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Delegations will find attached document D048142/02.

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Brussels, **XXX**
D048142/02
[...] (2017) **XXX** draft

COMMISSION DECISION

of **XXX**

**establishing the EU Ecolabel criteria for industrial and institutional dishwasher
detergents**

(Text with EEA relevance)

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of **XXX**

establishing the EU Ecolabel criteria for industrial and institutional dishwasher detergents

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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 Ecolabel¹, 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 2012/720/EU² has established the ecological criteria and the related assessment and verification requirements for industrial and institutional dishwasher detergents, which are valid until 14 November 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 at the recommended temperatures, and minimise waste production by reducing packaging.
- (6) For reasons of legal certainty, Decision 2012/720/EU should be repealed.

¹ 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).

² Commission Decision of 14 November 2012 establishing the ecological criteria for the award of the EU Ecolabel for Industrial and Institutional Dishwasher Detergents (OJ L 326, 24.11.2012, p. 25-37).

- (7) A transitional period should be allowed for producers whose products have been awarded the EU Ecolabel for industrial and institutional dishwasher detergents on the basis of the criteria set out in Decision 2012/720/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 'industrial and institutional dishwasher detergents' shall comprise any dishwasher detergent, rinse or pre-soak agent falling under the scope of Regulation (EC) No 648/2004 of the European Parliament and of the Council³ which is marketed and designed to be used by specialised personnel in professional dishwashers.

This product group includes multi-component systems comprised of more than one component used to build up a complete detergent. Multi-component systems may incorporate a number of products such as pre-soak and rinsing agents, and they shall be tested as a whole.

This product group shall not comprise dishwasher detergents designed for household dishwashers, detergents intended to be used in washers of medical devices or in special machines for the food industry.

Sprays not dosed via automatic pumps are excluded from this product group.

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, if 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:

³ 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).

- (a) a polymerisation process such as e.g. polyaddition or polycondensation or a similar process using monomers or other starting substances;
 - (b) chemical modification of natural or synthetic macromolecules;
 - (c) microbial fermentation;
- (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 nm⁴.

Article 3

In order to be awarded the EU Ecolabel under Regulation (EC) No 66/2010, a dishwasher detergent shall fall within the product group 'industrial and institutional 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 'industrial and institutional 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 'industrial and institutional dishwasher detergents' shall be '038'.

Article 6

Decision 2012/720/EU is repealed.

Article 7

1. By derogation from Article 6, applications for the EU Ecolabel for products falling within the product group 'industrial and institutional dishwasher detergents' submitted before the date of notification of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2012/720/EU.

2. Applications for the EU Ecolabel for products falling within the product group 'industrial and institutional automatic 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 2012/721/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.

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

3. EU Ecolabel licenses awarded in accordance with the criteria set out in Decision 2012/720/EU may be used for 12 months from the date of notification of this Decision.

Article 8

This Decision is addressed to the Member States.

Done at Brussels,

For the Commission
Karmenu VELLA
Member of the Commission