and intends to reply to the following demands: The Common Position modifies the Commission Proposal by attempting to cater for the following requirements: - better definition of the parties intervening in the authorisation or derogation process; - clarification of the scope (inter alia by defining the boundaries with respect to biocidal products); - need to inform and to protect consumers; - providing clearer guidelines for approved laboratories and for testing methods. The Council has introduced new elements in the common position compared with the Commission proposal. - Objectives and scope : this article has been modified, strengthening the importance of biodegradability for surfactants and underlining the importance of the information, contained in the technical file, that manufacturers must hold at the disposal of the Member States. It has also been stressed that, besides the environment, one of the objectives is to protect the human health. - Definitions : new definitions were added for "medical personnel" and for "industrial and institutional detergent" (as requested by the Parliament). - The placing on the market : the distinction between detergents and surfactants, on the one hand, and biocidal products, on the other hand, has been included. - Limitations on biodegradability of surfactants : the link between aerobic biodegradation of surfactants and limitations as regard placing on the market has been clarified. - Granting of derogations : Derogations are now subject to fees, a tiered approach for tests has been introduced and various deadlines have been added to this Article. - Refusal of derogation : Refusal of derogation will henceforth be decided by the Commission assisted by the Committee set up by Art. 12. Also, deadlines have been introduced together with the obligation to publish a list of surfactant not complying with this Regulation. - Testing of surfactants : Testing requirements have been clarified. - Duties of the Member States : criteria for appointing approved laboratories have been modified, by introducing a reference to the norm EN ISO/IEC 17025 and to good laboratory practices. - Information to be provided by manufacturers : this Article has been modified by slightly rewording it and by introducing the notion of a public body which, in a Member State, may circulate the information received to medical personnel. - Control measures : this Article has been slightly reworded for clarity and the obligation for the Commission to verify false positive results has been introduced. - Labelling : amendments to this Article were made to better identify the party responsible for placing on the market the detergent and to allow for national provisions forbiddingdisplaying on the package of liquid products symbols (e.g. fruits) which might lead the consumer into error as to the use of the product (essentially to protect children). - Committee procedure : the text was changed to the standard legal text for this type of legislative Articles. - Adaptation of the annexes : Minor drafting changes were made to this Article, also stressing inter alia that all amendments to rules on solvent-based detergents will be made by Committee procedure (Art. 12). - Free movement clause : a legal clarification as to when products complying with this Regulation may be prevented from being placed on the market was introduced. - Legislation to be replaced and sanctions for non-compliance : minor legal redrafting changes were made to both Articles. - Annex I : Standards for accreditation : References to good laboratory practices (GLP) and to animal protection were added. - Annex II : (Testing methods) : It was specified that in certain cases high performance liquid cromatography (HPLC) or gas cromatography (GC) should be used. - Annex III : (Biodegradability tests) : Footnotes were renumbered. - Annex IV : A tiered approach for the technical file was introduced, the relation between failing a test and refusing a derogation was reworded and the header of a section dedicated to biodegradability tests was reworded. Some footnotes were renumbered. - Annex VII : Annex VII was deleted. - Annex VIII : (Labelling and ingredient datasheet) : An amendments was made to include salts of some compounds previously already listed. The prescription to list allergenic fragrances if superior to a 0,01% concentration was introduced. Consumer information as to the expected number of loads which may be washed with a package content and the standard dose recommended for a specific type of wash was added.