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Delegations will find attached document D047980/02.

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Brussels, **XXX**  
D047980/02  
[...] (2017) **XXX** draft

## **COMMISSION DECISION**

of **XXX**

**establishing the EU Ecolabel criteria for dishwasher detergents**

(Text with EEA relevance)

# COMMISSION DECISION

of **XXX**

**establishing the EU Ecolabel criteria for dishwasher detergents**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel<sup>1</sup>, and in particular Article 8(2) thereof,

After consulting the European Union Eco-labelling Board,

Whereas:

- (1) Under Regulation (EC) No 66/2010, the EU Ecolabel may be awarded to those products with a reduced environmental impact during their entire life cycle.
- (2) Regulation (EC) No 66/2010 provides that specific EU Ecolabel criteria are to be established for each product group.
- (3) Commission Decision 2011/263/EU<sup>2</sup> has established the ecological criteria and the related assessment and verification requirements for dishwasher detergents, which are valid until 31 December 2016.
- (4) In order to take into account the recent market developments and the innovation that has taken place during the intervening period, it is considered appropriate to establish a revised set of ecological criteria for that product group.
- (5) The revised criteria, as well as the related assessment and verification requirements, should be valid for six years from the date of notification of this Decision, taking into account the innovation cycle for that product group. Those criteria aim at promoting products that have a reduced impact on aquatic ecosystems, contain a limited amount of hazardous substances, are effective, and minimise waste production by reducing packaging.

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<sup>1</sup> Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).

<sup>2</sup> Commission Decision of 28 April 2011 on establishing the ecological criteria for the award of the EU Ecolabel to detergents for dishwashers (OJ L 111, 30.4.2011, p. 22).

- (6) For reasons of legal certainty, Decision 2011/263/EU should be repealed.
- (7) A transitional period should be allowed for producers whose products have been awarded the EU Ecolabel for dishwasher detergents on the basis of the criteria set out in Decision 2011/263/EU, so that they have sufficient time to adapt their products to comply with the revised criteria and requirements.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The product group 'dishwasher detergents' shall comprise any detergent for dishwashers or rinse aid falling under the scope of Regulation (EC) No 648/2004 of the European Parliament and of the Council<sup>3</sup> which is marketed and designed to be used exclusively in household dishwashers and in automatic dishwashers for professional use of the same size and usage as that of household dishwashers.

#### *Article 2*

For the purpose of this Decision, the following definitions shall apply:

- (1) 'ingoing substances' means substances intentionally added, by-products and impurities from raw materials in the final product formulation [(including water-soluble foil, where used)];
- (2) 'primary packaging' means:
  - (a) for single doses in a wrapper that is intended to be removed before use, the individual dose wrapping and the packaging conceived so as to constitute the smallest sales unit of distribution to the final user or consumer at the point of purchase, including label where applicable;
  - (b) for all other types of products, packaging conceived so as to constitute the smallest sales unit of distribution to the final user or consumer at the point of purchase, including label where applicable;
- (3) 'microplastic' means particles with a size of below 5 mm of insoluble macromolecular plastic, obtained through one of the following processes:
  - (a) a polymerisation process such as polyaddition or polycondensation or a similar process using monomers or other starting substances;
  - (b) chemical modification of natural or synthetic macromolecules;
  - (c) microbial fermentation;

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<sup>3</sup> Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents (OJ L 104, 8.4.2004, p. 1).

(4) 'nanomaterial' means a natural, incidental or manufactured material containing particles, in an unbound state or as an aggregate or as an agglomerate and where, for 50 % or more of the particles in the number size distribution, one or more external dimensions is in the size range 1 -100 nm<sup>4</sup>.

### *Article 3*

In order to be awarded the EU Ecolabel under Regulation (EC) No 66/2010, a dishwasher detergent or rinse aid shall fall within the product group 'dishwasher detergents', as defined in Article 1 of this Decision and shall comply with the criteria as well as the related assessment and verification requirements set out in the Annex.

### *Article 4*

The criteria for the product group 'dishwasher detergents' and the related assessment and verification requirements shall be valid for six years from the date of notification of this Decision.

### *Article 5*

For administrative purposes the code number assigned to the product group 'dishwasher detergents' shall be '015'.

### *Article 6*

Decision 2011/263/EU is repealed.

### *Article 7*

1. By derogation from Article 6, applications for the EU Ecolabel for products falling within the product group 'dishwasher detergents' submitted before the date of notification of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2011/263/EU.

2. Applications for the EU Ecolabel for products falling within the product group 'dishwasher detergents' submitted within two months from the date of notification of this Decision may be based either on the criteria set out in Decision 2011/263/EU or on the criteria set out in this Decision.

Those applications shall be evaluated in accordance with the criteria on which they are based.

3. EU Ecolabel licenses awarded in accordance with the criteria set out in Decision 2011/263/EU may be used for 12 months from the date of notification of this Decision.

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<sup>4</sup> Commission Recommendation 2011/696/EU of 18 October 2011 on the definition of nanomaterial (OJ L 275, 20.10.2011, p. 38)

*Article 8*

This Decision is addressed to the Member States.

Done at Brussels,

*For the Commission*  
*Karmenu VELLA*  
*Member of the Commission*