



Council of the European Union  
General Secretariat

---

---

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

---

---

**Brussels, 05 March 2025**

**WK 2944/2025 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**

---

<b>From:</b>	Commission services
<b>To:</b>	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals)
<b>Subject:</b>	Detergents Regulation Discussion paper : The communication of ingredients data sheet for detergents [and surfactants] which are not hazardous for human health

---

---

WK 2944/2025 INIT

**LIMITE**

**EN**

## Discussion paper

### The communication of ingredients data sheet for detergents [and surfactants] which are not hazardous for human health

*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 is not necessarily the official position of the European Commission.*

**Rows concerned:** 159-163h, 171b, 190

Detergents are typically mixtures (a combination of various substances) which may be hazardous for human health or not. For detergents which are hazardous for human health, Article 45 of the Regulation on the Classification, Labelling and Packaging of substances and mixtures ([CLP Regulation](#)) requires the communication of information related to emergency health response to appointed bodies. This information is then shared with Poison Centres to provide support in case of emergency.

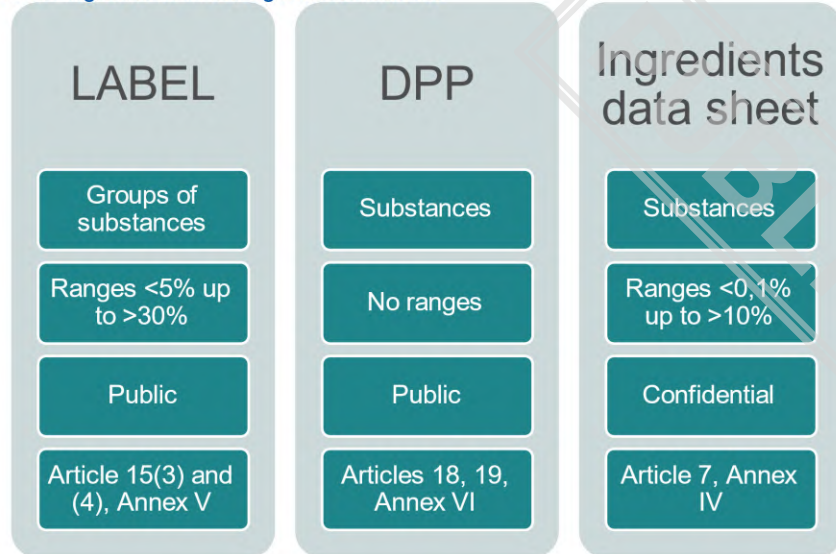
Article 9 of the current rules on detergents ([Regulation \(EC\) No 648/2004](#)) sets out the obligation to communicate the ingredients datasheet to medical personnel upon request. These rules pre-date the CLP rules.

The Commission proposal intends to build upon the CLP rules and sets out an obligation to communicate the ingredients data sheet upon request to the appointed bodies, even in cases where there is no such obligation under the CLP Regulation.

The purpose of this note is to facilitate the discussions, given that the Parliament and the Council put forward various amendments to improve the Commission proposal.

Information on ingredients is provided in three ways, as shown below. This is close to the current practice, with the difference that the list of all ingredients currently included in the digital product passport (DPP) replaces the current requirement to have this list available on the web-site of the manufacturer (Annex VII, Part D of the current rules).

Information on ingredients in detergents/surfactants:



3



When comparing the texts of the three institutions, the divergent views were grouped around 5 questions, as shown below. In the last column, additional explanations are included.

	COM	EP	Council	Comments
<b>What products are concerned?</b>	Detergents	Detergents	Detergents and surfactants	Surfactants are rarely made available to non-professional users [see also the discussion paper on detergents and surfactants]. Setting out a general obligation for all surfactants might be disproportionate.
	which are not hazardous according to CLP (neither to the environment nor to human health)	which are not hazardous according to CLP (neither to the environment nor to human health)	for which the CLP provision on poison centres does not apply (they are not hazardous or are hazardous)	Council change welcomed. Indeed, the IDS should also be communicated for detergents hazardous for the environment, which do meet the criteria for hazardous classification, but not for communication of

			for the environment)	information to poison centres.
<b>Who has the obligation?</b>	Manufacturer	Manufacturer	Manufacturer, authorised representative and importer	<p>Who has this obligation is closely linked to the way the information is made available. If, for instance, the DPP would be used, then only manufacturers would have the obligation to included it in the DPP.</p> <p>The Council proposal is problematic because the IDS is confidential. Typically, only manufacturers have it – it is very close to knowing the recipe of the product.</p>
<b>What is the obligation?</b>	Provide it upon request and when a communicated IDS is updated	Provide it before placing on the market and when it is subsequently updated	Provide it upon request and when a communicated IDS is updated Member States may decide to make the request before making the product available on the market.	<p>The EP proposal is problematic as it increases considerably the administrative burden without an impact assessment. It is estimated that about 20% of detergents are not hazardous, so, a significant market share.</p> <p>The Council proposal may lead to a fragmentation of the internal market. It follows the ongoing practice under the old rules and the Commission intended to put an end to these divergent rules. Under the current rules, some MSs may request in their national law to make a communication</p>

				before making the product available on their market.
<b>To whom is the IDS to be sent?</b>	Appointed bodies referred to in Article 45 CLP	Appointed bodies referred to in Article 45 CLP	Appointed bodies referred to in Article 45 CLP Any other appointed body determined by a Member State	The Council proposal leads to a fragmentation of the internal market. It is the current practice and should be avoided, as it undermines the whole purpose of harmonisation.
<b>How is it to be sent?</b>	-	-	In the form and with the tool requested by the body	The Council proposal is not ensuring a uniform implementation across the EU.

There are two ways of communicating this information to poison centres in a digital form, and harmonised all across the EU:

Via IUCLID	Via the DPP
<p>IUCLID is an IT tool developed by the European Chemicals Agency (ECHA). It is currently used for the communication of information to poison centres for hazardous mixtures.</p> <p><b>Pros</b></p> <ul style="list-style-type: none"> <li>• Poison centres will have information all gathered in one place, both for hazardous and non-hazardous detergents</li> </ul> <p><b>Cons</b></p> <ul style="list-style-type: none"> <li>• Not all poison centres have access to the information, but only those to which the communication is addressed. So, if the product moved to a different MS, the information is not available even if provided by the manufacturer. This loophole was addressed for hazardous mixtures, with the recent revision of the CLP. This is more difficult to implement.</li> </ul>	<p>The DPP will include confidential information and specific access rights should be granted to poison centres.</p> <p><b>Pros</b></p> <ul style="list-style-type: none"> <li>• The information provided by the manufacturer will be available to any poison centres across the EU.</li> <li>• MSs will not have to store it.</li> </ul> <p><b>Cons</b></p> <ul style="list-style-type: none"> <li>• Poison centres will have to find this information in a different way – via the web-portal (not everything will be available in one place).</li> <li>• Developing a DPP which contains confidential information is more expensive for the industry. No information is available on the estimated costs.</li> </ul>

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>• Some MSs request fees for the notifications.</li></ul> |  |
|--|--|

### **Suggested way forward**

The Commission could be empowered to adopt a delegated act which will add in an Annex the requirements for the communication of the ingredients data sheet. There are a lot of technical details to be considered and not enough information available at this point in time. Among the questions to be clarified are:

- How will the information be searched for in IUCLID, given that the mixture will not have a UFI, which is an identifier used for hazardous mixtures?
- What information should be included on the label to facilitate the implementation?
- Could it be possible to give more flexibility to manufacturers to choose among the two ways of communicating the information?
- What obligations should have the operators in the supply chain, if any at all?

### **Drafting suggestion**

#### Article 7(6)

6. Manufacturers placing on the market detergents **or end-user surfactants** for which **there is no obligation to provide information in accordance with Article 45 of Regulation (EC) No 1272/2008**, shall provide to Member States' appointed bodies referred to in that Article, the ingredients data sheet referred to in point 2.2 (e) of Annex IV in the following cases:

- (a) upon request from the Member States' appointed bodies;
- (b) when the detergent or **end-user** surfactant for which an ingredients data sheet has already been **provided** no longer corresponds to the information included in that data sheet.

The information included in the data sheet referred to in point 2.2 (e) of Annex IV shall be kept confidential by the appointed bodies and by medical personnel and may only be used:

- (a) to meet medical demand by formulating preventative and curative measures, in particular in the event of an emergency; or
- (b) where requested by a Member State, the Commission or the Agency established by Regulation (EC) No 1907/2006, to undertake a statistical analysis to identify where improved risk management measures may be needed.**

#### Article 8(3) – tasks of authorized representative:

**(ab) ensure that the ingredients data sheet can be made available under the conditions set out in Article 7(6);**

Article 9(9) – importers:

**... and shall ensure that the ingredients data sheet can be made available the ingredients data sheet under the conditions laid down in Article 7(6).**

Article 26 – add a new para 6c

**The Commission is empowered to adopt delegated acts in accordance with Article 27 amending Annexes IV by setting out requirements on the way the ingredients data sheet is to be communicated in accordance with Article 7(6). When developing these requirements, the Commission shall take into account the need to ensure effective access to the ingredients data sheet to appointed bodies referred to in Article 45 of Regulation (EC) No 1272/2008, as well as the need to limit the administrative burden.**