

**Policy recommendations**

**to be adopted by the Steering Group of EU SDR PA4**

Concerning

**Action 7: “To legislate at the appropriate level to limit the presence of phosphates in detergents”**

**March 2014**

The Roadmap of Priority Area 4 of the EUSDR contains Action 7, “To legislate at the appropriate level to limit the presence of phosphates in detergents”. The ICPDR was responsible under Milestone 1 to prepare an overview report on the implementation of regulation (EU) 259/2012.In the Roadmap of PA4 A7 a special task was identified in Milestone 2 to make a policy response to the overview report. Therefore to complete this task and partially based on Hungarian governmental funds, PA4 concluded a contract with an international research organisation, Czech based Justice and Environment, who prepared a complete research document analysing the situation with regards to phosphates in the Danube basin. The summary of the Study and the recommendations based on the research are provided here for the Steering Group Members of PA4 and for further recommendations to stakeholder institutions. The present paper will be discussed and the study on Action 7 on phosphates will be discussed in detail at the SG7 Meeting in Budapest, on 28.03.2014.

**In EU Member States, Regulation 259/2012** as regards the use of phosphates and other phosphorus compounds in consumer laundry detergents and consumer automatic dishwasher detergents **is implemented. In countries outside the EU, different measures are in place**, such as command and control instruments (national regulations aiming to limit the phosphate content of detergents) and voluntary agreements between governments and industry to restrict phosphate in detergents.

# Recommendations on short-term policy responses

There is extended literature on those environmental policy measures which aim to reduce or eliminate the phosphate content of detergents.[[1]](#footnote-2) These range from measures aiming at limiting pollution by imposing regulations or standards on companies, via the use of economic instruments, such as taxes and charges, to policies employing economic incentives, in particular environmental taxation or voluntary agreements to reduce phosphate use in detergents.[[2]](#footnote-3)

Recent approaches attempt to connect individual instruments such as regulatory instruments[[3]](#footnote-4) by integrating existing measures into a comprehensive framework for sustainable development (market based instruments[[4]](#footnote-5) and/or voluntary agreements[[5]](#footnote-6)).

According to the JAP,[[6]](#footnote-7)**a joint decision for a voluntary agreement**[[7]](#footnote-8) on promoting the introduction and use of phosphate-free detergents to the market of the Danube countries should be formulated. At the same time, it is true that the severity and threat of eutrophication is very different even within the EU and also in the Danube countries. **The contribution of phosphate-based detergents to eutrophication therefore varies country by country as well as in different hydrographic basins depending on specific human activities and land use.**

There are several voluntary agreements between governments and industry to limit the use of phosphates in detergents by the detergent industry.[[8]](#footnote-9) In some countries such as Germany, the voluntary agreement in effect is equivalent to a ‘ban’ of phosphates in household laundry detergents.

Although voluntary agreements are regarded as effective tools of environmental policy in general, practical examples demonstrate the difficulties of maintaining a successful voluntary agreement without legislative back-up.[[9]](#footnote-10)

**An alternative and probably a more promising option would be to persuade DRB country governments of the need for national legislation.**

The conclusion of the European Commission’s report to Council and the European Parliament on detergents and the use of phosphates further reinforced both the urgency and the need for action.*[[10]](#footnote-11)* The UNDP-GEF[[11]](#footnote-12) Danube Regional Project funded by the United Nations Office for Project Services (UNOPS) to develop recommendations for the reduction of phosphorus in detergents in the Danube River Basin, has generated detailed data on phosphate concentration and eutrophication in the Danube. The final report[[12]](#footnote-13) concludes:

*“Whilst it is recognised that other actions, such as improved urban waste water collection and treatment, as well as ‘good agricultural practices’ are necessary complementary actions, the study has shown clearly that there is ample scope for contributing to a successful resolution of the problem of eutrophication, by replacing phosphate detergents with phosphate-free detergents, thereby reducing the total phosphate burden”.*

**Based on the findings of the final report, the policy recommendation to countries of the Danube River Basin** was **to proceed with national legislation** and/or **further voluntary agreementsto replace phosphate-based detergents to protect the Danube and the Black Sea from eutrophication.** This was re-iterated at the recent High-Level Meeting of all 16 Danube and Black Sea Countries and the European Commission in a Declaration on Water Protection.[[13]](#footnote-14)**A combination of improved waste water treatment with the use of phosphate-free detergents** would decrease nutrient loads and thereby improve the marine environment more than either of these measures taken alone.[[14]](#footnote-15)

**A complex policy which aims to reduce and/or phase out phosphates from detergents shall be based on the following measures:**

* legislative measures;
* voluntary agreements;
* an eco-labelling system of detergents;
* taxes or fines;
* increased public awareness and involvement.

**National legislative measures** may include the following:

* introduction of a total ban of phosphates in detergents;
* restriction of phosphates in laundry detergents; or
* setting limit values for the content of phosphates in detergents.

When drafting national legislation, countries might build on the experiences of those countries that already have certain regulations and practical knowledge on the phosphate content of detergents. **EU Regulation 648/2004 as amended by Regulation 259/2012 should also be followed and taken into account.** At the same time, EU MSs are obliged to apply the relevant measures of the Regulation.

While the above described legislative measures, the introduction of economic instruments as well as voluntary agreements may be regarded as long-term or at least middle-term instruments for achieving the subsequent environmental objectives, short-term policy measures[[15]](#footnote-16) such as **public reflections or high level discussion** are also important.

The following short-term policy reflections are recommended to be used:

1. **In those countries where no legislation on phosphate-free detergents exists yet, preparing impact assessments** in order to find the most suitable policy option for further action.
2. For those countries where the relevant legislation or voluntary agreements aiming to reduce/eliminate the phosphate content of detergents are already in place, the top priority is to **monitor compliance with already existing agreements or legislation**, **with the assistance of NGOs when possible.**
3. **Promoting public debate and involvement** in the Danube countries regarding phosphate-free detergents: an extensive, national debate on goals and tools should be the base of any national measure, especially in counties where there is no national legislation on the phosphate content of detergents.
4. **Raising consumers' awareness** of the water footprint of products; for this purpose the media (print, radio and TV) could be used in most countries to support consumer education, involving consumers as partners in the circle of stakeholders. The internet is an effective tool to promote transparency and to facilitate co-operation and co-ordination among stakeholders (e.g. online versions of legislative or project databases should be created).
5. **Organising workshops** to inform stakeholders and to explore the best way forward could also be beneficial, for example in countries where there is no legislative ban in place on the phosphate content of detergents.
6. In any case, it is important to **maintain close contact with the relevant government departments of the countries concerned;** as well as to **maintain a dialogue with both the industry and the relevant trade associations**. International co-operation among the relevant stakeholders (ministries, representatives of the phosphate-industry, international organizations, NGOs) should be enhanced to promote the overall effectiveness of the existing and planned national measures and to recognise and build on other countries’ successful experiences.

Based on the conclusions drawn by the Interim Report, the introduction of limitations on phosphorus in detergents, i.e. a phosphorus limitation in laundry detergents by 30 June 2013 and in dishwasher detergents in January 2017, is seen as a cost-effective and necessary measure to complement the efforts of implementing urban wastewater treatment and reach a phosphorus level equivalent to the one in the 1960‘s.

However**, in order to reach these objectives, effective cooperation and an exchange of information are essential to share already existing good practices and to provide legal and technical assistance across the Danube countries**.

The EUSDR PA4 provides a platform for exchanging views and providing policy assistance to Directorate General Environment in tackling the issue of phosphates in detergents and for the sake of providing policy recommendations it agrees to submit the current recommendations and the related study on the topic to DG Environment for discussion.

1. David W. Litke: Review of Phosphorus Control Measures in the United States and Their Effects on Water Quality. U.S. GEOLOGICAL SURVEY Water-Resources Investigations Report 99–4007. Denver, Colorado 1999.;Dr. Jonathan Köhler: Detergent phosphates and detergent ecotaxes: a policy assessment. Department of Applied Economics University of Cambridge, UK. 2001.; WRcplc (Project number 14092-0) Authors: Carla Littlejohn, Helene Horth: Recommendations for the Reduction of Phosphorus In Detergents. Final Inception Report.WRcplc 2005. [↑](#footnote-ref-2)
2. Jonathan Köhler: Detergent Phosphates: an EU Policy Assessment. Research Paper.Faculty of Economics, University of Cambridge, Sidgwick Avenue, Cambridge.2006 Institute of Business Administration. In: Journal of Business Chemistry Vol. 3, Issue 2 May 2006. [↑](#footnote-ref-3)
3. Regulatory (administrative or directive-based) instruments specify the obligations of the various actors and define how certain activities shall be conducted. [↑](#footnote-ref-4)
4. Market based, or economic instruments create positive or negative incentives for certain activities by adjusting the financial conditions of those activities. [↑](#footnote-ref-5)
5. Voluntary agreements are usually agreements which are not the result of a political decision-making process, but mainly the outcome of negotiations between the respective partners and organizations. [↑](#footnote-ref-6)
6. The Joint Action Programme of the ICPDR outlined the specific steps that were agreed to be taken over the period 2001-2005 to achieve the environmental objectives outlined in the Danube River Protection Convention including many large-scale measures to reduce water pollution, to promote nature conservation, to restore ecosystems, and to safeguard the long-term sustainable management of the environment. <http://www.icpdr.org/main/activities-projects/joint-action-programme-jap> [↑](#footnote-ref-7)
7. With the participation of the detergent industry (AISE) and the ICPDR. [↑](#footnote-ref-8)
8. ICPDR (International Commission for the Protection of the Danube River) (2007), *Joint Action Programme.Final Implementation Report*. [↑](#footnote-ref-9)
9. WRcplc (2006), Recommendations for the Reduction of Phosphorus in Detergents. Final Report (Project number 14092-0), p. 8, p. 55. [↑](#footnote-ref-10)
10. COM(2007) 234 final, Report from the Commission to the Council and the European Parliament pursuant to Article 16 of Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents, concerning the use of phosphates. [↑](#footnote-ref-11)
11. <http://web.undp.org/gef/aboutus.shtml> [↑](#footnote-ref-12)
12. UNDP/GEF report at Danube River is available at: <http://www.undp-drp.org/drp/activities_1-8_detergents.html> [↑](#footnote-ref-13)
13. <http://www.icpdr.org/icpdr-pages/water_protection_declaration.htm> [↑](#footnote-ref-14)
14. Report from the Commission to the Council and the European Parliament Pursuant to Article 16 of Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents, concerning the use of phosphates. (COM/2007/0234 final ) [↑](#footnote-ref-15)
15. Regarding the timing of their impact, for the purposes of this study, the term ‘short-term policy measures’ is used for measures which are to be realized within a timeframe of 1-2 years. [↑](#footnote-ref-16)