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Delegations will find attached document SWD(2019) 299 final.

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COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY OF THE EVALUATION

of

**Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31
March 2004 on detergents**

{SWD(2019) 298 final}

Executive summary

Detergents hold a central role in our everyday lives. They help deliver health and hygiene in almost all areas of human activity and have contributed to the improvement of human health and life expectancy, and to our societal comfort and wellbeing. The European detergents industry is characterised by steady growth and contributes significantly to the EU industrial competitiveness, jobs and growth. Detergents are, however, chemicals with intrinsic properties that have the potential to pose risks to human health and the environment.

The Detergents Regulation¹ aims at ensuring the free movement of detergents within the EU while, at the same time, providing a high degree of protection of consumers' health and the environment.

The evaluation examined which elements of the Detergents Regulation work well, what needs to be improved and why. It assessed whether the legislation achieves its aims without adding unnecessary burden to industry and public administration. The main findings of this evaluation are as follows:

- The aims of the Detergents Regulation are still relevant. However, some of its rules are not well adapted to certain recently developed practices such as the refill sale of detergents.
- The rules of the Detergents Regulation are consistent and complete. Some of these rules are nevertheless inconsistent and/or overlapping with other EU chemicals legislation (notably the CLP Regulation, the Biocidal Products Regulation and the REACH Regulation) and often lead to duplications in the labelling of detergents. These duplications contribute to the overload of detergents labels, which in turn results in unclear information to consumers. Therefore, consumers may not easily understand the information provided on the label with negative results for the protection of their health and the environment. Duplications in the labelling rules also create an unnecessary burden for the detergents industry. These issues could be addressed with the use of innovative communication methods and digital tools such as QR codes. These are now available and already used on some detergents on the EU market. Several aspects related to the use of these tools need to be further examined.
- The Regulation has achieved its aims to a large extent. Consumer detergents are now totally broken down to water, carbon dioxide and biomass thus improving the protection of the environment. The content of phosphorous in consumer laundry and consumer dishwasher detergents has been largely reduced as a direct result of the Detergents Regulation. However, it was not possible to determine how much this contributes to reducing nutrients in surface waters and resulting algae and slime growth (eutrophication). Relevant data were not available due to lack of monitoring.
- The cost to the detergents industry resulting from the Detergents Regulation between 2004 and 2016 was between EUR 764 million and EUR 1.8 billion. Compared to the annual EU turnover of the detergents industry these costs appear to be reasonable (the costs are less than 0.5% of the annual turnover). The largest costs are estimated to have arisen because of

¹ Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents.

- the need to use different raw materials in place of phosphorus,
- the research and development necessary for reformulation as a result of the phosphorus limitations for consumer laundry and dishwasher detergents, and
- having to provide ingredient data sheets to medical personnel.

No quantified estimates of benefits were available. However based on stakeholder views the costs involved in implementing the Detergents Regulation are justified.

- The Detergents Regulation resulted in levelling the playing field for detergents' manufacturers, making it easier for companies to trade cross border and delivering positive results for human health and the environment. These go beyond what Member States had achieved so far through national rules and voluntary agreements. The harmonised rules for the biodegradability are often regarded internationally as the "golden standard", potentially conferring a competitive advantage to detergents manufactured in the EU. In addition, the phosphorus limits, especially the limits for consumer dishwasher detergents, have raised the bar in many countries, where similar limits were not already in force. For these reasons, there was widespread consensus among all interest groups that the issues addressed by the Detergents Regulation continue to require action at the EU level.