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| espr consultation | |
| A.I.S.E. Response | 8 May 2023 |

A.I.S.E. welcomes the objectives of the European Commission proposal for a new Regulation on Ecodesign for Sustainable Products (ESPR), which will enable a comprehensive and harmonised set of requirements for the sustainability of products placed on EU market.

A.I.S.E. wishes to raise the following considerations related to the identified potential priority product categories and JRC report:

1. **Sustainable progress of the Detergents Industry:**

**Charter for Sustainable Cleaning:** The European detergents and maintenance products industry has been committed to sustainability via the Charter for Sustainable Cleaning since 2006. The Charter supports the whole industry to undertake continual sustainability improvements and encourages consumers to adopt more sustainable ways of doing their washing, cleaning, and household maintenance. The Charter has a proven track record of delivering tangible improvements in environmental performance including significant improvements in CO2 emissions and energy use per tonne of production. ([A.I.S.E. 2021-2022 Sustainability Report](https://www.aise.eu/newsroom/aise-news/hot-off-the-press-new-aise-activity-sustainability-report-2021-22.aspx?back=8)). Therefore, we welcome the principle of self-regulation as a tool to complement legislation to efficiently meet ESPR policy objectives.

**Compaction and resource efficiency:** Over a 20-year period, the amount of laundry detergent used in Europe has decreased considerably, even though there has been an increase in the number of washloads. This was facilitated by a series of voluntary initiatives led and coordinated by A.I.S.E. Cumulative over the past two decades, this means a saving in the order of 30 million tonnes in total. Compared to 1997, almost 3 millions tonnes of detergent consumption was avoided in 2017, thanks to technological progress enabling dosage reduction ([A.I.S.E. Compaction](https://www.aise.eu/newsroom/aise-news/compaction-of-household-laundry-detergents-enables-significant-environmental-savings.aspx) ).

We would like to emphasize that any performance metric related to this aspect should not be referred to a minimum allowed level of surfactants, as we understand being reported in the JRC paper (i.e. “*performance requirement on minimum detergents concentration [expressed as a % over the total weight of the product]”.* Instead, it should relate to a reduction to the product dosage (e.g. performance requirement on a maximum allowed dosage) to ensure that innovative approached can continue to be adapted. The new definition of detergent included in the EU Commission proposal for the Detergent Regulation [COM(2023)217], in order to ensure innovation is not hampered, has been broadened and it does not rightly require anymore the presence of surfactants as a condition to be a detergent (i.e. *“detergent means any of the following: a substance, mixture or micro-organism, or two or more such materials in combination, which is intended for cleaning […]*”).

**Cold Wash**: In 2013, A.I.S.E. and its national associations launched a campaign called ["I prefer 30°"](http://www.iprefer30.eu/); which lasted more than 3 years. The initiative aimed to promote more sustainable use of household laundry detergents. The objective was to focus on saving energy through low temperature washing (which is the most promising area of potential environmental savings), by raising consumer awareness of the benefits of washing at low temperatures. More than 30 partners including retailers, appliance manufacturers, fashion manufacturers/retailers, authorities, NGOs and other corporate supporters joined the movement. As a result of this effort, there has been a significant increase of consumer washing at 30°C ([A.I.S.E. Low Temperature Washing](https://www.aise.eu/our-activities/sustainable-cleaning-78/engaging-with-consumers/low-temperature-washing-campaign.aspx)).

1. **Coherence of ESPR with current and upcoming legislation**

They are currently several policies in development within the umbrella of Green Deal. It is upmost importance that there is consistency between the regulatory files and competing or contradictory criteria are avoided to minimize burden for the industry and ensure an effective implementation. Therefore, the corresponding current and upcoming legislation for each product group should also be an integral part of JRC analysis when deciding about prioritisation and the relevant criteria. Specifically for detergents we call for a coherent assessment and integration of the requirements based on the following legislative dossiers:

* Detergent Regulation Revision: Several overlapping aspects of Detergent Regulation Revision with ESPR including Digital Products Passports and their implementation need to be well addressed.
* REACH revision with regards to synthetic polymer microparticles
* Proposal on Packaging and Packaging Waste Regulation. More specifically;
  + Product to packaging ratio is foreseen as a potential measure in ESPR, is covered as packaging minimization in PPWR (Article 9)
  + The correct disposal of the product is foreseen as a potential measure in ESPR, is covered within the harmonized waste sorting label in PPWR (Article 11)
  + Information requirement on percentage of recycled content, is covered also in PPWR Article 11
* The EU Deforestation Regulation

1. **Definitions for products**

Clear definitions related to list of products within the scope of the research should be provided. As an example, it is not clear whether stain removers falls under laundry detergent sub-group. If they are intended to be covered, they should be covered as a separate sub-group and cover both pre and in-wash products. Stain removers are designed to enhance the performance of the laundry detergent with the objective to prolong the life of textiles and to be used in case of stained clothes or clothes with a malodour. Different rules and design principles applied for laundry detergent and stain removers (pre- and in-wash) are encouraged, so specific rules that apply to specific chemistries can be developed.

1. **Assessment of Impact Relevance and Improvement Potential**

A.I.S.E. would like to emphasize that the impact relevance and improvement potential for detergents do not fully and objectively reflect the improvements detergents industry has done over the last decades. A.I.S.E. would strongly recommend revising the provided assessment in the JRC report in order to further strengthen the analysis. Specific perspective is provided in below sections.

**Water effects:**

* Several of the mentioned products (disinfectants, insect repellents and biocides) within the “water effect” are not falling under the products specified in scope of ESPR. This leads into a misleading substantiation of environmental impact and improvement potential of water effects with respect to detergent products.
* Referenced use of phosphate, PFAS and triclosan is not reflecting the current status of the usage in the referenced products in Europe. It is essential to have a focused assessment for the European market and not make misleading conclusions based on global and outdated data. As an example, the use of phosphates in consumer detergents in Germany decreased considerably from 33,535 tons in 2006 to 829 tons[[1]](#footnote-2) of phospahates in 2019. Triclosan is an active substance for use in biocidal products for product-type 1 (human hygiene biocidal products) and based on the Commission Implementing Decision (EU, 2016/110)[[2]](#footnote-3), it is not approved for use.
* Generic conclusions related to Waste Water Treatment (WWT) are provided in the JRC analysis, however WWT is highly dependent on local conditions. Therefore, global assessment and conclusions need to be approached with caution.
* Solubility of the detergent capsules’ film needs to be considered in order to ensure a holistic and scientific assessment related to microplastic discharge, which is referenced in the JRC report.
* It is important to note that biodegradability requirements of surfactants are covered via Detergent Regulation and duplication of measures should be avoided.

**Air effects:**

* The potential of measure of mandatory design of refillable packaging is not a viable option for aerosols to limit VOCs. Aerosols are defined as "non-reusable" in Art. 2 of the Aerosol Directive for safety reasons.
* The alternative concept of "refillable pressurized dispensers" do not fulfill the necessary safety requirements.

**Biodiversity:**

* Based on the most recent legislative developments, environmental impact assessment related to biodiversity based on deforestation is considered as disproportionate.
* Due diligence on deforestation free sourcing will be covered under upcoming regulation relating to certain commodities and products associated with deforestation and forest degradation.
* More justification and details should be provided under JRC report what is expected to be being achieving on the ground to qualify as providing or having a positive impact on biodiversity.
* Utmost importance should be given to ensure sustainable sourcing of biobased ingredients, should a performance requirement of a minimum content of certified biobased ingredients is planned. This intervention is necessary to ensure a potential conflict in terms biobased ingredients in the context of potential competition for food, as well as negative consequences on biodiversity.
* With regards to bio-based ingredients, the report is also inconsistent in its analysis since it includes the biodiversity impacts (mostly linked to deforestation). However, it does not cover the benefits of bio-based ingredients with respect to climate change as opposed to fossil derived ingredients.

**Climate Change and Life Cycle Energy Consumption:** Studies conducted by A.I.S.E. confirms energy consumption during use phase and climate change as the most relevant impact categories for detergent products, as mentioned in the JRC report. However, as in the future the EU energy grid is expected to decarbonize, the importance of the use phase is expected to decrease with respect to other stages of the life cycle, in particular raw materials (Shahmohammadi, Steinmann, Clavreul, Hendrickx, & King, 2017)[[3]](#footnote-4). Based on this expected evolution, it is striking to see that the climate change impact of fossil-derived chemicals and ingredients have not been considered in the report in addition to use phase to have a future proof holistic coverage of impact categories. Significant importance should be given to measures related to raw materials to decrease the GHG and climate change impact of detergents in addition to use the phase.

**Potential performance requirement related to reuse and refill:** Reuse and refill should be assessed from an entire life cycle perspective, taking into account the overall product footprint, beyond packaging waste. Reverse logistics and cleaning operations always entail an environmental impact that needs to be balanced. Furthermore, as these business models are nascent, it may be premature to regulate them when pilots show that a variety of parameters can influence the success of reuse and refills.

For products of our industry, product safety and hygiene must be given special consideration, taking into account important safety and regulatory requirements. Some products’ packaging, legislative or regulatory provisions prohibit reuse due to health or safety requirements of the consumer, for example aerosols, which for safety reasons are not refillable according to the EU Aerosol Products Directive. In addition, for certain types of products, such as biocides, the implementation in reuse schemes is very difficult due to safety considerations linked to the possibility for spillage, inappropriate or lack of labelling, or a mismatch in the type of containers employed. Risks of contamination, going beyond the control of the product manufacturer, may occur when having to rely on other actors in the value chain for essential processes such as bottle cleaning. On another note, it is of great importance to guarantee that products requiring Child Resistant Closures (CRC) are not filled in generic non-CRC bottles.

**Potential performance requirement related to spare parts:** Applicability of spare parts is very limited for detergents and therefore should not be listed as a potential performance measure for this category.

1. **Removal of human toxicity from the environmental impact assessment**

JRC report confirms that no measures are envisaged under ESPR for human toxicity. As it is not a relevant domain, A.I.S.E. calls for removal of human toxicity from the environmental impact assessment matrix.

A.I.S.E. is committed to working together with the EU co-legislators and the EC to achieve sustainability, industry competitiveness and consumers’ empowerment.

*A.I.S.E. is the International Association for Soaps, Detergents and Maintenance Products. Based in Brussels, A.I.S.E. has been the voice of the industry to EU regulators for nearly 70 years. Membership consists of 29 national associations across Europe, 17 corporate members and 14 value chain partners. Through this extensive network, A.I.S.E. represents over 900 companies supplying household and professional cleaning products and services across Europe.*

*The industry is a substantial contributor to the European economy with an annual market value of €41.2 billion, directly employing 95 000 and 360 000 throughout the value chain. A.I.S.E. has a long history in leading voluntary industry initiatives that focus on sustainable design, manufacturing and consumption, product safety and safe use of products by consumers and professional customers.*

1. <https://www.ikw.org/fileadmin/IKW_Dateien/downloads/Haushaltspflege/2021_IKW_Nachhaltigkeitsbericht.pdf> [↑](#footnote-ref-2)
2. [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016D0110](https://eur05.safelinks.protection.outlook.com/?url=https%3A%2F%2Feur-lex.europa.eu%2Flegal-content%2FEN%2FTXT%2FPDF%2F%3Furi%3DCELEX%3A32016D0110&data=05%7C01%7Cbahar.koyuncu%40aise.eu%7Cb95a70e5065c4452824608db4d4cd435%7Cf2bb4852857f4cca9093cea799bf1c11%7C1%7C0%7C638188764609290154%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=7H8qkmASgpcPpsck6Hmkk7Ny8FkaEgyiSyHFoYZ46NM%3D&reserved=0) [↑](#footnote-ref-3)
3. *Shahmohammadi, S., Steinmann, Z., Clavreul, J., Hendrickx, H., & King, H. (2017). Quantifying drivers of variability life cycle greenhouse gas emissions. The International Journal of Life Cycle Assessment.* [↑](#footnote-ref-4)