Regulatory Policy Committee	**Regulatory Triage Confirmation**	
Title of regulatory proposal	Amending The Detergents Regulations 2010	
Lead Department/Agency	Department for Environment, Food and Rural Affairs	
Expected date of implementation	-	
Origin	European	
Date submitted to RPC	12/02/2013	
Confirmation date and reference	21/02/2013	RPC13-FT-DEFRA-1713
Departmental Triage Assessment	Low cost regulatory	

Departmental rationale for Triage rating

The Regulatory Triage Assessment (RTA) says that:

"We have discussed both issues with the trade association representing manufacturers in this area in November 2012: the limit on phosphates in laundry detergents being bought forward, and for the labelling requirement on standard dosage in dishwasher detergents. It stated that all manufacturers were either compliant or working towards compliance with the new EU regulation so they believe it will not impose additional costs on business. We therefore do not expect an update to the UK's enforcement powers to have an impact in this area. In addition, the industry has been preparing for compliance with existing UK legislation which is due to come into force in 2015 in any case".

RPC confirmation	**APPROVED**
Based on the evidence presented to us, this appears to be a deregulatory measure.	☐
Based on the evidence presented to us, this appears to be a low cost regulatory measure.	☒
Based on the evidence presented to us, this does not appear to be either a deregulatory, or low cost regulatory measure**.**	☐
Based on the information provided it is not possible to confirm the RTA.	☐

RPC comments

The assessment by the Trade Association representing detergent manufacturers is that they believe that the proposal "*will not impose additional costs on business*" (page 4). On the basis of this reassurance from the Trade Association, which is likely to have good coverage of this industrial sector, we accept that the proposal is likely to be low cost. However, as qualification for the fast track hinges on this assessment, the RTA should have included further information on this consultation. This will need to be provided at EANCB Validation Stage.

Our understanding is that the proposal brings forward the implementation date only for the phosphate limit in laundry detergents from the UK Detergents Regulations 2010. In addition, we understand that the "*widening* [of] *existing enforcement*

powers" (page 5) reflects only the additional minimal EU requirements. However, this should be made clearer at EANCB Validation Stage.

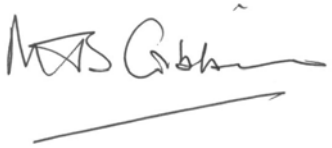
The RTA seems to refer incorrectly to *transposing* the EU Regulation into domestic law (page 2). As the EU Regulations are elsewhere stated as directly applicable, they do not require transposition. It would appear that what is meant here is that UK Regulations are required to enable effective enforcement of the EU Regulations. This should be made clearer at EANCB Validation Stage.

Overall, the RTA should have more clearly focused on the potential additional (enforcement-related) costs specifically associated with the introduction of UK Regulations, as opposed to the impact of the directly applicable EU Regulations themselves. Although the Trade Association has indicated that there will be no such additional costs, it would be helpful if a clearer distinction is made at EANCB Validation Stage.

Although the RTA states up front that this measure is classed as a low-cost regulatory measure, the Rationale for Triage Rating box in Annex B seems to provide an incorrect rationale for qualification for the fast track. The statement in this box appears only to be relevant to the OIOO assessment.

'One-in, One-out' (OIOO) Assessment	**Out of scope**

Subject to the further clarification at EANCB Validation Stage referred to above, as the proposal is of European origin with no evidence of going beyond the minimum requirements, it is out of scope of 'One-in, One-out' in accordance with the current One-in, One-out Methodology (paragraph16, ii). However, taking into consideration the above comments, an EANCB will need to be submitted at final stage for validation, in line with section 100 of the Internal Guidance for Better Regulation Units including Q&A, August 2012.

Signed  **Michael Gibbons,** Chairman