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DRAFT STATEMENT OF THE COUNCIL'S REASONS

Subject: Position of the Council at first reading with a view to the adoption of a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL on detergents and surfactants, and repealing Regulation (EC)
No 648/2004
– Draft Statement of the Council's reasons

I. INTRODUCTION

1. On 28 April 2023, the Commission adopted a proposal for a Regulation of the European Parliament and of the Council on detergents and surfactants, amending Regulation (EU) 2019/1020 and repealing Regulation (EC) No 648/2004.¹
2. The Proposal is based on Article 114 of the Treaty on the Functioning of the European Union (TFEU).
3. On 14 June 2023, the European Parliament's Committee on the Environment, Public Health and Food Safety (ENVI) appointed Ms Manuela Ripa (Greens, DE) as rapporteur for the proposal. The Committee on the Internal Market and Consumer Protection (IMCO) of the European Parliament delivered its opinion on the proposal on 24 January 2024. The Committee on Industry, Research and Energy decided not to give an opinion. ENVI voted on its final report on the proposal on 14 February 2024, which was adopted in the plenary on 27 February 2024 as Parliament's position at first reading. Since the start of the new legislative cycle, the European Parliament's Committee on the Environment, Public Health and Food Safety (ENVI) appointed Ms Majdouline Sbai (Greens, FR) as the rapporteur for the file.
4. The European Economic and Social Committee gave an opinion on the proposal on 12 July 2023².
5. The Working Party on Technical Harmonisation (Dangerous Substances - Chemicals) started the examination of the proposal on 16 May 2023 under the Swedish Presidency. Since then, 14 additional Working Party meetings have taken place under the Spanish and Belgian, Hungarian and Polish presidencies.

¹ ST 8904/23 + ADD 1-7

² ST 12179/23

6. Following the examination of the text in clusters under the Belgian Presidency, the Permanent Representatives Committee adopted the Council's mandate on 14 June 2024.
7. The interinstitutional negotiations started with the first trilogue on 28 January 2025 under the Polish Presidency. Second and third trilogues took place on 6 May 2025 and 10 June 2025 respectively. In the last trilogue on 10 June 2025, a provisional agreement was reached between co-legislators.
8. The European Parliament's ENVI Committee voted on 15 July 2025 in favour of the agreed text. Consequently, Chair of the ENVI Committee addressed a letter to the Presidency indicating that, if the Council adopted its position at first reading in accordance with the agreed overall provisional agreement, he would recommend to the Plenary that the Council's position be accepted, subject to legal-linguistic verification, at Parliament's second reading.

II. OBJECTIVE

9. The overall objective of the proposal is to simplify and modernise the legal framework that detergents need to comply with in order to be placed and circulate freely in the Union market, to create the legal basis for new innovative products like detergents containing micro-organisms, to encourage sustainable new practices like the refill sale of detergents, as well as to introduce digital labelling and the Digital Product Passport for detergents and surfactants.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

10. The Council's position at first reading contains the following main elements, on which agreement has been reached between the co-legislators:

11. On biodegradability requirements, the Commission is to set biodegradability criteria, first for water-soluble polymeric films used to encapsulate detergents and for all polymers within such films, and at a second stage for other organic substances used in high concentration in detergents, representing at least 10% of the product, excluding water. In order to ensure a high level of protection of the environment, following a gradual and progressive approach, the Commission should also assess the feasibility to introduce biodegradability criteria for organic substances present in lower concentrations than 10%, or to lower such threshold. The deadlines for films and polymers are set as follows: for films used to encapsulate detergents: 3 years (from the date of entry into force of the new Detergents Regulation) for adoptions of delegated acts and 6 years for products to comply with new requirements; and for other organic ingredients: 5 years for adoption of delegated acts and 8 years for compliance of products.
12. On phosphates and other phosphorus compounds, the Commission is required to make an assessment within 2 years on the feasibility of further reducing the limit values for these ingredients in detergents and of extending the range of detergents covered by them.
13. In addition the Commission is tasked to assess, as part of an overall the general review within 7 years, the possibility to further limit phosphorus content or add limitations of phosphorus content on additional categories of detergents, with a view to examining the feasibility of phasing out phosphorus, taking into account the impact on the environment, the availability of alternatives and the socio-economic impact of substitution. If appropriate, the Commission will accompany the two analyses with legislative proposals.
14. Detergents and surfactants which have been the subject of animal testing are prohibited to be placed on the market, however, the use of historically available data is allowed.

15. On the communication of the ingredients data sheet, to ensure a high level of protection of human health, given the wide availability of such products and the high risk of accidental poisoning, a requirement that manufacturers and, where applicable, their importer or authorised representative provide an ingredients data sheet before the products are placed on the market, while using existing ECHA communication channels, is included.
16. On authorised representatives, the provisions in this Regulation are aligned to the New Legislative Framework approach, while extending the obligations of the authorised representative of manufacturers established outside the EU to ensure the availability to market surveillance authorities of all the necessary information to verify that the labelling complies with the requirements of the Regulation.
17. The date of application of the new Regulation was set at 42 months after its entry into force.

IV. CONCLUSION

18. The Council's position at first reading fully reflects the compromise reached in the negotiations between the European Parliament and the Council, facilitated by the Commission.
 19. The Council therefore believes that its position at first reading is a balanced representation of the outcome of the negotiations and that, once adopted, the Regulation on detergents and surfactants will create modern and simplified legal framework that detergents need to comply with in order to be placed and circulate freely in the Union market.
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