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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals)
Subject:	Regulation on detergents : technical proposals

Article 2
Definitions

[add a new row 103a]

(12a) 'Film polymers' means polymers used in water-soluble films to encapsulate detergents;

Article 4
Biodegradability

[row 135]

1. Surfactants and surfactants contained in detergents shall comply with the biodegradability criteria laid down in Part A of Annex I.

[rows 136-137 – Commission proposal, Council mandate]

2. Paragraph 1 shall not apply to surfactants that are active substances within the meaning of Article 3(1), point (c), of Regulation (EU) No 528/2012 and that are used as disinfectants where they meet any of the following conditions:

[rows 137 EP mandate; 138 Commission proposal and Council mandate]

(a) the surfactants are included in the Union list of approved active substances as laid down in Article 9(2) of Regulation (EU) No 528/2012, or included into Annex I to that Regulation;

[rows 139 Commission proposal and Council mandate, 140 EP mandate]

(b) the surfactants are included in the review programme as set out in Commission Delegated Regulation (EU) No 1062/2014;

[row 141]

(c) the surfactants are constituents of disinfectants which may be made available on the market or used in accordance with Article 55 of Regulation (EU) No 528/2012.

[rows 141a]

3. By [6 years from the entry into force of this Regulation], film polymers shall comply with the biodegradability requirements set out in Part B of Annex I.

[rows 141a, 141d]

4. By [8 years from the entry into force of this Regulation], organic substances intentionally added in detergents in concentration of at least 10 %, other than surfactants and film polymers, shall comply with the biodegradability criteria set out in Part C of Annex I, unless if a derogation is granted in Part D of the same Annex.

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Article 26

The Commission is empowered to adopt delegated acts in accordance with Article 27 amending Annex I and, where appropriate, Article 4 to:

(a) amend the biodegradability criteria and corresponding test methods for surfactants or surfactants contained in detergents;

(b) set out biodegradability criteria and corresponding test methods for intentionally added organic substances other than surfactants; or

[row 354c]

(c) set out exceptions authorising the limited use in detergents of specific organic substances that do not comply with the biodegradability criteria laid down in accordance with point (b), when duly justified.

[rows 141b, 141c]

By [3 years from the entry into force of this Regulation], the Commission shall adopt delegated acts setting out biodegradability criteria and test methods for film polymers.

[rows 141a, 141d, 355c]

By [5 years from the entry into force of this Regulation], the Commission shall adopt delegated acts setting out biodegradability criteria and test methods for organic substances intentionally added in concentration of at least 10% in detergents, other than surfactants and film polymers.

[rows 141a, 355]

The purpose of the delegated acts referred to in the first sub-paragraph shall be to ensure a high level of protection of human health and the environment. When adopting such delegated acts, the Commission shall take into account:

i. the impact on human health and the environment, including scientific evidence pointing to the existence of a risk.

ii. manufacturing practices

iii. the availability of technically and economically feasible alternatives,

iv. the consequence on wastewater treatment plants,

v. the impacts to small and medium-sized enterprises.

Article 32

[row 384]

By [7 *years from the date of entry into force of this Regulation*], the Commission shall submit to the European Parliament and to the Council a report on the application of this Regulation. The report shall contain an assessment of how this Regulation is achieving its objectives, the effectiveness and relevance of the requirements of this Regulation, and, in particular, the following:

[row 384b]

ii. As regards biodegradability, an assessment of the feasibility and the need to introduce biodegradability criteria for organic substances intentionally added in detergents in concentrations lower than 10%, other than surfactants and film polymers;

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