

**2013 No. 1244**

**CONSUMER PROTECTION**

**ENVIRONMENTAL PROTECTION**

**PUBLIC HEALTH**

**The Detergents (Amendment) Regulations 2013**

<i>Made</i>	- - - -	<i>23rd May 2013</i>
<i>Laid before Parliament</i>		<i>3rd June 2013</i>
<i>Coming into force</i>	- -	<i>30th June 2013</i>

The Secretary of State is a Minister designated for the purpose of section 2(2) of the European Communities Act 1972<sup>(a)</sup> in relation to measures for safety as respects, among other products, detergents; provisions concerning the composition, labelling, marketing, classification or description of, among other products, detergents<sup>(b)</sup>; measures relating to consumer protection<sup>(c)</sup>; and measures relating to the environment<sup>(d)</sup>.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

**Citation and commencement**

**1.** These Regulations—

- (a) may be cited as the Detergents (Amendment) Regulations 2013;
- (b) come into force on 30th June 2013.

**Amendment of the Detergents Regulations 2010**

**2.—**(1) The Detergents Regulations 2010<sup>(e)</sup> are amended as follows.

(2) In regulation 2 for the definition of Regulation 648/2004 substitute—

““Regulation 648/2004” means Regulation (EC) No 648/2004 of the European

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(a) 1972 c.68; section 2(2) was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7) and by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51). The power of the Minister to make Regulations in relation to matters in, or as regards Scotland, is preserved by section 57(1) of the Scotland Act 1998 (c.46).

(b) S.I. 1972/1811, superseded in relation to consumer protection by S.I. 1993/2661 (see article 3(1)(a)).

(c) S.I. 1993/2661.

(d) S.I. 2008/301.

(e) S.I. 2010/740.

Parliament and of the Council on detergents(a);”.

(3) In regulation 7, after paragraph (1) insert—

“(1A) Any manufacturer who places on the market a consumer laundry detergent in contravention of Article 4a of Regulation 648/2004 is guilty of an offence.”.

(4) Omit regulation 9.

(5) In regulation 11(1) for “6,7 or 9” substitute “6 or 7”.

(6) In regulations 12(1) and 13, for “regulations 6,7 or 9” in each place occurring substitute “regulations 6 or 7”.

(7) In paragraph (3) of regulation 26 for “regulation 9 (prohibition on the sale of certain detergents)” substitute “regulation 1A”.

3. After regulation 30 insert—

#### “Review

31.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of these Regulations as they apply to England;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as reasonable, have regard to how Regulation 648/2004 is implemented in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

(4) In this regulation “review period” means the period of five years beginning with 30th June 2013, and, subject to paragraph (5), each successive period of five years.

(5) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.”.

4. In the table at Schedule 2 (Enforcement of Regulation 648/2004), after the entry for Article 3 and before the entry for Article 9 insert—

“Article 4a and Annex VIa	Prohibition on placing a consumer laundry detergent on the market in contravention of Article 4a	The council of a metropolitan district; the council of a non metropolitan county; the council of a London borough; the common council in the	The council of the county; the council of the county borough	The councils constituted under section 2 of the Local Government etc.(Scotland) Act 1994	The council of each local government district”
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(a) OJ No L104, 8.4.2004, p.1 as last amended by Regulation 259/2012 of the European Parliament and of the Council as regards the use of phosphates and other phosphorus compounds in consumer laundry detergents and consumer automatic dishwasher detergents, OJ No L 94, 30.3.2012, p.16.

City of  
London

23rd May 2013

*Richard Benyon*  
Parliamentary Under Secretary of State for  
Department for Environment, Food and Rural Affairs

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Detergents Regulations 2010 (“the 2010 Regulations”) to reflect the changes made by EU Regulation 259/2012 (“Regulation 259/2012”) of the European Parliament and of the Council amending Regulation (EC) No 648/2004 (“Regulation 648/2004”) as regards the use of phosphates and other phosphorus compounds in consumer laundry detergents and consumer automatic dishwasher detergents (OJ No L94, 30.3.2012, p.16).

Regulation 9 of the 2010 Regulations (which made it an offence to place on the market a detergent intended for use in domestic laundry if the weight of phosphorous in inorganic phosphate contained in the detergent was greater than 0.4% of the weight of the detergent) was due to come into force on 1st January 2015, but has been revoked by these Regulations. Instead, regulation 2(3) inserts a new offence of placing a consumer laundry detergent on the market which is in contravention of Article 4a (inserted by Regulation 259/2012) which limits the total content of phosphorus to 0.5 grams in the recommended quantity of the consumer laundry detergent to be used in the washing process.

Regulation 3 inserts a new regulation 31 requiring the Secretary of State to review the operation and effect of the 2010 Regulations as they apply to England, and publish a report within five years beginning with 30<sup>th</sup> June 2013 and within every five years after that. Following a review the Secretary of State must consider, in relation to England, whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

Regulation 4 amends Schedule 2 to the 2010 Regulations to show which enforcement authorities in the United Kingdom are responsible for enforcement of Article 4a and Annex VIa of Regulation 648/2004.

A full impact assessment has not been produced for this instrument as no impact on the private, voluntary or a public sector is foreseen.

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STATUTORY INSTRUMENTS

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