



EUROPEAN COMMISSION
Impact Assessment Board

Brussels, D(2010)

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Opinion

Title **Impact Assessment on possible measures concerning the use of phosphates in detergents (draft version of 19/03/2010)**

(A) Context

Phosphates are used in detergents to combat water hardness to allow efficient cleaning. These phosphates can contribute to adverse effects in the aquatic environment. They act as nutrients which, in excess, will cause an accelerated growth of algae and higher forms of plant life and disturb the balance of organisms (eutrophication). Alternative water-softening ingredients are available, but with various performance limitations, particularly for the more demanding cleaning tasks. Regulation (EC) No 648/2004 harmonises the placing on the market of detergents, but only with respect to labelling and the biodegradability of the surfactants they contain. Nevertheless, given concerns about eutrophication, Article 16 of the Regulation required the Commission to “evaluate, submit a report on and, where justified, present a legislative proposal on the use of phosphates with a view to their gradual phase-out or restriction to specific applications”. The Commission presented the report in 2007 concluding that knowledge of the contribution of phosphates in detergents to eutrophication was still incomplete but developing rapidly. This impact assessment which will accompany a proposal for a Regulation is based on further work.

(B) Overall assessment

In the opinion of the Board this IA report is of good quality, summarises an impressive amount of evidence in a concise and accessible manner, and supports the analysis with examples which are understandable for a broader audience. On a number of issues the presentation could still be improved and additional evidence could be provided. First, the report should further clarify the necessity of EU level action in the light of the expected development of the actual use of phosphates in detergents and the effectiveness of waste water treatment. Second, it should present the available quantitative information regarding the expected costs and benefits of the different option more explicitly and rank more clearly the options in terms of their effectiveness and efficiency. Third, it should also explain in more detail how the different policy options will affect final users, and enhance the analysis by providing evidence on the impacts of the measures introduced in individual Member States and third countries.

During the meeting DG Enterprise and Industry agreed to update the report in line with the recommendations of the Board.

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(C) Main recommendations for improvements

(1) Further clarify the necessity of EU level action in the light of the expected development of the actual use of phosphates in detergents and the effectiveness of waste water treatment. The report should be more explicit about the existing downward trend in the use of STPP in detergents, specifically as to whether this implies a declining trend in the risk and occurrence of eutrophication in specific (cross-border) river basins, and as regards technical progress. It should explain better why coordinated action of individual Member States would be insufficient to address regional issues. The report should explain, even in the absence of hard industry data, that formulators do actually continue to differentiate across Member States, and that they have no economic incentives to generalise their compliance with a ban that is only effective in a limited number of Member States.

(2) Present the available quantitative information regarding the expected costs and benefits of the different options more explicitly and rank them more clearly in terms of their effectiveness and efficiency. The report should enhance the comparison elements in the section 6 and bring together the quantitative estimates into a comprehensive overview. It should also provide a clearer picture of the expected costs and benefits over time. It should provide a more detailed explanation of the extent to which the uncertainty of the various estimates and qualitative assessments could affect the timing of the expected impacts and the overall conclusions of the analysis.

(3) Assess in more detail how the different policy options will affect final users, and enhance the analysis by providing evidence on the impacts of the measures introduced in individual Member States and third countries. The report should analyse in more detail how the different policy options will affect final users, consumers and commercial users, in terms of increased costs, reduced functionality or forced substitution. The report should – where possible - include more information about the impacts of the measures introduced in individual Member States and third countries, and also assess the consequences of the different options on third countries and on the relations of Member States in the regions most affected with their non-EU neighbour countries.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

The report should incorporate additional stakeholder views, especially from consumer organisations. The views of industry, experts and MS administrations should be presented separately, especially where they differ significantly. The Executive Summary should refer to the environmental impacts of the phosphate substitutes.

(E) IAB scrutiny process	
Reference number	2010/ENTR/014
External expertise used	No
Date of IAB meeting	14 April 2010