Commission Regulation (EC) No 907/2006 of 20 June 2006 amending Regulation (EC) No 648/2004 of the European Parliament and of the Council on detergents, in order to adapt Annexes III and VII thereto (Text with EEA relevance)

COMMISSION REGULATION (EC) No 907/2006

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(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents[(1)], and in particular Article 13(1) thereof,

Whereas:

(1) Regulation (EC) No 648/2004 ensures the free circulation of detergents on the internal market while at the same time providing a high level of protection to the environment and to human health by laying down rules for the ultimate biodegradation of surfactants for detergents, and for the labelling of detergent ingredients.

(2) Some of the methods laid down in Annex III to Regulation (EC) No 648/2004, e.g. the ISO 14593 reference method, are also applicable for testing substances that are poorly-soluble in water, if adequate dispersion of the substance is ensured. More guidance for testing poorly-soluble substances is given in ISO 10634. However, an additional test method should be introduced for use with surfactants that are poorly-soluble in water. The additional test method proposed is ISO standard 10708:1997 'Water quality — Evaluation in an aqueous medium of the ultimate aerobic biodegradability of organic compounds'. The Scientific Committee on Health and Environmental Risks (SCHER) concluded that ISO 10708 is of an equivalent standard to the test methods already included in Annex III to that Regulation and was in favour of its use.

(3) To ensure a high level of health protection, information concerning detergent composition needs to be made more easily available to the general public. The address of a website should therefore be provided on the packaging of the detergent from which the list of ingredients mentioned in Section D of Annex VII to Regulation (EC) No 648/2004 can be easily obtained.

(4) There is a requirement to declare allergenic fragrances if they are added in the form of pure substances. However there is no requirement to declare them if they are added as constituents of complex ingredients such as essential oils or perfumes. To ensure better transparency to the consumer, allergenic fragrances in detergents should be declared irrespective of the way they are added to the detergent.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 907/2006. (See end of Document for details)*

(5) The list of ingredients intended for the general public that is given in section D of Annex VII to Regulation (EC) No 648/2004 requires the use of specialised scientific nomenclature that may hinder rather than help the general public. Moreover, there are some minor inconsistencies between the information made available to the general public compared to that to be made available to medical personnel under section C of the same Annex. The ingredient information for the general public should be made more easily understandable by using the INCI nomenclature already in use for cosmetic ingredients, and sections C and D should be made compatible.

(6) The definition of 'detergent' in the Regulation makes it clear that the rules on labelling apply to all detergents whether they contain surfactants or not. However, section D of Annex VII to Regulation (EC) No 648/2004 lays down different rules for those industrial and institutional detergents that contain surfactants compared with those that do not. This difference in labelling requirements serves no useful purpose and should be eliminated.

(7) Annexes III and VII to Regulation (EC) No 648/2004 should be amended accordingly. In the interest of clarity it is appropriate to replace those Annexes.

(8) The measures provided for in this Regulation are in accordance with the opinion of the detergents Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 648/2004 is amended as follows:

1. Annex III is replaced by the text set out in Annex I to this Regulation.

2. Annex VII is replaced by the text set out in Annex II to this Regulation.

Article 2

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 1(2) shall apply from the day falling six months after the entry into force of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 June 2006.

For the Commission

Günter VERHEUGEN

Vice-President

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 907/2006. (See end of Document for details)*

ANNEX I

‘ANNEX III

ULTIMATE BIODEGRADABILITY (MINERALISATION) TEST METHODS FOR SURFACTANTS IN DETERGENTS

A. The reference method for laboratory testing of surfactant ultimate biodegradability in this Regulation is based on the EN ISO standard 14593: 1999 (CO_2 headspace test).

Surfactants in detergents shall be considered as biodegradable if the level of biodegradability (mineralisation) measured according to one of the following tests[(2)] is at least 60 % within 28 days:

1. EN ISO Standard 14593: 1999 — Water quality — Evaluation of ultimate aerobic biodegradability of organic compounds in aqueous medium — Method by analysis of inorganic carbon in sealed vessels (CO_2 headspace test). Pre-adaptation is not to be used. The 10-day window principle is not applied (reference method).

2. Directive 67/548/EEC method, Annex V.C.4-C (carbon dioxide (CO_2) Eeolution modified Sturm test): pre-adaptation is not to be used. The 10-day window principle is not applied.

3. Directive 67/548/EEC method, Annex V.C.4-E (closed Bottle): pre-adaptation is not to be used. The 10-day window principle is not applied.

4. Directive 67/548/EEC method, Annex V.C.4-D (manometric respirometry): pre-adaptation is not to be used. The 10-day window principle is not applied.

5. Directive 67/548/EEC method, Annex V.C.4-F (MITI: Ministry of International Trade and Industry, Japan): pre-adaptation is not to be used. The 10-day window principle is not applied.

6. ISO 10708:1997 — Water quality — Evaluation in an aqueous medium of the ultimate aerobic biodegradability of organic compounds — Determination of biochemical oxygen demand in a two-phase closed bottle test. Pre-adaptation is not to be used. The 10-day window principle is not applied.

B. Depending on the physical characteristics of the surfactant, one of the methods listed below may be used if appropriately justified[(3)]. It should be noted that the pass criterion of at least 70 % of these methods is to be considered as equivalent to the pass criterion of at least 60 % referred to in methods listed in point A. The adequacy of the choice of the methods listed below shall be decided on a case-by-case confirmation, in accordance with Article 5 of this Regulation.

1. Directive 67/548/EEC method, Annex V.C.4-A (dissolved organic carbon DOC die-away): pre-adaptation is not to be used. The 10-day window principle is not applied. The pass criteria for biodegradability measured according to the test shall be at least 70 % within 28 days.

2. Directive 67/548/EEC method, Annex V.C.4-B (modified OECD screening-DOC die-away): pre-adaptation is not to be used. The 10-day window principle is not applied. The pass criteria for biodegradability measured according to the test shall be at least 70 % within 28 days.