

EVALUATION AND FITNESS CHECK (FC) ROADMAP			
TITLE OF THE EVALUATION/FC	Evaluation of Regulation (EC) No 648/2004		
LEAD DG RESPONSIBLE UNIT	DG GROW/D.2	DATE OF THIS ROADMAP	10 / 2016
TYPE OF EVALUATION	Ex-post evaluation	PLANNED START DATE	Q4 / 2016 – Q1/2017
		PLANNED COMPLETION DATE	Q4/ 2017
		PLANNING CALENDAR	http://ec.europa.eu/smart-regulation/evaluation/index_en.htm
This indicative roadmap is provided for information purposes only and is subject to change.			

A. Purpose
(A.1) Purpose
The purpose of the evaluation of Regulation (EC) No 648/2004 (Detergents Regulation) is to assess whether it is achieving its objectives by analysing the Directive's effectiveness, efficiency, relevance, coherence and EU-added value. Depending on the results of the evaluation, action could be taken. The results may contribute to the improvement of the Regulation's implementation or may feed into an impact assessment study for a possible amendment or re-cast of the Detergents Regulation.
(A.2) Justification
The Detergents Regulation has not undergone an evaluation since its entry into force in October 2005. An <i>ex post</i> evaluation is therefore considered essential in the context of the Commission's better regulation policy and complements the on-going fitness check on chemicals legislation (other than REACH).

B. Content and subject of the evaluation
(B.1) Subject area
The Detergents Regulation establishes rules for the free movement of detergents and surfactants for detergents in the internal market while, at the same time, ensuring a high degree of protection of the environment and human health. The Regulation requires that only detergents with surfactants that are fully biodegradable may be placed on the market. In addition, detergent labels must contain ingredient and dosage information. This is to protect the health of consumers and to avoid over-use of detergents.
In particular, this Regulation harmonises the following rules for placing detergents and surfactants for detergents on the EU market:
<ul style="list-style-type: none"> • the biodegradability of surfactants in detergents; • restrictions or bans on surfactants on grounds of biodegradability; • the additional labelling of detergents, including fragrance allergens; • the information that manufacturers must hold at the disposal of national authorities and medical personnel; • limitations on the content of phosphates and other phosphorus compounds in consumer laundry

detergents and consumer automatic dishwasher detergents.

The regulation has been amended over time by the following texts:

- Commission Regulation (EC) No 907/2006
- Regulation (EC) No 1336/2008
- Regulation (EC) No 219/2009
- Commission Regulation (EC) No 551/2009
- Regulation (EU) No 259/2012

(B.2) Original objectives of the intervention

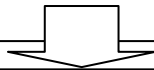
The objective of the Detergents Regulation is to achieve the free movement of detergents and surfactants for detergents in the internal market while, at the same time, ensuring a high degree of protection of the environment and human health.

(B.3) How the objectives were to be achieved

Diagram explaining the intervention logic:

Objectives of the Detergents Regulation

- achieve the free movement of detergents and surfactants for detergents in the internal market
- ensure a high degree of protection of the environment and human health



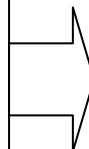
Resources and mechanisms

- Common test methods for biodegradability testing of surfactants in detergents
 - Demonstration of biodegradability of surfactants in detergents
 - Restrictions or bans on surfactants on grounds of inadequate biodegradability
 - Limitations on the content of phosphates and other phosphorus compounds in consumer laundry and automatic dishwasher detergents
 - Labelling requirements for detergents, including information on ingredients, allergenic fragrances and dosage information
 - Information to be held at the disposal of Member States' competent authorities and medical personnel
- Actors: COM, Member States, industry



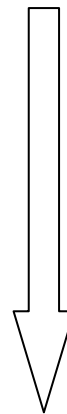
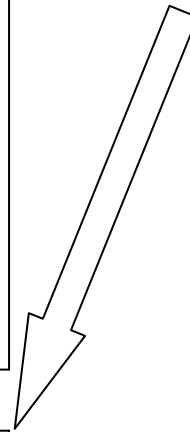
Consequences

- Free movement of detergents and surfactants in detergents
- Better protection of the environment (especially the aquatic environment) against the presence of non-biodegradable surfactants and preventing eutrophication
- Better information and protection of consumers, especially with regard to allergies and appropriate usage
- Better availability of information to Member States' competent authorities and medical personnel



External factors

- Market trends, technological developments and changing demand patterns
- Consumer awareness
- Scientific development of analytical techniques
- Other legislation (Cosmetics, CLP, REACH, Biocidal Products, etc.)
- MS implementation and enforcement (resources restraints for enforcement authorities?)



Expected results/impacts

- Less aquatic pollution
- Less eutrophication
- Lower incidence of allergies related to detergent use
- Better consumer protection in cases of incidents with detergents
- Lower regulatory compliance costs and more competition through cross-border trade

C. Scope of the evaluation/FC

(C.1) Topics covered

The evaluation of the Detergents Regulation will provide evidence on whether the legislation is fit for purpose. It will assess whether the Regulation achieves its objectives, does so at lowest cost for citizens, authorities and businesses and whether the objectives are still relevant.

(C.2) Issues to be examined

The main evaluation questions to be answered are the following:

Effectiveness

- To what extent does the Detergents Regulation meet its objectives, i.e. establishment of an internal market for detergents, while ensuring a high degree of protection of the environment and human health?
- Which provisions or parts of the Detergents Regulation have met their objectives (i) most effectively and (ii) less effectively and which parts have not met their objectives?
- To what extent is the Regulation effectively implemented across EU Member States (e.g. enforcement, use of the safeguard procedure)? What are the implementation and enforcement measures that have been put in place? Were they adequate?

Efficiency

- What are the costs for industry associated with the implementation of the Detergents Regulation? What are the key drivers for those costs?
- What are the benefits for industry associated with the implementation of the Detergents Regulation?
- What are the costs for society associated with the implementation of the Detergents Regulation?
- What are the economic, social and environmental benefits for society associated with the implementation of the Detergents Regulation?
- To what extent are costs involved in implementing the Detergents Regulation justified given the benefits which have been achieved?

Coherence

- To what extent are the Detergents Regulation provisions internally coherent? Do provisions overlap or contradict, do they co-act as intended? Are there gaps between the Regulation and other pieces of legislation?
- To what extent is the Detergents Regulation coherent with other EU legislation? Do provisions overlap or contradict, do they co-act as intended? What impacts do these overlaps have? (Legislation and policy activities to be considered include CLP Regulation¹, Cosmetics Regulation², Biocidal Products Regulation³, REACH Regulation⁴, Ecolabel⁵, PEF/OEF (Product Environmental Footprint/Organisation Environmental Footprint)⁶, Water Framework Directive⁷.)

Relevance

- To what extent are concepts and definitions used in the Detergents Regulation in line and coherent with the meaning they have gained over time in practice and do they cover all the commonly accepted detergents product available on the market?
- To what extent are the objectives of the Detergents Regulation still relevant considering the evolution of societal needs and technological developments?

¹ Regulation (EC) No 1272/2008

² Regulation (EC) No 1223/2009

³ Regulation (EU) No 528/2012

⁴ Regulation (EC) 1907/2006

⁵ <http://ec.europa.eu/environment/ecolabel/>

⁶ <http://ec.europa.eu/environment/eussd/smgp/>

⁷ Directive 2000/60/EC

- Have there been any technical or other developments since the adoption (and further amendments) of the Regulation that were not foreseen in the Regulation that have impacts on the relevance of the directive? Have there been any new problems/issues related to detergents, their use and their impact on the environment and human health that are currently not addressed through the Detergents Regulation?

EU added value

- To what extent has the Regulation permitted achievements which could not be reached at Member State level? To what extent have Member States issued national rules on detergents that goes beyond the scope of the Detergents Regulation? To what extent is EU level intervention still warranted?

Analysis of EU market

- What is the current state of play of the detergents market (main product types and their share in the market; new technologies, products or sales practices)? What are the main sustainability aspects of detergents currently being marketed?

(C.3) Other tasks

N/A

D. Evidence base

(D.1) Evidence from monitoring

Not available. The Detergents Regulation does not impose any regular monitoring or reporting obligations on the Member States.

(D.2) Previous evaluations and other reports

Impact assessment

For the proposal of Regulation (EU) 259/2012 amending the Detergents Regulation as regards the use of phosphates and other phosphorous compounds in household laundry detergents an impact assessment was carried out, the Commission Staff Working Document can be found at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010SC1277&from=EN>

Additional information on the impact assessment can be found at: http://ec.europa.eu/growth/sectors/chemicals/specific-chemicals/index_en.htm

Studies

Several studies were commissioned by DG GROW in the context of the Detergents Regulation:

- Studies on biodegradation and biodegradability testing (2000, 2003)
- Study on toxicological and ecotoxicological effects of non-surfactant organic ingredients and zeolite-based ingredients (2006)
- Study on eutrophication risk assessment of polyphosphates in detergents (2007, 2009)

Following Art. 16 of the Detergents Regulation, the Commission concluded in 2014 a study evaluating whether limitations on the content of phosphates and of other phosphorus compounds in consumer automatic dishwasher detergents as stipulated in Annex VIa to the Regulation should be modified. The assessment included an analysis of the impact on the environment, industry and consumers of automatic dishwasher detergents with phosphorus levels above and below the limit value set out in Annex VIa, taking into account matters including cost, availability, cleaning efficiency and the impact on waste water treatment.

All study reports can be found at: https://ec.europa.eu/growth/sectors/chemicals/legislation_en#detergents

<p>Implementation reports</p> <p>The Commission has published several implementation reports:</p> <ul style="list-style-type: none"> • Report on the results reached by the implementation of Commission Recommendation 98/480/EC of 22 July 1998, concerning good environmental practice for household laundry detergents (1996-2001) • Commission report on phosphates in detergents (April 2007) • Commission report concerning anaerobic biodegradation (May 2009) • Commission report concerning the biodegradability of the main non-surfactant organic detergent ingredients (May 2009) <p>All reports can be found at: https://ec.europa.eu/growth/sectors/chemicals/legislation_en#detergents</p>
<p>(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement procedures)</p>
<p>The Commission has received questions and comments from Member States competent authorities and from stakeholders on the interpretation of certain provisions and concepts of the Detergents Regulation. A FAQ document was drafted and can be found at: http://ec.europa.eu/DocsRoom/documents/14129/attachments/1/translations/</p>
<p>(D.4) Consultation</p>
<p>A consultation strategy for the evaluation will be prepared and published. The strategy will include a 12 week online open public consultation combined with more targeted input from all stakeholders such as companies (including SMEs), industry associations, trade unions, NGOs and civil society regarding the effectiveness, efficiency, coherence, relevance and EU-added value of the Regulation. In addition, targeted stakeholder and expert interviews will be conducted; this will make it possible to collect information with a higher level of detail.</p> <p>The online open public consultation will be accessible via the 'Your Voice in Europe' website: http://ec.europa.eu/yourvoice/consultations/index_en.htm</p>
<p>(D.5) Further evidence to be gathered</p>
<p>Evidence will be gathered through a study on the current state of play on the detergents market (new technologies, new products, new sales practices, uses) and on sustainability aspects of detergents (carbon LCA, bulk sale, substitution of chemical ingredients). In addition, the Detergents Regulation is also part of the fitness check on chemicals legislation (excluding REACH) that is currently being carried out. A supporting study, focusing on CLP and related legislation, including the Detergents Regulation, will provide relevant information on the external coherence between the Detergents Regulation and other chemicals legislation, as well as the performance of the legislative framework as a whole.</p>

E. Other relevant information/ remarks
N/A