

Detergents and surfactants

2023/0124(COD) - 28/04/2023 - Legislative proposal

PURPOSE: to update the rules on detergents, strengthening enforcement so that more compliant detergents and surfactants enter the EU's market.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the conditions for placing and making available on the market of detergents and surfactants for detergents have been harmonised through Regulation (EC) No 648/2004 of the European Parliament and of the Council on detergents.

In 2019, the Commission Evaluation of the Regulation concluded that overall that Regulation has achieved its objectives to a large extent. However, the evaluation also identified a number of weaknesses and areas for further improvement. In recent years, the regulatory framework for chemicals has changed radically creating a lack of coherence and duplications in the rules applicable to detergents and notably their information requirements. There is therefore a need to ensure consistency and to eliminate the duplicated information requirements.

In addition, new market developments, in particular the development of detergents containing micro-organisms and the refill sale of detergents have emerged that are either completely or partially not covered by Regulation (EC) No 648/2004. On the other hand, digitalisation offers opportunities for simplification, burden reduction and increased ease of use and understandability of safety and use information that are currently missed. It is therefore necessary to take account of the newly emerged products and practices and step up the digitalisation efforts in line with the overarching objectives of the Union especially in terms of sustainability, green and digital transition.

This initiative updates the existing rules in line with the objectives of the European Green Deal, the Chemicals Strategy for Sustainability and the recently adopted Commission Communication on the long-term competitiveness of the EU.

CONTENT: this Commission proposal seeks to guarantee the functioning of the internal market while ensuring that detergents and surfactants on the market fulfil the requirements providing for a high level of protection of health and the environment. The revised rules cover new innovative products like detergents containing micro-organisms and sustainable new practices like the refill sale of detergents. The new rules also introduce a digital labelling and a product passport for detergents and surfactants.

More specifically, the proposal will:

- *simplify market rules by abolishing several requirements that have now become unnecessary or redundant:* among those, such as: i) the obligation to provide an **ingredient data sheet** for hazardous detergents; ii) the obligatory intervention of **approved laboratories** that had to perform the tests under the Regulation; iii) the possibility to request a derogation for surfactants that do not meet the criterion of **ultimate biodegradability**; and iv) the obligation for manufacturers of detergents and surfactants to be established within the Union. Additionally, **labels** will also be simplified and streamlined to reduce the administrative burden for the detergents' industry and, at the same time, increase the understandability of labels by end-users;

- *introduce voluntary digital labelling*: the proposal differentiates between pre-packaged products and products sold in a refill format. For pre-packaged products, economic operators may choose to move certain mandatory labelling information to a digital label, in combination with a physical one. And for products sold in a refill format, the possibility to provide all labelling information, except for dosage instructions for consumer laundry detergents, only digitally. The introduction of digital labelling will reduce burden and costs for industry and will provide further ease of use and awareness for consumers and professional users;

- *facilitate the sales of innovative safe products*: the detergents sector has recently developed new innovative cleaning products that work on the action of **micro-organisms**. As these micro-organisms may present promising alternatives to harmful chemicals, the revised Regulation will introduce safety requirements for micro-organisms in detergents and the obligation for manufacturers to label the presence of micro-organisms in the detergents so that consumers are better informed. This will not only allow these products to move freely in the Single Market but also contribute to protecting health and the environment;

- *increase sustainability and safety through clear rules for refilled detergents*: the proposal ensures that consumers receive the necessary information when buying refilled detergents. The proposal clarifies that refilled detergents are subject to the same rules as pre-packaged detergents. The proposal also introduces voluntary digital labelling for refilled detergents as a means of further facilitating this sustainable practice, which reduces the amount of packaging and packaging waste;

- *strengthen enforcement*: this proposal replaces the EU declaration of conformity with the obligation for detergents and surfactants to have a **product passport** demonstrating compliance with the requirements of this Regulation. The product passport will be connected through a data carrier to a unique product identifier and meet the same technical requirements for a product passport under the eco-design for sustainable products regulation. The reference to the product passport will need to be included in a Commission central registry and declared at customs when detergents and surfactants are presented at the EU borders. National inspectors will continue to be responsible for carrying out checks on products, although a new IT system will screen all digital product passports at the external borders.