



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 21 January 2014
(OR. en)**

5493/14

ENV 45

COVER NOTE

| | |
|------------------|--|
| From: | European Commission |
| date of receipt: | 20 January 2014 |
| To: | General Secretariat of the Council |
| No. Cion doc.: | D030637/02 |
| Subject: | Commission Decision of XXX amending Decisions 2011/263/EU, 2011/264/EU, 2011/382/EU, 2011/383/EU, 2012/720/EU and 2012/721/EU in order to take account of developments in the classification of substances |

Delegations will find attached document D030637/02.

Encl.: D030637/02



EUROPEAN
COMMISSION

Brussels, **XXX**
D030637/02
[...](2014) **XXX** draft

COMMISSION DECISION

of **XXX**

**amending Decisions 2011/263/EU, 2011/264/EU, 2011/382/EU, 2011/383/EU,
2012/720/EU and 2012/721/EU in order to take account of developments in the
classification of substances**

COMMISSION DECISION

of **XXX**

amending Decisions 2011/263/EU, 2011/264/EU, 2011/382/EU, 2011/383/EU, 2012/720/EU and 2012/721/EU in order to take account of developments in the classification of substances

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-Labeling Board,

Whereas:

- (1) In accordance with Article 6(6) of Regulation (EC) No 66/2010 the EU Ecolabel may not be awarded to goods containing substances or preparations/mixtures meeting the criteria for classification as toxic, hazardous to the environment, carcinogenic, mutagenic or toxic for reproduction in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council² or to goods containing substances referred to in Article 57 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council³. In accordance with Article 6(7) of Regulation (EC) No 66/2010, for specific categories of goods containing those substances, where it is not technically feasible to substitute those goods as such or via the use of alternative materials or designs, or in the case of products which have a significantly higher overall environmental performance compared with other goods of the same category, the Commission may adopt measures to grant derogations from Article 6(6) of that Regulation.
- (2) Commission Decisions 2011/263/EU⁴, 2011/264/EU⁵, 2011/382/EU⁶, 2011/383/EU⁷, 2012/720/EU⁸ and 2012/721/EU⁹ established the ecological criteria for the award of

¹ OJ L 27, 30.1.2010, p. 1.

² Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

³ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

⁴ Commission Decision 2011/263/EU 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).

the EU Ecolabel for detergents for dishwashers, laundry detergents, hand dishwashing detergents, all-purpose cleaners and sanitary cleaners, industrial and institutional automatic dishwasher detergents and industrial and institutional laundry detergents. Subsequent to the adoption of those Decisions, Regulation (EC) No 1272/2008 was amended by Commission Regulation (EU) No 286/2011¹⁰. The amendments to Regulation (EC) No 1272/2008 became applicable in respect of substances from 1 December 2012 and will become applicable in respect of mixtures from 1 June 2015. Regulation (EU) No 286/2011 added new classification criteria for long-term aquatic hazard based on chronic aquatic toxicity and biodegradability data. On the basis of the new criteria, the majority of readily-degradable surfactants currently used in detergents and cleaning products has become classified as Chronic category 3 (H412) and in some cases, specifically relevant to hand dishwashing detergents, as Chronic category 2 (H411), and therefore are banned from use in products bearing the EU Ecolabel. This would make it difficult for the established ecological criteria for the award of the EU Ecolabel for detergents for dishwashers, laundry detergents, hand dishwashing detergents, all-purpose cleaners and sanitary cleaners, industrial and institutional automatic dishwasher detergents and industrial and institutional laundry detergents to correspond indicatively to the best 10-20% of detergents and cleaning products available on the Union market in terms of environmental performance throughout their life-cycle, as there is no evidence that alternative surfactants are available. Assessment and verification text is updated, in order to provide guidance to help applicants to prove compliance with the new requirement.

- (3) The consequences of introduction of new classification criteria were not known during the review of the criteria for the award of the EU Ecolabel for detergents for dishwashers, laundry detergents, hand dishwashing detergents, all-purpose cleaners and sanitary cleaners set out in Decisions 2011/263/EU, 2011/264/EU, 2011/382/EU and 2011/383/EU and during the development of criteria for the award of the EU Ecolabel for industrial and institutional automatic dishwasher detergents and industrial and institutional laundry detergents and the considerations of derogations for surfactants set out in Decisions 2012/720/EU and 2012/721/EU.
- (4) This amendment is applied retroactively from 1 December 2012, in order to ensure continuity of the validity of EU Ecolabel criteria for detergents for dishwashers, laundry detergents, hand dishwashing detergents, all-purpose cleaners and sanitary

⁵ Commission Decision 2011/264/EU of 28 April 2011 on establishing the ecological criteria for the award of the EU Ecolabel for laundry detergents (OJ L 111, 30.4.2011, p. 34).

⁶ Commission Decision 2011/382/EU of 24 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel to hand dishwashing detergents (OJ L 169, 29.6.2011, p. 40).

⁷ Commission Decision 2011/383/EU of 28 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel to all-purpose cleaners and sanitary cleaners (OJ L 169, 29.6.2011, p.52).

⁸ Commission Decision 2012/720/EU of 14 November 2012 establishing the ecological criteria for the award of the EU Ecolabel for Industrial and Institutional Automatic Dishwasher Detergents (OJ L 326, 24.11.2012, p.25).

⁹ Commission Decision 2012/721/EU of 14 November 2012 establishing the ecological criteria for the award of the EU Ecolabel for Industrial and Institutional Laundry Detergents (OJ L 326, 24.11.2012, p.38).

¹⁰ Commission Regulation (EU) No 286/2011 of 10 March 2011 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures (OJ L 83, 30.03.2011, p.1).

cleaners, industrial and institutional automatic dishwasher detergents and industrial and institutional laundry detergents.

- (5) Decisions 2011/263/EU, 2011/264/EU, 2011/382/EU, 2011/383/EU, 2012/720/EU and 2012/721/EU should therefore be amended accordingly.
- (6) 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 Annex to Decision 2011/263/EU is amended as set out in Annex I to this Decision.

Article 2

The Annex to Decision 2011/264/EU is amended as set out in Annex II to this Decision.

Article 3

The Annex to Decision 2011/382/EU is amended as set out in Annex III to this Decision.

Article 4

The Annex to Decision 2011/383/EU is amended as set out in Annex IV to this Decision.

Article 5

The Annex to Decision 2012/720/EU is amended as set out in Annex V to this Decision.

Article 6

The Annex to Decision 2012/721/EU is amended as set out in Annex VI to this Decision.

Article 7

This Decision shall apply in respect of substances from 1 December 2012.

Article 8

This Decision is addressed to the Member States.

Done at Brussels,

For the Commission
Janez POTOČNIK
Member of the Commission