Detergents

2002/0216(COD) - 04/05/2007 - Follow-up document

The Commission presented a report concerning the use of phosphates, pursuant to Article 16 of Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents.

Phosphates are one of the most commonly-used and abundant ingredients in domestic and industrial detergents. The annual consumption of phosphate containing detergents in the EU-25 is about 1.8 million tonnes, a value equivalent to a phosphorous content of about 110,000 tonnes. 90-95% of these are consumed in domestic laundry and dishwashing detergents.

The Commission has taken a significant number of steps to establish the knowledge base needed to evaluate the impact of the use of phosphates in detergents on eutrophication, as required by Regulation 648 /2004.

Building on the results of an earlier study on the impact of phosphates contained in detergents on eutrophication by WRc in 2002, and on opinions of the Commission's Scientific Committee in March and November 2003, two further studies were carried out to fill the data gaps identified in the Committee's opinions. The results of those two further studies were discussed with delegates from Member States and industry at a meeting of the Detergents Working Group in November 2006, and have then also been submitted to the Commission's Scientific Committee for an opinion, which is currently still pending.

According to reports submitted in the context of the WFD, eutrophication remains one of the most important threats to fresh and marine waters. Significant improvements in understanding have been achieved over the past years. However, in April 2007 the state of knowledge concerning eutrophication is still developing rapidly, and extensive additional data on water quality assessment throughout the EU is expected shortly through the inter-calibration exercise of the Water Framework Directive.

A decision on whether restrictions on phosphates in detergents are justified at EU level will be taken once sufficient evidence has been acquired and various policy options have been assessed in consultation with the Detergents Working Group. In particular, justification for harmonised measures should await the outcome of the opinion of the Commission's Scientific Committee on the already completed studies. The Commission will initiate an impact assessment in 2007 with the aim of concluding it in 2008, if possible, depending on the forthcoming Scientific Committee opinion and the extent of the open issues identified. . The Commission will present a legislative proposal without delay once a decision is taken that restrictions are justified.

Pending a decision, the Commission recalls that Member States may proceed with measures to replace phosphate-based detergents where this can be justified on environmental grounds (e.g. on the basis of the WFD). Member States wishing to introduce "technical regulations" falling under Directive 98/34/EC will have to notify the Commission and justify that these measures are in accordance with the requirements of the Directive.