



Protocol amending the European Agreement on the Restriction of the Use of certain Detergents in Washing and Cleaning Products

Strasbourg, 25.X.1983

The Governments of the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland,

Considering that the Parties to the Brussels Treaty of 17 March 1948, as amended on 23 October 1954, resolved to strengthen the social ties by which they are united and to make every effort in common, both by direct consultation and in specialised agencies, to raise the standard of living of their peoples and promote the harmonious development of social services in their respective countries;

Considering that the social activities governed by the Brussels Treaty and carried on, until 1959, under the auspices of the Brussels Treaty Organisation and the Western European Union are now conducted within the framework of the Council of Europe, in accordance with the decision taken on 21 October 1959 by the Council of the Western European Union and with Resolution (59) 23 adopted on 16 November 1959 by the Committee of Ministers of the Council of Europe;

Considering that the Swiss Confederation and the Kingdom of Denmark have participated since 6 May 1964 and 2 April 1968 respectively in activities in the field of public health carried on under the aforesaid resolution;

Having regard to the European Agreement on the restriction of the use of certain detergents in washing and cleaning products, signed at Strasbourg on 16 September 1968;

Noting that the Contracting Parties to the Agreement, meeting under Article 3 thereof, have thought it desirable in the light of scientific and international developments that a number of amendments should be made to the Agreement,

Have agreed as follows:

Article 1

A new Article 1 reading as follows shall be included in the Agreement:

"This Agreement applies to any washing and cleaning product (detergent) the composition of which has been specially devised with a view to developing its detergent properties and which may be made up of surfactants, adjuvants, intensifying agents, fillers, additives and other auxiliary constituents."

Article 2

Article 2 of the Agreement shall have the following wording:

"The use of products of the kind referred to in Article 1 shall not, under conditions of normal use, adversely affect man and the environment."

Article 3

Article 1 of the Agreement shall become Article 3 and shall have the following wording:

"1 The Contracting Parties undertake to adopt measures as effective as possible in the light of the available techniques, including legislation if it is necessary, to ensure that in their respective territories:

- a no products of the kind referred to in Article 1 are put on the market unless the anionic and non-ionic surfactants which they contain are at least 80% susceptible to biological degradation as determined by the best practical techniques, such as the OECD reference method or any other method providing equivalent results;
- b the same objectives be achieved when considered appropriate with regard to cationic and ampholytic surfactants;
- c appropriate measurement and control procedures are implemented to guarantee compliance with the provisions of sub-paragraphs a and b of this paragraph.

2 The Contracting Parties may exempt the following surfactants, in the absence of suitable substitutes, from the requirements of paragraph 1:

- a low-foaming alkene oxide additives on such substances as alcohols, alkylphenols, glycols, polyols, fatty acids, amides or amines, used in dish-washing products;
- b surfactants mentioned under sub-paragraph a of this paragraph, and alkali-resistant terminally blocked alkyl and alkyl-aryl polyglycol ethers, used in cleaning agents for the food, beverage and metal working industries."

Article 4

1 A new Article 3 *bis* reading as follows, shall be inserted in the Agreement:

"The Contracting Parties undertake to intensify their research leading to a better understanding and assessment of the biological degradability of surfactants and to encourage, where necessary, the research for phosphate substitutes."

2 Article 3 of the Agreement shall become Article 3 *ter*.

Article 5

In relations between States Parties to the Agreement but not Parties to this Protocol and States Parties to this Protocol, the Agreement shall continue in force in its original form.

Article 6

- 1 This Protocol shall be open to signature by member States of the Council of Europe which are Parties to the Agreement. These States may express their consent to be bound by this Protocol by either:
 - a signature without reservation in respect of ratification, acceptance or approval, or
 - b signature with reservation in respect of ratification, acceptance or approval, followed by ratification, acceptance or approval.
- 2 Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 7

Any State becoming a Party to the Agreement after the entry into force of this Protocol shall be regarded as being:

- a a Party to the Agreement as amended; and
- b a Party to the unamended Agreement vis-à-vis any other Party to the Agreement not bound by this Protocol.

Article 8

- 1 This Protocol shall enter into force on the first day of the month following the expiration of a period of two months after the date on which three member States of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 6.
- 2 In respect of any member State which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of two months after the date of the signature or of the deposit of the instrument of ratification, acceptance or approval.

Article 9

- 1 After the entry into force of this Protocol, any State not a member of the Council of Europe invited to accede to the Agreement in pursuance of the provisions of Article 6, paragraph 1.b, of the Agreement shall be regarded as being invited to accede to this Protocol.
- 2 In respect of any acceding State, the Protocol shall enter into force on the first day of the month following the expiration of a period of two months after the date of the deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 10

- 1 No Contracting Party may denounce this Protocol without at the same time denouncing the Agreement. Denunciation shall be notified to the Secretary General of the Council of Europe.
- 2 Denunciation of the Agreement unreservedly implies that of this Protocol.
- 3 Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 11

The Secretary General of the Council of Europe shall notify the member States of the Council, any State which has acceded to the Agreement and any State which has acceded to this Protocol of:

- a any signature without reservation in respect of ratification, acceptance or approval;
- b any signature with reservation in respect of ratification, acceptance or approval;
- c the deposit of any instrument of ratification, acceptance, approval or accession;
- d any date of entry into force of this Protocol, in accordance with Articles 8 and 9 thereof;
- e any notification received in pursuance of the provisions of Article 10 of this Protocol and the date on which denunciation takes effect.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 25th day of October 1983, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State invited to accede to the Agreement.