



Council of the European Union  
General Secretariat

---

---

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

---

---

**Brussels, 05 March 2025**

**WK 2945/2025 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 Discussion paper : Obligations of economic operators as regards labelling

---

---

WK 2945/2025 INIT

**LIMITE**

**EN**

## Discussion paper

### Obligations of economic operators as regards labelling

*Disclaimer: this document aim 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:** 158, 171c, 186, 195, 207

According to the Commission proposal, distributors are to verify that the label complies with Articles 15-17, setting out the rules for labels, which is a material error. Based on [Decision 768/2008/EC](#) (the 'New Legislative Framework'), distributors have much more limited obligations as regards the labelling of the product. In practice, they verify that a label is provided (use instructions, safety information, traceability requirements, contact details for manufacturers and importers) in the language in the Member State where they make the product available. The obligations of distributors have not been specifically amended for digital labelling of [EU fertilising products](#) or [hazardous substances and mixtures](#).

After re-assessing the obligations of each operators in the supply chain as regards labelling, some changes might be needed to ensure coherence. The table below lists the obligations under Articles 15-17, and if they can be implemented by various operators, including distributors.

Provisions	Manu- facturer	Auth. rep.	Impor- ter	Distri- butor	Additional comments
Article 15(1) general provision	yes	yes	yes	yes	No added value to refer to it again in the obligations of distributors
Article 15(2) labelling in case of refill	?	?	?	?	Irrespective of the form of the label, which is a policy discussion, this provision already refers to economic operators making products on the market available to end-users, which could be distributors. So, no added value to say again that they have this obligation. It is even confusing given that not all distributors make products available to end-users.
Article 15 (3) and (4) – information to	yes	yes	yes	yes	

be provided on the label					
Article 15(5) - clear, legible, understandable, intelligible and in which language	yes	yes	yes	yes	The verification of the clarity/legibility of the label is not a typical obligation of distributors under the NLF. It is though included in the ESPR, so taken over to ensure coherence.
Article 15(5a) – ‘no animal testing’ label	yes	yes	yes	no	This provision implies a very good understanding of the manufacturing process and the suppliers of various ingredients – it also refers to manufacturers. Distributors are not to check if such claims are correct or add them themselves.
Article 16(1) forms of labels	yes	yes	yes	yes	No added value to refer to it again in the obligations of distributors
Article 16(2) refill sales labels	?	?	?	?	While it depends on the policy choice between the various proposals, this is still an obligation which belongs to the operator making the product on the market, which can or cannot be a distributor, and which in any even is not valid for any distributor.
Article 17(1)(a) – provided in one place	yes	yes	yes	yes	
Article 17(1)(b) – searchable	yes	yes	yes	no	burdensome for distributors to check this
Article 17(1)(c) – accessible to all users	yes	yes	yes	no	Impossible to check for a distributor
Article 17(1)(d) – accessible free of charge	yes	yes	yes	yes	
Article 17(1)(e) - accessible to vulnerable groups	yes	yes	yes	yes	
Article 17(1)(f) – IT solutions widely used	yes	yes	yes	yes	It could be checked by distributors
Article 17(1)(g) - language choice and	yes	yes	yes	no	Cannot be checked by a distributor

geographical location					
Article 17(1)(h) – available 10 years	yes	yes	yes	no	Continuous obligation – one cannot expect a distributor to check from time to time the availability of the digital label.
Article 17(1)(i) – accessible via the data carrier	yes	yes	yes	yes	
Article 17(2) - place for data carrier	yes	yes	yes	yes	If the provision is kept – see data carrier document
Article 17(3) - statement to accompany the data carrier	yes	yes	yes	yes	If the provision is kept – see data carrier document
Article 17(4) – not to track the users	yes	yes	yes	no	This is an obligation for the operator providing the digital label – not of the distributor. He/she does not have access to such information.
Article 17(5) – alternative means	?	?	?	?	This is a provision which already applies to operators making products available to end-users, be they distributors or not.

### Drafting suggestions

Row 158 – manufacturers

Commission proposal	Drafting suggestion
5. Manufacturers placing on the market detergents or surfactants shall ensure that they comply with the labelling requirements laid down in Articles 15, 16 and 17.	5. Manufacturers placing on the market detergents or surfactants shall ensure that they comply with the labelling requirements laid down in Articles 15(1), (3)-(5), 16(1) and 17(1)-(4). <b>[and, where applicable, Articles 15(2), 16(2) and 17(5).]</b>

Row 171c – authorised representative

Council mandate	Drafting suggestion
	<i>An <b>The</b> authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The <b>mandate shall require, and the manufacturer shall enable, the</b> authorised representative shall provide a copy of the mandate to the competent authority, upon request. <b>representive to do at least the following: [besides the discussions on other aspects]</b></i>

<i><b><u>(ac) ensure that detergents and surfactants that they are appointed for comply with the labelling requirements laid down in Articles 15, 16 and 17.</u></b></i>	<i>(ac) ensure that detergents and surfactants that they are appointed for comply with the labelling requirements laid down Articles <b><u>15(1), (3)-(5), 16(1) and 17(1)-(4), [and, where applicable, Articles 15(2), 16(2) and 17(5).]</u></b></i>
--	---

Row 186 – importers

Commission proposal	Drafting suggestion
5. Importers shall ensure that detergents and surfactants that they place on the market comply with the labelling requirements laid down in Articles 15, 16 and 17.	5. Importers shall ensure that detergents and surfactants that they place on the market comply with the labelling requirements laid down in Articles <b><u>15(1), (3)-(5), 16(1) and 17(1)-(4), and, where applicable, Articles 15(2), 16(2) and 17(5).</u></b>

Row 195 - distributors

Commission proposal	Drafting suggestion
Before making a detergent or surfactant available on the market distributors shall verify that the following conditions have been met:]	
(a) the detergent or surfactant is accompanied by the required documents and by a label that meets the requirements laid down in Articles 15, 16 and 17	(a) the detergent or surfactant is accompanied by the required documents and by a label <del>that meets the requirements laid down</del> <b><u>containing the information referred to in Articles 15(3) and (4), in the conditions set out in Article 15(5); 16 and 17; (aa) where a digital label is provided, the requirements in Article 17(1)(a), (d), (e), (f) and (i), (2) and (3) [and, where applicable, Article 15(2), Article 16(2) and Article 17(5)];</u></b>

Row 207 – packaging and repackaging

Commission proposal	Drafting suggestion
---------------------	---------------------

Where an importer or distributor packages or repackages a detergent or surfactant and is not subject to the obligations of the manufacturer pursuant to Article 11, that importer or distributor, as applicable, shall *in addition to his obligations under Article 9 or 10* have the following obligations:

(b) to ensure compliance with Articles <del>14</del> <u>15</u> to 17;	Remove it. Maybe consider something along the lines 'keep a specimen of the original information referred to in Article 15(3) or Article 15(4) at the disposal of the market surveillance authorities.'
---	---