



Council of the European Union
General Secretariat

**Interinstitutional files:
2023/0124 (COD)**

Brussels, 05 March 2025

WK 2942/2025 INIT

LIMITE

MI

ENT

ENV

CHIMIE

IND

CONSOM

SAN

CODEC

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From:	Commission services
To:	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals)
Subject:	Detergents Regulation Simplification and coherence

WK 2942/2025 INIT

LIMITE

EN

Disclaimer: this document aims to support the technical discussion in the ongoing negotiations for the adoption of a Regulation of the European Parliament and the Council on detergents and surfactants (2023/0124(COD)). It does not necessarily reflect the official position of the European Commission.

1. Drafting suggestions – support policy discussions

1.1 Model definition – proposal of a compromise

rows 125-128f

Article 2(34a)

(34a) ‘model’ means a type of detergents or surfactants all of whose units meet the following conditions:

- they have the same manufacturer and are placed on the market under the same trade name;
- they have the same content, in accordance with Part A of Annex V, and are manufactured using the same manufacturing processes;
- where applicable, they are subject to the same classification under Regulation (EC) No 1272/2008; and
- they are clearly defined by a model identifier allowing their specific identification.

2. Drafting suggestions to streamline the text

2.1 Deadlines – ‘X years from the moment... ‘

rows 24a, 155, 172, 190, 208, 213, 248, 269, 470b

4 variations in the text:

- 10 years after the detergent or the surfactant has been placed on the market (row 155 Council; row 190, Commission and Council; row 208, Commission and Council; row 248, Commission; row 268, Council and Commission)
- 10 years after the detergent or surfactant **concerned** has been placed on the market (row 248, Council)

- 10 years after the detergent or the surfactant **covered by that documentation or product passport** has been placed on the market (row 24a, Council; row 155, Commission; row 172, Commission and Council)
- 10 years following the date on which **the last item of a batch or model of a detergent or the surfactant covered by that documentation, product passport or digital label** has been placed on the market (row 24a, EP)

[Blue Guide](#) – standard (new legislative framework) NLF, section 4.3, technical documentation

‘The technical documentation must be kept for 10 years from the date of placing the product on the market, unless the applicable Union harmonisation legislation expressly provides for any other duration (219). This is the responsibility of the manufacturer or the authorised representative established within the Union. Since the concept of ‘placing on the market’ refers to each individual product, the time period needs to be calculated from the moment when the individual product that is covered by the technical documentation is placed on the market.’

Solution proposed:

- 10 years after the detergent or the surfactant has been placed on the market – in all instances

2.2 Communication of information to national authorities – digitalization

Rows 165, 191, 201

- Commission: ‘in paper or electronic form’ – it is not mentioned who decides on the form; in practice, it is the market surveillance authority deciding, according to the standard NLF.
- EP AM – ‘in electronic format and, upon request, in paper format’ – it is a clearer version of the COM proposal.

[The Market Surveillance Regulation](#) stays silence as regards the form in which the communication is to be made. In addition, massive investments are done to digitize the market surveillance – ICSMS, RAPEX.

Digitisation should be reinforced. Operators should not communicate paper version of documents – this leads to unnecessary administrative costs. Market surveillance authorities are able to work digitally.

Drafting proposed:

- ‘in electronic form’

2.3 Languages

Rows 185, 232

There are the following variations:

The information	Commission and EP	Council
Communicate information to MSA	in a language which can be easily understood by the authority rows 165, 173 (EP), 191 same in MSR	
Name and other details for importers	a language easily understood by end-users and market surveillance authorities rows 185	the official language(s) of the Member State(s) where the detergent or surfactant is made available on the market, unless the Member State(s) concerned provide(s) otherwise, row 232
Information on economic operators, other than importers	in a language which can be easily understood by end-users, as determined by the Member State concerned row 232	
Labelling information	GPSR, NLF (same) MSR (language determine by the MS) ESPR (digital instructions in a language easily understood as determined by the MS)	
The DPP	language or languages required by the Member State where the detergent or surfactant is placed or made available on the market; Row 267 ESPR (for the declaration of conformity - same)	(e) it shall be available in the language or languages required by the Member State where the detergent or surfactant is made available on the market, row 267

The issues:

- Contact details of EO should not be translated – or if we request them to be in the official language(s) of Member States(s) where the product is made available, this would be the consequence. There is no added value and creates unnecessary costs – takes up space on the label/packaging
- A product can be made available only in one Member State at a time. Making available on the market refers to individual products, not to their models. So, we should not keep the ‘Member State(s)’ in the Council proposal.
- If the text would be understood as referring to the model, requesting the label in the official language of the Member States where the product is made available on the market equals to requesting multilanguage labels.

- It is not clear if for MSs with 2 or more official languages, all languages are needed, as a default option.

Drafting proposed:

- Keep 'in a language which can be easily understood by end-users' – for contact details of operators
- Keep: in a language which can be easily understood by end-users, as determined by the Member State concerned – for the labelling, which can be the official language (one or more) or not, depending on the MS.

2.4 Coherence with the ESPR – data carrier and identifiers

Introduce a new Article

Article 19-a

Additional technical requirements

1. The data carrier and unique product identifiers required under this Regulation shall comply with the standards applicable to data carriers and unique product identifiers under Article 10(1), point (c) of Regulation (EU) 2024/1781.
2. The unique operator identifiers required under this Regulation shall comply with the standards applicable to unique operator identifiers under Article 12(1) of Regulation (EU) 2024/1781.
3. Article 12(2) of Regulation (EU) 2024/1781 shall apply to economic operators who create or update a digital product passport under this Regulation when a unique operator identifier does not exist.
4. Any rules and procedures for the lifecycle management of unique identifiers and data carriers set out in delegated acts adopted pursuant to Article 12(4) of Regulation (EU) 2024/1781 shall also apply in respect of unique identifiers and data carriers under this Regulation.
5. Any procedures to issue and verify digital credentials of economic operators and other relevant actors that have access rights to data included in the digital product passport set out by implementing acts adopted pursuant to Article 11 fourth paragraph of Regulation (EU) 2024/1781 shall also be applicable for the purposes of this Regulation.
6. Any requirements for digital product passport service providers to comply with in order to become such providers, and, where appropriate, for providing services, set out in delegated acts adopted pursuant to Article 11 third paragraph of Regulation (EU) 2024/1781 shall also be applicable for the purposes of this Regulation.

2.5 Consumer detergents for surfaces

Different notions for the same thing:

- Row 90a – hard surface cleaning product
- Row 231, 516a – consumer detergents for surfaces
- Row 510 – consumer detergents for surface cleaning

Drafting suggestion:

- Consumer detergents for surfaces

