



Council of the European Union
General Secretariat

Brussels, 25 March 2024

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

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NOTE

From:	AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK delegation
To:	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals)
N° Cion doc.:	ST 8904 2023 ADD 1-7
Subject:	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 - Comments on clusters I and III by AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

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Updated: 22/03/2024 17:43

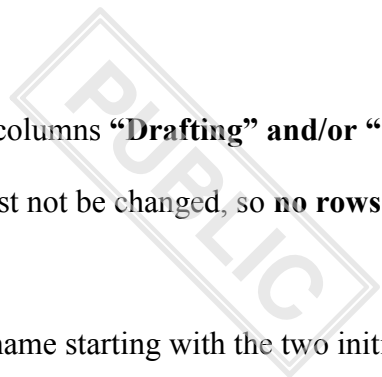
You are kindly invited to add your contributions in the table below, **only in** the columns **“Drafting” and/or “Comments”**.

To make it feasible to consolidate all contributions, the structure of the table must not be changed, so **no rows can be added or deleted**.

New provisions may only be added in any of the existing cells.

Before returning your contribution, please save the MS Word document with a name starting with the two initials of your delegation's Country followed by a space, only then you may add any text to the file name, for example, for Austria: **AT** comments on.docx !

Thank you for your cooperation!



<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>General comments</p>	<p>HU (Comments): Overall, Hungary supports many aspects of the Presidency's compromise proposal on detergents and surfactants. Concerning the biodegradability requirements in the compromise proposal, we support the thorough assessment of degradability requirements taking into account that the current degradability test criteria are unsuitable for complex ingredients such as polymers, and so need to be updated. Therefore, the proper test methods and criteria should be</p>

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>identified first.</p> <p>Regarding the proposed amendments on micro-organisms, we do not support the ban on the consumer use of sprays for microbial cleaners.</p> <p>Microbial cleaning products offer an alternative to traditional cleaning products containing hazardous chemicals and provide a broad opportunity for innovation which is aligned with the EU's Chemical Strategy.</p> <p>Concerning the further restriction of the phosphate content of laundry and dishwasher detergents, HU does not support the proposed restriction on industrial uses since there is no feasible phosphate alternative on the market. In the case of consumer laundry and dishwasher detergents, we can support the presidency's proposal. However, HU would highly appreciate it if an impact assessment could be carried out regarding these restrictions.</p>
<p>2023/0124 (COD)</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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<p>Proposal for a</p>	
<p>REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</p>	
<p>on detergents and surfactants, amending Regulation (EU) 2019/1020 and repealing Regulation (EC) No 648/2004</p>	
<p>(Text with EEA relevance)</p>	
<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p>	
<p>Having regard to the Treaty on the Functioning of the European Union,</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
and in particular Article 114 thereof,	
Having regard to the proposal from the European Commission,	
After transmission of the draft legislative act to the national parliaments,	
Having regard to the opinion of the European Economic and Social Committee ¹ ,	
Acting in accordance with the ordinary legislative procedure,	
Whereas:	

¹ OJ C , , p. .

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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<p>(1) 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 Council¹.</p>	
<p>(2) The Commission evaluation of Regulation (EC) No 648/2004² 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.</p>	

¹ Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents (OJ L 104, 8.4.2004, p. 1).

² Evaluation of Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents (SWD(2019)298).

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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<p>(3) 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.</p>	
<p>(4) The Fitness Check of the most relevant chemicals legislation¹ (excluding Regulation (EC) No 1907/2006 of the European Parliament and of the Council²) highlighted the complexity of the Union regulatory</p>	

¹ Fitness Check of the most relevant chemicals legislation (excluding REACH), SWD(2019)199

² Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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<p>framework for chemicals and attributed it to the large number of product and sector specific pieces of legislation with embedded links with each other. It also pointed out that there is room for simplification in the communication of information of overcrowded labels to product users, and found that the use of innovative tools for communicating product information is currently not being taken advantage of. It is, therefore, necessary that the current rules are simplified to reduce burden for economic operators, improve consumer understanding and facilitate market surveillance. Regulation (EC) No 648/2004 should therefore be replaced.</p>	
<p>(5) Decision No 768/2008/EC of the European Parliament and of the Council¹ lays down common principles and reference provisions intended to apply across sectoral legislation in order to provide a coherent basis for a revision of that legislation. The new legal framework for detergents and</p>	

repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

¹ Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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<p>surfactants should be aligned to the extent possible to those common principles and reference provisions.</p>	
<p>(6) In order to ensure legal certainty and a level playing field for economic operators, the definition of detergent should cover all products falling in the scope of harmonisation, including the newly developed detergents containing intentionally added micro-organisms. The definition should also cover products for cleaning the surface of fruits and vegetables.</p>	
<p>(7) Since surfactants are primarily sold in business-to-business transactions in order to be used in the manufacturing of detergents, they do not need to be subject to the same requirements as detergents. Therefore, minimum rules for surfactants should be laid down, namely rules on ultimate biodegradability, a minimum set of labelling information and the obligation of economic operators to draw up a technical documentation and to create a product passport.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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<p>(8) <u>Since the European Green Deal has set a goal to protect better human health and the environment as part of an ambitious approach to tackle pollution from all sources and move towards a toxic-free environment.</u> This Regulation should complement existing rules set out in other legislative instruments.</p>	
<p><u>(8b) The EU already has one of the most comprehensive and protective regulatory frameworks for chemicals, supported by the most advanced knowledge base globally.-Therefore this regulation</u> and should not affect the application of existing Union legislation relating to aspects of protection of health, of safety and of the environment not covered by this Regulation. This Regulation should, in particular, apply without prejudice to Regulation (EC) No 1907/2006,</p>	<p>IT (Drafting Suggestions): <i>TO ADD: Advertising</i> <i>With the scope to protect consumers against misleading advertising and the consequences of misunderstanding, the advertising should be consistent with Dir 2006/114/EC.</i></p> <p>IT (Comments):</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
Regulation (EU) No 528/2012 of the European Parliament and of the Council ¹ and to Regulation (EC) No 1272/2008 of the European Parliament and of the Council ² .	<i>Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising</i>
<p>(9) Surfactants are surface-active agents that help break down the interface between water and oils or dirt. They are one of the main ingredients used in detergents. Surfactants could, however, pose a risk to the environment as they are discharged into sewage systems or directly into surface waters. To prevent any adverse effects that surfactants could have on the environment, it is necessary to set requirements ensuring that surfactants, and some others substances including polymers, are completely and readily-biodegradable either when placed on the market on their own and intended for use in detergents or when contained in detergents.</p>	<p>EL (Comments): Extending the biodegradability requirements to new substance categories and in particular polymers requires further research on the applicability of existing biodegradability criteria and methods for surfactants, to polymers.</p> <p>LT (Comments): The Detergents Regulation should apply the EU Ecolabel approach,</p>

¹ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

² Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

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	<p>which allows the use of a certain proportion of non-degradable organic ingredients. The established eco-label criteria need to be reviewed before new biodegradability requirements are introduced in the Detergents Regulation.</p>
<p>(10) Phosphorus is an other key ingredient used in detergents. However, phosphorus and its compounds could cause damage to ecosystems and aquatic environments as they contribute to eutrophication. To further ensure a high level of protection of the environment, and reduce the contribution of detergents to that phenomenon, it is necessary to establish harmonised limits on the content of phosphates and phosphorus compounds in consumer laundry and consumer automatic dishwasher detergents. Similar limitations are not required for other types of detergents either because their contribution is not significant or because suitable alternatives are currently not available.</p>	<p>LT (Drafting Suggestions): (10) Phosphorus is an other key ingredient used in detergents. However, phosphorus and its compounds could cause damage to ecosystems and aquatic environments as they contribute to eutrophication. To further ensure a high level of protection of the environment, and reduce the contribution of detergents to that phenomenon, it is necessary to establish harmonised limits on the content of phosphates and phosphorus compounds in consumer laundry and consumer automatic dishwasher detergents <u>without compromising product performance</u>. Similar limitations are not required for other types of detergents either because their contribution is not significant or because suitable alternatives are currently not available.</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

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	<p>LT (Comments): We need to ensure that phosphorus limits do not compromise the effectiveness of detergents. Reducing phosphorus may reduce the sustainability of the products, as the compounds would need to be replaced by other chemicals.</p>
<p>(11) In recent years, novel cleaning products have been developed that contain living micro-organisms as active ingredients. Micro-organisms have their own biology and response to the environment. Due to their ability to proliferate, there is a clear difference between conventional and microbial detergents. Therefore, the inherent hazards and arising risks are not necessarily of the same nature as those presented by chemicals, especially in relation to the capacity of micro-organisms to persist and multiply in different environments and to produce a range of different metabolites and toxins of potential toxicological significance.</p>	
<p>(12) Since micro-organisms are not subject to registration under</p>	<p>FR</p>

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Updated: 22/03/2024 17:43

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<p>Regulation (EC) No 1907/2006 or any other Union legislation requiring manufacturers to demonstrate that the intended use is safe, they should be eligible for use in detergents only to the extent that they have been clearly identified and supported by data demonstrating that their use is safe, and subject to specific requirements governing their safety. Harmonised rules governing the safety of micro-organisms in detergents as well as relevant test methods for economic operators to demonstrate compliance with those rules should, therefore, be established. Restrictions are required on the format in which detergents containing micro-organisms are placed on the market when sensitising ingredients are included in their composition. To ensure a high level of protection of human health, even for sensitised persons, d Detergents containing micro-organisms and which are placed on the market in a spray format should, therefore, be <u>restricted to industrial and institutional detergents, under conditions ensuring their safe use</u> found safe for use in this format.</p>	<p>(Comments):</p> <p>A risk-based approach should be followed to prevent any risks for consumer, and, when necessary, mitigations are also considered.</p> <p>Consequently, restricting the type of formats does not seem to be the appropriate disposal to manage the risk.</p> <p>Other legislations, such as the General Product Safety Regulation (GPSR), allow appropriate risk management of microbial ingredients/end products. For instance, GPSR requires that products placed on the EU market must be safe under normal or reasonably foreseeable conditions of use. This means that the microbial cleaning products must not present any risks that are incompatible with a high level of protection of health and safety, and it is the responsibility of the manufacturers to design and produce safe products.</p> <p>HU (Drafting Suggestions):</p> <p>(12) Since micro-organisms are not subject to registration under Regulation (EC) No 1907/2006 or any other Union legislation requiring manufacturers to demonstrate that the intended use is safe, they should be eligible for use in detergents only to the extent that they have been clearly identified and supported by data demonstrating that their use is safe, and subject to specific requirements governing their safety. Harmonised rules</p>

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	<p>governing the safety of micro-organisms in detergents as well as relevant test methods for economic operators to demonstrate compliance with those rules should, therefore, be established. Restrictions are required on the format in which detergents containing micro-organisms are placed on the market when sensitising ingredients are included in their composition. To ensure a high level of protection of human health, even for sensitised persons, d<u>Detergents containing micro-organisms and which are placed on the market in a spray format should, therefore, be restricted to industrial and institutional detergents, under conditions ensuring their safe use</u> found safe for use in this format.</p> <p>HU (Comments): In line with our position on the spray format we propose to delete the last addition.</p> <p>IT (Comments): <i><u>Institutional scenario should be better described, including if institutional user should have a certain level of the training/knowledge.</u></i></p> <p>LT</p>

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	<p>(Comments):</p> <p>A ban on the use of spray cleaners containing micro-organisms for consumer use would be disproportionately restrictive given that:</p> <ul style="list-style-type: none"> a. the Commission's approach already requires detergents to be free of pathogenic micro-organisms and micro-organisms with antibiotic resistance; b. The safety of such products can be ensured by a combination of product design and a rigorous risk assessment approach, considering the effects and risks posed by micro-organisms.
<p>(13) To ensure a high level of protection of the aspects of public interest, and to guarantee fair competition on the internal market, economic operators should be responsible for the compliance of detergents or surfactants with this Regulation, in relation to their respective roles in the supply chain. Whenever appropriate, manufacturers and importers should carry out sample testing of the detergents and surfactants that they have made available on the market, in order to protect the health and safety of consumers and the environment.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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<p>(14) All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the Union market detergents and surfactants which are in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each economic operator in the supply and distribution chain.</p>	
<p>(15) In order to enable economic operators to demonstrate and the competent authorities to verify that detergents and surfactants made available on the market comply with the requirements of this Regulation, it is necessary to provide for a conformity assessment procedure. Decision No 768/2008/EC establishes modules for conformity assessment procedures, from the least stringent to the most stringent, in proportion to the level of risk involved and the level of safety required. In order to ensure inter-sectoral coherence and to avoid ad-hoc variants, Decision No 768/2008/EC specifies that conformity assessment procedures should be chosen from among those modules.</p>	

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<p>(16) The manufacturer, having detailed knowledge of the design and production process, is best placed to ensure compliance of the detergent or surfactant with the requirements of this Regulation. Manufacturers, or <u>their authorised representatives where applicable</u>, should therefore be solely responsible for the carrying out of the conformity assessment procedure for detergents and surfactants. Module A should be applicable for the conformity assessment of detergents and surfactants.</p> <p>Manufacturers, or their authorised representatives where applicable, should also put together a technical dossier demonstrating compliance of the detergent or surfactant with the relevant rules and test methods.</p>	<p>FR (Comments):</p> <p>The current organization of the economic operators (manufacturer, distributor, and importer) is sufficient to ensure that proper responsibilities are allocated through the supply chain. The addition of a new economic operator – the authorized representative – will not bring any new added value to the current system and might actually lessen the efficiency of the supply chain communication in some specific situations (e.g. in case of contract termination for the authorized representative).</p> <p>LT (Comments):</p> <p>The current organization of the economic operators (manufacturer, distributor, and importer) is sufficient to ensure that proper responsibilities are allocated through the supply chain. The addition of a new economic operator – the authorized representative – will not bring added value to the current system and might lessen the efficiency of the</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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	<p>supply chain communication in some specific situations (e.g. in case of contract termination for the authorized representative).</p>
<p>(17) To facilitate compliance of the manufacturers with their obligations under this Regulation, manufacturers established in the Union should be allowed to appoint an authorised representative <u>established in the European Union and liable for product compliance.</u> to carry out specific tasks on their behalf. Moreover, to ensure a clear and proportionate distribution of responsibilities between the manufacturer and the authorised representative it is necessary to set out the list of tasks that manufacturers should be allowed to entrust the authorised representative with. Further, t <u>To</u> ensure the enforceability and effectiveness of the market surveillance requirements and that only compliant detergents and surfactants are placed on the Union market, the appointment of an authorised representative should be mandatory when the manufacturer is established outside of the Union.</p>	<p>LT (Comments): The current organization of the economic operators (manufacturer, distributor, and importer) is sufficient to ensure that proper responsibilities are allocated through the supply chain. The addition of a new economic operator – the authorized representative – will not bring added value to the current system and might lessen the efficiency of the supply chain communication in some specific situations (e.g. in case of contract termination for the authorized representative).</p>

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<p>(18) With a view to facilitating the communication between economic operators, market surveillance authorities and consumers, economic operators should, as part of their contact details, indicate a website address in addition to the postal address.</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-45deg);">PUBLIC</p>
<p>(19) In order to safeguard the functioning of the internal market and to ensure that the objective of providing a high level of protection of health and the environment is achieved, it is necessary to establish that detergents and surfactants from third countries entering the Union market also comply with this Regulation. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those products. It is also necessary to lay down rules for importers to ensure that the detergents and surfactants they place on the market comply with those requirements and that the documentation drawn up by manufacturers and, where relevant, the CE marking are available for inspection by the competent national authorities. Provision should also be made for importers to ensure that a product passport is available for those products.</p>	<p>FR (Comments):</p> <p>The inclusion of the requirement for CE marking on Detergents and Cleaning Products was not considered as part of the policy options addressed in the Impact Assessment undertaken by the Commission, and hence the impact was never assessed in terms of costs versus the actual benefit.</p> <p>It should be underlined that no other chemical product is subject to CE marking.</p> <p>It seems that CE marking will not be a reliable indicator of the Detergent Regulation conformity, especially given the prevalence of fraudulent CE markings, that are impossible to prevent. It may on the contrary result in more, and not less counterfeiting of detergent products on the market. The effectiveness of the CE marking, therefore, is questionable. This additional requirement will pose yet another administrative burden for the sector, in particular SMEs.</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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<p>(20) Since importers play a key role in guaranteeing the compliance of imported detergents and surfactants in the Union market, when placing a detergent or surfactant on the market, importers should indicate on the product their name, registered trade name or registered trade mark as well as their postal address and, where available, electronic means of communication through which they can be contacted.</p>	
<p>(21) As the distributor makes a detergent or surfactant available on the market after it has been placed there by the manufacturer or importer, the distributor should act with due care in relation to the applicable requirements. The distributor should also ensure that its handling of the detergent or surfactant does not adversely affect its compliance with the requirements of this Regulation.</p>	
<p>(22) Since authorised representatives, distributors and importers are close to the marketplace and have an important role in ensuring product</p>	<p>IT (Comments):</p>

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<p>compliance, they should be involved in market surveillance tasks carried out by the competent national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the detergent or surfactant concerned.</p>	<p><i>It is crucial, especially in relation to online sales, to identify unambiguously the responsible of the requirements set out in the Regulation.</i></p> <p><i>Please, refers also to Reg 2023/988 and to the Product safety pledge - European Commission</i> Product safety pledge - European Commission (europa.eu)</p> <p>LT (Comments):</p> <p>The current organization of the economic operators (manufacturer, distributor, and importer) is sufficient to ensure that proper responsibilities are allocated through the supply chain. The addition of a new economic operator – the authorized representative – will not bring added value to the current system and might lessen the efficiency of the supply chain communication in some specific situations (e.g. in case of contract termination for the authorized representative).</p>
<p>(23) Economic operators that either place a detergent or surfactant on the market under their own name or trade mark or modify a detergent or surfactant in such a way that compliance with this Regulation could be affected should be considered to be manufacturers and should assume the</p>	

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Updated: 22/03/2024 17:43

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<p>obligations of manufacturers. In other cases, economic operators that only package or repackage a detergent or surfactant already placed on the market by other economic operators should be able to prove that compliance with the requirements of this Regulation has not been affected, by indicating their identity on the package and by keeping a copy of the original labelling information.</p>	
<p>(24) The CE marking, indicating the conformity of a detergent with this Regulation, is the visible consequence of a whole process comprising conformity assessment in a broad sense. Regulation (EC) No 765/2008 of the European Parliament and of the Council¹ lays down the general principles of the CE marking. That Regulation should be applicable to detergents covered by this Regulation in order to ensure that products benefiting from the free movement of goods within the Union fulfil requirements providing a high level of protection of public interests such as health and the environment. In line with Regulation (EC) No 765/2008,</p>	<p>FR (Comments):</p> <p>The inclusion of the requirement for CE marking on Detergents and Cleaning Products was not considered as part of the policy options addressed in the Impact Assessment undertaken by the Commission, and hence the impact was never assessed in terms of costs versus the actual benefit.</p> <p>It should be underlined that no other chemical product is subject to CE marking.</p> <p>It seems that CE marking will not be a reliable indicator of the Detergent Regulation conformity, especially given the prevalence of fraudulent CE</p>

¹ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

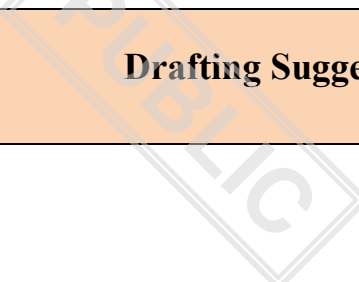
Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>the CE marking should be the only marking of conformity indicating that the detergent is in conformity with Union harmonisation legislation.</p>	<p>markings, that are impossible to prevent. It may on the contrary result in more, and not less counterfeiting of detergent products on the market. The effectiveness of the CE marking, therefore, is questionable. This additional requirement will pose yet another administrative burden for the sector, in particular SMEs.</p>
<p>(25) To ensure a high level of protection of human health, manufacturers, <u>or their authorised representative where applicable,</u> should be required to provide an ingredient data sheet for non-hazardous detergents. In order to optimise efficiency of the relevant requirements and in view of the system related to emergency health response already established under Regulation (EC) No 1272/2008, manufacturers, <u>or their authorised representatives where applicable,</u> should <u>provide</u> hold this information to <u>at the disposal of poison centres before placing the detergent on the market,</u> upon request.</p>	<p>IE (Comments): IE: Ireland welcomes the change from “should hold this information at the disposal of poisons centres upon request” to “should provide this information to poison centres before placing the detergent on the market”. Will there be a common system for providing this information or will companies have to provide information to the poisons centres in all relevant countries? Ireland’s National Poisons Information Centre is no longer accepting direct product notifications because (1) all hazardous chemical mixtures placed on the market should be notified via the ECHA PCN database and (2) technical support is no longer available for the in-house database of older product notifications. This means that the only way for companies</p>

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	<p>to provide information to the Poisons Centre before placing any detergent mixture on the Irish market is notification via the ECHA PCN database.</p> <p>We think industry has previously expressed reluctance to use the PCN database for non-classified mixtures but there will be no alternative for countries like Ireland that will not maintain a national database of product notifications.</p> <p>LT (Comments):</p> <p>The current organization of the economic operators (manufacturer, distributor, and importer) is sufficient to ensure that proper responsibilities are allocated through the supply chain. The addition of a new economic operator – the authorized representative – will not bring added value to the current system and might lessen the efficiency of the supply chain communication in some specific situations (e.g. in case of contract termination for the authorized representative).</p>
<p>(26) Labels communicate important use and safety information to</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>users, such as the presence of skin or respiratory sensitisers (e.g. allergenic fragrances, preservatives or enzymes) in detergents and surfactants. By providing information on the content of those substances on the labels of detergents and surfactants, it is possible for users with allergies or allergic predispositions to make informed choices, and potential reactions related to the use of detergents and surfactants are thus reduced. It is therefore necessary to establish labelling requirements for detergents and surfactants.</p>	
<p>(27) Since the labelling of detergents and surfactants may fall under multiple pieces of Union legislation, the information on detergents' and surfactants' labels needs to be streamlined so that when similar information stemming from different pieces of Union legislation is required on detergents' and surfactants' labels, this information is provided only once in accordance with the stricter rules. This will, on one hand, improve the readability and understandability of detergents' and surfactants' labels by end users and, on the other, reduce regulatory burden for detergents' and surfactants' manufacturers.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>(28) Fragrance substances are organic compounds with characteristic, usually pleasant, odours, which are widely used in detergents but also in many other products such as perfumes and other perfumed cosmetics. Those substances could cause an allergic reaction upon contact, especially to sensitised persons, even when contained in low concentrations. Therefore, it is important to provide information on the presence of individual allergenic fragrances in detergents so that sensitised persons can avoid contact with the substance to which they are allergic. It is therefore necessary to lay down strict requirements for the labelling of allergenic fragrances. However, those substances could also trigger a labelling requirement under Regulation (EC) No 1272/2008. Specific labelling requirements should therefore be established that would apply only when the labelling thresholds under Regulation (EC) No 1272/2008 are not met. This will not only prevent the unnecessary burden for economic operators but also ensure that end-users receive this information presented in a clear manner thus providing a high level of protection of human health even for sensitised persons.</p>	<p align="center"><i>DRAFT</i></p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(29) Additional labelling requirements are needed for certain substances such as preservatives in order to ensure a high level of health protection. The labelling requirements for preservatives should, therefore, cover not only those preservatives intentionally added by the manufacturer in the detergent but also those that ensue from its constituent mixtures and which are often referred to as ‘carry-over preservatives’.</p>	<p>IT (Comments): <i>The labelling of carry-over preservatives could be reflected also in the DPP.</i></p>
<p>(30) Information on the correct amount of detergent that consumers need to use when undertaking cleaning activities, <i>namely</i>, dosage information, should be included on the label of consumer laundry and consumer automatic dishwasher detergents in order to prevent the potential over-use of detergents thus reducing the total amount of detergent and surfactant entering the environment.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>(31) Digital labelling could improve the communication of labelling information both by avoiding overcrowded physical labels and by allowing users to rely on various reading options available only for digital formats, such as increased font, automatic search, loud speakers or translation into other languages. Providing digital labels could also lead to a more efficient management of the labelling obligations by economic operators, by facilitating the update of labelling information, reducing labelling costs and permitting a more targeted information of users. Therefore, economic operators should be allowed to provide certain labelling information only through the digital label subject to certain conditions to ensure a high level of protection of detergents’ users.</p>	
<p>(32) To avoid imposing an unnecessary administrative burden for economic operators and since, in most cases, the digital label is only complementary to the physical one, economic operators should be able to decide whether to use digital labels or provide all the information on a physical label only. The choice to provide a digital label should rest with manufacturers and importers, who are responsible for providing the</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>accurate set of labelling information.</p>	
<p>(33) Digital labelling could also create challenges for the vulnerable population groups with no or insufficient digital skills and lead to an accentuation of the digital divide. For this reason, the specific information to be provided only in a digital label should reflect the current state of the digitalisation of the society and the particular situation of detergents users. In addition, all the labelling information concerning the protection of health and the environment, as well as minimum use instructions of detergents, should remain on the physical label, to enable all end-users to make informed choices before buying the detergent and to ensure its safe handling.</p>	
<p>(34) An exception should, nevertheless, be made for detergents sold to end users in a refill format. In order to fully reap not only the benefits offered by digitalisation but also the large environmental benefits in terms of reduction of packaging and related packaging waste that the practice of refill sales offers, it should be permitted to provide all labelling</p>	<p>FR (Comments): French authorities agree with the deletion</p>

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<p>information digitally with the exception of dosage instructions for consumer laundry detergents.</p>	
<p>(35) To ensure a level playing field among economic operators making available detergents on the market, and to protect end-users, general requirements for digital labelling should be laid down. For example, economic operators should ensure free and easy access to digital labels and that mandatory labelling information requested under this Regulation is separated from other information.</p>	
<p>(36) Given the current development of the digital skills, economic operators should also provide the labelling information by alternative means to end-users when they cannot access the digital label. This obligation should be imposed as a safety measure to reduce any potential risks by the unavailability of the labelling information, in particular as regards refilled detergents, where all the information may be provided in a digital label.</p>	<p>FR (Comments): French authorities agree with the deletion</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>(37) Since detergents have the same use and present the same risks irrespective of the format in which they are made available on the market, economic operators making detergents available on the market in a refill format should ensure that these comply with the same requirements as the pre-packaged ones. In addition, consumers should receive the required labelling information also when opting for refilled detergents. The refill sale of detergents should, therefore, be explicitly covered by this Regulation in order to ensure a high level of protection of health and the environment and a level playing field for economic operators.</p>	
<p>(38) Ensuring traceability of a detergent or surfactant throughout the whole supply chain helps to make market surveillance simpler and more efficient. An efficient traceability system facilitates market surveillance authorities' task of tracing economic operators who made non-compliant detergents or surfactants available on the market.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(39) Manufacturers should create a product passport to provide information on the conformity of detergents and surfactants with this Regulation, as well as with any other legislation that the detergent or surfactant must comply with. In order to facilitate checks on detergents or surfactants and to allow the actors in the supply chain and end-users to access necessary information such as ingredients and use instructions, the information on the product passport should be provided digitally and in a directly accessible manner, through a data carrier affixed to the label of the detergent or surfactant, its packaging or the accompanying documentation. Market surveillance authorities, economic operators and end-users should, therefore, have immediate access to compliance or other information on the detergent or surfactant through the data carrier.</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-45deg);">PUBLIC</p>
<p>(40) To avoid duplication of investment into digitalisation by all actors involved, including manufacturers, market surveillance authorities and customs authorities, the product passport established under this Regulation should be fully interoperable with the product passport required under other Union legislation.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>(41) In particular, Regulation (EU) .../... [of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC] also lays down requirements and technical specifications for a digital product passport, the establishment of a Commission central registry where passport information is stored and the interconnection of that registry with the customs IT systems. That Regulation could include detergents or surfactants within its scope in the medium term, thus requiring that a digital product passport is available for them.</p>	
<p>(42) The product passport for detergents and surfactants created under this Regulation should therefore comply with the same requirements and technical elements as those set out in Regulation (EU) .../... on ecodesign requirements for sustainable products, including its technical, semantic and organisational aspects of end-to-end communication and data transfer.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(43) When other Union legislation applicable to detergents or surfactants requires a product passport, a single product passport should be available for detergents and surfactants containing the information required under this Regulation and the other Union legislation.</p>	
<p>(44) It is crucial to make clear to both manufacturers and users that by creating the product passport for detergent or surfactant and, where relevant, by affixing the CE marking, the manufacturer declares that the detergent or surfactant is in conformity with all applicable requirements and that the manufacturer takes full responsibility thereof.</p>	<p>FR (Comments):</p> <p>inclusion of the requirement for CE marking on Detergents and Cleaning Products was not considered as part of the policy options addressed in the Impact Assessment undertaken by the Commission, and hence the impact was never assessed in terms of costs versus the actual benefit.</p> <p>It should be underlined that no other chemical product is subject to CE marking.</p> <p>It seems that CE marking will not be a reliable indicator of the Detergent Regulation conformity, especially given the prevalence of fraudulent CE markings, that are impossible to prevent. It may on the contrary result in more, and not less counterfeiting of detergent products on the market. The effectiveness of the CE marking, therefore, is questionable. This additional requirement will pose yet another administrative burden for the</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	sector, in particular SMEs.
(45) Where certain information is provided only digitally, it is necessary to clarify that this information needs to be provided separately and clearly distinguished from each other but through a single data carrier. This will facilitate the work of market surveillance authorities but also provide clarity to end users regarding the different pieces of information that are available to them in a digital format.	
(46) Chapter VII of Regulation (EU) 2019/1020 of the European Parliament and the Council ¹ , setting up the rules of controls on products entering the Union market, applies to detergents and surfactants. The authorities in charge of those controls, which in almost all Member States are the customs authorities, are to perform them on the basis of risk	

¹ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>analysis as referred to in Articles 46 and 47 of Regulation (EU) No 952/2013 of the European Parliament and of the Council¹, its implementing legislation and the corresponding guidance. This Regulation should therefore not modify in any way Chapter VII of Regulation (EU) 2019/1020 and the way the authorities in charge of controls on products entering the Union market organise themselves and perform their activities.</p>	
<p>(47) In addition to the framework of controls established by Chapter VII of Regulation (EU) 2019/1020, customs authorities should be able to automatically verify that a product passport exists for imported detergents and surfactants subject to this Regulation in order to strengthen the controls at the Union’s external borders and prevent non-compliant detergents and surfactants from entering the Union market.</p>	

¹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>(48) When detergents and surfactants coming from third countries are presented for release for free circulation, customs should ensure that the reference of a product passport is made available to customs authorities by the economic operator and that this reference corresponds to a unique product identifier that is stored in the product passport registry established by the Commission under [Article 12 of Regulation (EU) .../... on Ecodesign for Sustainable Products]. The interconnection between this registry and the customs IT system as provided for in [Article 13 of Regulation (EU) .../... on ecodesign requirements for sustainable products] should allow for automatic verification of the product passport presented to customs for that detergent or surfactant, so as to ensure that only detergents and surfactants with a valid reference to a unique product identifier as included in the registry are released for free circulation.</p>	<p align="center">PUBLIC</p>
<p>(49) Where other information in addition to the unique product identifier and the unique operator identifier is stored in the product passport registry established under [Article 12 of Regulation (EU) .../...</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>on Ecodesign for Sustainable Products], the Commission should be able to provide in a delegated act, that customs authorities are allowed to verify the consistency between this additional information and the information made available by the economic operator to customs, in order to improve the compliance of detergents and surfactants placed under the customs procedure of release for free circulation with this Regulation.</p>	
<p>(50) The information included in the product passport may allow customs authorities to enrich and facilitate risk management and enable the better targeting of controls at the Union’s external borders. Therefore, customs authorities should be able to retrieve and use the information included in the product passport and the related registry for carrying out their tasks in accordance with Union legislation including for risk management in accordance with Regulation (EU) No 952/2013.</p>	
<p>(51) It is appropriate to provide for the publication of a notice in the <i>Official Journal of the European Union</i> indicating the date when the interconnection between the registry and the EU Customs Single Window</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>Certificates Exchange System referred to in [Article 13 of Regulation (EU) .../... on Ecodesign for Sustainable Products] becomes operational in order to facilitate public access to that information.</p>	
<p>(52) The automatic verification by customs of the product passport reference for detergents and surfactants entering the Union market should not replace or modify the responsibilities of the market surveillance authorities but only complement the overall framework for controls on products entering the Union market. The market surveillance authorities should, in line with Regulation (EU) 2019/1020, carry out checks of the information contained in products passports, checks on products within the market and, in case of suspension of release for free circulation by the authorities designated for controls at Union’s external borders, determine the compliance and serious risks of products pursuant to Chapter VII of Regulation (EU) 2019/1020.</p>	
<p>(53) Market surveillance is an essential instrument inasmuch as it ensures the proper and uniform application of Union legislation.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>Regulation (EU) 2019/1020 sets out the framework for market surveillance of products subject to Union harmonisation legislation. Member States should therefore organise and carry out market surveillance of detergents and surfactants in accordance with that Regulation.</p>	
<p>(54) Regulation (EU) 2019/1020 already applies to detergents and surfactants, since Regulation (EC) No 648/2004 is listed in its Annex I. However, in order to ensure legal certainty, it is necessary to clarify that rules on internal market surveillance and control of products entering the internal market provided for in Regulation (EU) 2019/1020 also apply to detergents and surfactants covered by this Regulation. This Regulation should not prevent Member States from choosing the competent authorities to carry out those tasks. Regulation (EU) 2019/1020 should therefore be amended to include a reference to this Regulation.</p>	
<p>(55) Regulation (EC) No 648/2004 provided for a safeguard procedure allowing the Commission to examine the justification for a measure taken</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>by a Member State against detergents and surfactants considered to constitute a risk. In order to increase transparency and to reduce processing time, it is necessary to improve the previous safeguard procedure, with the view to making it more efficient and drawing on the expertise available in Member States. The previous system should be replaced by a procedure under which interested parties are informed of measures intended to be taken with regard to detergents and surfactants presenting a risk to health or the environment. Market surveillance authorities should be allowed, in cooperation with the relevant economic operators, to act at an early stage in respect of such detergents and surfactants. The Commission should, by means of implementing acts and, given their special and technical nature, acting without the application of Regulation (EU) No 182/2011, determine whether a national measure in respect of a detergent or surfactant presenting a risk is justified.</p>	<p align="center"><i>PUBLIC</i></p>
<p>(56) Experience with Regulation (EC) No 648/2004 has shown that detergents and surfactants which were compliant with the applicable requirements have in specific cases posed a risk to health or the</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>environment. Provisions should be made to ensure that market surveillance authorities take action against any detergent or surfactant presenting a risk to health or the environment, even when compliant with the legal requirements. The Commission should, by means of implementing acts and, given their special and technical nature, acting without the application of Regulation (EU) No 182/2011, determine whether a national measure in respect of compliant detergents or surfactants which a Member State finds to pose a risk to health and safety of persons or the environment is justified.</p>	<p align="center"><i>PUBLIC</i></p>
<p>(57) In order to take into account technical and scientific progress or new scientific evidence, and the level of digital readiness, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of further supplementing the general requirements on digital labelling; amending the labelling information that may be provided in digital format only; amending the limit of the allergenic fragrances when individual risk-based concentration limits for fragrance</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>allergens are established under Regulation (EC) No 1223/2009; amending the existing biodegradability requirements to introduce biodegradability requirements for substances and mixtures other than surfactants in detergents (including detergent capsules) when new scientific evidence so requires; and amending Annexes I to VII. The Commission should also be empowered to amend the specific information that should be included in the product passport, as well as the information to be included in the Commission registry. Moreover, the Commission should be empowered to supplement this Regulation by determining the additional information stored in the registry to be controlled by customs authorities. In addition, in order to facilitate the work of customs authorities in relation to detergents and surfactants and the requirements set out in this Regulation, the Commission should be empowered to adopt delegated acts amending this Regulation by providing an Annex containing a list of Combined Nomenclature codes, as set out in Annex I to Regulation (EEC) No 2658/87, and product descriptions of detergents and surfactants and by updating such Annex.</p>	<p align="center"><i>Public</i></p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(58) When adopting delegated acts under this Regulation, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>	
<p>(59) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to establish the detailed technical requirements for the product passport for detergents and surfactants. Those powers should be</p>	

¹ OJ L 123, 12.5.2016, p. 1.

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p>	
<p>(60) In view of the need to ensure a high level of human health and environmental protection and the need to take into account new developments based on scientific facts, the Commission should submit to the European Parliament and to the Council a report on the application of this Regulation. The Commission should in its report assess <i>inter alia</i> if this Regulation is achieving its objectives, taking into account the impacts on small and medium-sized enterprises.</p>	
<p>(61) In order to ensure a high level of protection of health and the environment, foster innovation and boost competitiveness, the Commission should assess the safety requirements for detergents containing micro-organisms and the possibility to allow the use of new micro-organisms or strains of micro-organisms in detergents.</p>	

¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(62) This Regulation introduces the possibility of providing all or part of the mandatory labelling requirements only in digital labels in certain situations and requires the creation of a digital product passport for detergents and surfactants. It is, therefore, necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, for Member States to set up the administrative infrastructure necessary for its application and for the Commission to prepare the implementation of the product passport’s technical requirements. Consequently, the application of this Regulation should be deferred to a date where those preparations can reasonably be finalised.</p>	
<p>(63) In order to ensure legal certainty and to prevent waste, economic operators need to be able to sell stock that is either in the distribution chain or in storage at the date of application of this Regulation. It is, therefore, necessary to provide for transitional arrangements that allow the making available on the market of detergents and surfactants that have been placed on the market in accordance with Regulation (EC) No</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>648/2004 before the date of application of this Regulation without those products having to comply with product requirements laid down by this Regulation. Distributors should therefore be able to supply detergents and surfactants that have been placed on the market, namely stock that is already in the distribution chain, before the date of application of this Regulation.</p>	<p align="center"><i>PUBLIC</i></p>
<p>(64) Transitional arrangements should also be made that allow the placing on the market of detergents and surfactants that at the date of application of this Regulation are not yet in the distribution chain without those products having to comply with the requirements laid down by this Regulation, provided that at the time of their placing on the market they are still compliant with Regulation (EC) No 648/2004. Manufacturers and importers should therefore be able to place on the market detergents and surfactants, namely stock that is not yet in the distribution chain, after the date of application of this Regulation.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>(65) Since the objective of this Regulation, namely 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, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,</p>	<p align="center" style="font-size: 48px; opacity: 0.3; transform: rotate(-45deg);">PUBLIC</p>
<p>HAVE ADOPTED THIS REGULATION:</p>	
<p>CHAPTER I</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
GENERAL PROVISIONS	
Article 1	
Subject matter	
<p>1. This Regulation establishes rules for the free movement of detergents and surfactants in the internal market while, at the same time, ensuring a high degree of protection of health and the environment.</p>	
<p>2. This Regulation does not affect the application of the following legal acts:</p>	

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Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
(a) Regulation (EC) No 1907/2006 of the European Parliament and of the Council ¹ ;	
(b) Regulation (EC) No 1272/2008 of the European Parliament and of the Council ² ;	
(c) Regulation (EU) No 528/2012 of the European Parliament and of the Council ³ .	
<u>(d) Regulation (EC) No 1223/2009 of the European Parliament</u>	

¹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

² Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

³ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products OJ L 167, 27.6.2012, p. 1).

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
<u>and of the Council</u> ¹	
Article 2	
Definitions	
For the purpose of this Regulation, the following definitions apply:	
(1) ‘detergent’ means any of the following:	
– a substance, mixture or micro-organism, or two or more such	DE

¹ **Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59–209).**

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>materials in combination, which is intended for cleaning of fabrics, dishes or surfaces;</p>	<p>(Drafting Suggestions):</p> <ul style="list-style-type: none"> - a substance, mixture or micro-organism, or two or more such materials in combination, which is intended for cleaning of fabrics, dishes or surfaces <u>or added to support cleaning processes (e.g.: water softeners)</u>; <p>DE (Comments):</p> <p>The definition is not comprehensive enough. For example, „water softeners“ may no longer be included. The definition should therefore be expanded.</p> <p>The definition should also include detergents to apply on animals (e.g. dog shampoo). If animal fur is not a surface, we would be grateful for an explanation of the criteria by which a surface is defined.</p> <p>DK (Drafting Suggestions):</p> <ul style="list-style-type: none"> - a substance, mixture or micro-organism, or two or more such materials in combination, which is intended for cleaning of fabrics, dishes or surfaces, including the unblocking of drains or

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p style="text-align: center;">pipes;</p> <p>DK (Comments):</p> <p>With the definition in the Commission proposal it is not entirely clear what falls under the term “surfaces” and whether the surfaces of e.g. drains and pipes are included or not. It would limit the scope of the regulation significantly, if it no longer includes e.g. drain rinse falls. To our understanding, such a narrowing of the scope is not intended. We therefore propose adding the “unblocking of drains or pipes” as an example of a type of surface in order to specify the scope of the term.</p> <p>FI (Drafting Suggestions):</p> <p>– a substance, mixture or micro-organism, or combination thereof, which is intended for cleaning of fabrics, dishes or surfaces;</p>
<p>– a mixture intended for soaking (pre-washing), rinsing or bleaching fabrics or dishes;</p>	<p>DE (Drafting Suggestions):</p> <p>- a substance or mixture intended for soaking (pre-washing),</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>rinsing or bleaching fabrics or dishes;</p> <p>DE (Comments):</p> <p>In order to include products which only consists of one substance the definition should also be expanded to substances.</p> <p>EL (Drafting Suggestions):</p> <p>– a substance or mixture intended for soaking (pre-washing), rinsing or bleaching fabrics or dishes;</p> <p>EL (Comments):</p> <p>We propose the addition of the word “substance” in the definition because there are substances i.e. sodium percarbonate which are bleaching agents.</p>
<p>– a mixture intended to modify the feel of fabrics in processes which are to complement the washing of fabrics;</p>	<p>DE (Drafting Suggestions):</p> <p>- a substance or mixture intended to care for fabrics or to modify the feel or the smell of fabrics in processes which are to complement the</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>washing of fabrics <u>(e.g.: perfumes, fragrances, inhibitors of discoloration for laundry, laundry starch, fabric softeners, impregnating agents)</u>;</p> <p>DE (Comments):</p> <p>In order to include products which only consists of one substance the definition should also be expanded to substances.</p> <p>The definition is not comprehensive enough. For example, „Unstoppables“ (perfumes for laundry) may no longer be included. The definition should therefore be expanded. The Commission's view that „Unstoppables“ are not intended for cleaning purposes is correct, but this also applies to fabric softeners, which fall within the definition of „detergent“ and therefore within the scope of the Detergents Regulation.</p>
<p>(2) ‘consumer laundry detergent’ means a detergent for laundry placed on the market for use by non-professionals, including in public laundrettes;</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(3) ‘consumer automatic dishwasher detergent’ means a detergent placed on the market for use in automatic dishwashers by non-professionals;</p>	
<p>(4) ‘detergent containing micro-organisms’ means a detergent in which one or more micro-organisms has been intentionally added, either on its own or via one of the components of the detergent;</p>	
<p>(5) ‘industrial and institutional professional detergent’ means a detergent for cleaning outside the domestic sphere, carried out by specialised personnel using specific products;</p>	<p>DK (Drafting Suggestions): (5) ‘industrial and institutional professional detergent’ means a detergent placed on the market for use by specialised personnel for cleaning outside the domestic sphere using specific products;</p> <p>DK (Comments): We support that a definition for “industrial and institutional detergents” is</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>introduced in the Regulation. However, the definition as proposed by the Commission causes some issues.</p> <p>First of all, we do not understand why the definition of detergents for professional use is defined by referring to the actual use of the product, whereas the definitions for consumer detergents are defined by referring to the purpose (of the use) of the product when placed on the market. In our view, there is no legal or practical reason for choosing another definition approach in terms of professional detergents than the definition approach for consumer detergents. Both types of detergents require the placing on the market of the product – and for both types of detergents, the market surveillance of the products will, at least primarily, directed towards the economic operators placing the product on the market or making it available on the market. Market surveillance that depends on the inspection of how the product is actually used has in practice shown to be very difficult.</p> <p>Furthermore, we note that in our view it is circular to define a detergent by referring to “specific [detergent] products”, and it is an unnecessary</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>addition since the words “cleaning outside the domestic sphere” and “carried out by specialised personnel” specifies the scope of the definition adequately.</p> <p>At the same time, we acknowledge the need for specifying that a consumer detergent being used by specialised personnel should not fall under the scope of the definition. However, if the definition refers to the purpose of the use of the product when placed on the market, instead of referring to the actual use, this will in our view not be an issue.</p> <p>Therefore, we have suggested changes to the definition which take the above considerations into account.</p> <p>FR (Comments):</p> <p>It could be useful to distinguish professional laundry detergents & professional dishwasher detergents:</p> <ul style="list-style-type: none"> - ‘Industrial and institutional laundry detergent’ means a detergent for laundry placed on the market for use by specialised personnel outside the domestic sphere; - ‘Industrial and institutional dishwasher detergent’ means a detergent placed on the market for use by specialised personnel in

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p style="text-align: center;">automatic dishwashers outside of the domestic sphere .</p> <p>HU (Drafting Suggestions): ‘industrial and institutional professional-detergent’ means a detergent for cleaning outside the domestic sphere, carried out by specialised personnel using specific products;</p> <p>HU (Comments): HU supports that there should be a clear distinction between consumer detergents and any other industrial detergents. However, nondomestic detergent applications are highly varied therefore HU suggests deleting institutional from the definition because it creates confusion. Implementing the same requirements for some institutional applications (like small cafes, restaurants, hostels, etc.) and professional uses (like carwashing, dry cleaners, some specific institutions, etc.) does not sound feasible.</p> <p>IT (Comments):</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>See comment on <i>consideranda</i> (12)</p> <p>LT (Drafting Suggestions):</p> <p>5) ‘industrial and institutional professional <u>professional</u> detergent’ means a detergent for cleaning outside the domestic sphere, carried out by specialised personnel using specific products;</p> <p>LT (Comments):</p> <p>According to the given definition, the product cannot be used in the household and can only be used in a professional manner.</p> <p>SE (Comments):</p> <p>Professional would be more in line with other relevant legislation, e.g. CLP. Even if Institutional is already used in Regulation (EC) No 648/2004 on detergents, this term is generally more uncommon.</p> <p>Sweden is flexible regarding this definition. A change here could lead to necessary adaptations in Annex III.</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(6) ‘cleaning’ means the process by which an undesirable deposit is dislodged from a substrate or from within a substrate and brought into a state of solution or dispersion;</p>	
<p>(7) ‘substance’ means a substance as defined in Article 3, point (1), of Regulation (EC) No 1907/2006;</p>	<p>PT (Comments): For reasons of clarity, we believe all the definitions should be provided directly in the text.</p>
<p>(8) ‘mixture’ means a mixture as defined in Article 3, point (2), of Regulation (EC) No 1907/2006;</p>	<p>PT (Comments): For reasons of clarity, we believe all the definitions should be provided directly in the text.</p>
<p>(9) ‘micro-organism’ means a micro-organism as defined in Article 3(1), point (b), of Regulation (EU) No 528/2012;</p>	<p>PT (Comments): For reasons of clarity, we believe all the definitions should be provided</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	directly in the text.
(10) ‘genetically modified micro-organisms’ means micro-organisms in which the genetic material has been altered using gene or cell technology or in any other way that does not occur naturally by mating or natural recombination.	
(11) ‘surfactant’ means any organic substance or mixture used in detergents, which has surface-active properties and which consists of one or more hydrophilic and one or more hydrophobic groups of such a nature and size that it is capable to perform all of the following actions:	
– to reduce the surface tension of water below 45 mN/m;	DE (Comments): The discussion about the introduction of a limit value was already held in 2006, since there are other substances, such as certain alcohols, which also reduce the surface tension by a certain amount. However, since these

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>substances do not meet all other criteria, such as micelle formation, the introduction of a limit value was not pursued. We wonder why this issue is now addressed in the legislative proposal.</p> <p>Regardless, the introduction of a limit value for the reduction of surface tension in water would require a recognized test procedure to be mentioned in the regulation, because the reduction of surface tension depends on temperature of the mixture and the concentration of the surfactant.</p>
<p>– to form spreading or adsorption monolayers at the water-air interface;</p>	
<p>– to form emulsions and/or microemulsions and/or micelles;</p>	
<p>– to adsorb at water-solid interfaces;</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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<p>(12) ‘ultimate aerobic biodegradation’ means the level of biodegradation achieved when the substance or mixture is totally used by micro-organisms in the presence of oxygen resulting in its breakdown to carbon dioxide, water and mineral salts of any other elements present, as measured by test methods listed in Annex I, and new microbial cellular constituents;</p>	<p>DK (Drafting Suggestions): NEW entry to art. 2 defining ‘new microbial cellular constituents’</p> <p>DK (Comments): The term is not defined in the proposal</p>
<p>(13) ‘making available on the market’ means any supply for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;</p>	
<p>(14) ‘placing on the market’ means the first making available on the Union market;</p>	
<p>(15) ‘manufacturer’ means any natural or legal persons that</p>	<p>PT</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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<p>manufacture or have a detergent or a surfactant designed or manufactured, and place that detergent or surfactant on the market under their name or trademark;</p>	<p>(Comments): We believe this definition should not include the non-EU manufacturer.</p>
<p>(16) ‘authorised representative’ means any natural or legal persons established within the Union that have received and accepted a written mandate from a manufacturer to act on their behalf in relation to specified tasks;</p>	<p>FR (Comments): The current organization of the economic operators (manufacturer, distributor, and importer) is sufficient to ensure that proper responsibilities are allocated through the supply chain. The addition of a new economic operator – the authorized representative – will not bring any new added value to the current system and might actually lessen the efficiency of the supply chain communication in some specific situations (e.g. in case of contract termination for the authorized representative).</p> <p>LT (Comments): The current organization of the economic operators (manufacturer, distributor, and importer) is sufficient to ensure that proper</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	responsibilities are allocated through the supply chain. The addition of a new economic operator – the authorized representative – will not bring added value to the current system and might lessen the efficiency of the supply chain communication in some specific situations (e.g. in case of contract termination for the authorized representative).
(17) ‘importer’ means any natural or legal persons established within the Union that place a detergent or surfactant from a third country on the Union market;	
(18) ‘distributor’ means any natural or legal persons in the supply chain, other than the manufacturer or the importer, that make a detergent or surfactant available on the market;	
(19) ‘economic operator’ means the manufacturer, the authorised representative, the importer or the distributor;	FR (Comments): The current organization of the economic operators (manufacturer,

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>distributor, and importer) is sufficient to ensure that proper responsibilities are allocated through the supply chain. The addition of a new economic operator – the authorized representative – will not bring any new added value to the current system and might actually lessen the efficiency of the supply chain communication in some specific situations (e.g. in case of contract termination for the authorized representative).</p> <p>LT (Comments):</p> <p>The current organization of the economic operators (manufacturer, distributor, and importer) is sufficient to ensure that proper responsibilities are allocated through the supply chain. The addition of a new economic operator – the authorized representative – will not bring added value to the current system and might lessen the efficiency of the supply chain communication in some specific situations (e.g. in case of contract termination for the authorized representative).</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(20) ‘market surveillance’ means the activities carried out and measures taken by market surveillance authorities to ensure that products comply with the requirements set out in this Regulation;</p>	
<p>(21) ‘market surveillance authority’ means a market surveillance authority as defined in Article 3, point 4, of Regulation (EU) 2019/1020;</p>	<p>PT (Comments): For reasons of clarity, we believe all the definitions should be provided directly in the text.</p>
<p>(22) ‘recall’ means a recall as defined Article 3, point 22, of Regulation (EU) 2019/1020;</p>	<p>PT (Comments): For reasons of clarity, we believe all the definitions should be provided directly in the text.</p>
<p>(23) ‘withdrawal’ means a withdrawal as defined in Article 3, point 23, of Regulation (EU) 2019/1020;</p>	<p>PT (Comments): For reasons of clarity, we believe all the definitions should be provided</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	directly in the text.
(24) ‘CE marking’ means a marking by which the manufacturer indicates that the detergent is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its <u>use affixing</u> ;	
(25) ‘corrective measure’ means a measure as defined in Article 3, point 16, of Regulation (EU) 2019/1020;	PT (Comments): For reasons of clarity, we believe all the definitions should be provided directly in the text.
(26) ‘release for free circulation’ means the procedure laid down in Article 201 of Regulation (EU) No 952/2013;	
(27) ‘data carrier’ means a linear bar code symbol, a two-dimensional	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>symbol or other automatic identification data capture medium that can be read by a device;</p>	
<p>(28) ‘unique product identifier’ means a unique string of characters that allows the identification of a product and enables a web link to the product passport;</p>	
<p>(29) ‘unique operator identifier’ means a unique string of characters for the identification of economic operators involved in the value chain of products;</p>	
<p>(30) ‘customs authorities’ means customs authorities as defined in Article 5, point 1, of Regulation (EU) No 952/2013;</p>	<p>PT (Comments): For reasons of clarity, we believe all the definitions should be provided directly in the text.</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(31) ‘EU Customs Single Window Certificates Exchange System’ means the system referred to in Article 4 of the Regulation (EU) 2022/2399 of the European Parliament and of the Council¹;</p>	
<p>(32) ‘individual packaging’ means packaging in which the detergent or surfactant is made available on the market and which is intended to accompany the content to the place of use;</p>	
<p>(33) ‘refill’ means the operation by which <u>an end-user fills a packaging with a detergent offered by an economic operator in the course of a commercial activity, whether in return for payment or free of charge</u> the detergent is filled in-store from a large container in the end-users’ own package either manually or through automatic or semi-automatic equipment;</p>	<p>BG (Comments): We support the harmonization with CLP.</p> <p>DK (Drafting Suggestions): ‘refill’ means the operation by which <u>an end-user fills a packaging with a detergent or surfactant offered by an economic operator in the course of a commercial activity, whether in return for payment or</u></p>

¹ Regulation (EU) 2022/2399 of the European Parliament and of the Council of 23 November 2022 establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 (OJ L 317, 9.12.2022, p. 1).

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p><u>free of charge</u> the</p> <p>DK (Comments): Both detergents and surfactants are mentioned in the provision on refill in art. 15 (1 and 2). In order to stay consistent, we believe that it should be the same here.</p> <p>HU (Drafting Suggestions): (33) ‘refill’ means the operation by which <u>an end-user fills a packaging with a detergent or surfactant offered by an economic operator in the course of a commercial activity, whether in return for payment or free of charge</u> the detergent is filled in-store from a large container in the end-users’ own package either manually or through automatic or semi-automatic equipment;</p> <p>HU (Comments): HU supports the compromise text and suggests to include surfactants as well.</p> <p>LT</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>(Drafting Suggestions):</p> <p>‘refill’ means the operation by which an end-user fills a packaging with a detergent offered by an economic operator <u>in the course of a commercial activity, whether</u> in return for payment <u>or free of charge</u> the detergent is filled in-store from a large container in the end-users’ own package either manually or through automatic or semi-automatic equipment;</p>
<p><u>(33a) ‘refill station’ means a place where an economic operator offers to end-users a detergent that can be acquired through refill, either manually or through automatic or semi-automatic equipment;</u></p>	<p>BG (Comments): We support the harmonization with CLP.</p> <p>HU (Drafting Suggestions): <u>(33a) ‘refill station’ means a place where an economic operator offers to end-users a detergent or surfactant that can be acquired through refill, either manually or through automatic or semi-automatic equipment;</u></p> <p>HU</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>(Comments): HU supports the definition of the refill station and suggests to include surfactants as well.</p> <p>IT (Comments): <i>Add regulatory requirements on type of detergents that can be acquired through refill:</i></p> <p>ANNEX II point 8: Detergents containing micro-organisms shall not be placed on the market in a refill format. CLP: Applies to hazardous detergents and lays down restrictions on refill for certain hazard classes.</p>
<p>(34) ‘batch’ means a defined quantity of finished products that meets the following conditions:</p>	
<p>– is produced in a single manufacturing process or a series of processes during the same manufacturing cycle;</p>	

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>– is intended to have a uniform composition when tested in accordance with the same test methods; and</p>	
<p>– is clearly defined by a type number, batch number or other element allowing its identification.</p>	<p>FR (Comments): Applying the DPP for detergents at batch level is not possible for industry since it would require tens of thousands of DPPs for the same product. The model level is more workable. Introducing Product Passport on the Model level, where Model is a combination of Product name + unique formula, would facilitate DPP adoption for the industry without compromising the purpose of the DPP and the work of market surveillance authorities.</p>
<p>(35) ‘end-user’ means any natural or legal person residing or established in the Union, to whom a detergent or surfactant has been made available either as a consumer outside of any trade, business, craft or profession or as a professional end-user in the course of its industrial or professional activities.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
CHAPTER II	
PRODUCT REQUIREMENTS	
Article 3	
Free movement	
1. Detergents and surfactants may only be placed on the market if they comply with this Regulation.	
2. Member States shall not prohibit, restrict or impede the placing on	PT

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>the market of detergents or surfactants which comply with this Regulation.</p>	<p>(Drafting Suggestions): Member States shall not prohibit, restrict or impede the placing and making available on the market of detergents or surfactants which comply with this Regulation.</p> <p>PT (Comments): There is a definition for “placing on the market” and another one for “making available on the market”. Therefore, we suggest this clarification.</p>
<p>Article 4</p>	
<p>Biodegradability</p>	
<p>1. Detergents, and surfactants and water soluble films used in detergent capsules shall comply with the biodegradability requirements</p>	<p>BG (Comments):</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>laid down in Annex I.</p>	<p>The extension of the scope of biodegradability requirements in relation to “water soluble films used in detergent capsules” should take into account the availability of appropriate methods for testing the biodegradability of the polymers in the film/ packaging of the capsules and, in the absence of such methods, provide for a sufficient transition period for the development of methods and ensuring implementation.</p> <p>EL (Comments):</p> <p>Extending the biodegradability requirements to water-soluble films requires further research on the applicability of existing biodegradability criteria and methods for surfactants, to polymers.</p> <p>The appropriate method for ready biodegradability testing depends on the type of substance and its physical properties and characteristics such as solubility, volatility, and sorption.</p> <p>Current biodegradation test methods may in theory be used for complex ingredients like polymers, but their criteria may need modification as they were designed for smaller, water-soluble molecules.</p> <p>An appropriate transitional period for implementation should be defined,</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>once the test methods and criteria have been identified, taking into account manufacturing practices and the availability of technically and economically feasible alternatives.</p> <p>FI (Comments): FI can support this change, if it can be ensured that suitable test methods exist.</p> <p>LT (Comments): The biodegradability of detergents cannot be considered as a whole, as they correspond to chemical mixtures. However, the biodegradability of their constituents can be assessed using test methods specific to each constituent.</p> <p>In addition, current biodegradability test methods have been developed for small molecules and are not suitable for complex detergent ingredients. For example, polymers used in detergents are at least 10 times larger molecules than some surfactants. For that reason, the biodegradability test methods for surfactants cannot be applied to</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>polymers. In addition, polymers can degrade when exposed to micro-organisms (biodegradation) or to UV light, water, oxygen (abiotic degradation) or both. Both degradation processes should be included in the scope of this legislation.</p> <p>PL (Drafting Suggestions):</p> <p>PL suggestion:</p> <p>Detergents and surfactants and water soluble films used in detergent capsules shall comply with the biodegradability requirements laid down in Annex I.</p> <p>PL (Comments):</p> <p>PL comments:</p> <p>PL supports the assessment of biodegradability requirements for substances and mixtures other than surfactants in detergents. In our opinion, introducing “water soluble films used in detergent capsules” does not provide any added value.</p> <p>Current biodegradability testing methods are not suitable for complex ingredients such as polymers (including those used in the soluble films in detergents capsules). They were developed for small molecules, and the validation and adaptation of existing methods as well as the development</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>of new test methods are needed. Sufficient time must be foreseen for research and standardisation processes prior to applying regulatory requirements.</p> <p>Degradation of complex ingredients may occur with and without microorganisms (e.g., UV light) - both mechanisms should be recognised under the Detergents Regulation.</p> <p>Appropriate transition periods for implementation should be defined once the methods and criteria have been identified. They must take into account manufacturing practices, the availability of technically and economically feasible alternatives, the impact on small and medium-sized enterprises as well as impacts on health and the environment.</p> <p>The Detergents Regulation should use the EU Ecolabel approach, in which a proportion of non-degradable organic ingredients is allowed.</p> <p>PT (Comments):</p> <p>PT does not agree with the introduction of water soluble films in detergents.</p> <p>SE (Drafting Suggestions):</p> <p><u>Surfactants</u>, Detergents, surfactants <u>in detergents</u> and water soluble films used in detergent capsules shall comply with the biodegradability requirements laid down in Annex I.</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>SE (Comments):</p> <p>We support the ambition to have biodegradability requirements for water soluble films to avoid the spread of microplastics in the environment. However, in the compromise proposal Annex I only includes biodegradability requirements for surfactants. Our proposal for article 4(1) is aimed to reflect this, but additional amendment are also proposed to the text of the annex.</p>
<p>2. Paragraph 1 shall not apply to the following: <u>surfactants that are active substances within the meaning of Article 3(1), point (c), of Regulation (EU) No 528/2012 and that are used as disinfectants where they meet any of the following conditions:</u></p>	<p>DK (Drafting Suggestions):</p> <p>Para 2 should be DELETED</p> <p>DK (Comments):</p> <p>Active substances approved under the BPR are not by default biodegradable and do not by default comply with the biodegradability requirements under the Detergents Regulation. Thus, the scientific as well</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	<p>as the legal reason for their exemption from the requirement in paragraph 1 is lacking. We therefore believe that this paragraph is contrary to the very purpose of this Regulation, and that it creates a significant, unjustified legal gap.</p> <p>SE (Comments): We can support the proposed amendment, as this is in line with the wording in the current Detergents Regulation.</p>
<p>(a) — surfactants that are active substances within the meaning of Article 3(1), point (c), of Regulation (EU) No 528/2012 and that are used as disinfectants where they meet any of the following conditions:</p>	
<p>(aⁱ) the surfactants are included in the Union list of approved active substances as laid down in Article 9(2) of Regulation (EU) No 528/2012;</p>	
<p>(bⁱⁱ) the surfactants are included in the review programme as set out in</p>	DK

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
Commission Delegated Regulation (EU) No 1062/2014 ¹ ;	<p>(Drafting Suggestions):</p> <p>‘the surfactants are included in the review programme as set out in the Biocidal products regulation currently in force.</p> <p>DK</p> <p>(Comments):</p> <p>If the paragraph is kept (cf. our suggestion above) , the reference should be made to the version of the review programme in force at any given time.</p>
(b) — surfactants that are constituents of biocidal products authorised in accordance with Regulation (EU) No 528/2012;	
(c) surfactants that are constituents of biocidal products and which may be made available on the market or used in accordance with Article 89(2) 55 of Regulation (EU) No 528/2012.	

¹ Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 294, 10.10.2014, p. 1).

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>DE (Drafting Suggestions): <u>[new paragraph]:</u></p> <p><u>By... [4 years from the entry into force of the delegated act adopted in accordance with the second subparagraph] organic ingredients of detergents other than surfactants shall be inherently biodegradable.</u></p> <p><u>By... [two years from the date of entry into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 27 to supplement Annex I with inherent biodegradability criteria and test methods for constituents other than surfactants.</u></p> <p><u>Where necessary, the Commission is empowered to adopt delegated acts in accordance with Article 27 to allow for the use of substances in detergents that do not comply with the biodegradability criteria established in accordance with Annex I.</u></p> <p><u>When adopting delegated acts in accordance with the second and</u></p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p><u>third subparagraphs, the Commission shall take into account manufacturing practices, the availability of technically and economically feasible alternatives, the impact on small and medium-sized enterprises and the impact on health and environment.</u></p> <p>DE (Comments):</p> <p>Poorly biodegradable organics (PBOs) used in detergents, which are neither readily nor inherently biodegradable, are not or not sufficiently addressed. We are in favor of including a provision according to which organic substances contained in detergents that are not surfactants shall be at least inherently biodegradable after an appropriate transition period. These substances can in our view not be regulated, i.e. restricted, under the REACH Regulation as they are not PBT substances.</p> <p>Restricting PBOs in the Detergents Regulation would help to substantially reduce PBOs in sewage sludge and wastewater from sewage treatment plants. It would also improve compliance with drinking water</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	<p>limits without cost-intensive measures for drinking water treatment and effectively implement the objectives of the European Water Framework Directive, particularly with regard to the good ecological and chemical status of water bodies.</p> <p>The proposal for the new paragraph corresponds to the position of the EP in its opinion adopted on 27.2.2024 (Article 4 paragraph 2a (new) – Amendment 50).</p>
Article 5	
Detergents containing micro-organisms	
Detergents containing micro-organisms shall comply with the requirements laid down in Annex II.	PT (Comments): Please see comment in Annex II.
	DK

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>(Drafting Suggestions):</p> <p>Article 5 a</p> <p>Consumer detergents containing biocidal active substances</p> <ol style="list-style-type: none"> 1. Detergents, other than industrial and institutional detergents, may not contain active substances approved or under approval for the use as an active substance in compliance with Regulation (EU) No 528/2012. 2. Paragraph 1 shall not apply to biocidal products approved for use as a preservative for products during storage (product type 6) in accordance with Regulation (EU) No 528/2012, when used as a preservative in a detergent. <p>DK</p> <p>(Comments):</p> <p>In Denmark, we see many examples on the market of products containing substances or micro-organisms that has an action on or against harmful organisms while being marketed as detergents, and thereby evading the</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>approval requirements for active substances under the BPR. This legal gap should be closed in order to ensure the protection of health and the environment, as intended with both the Detergents Regulation and the BPR.</p> <p>Our proposal for a new <i>article 5 a</i> seeks to solve this issue in terms of detergents sold to consumers by prohibiting the use of active substances in products marketed as detergents. Instead such products should be marketed as biocidal products in accordance with the BPR and follow the approval requirements under that Regulation.</p> <p>However, biocidal products approved for use as a preservative for products during storage (product type 6) should still be allowed, when used as a preservative in a detergent.</p> <p>Please note that we prefer that a prohibition of active substances in detergents is included in the proposed Annex IIIa together with a general prohibition against harmful substances in consumer detergents, as also proposed, cf. below our proposal for a new <i>article 6 a</i>.</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>Article 6</p>	
<p>Limitations on the content of phosphates and other phosphorus compounds</p>	<p>DE (Comments): DEU welcomes and supports the Presidency's proposals to limit the content of phosphates and other phosphorus compounds in industrial and institutional laundry detergents and automatic dishwashing detergents and to make the existing phosphorus limits in household laundry detergents and automatic dishwashing detergents more ambitious. They would would make a significant contribution to achieving the objectives of the HELCOM Baltic Sea Action Plan and reducing the eutrophication of inland waters.</p> <p>These proposals are also in line with the EP opinion of February 27.</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>Detergents listed in Annex III shall comply with the limitations on the content of phosphates and other phosphorus compounds laid down in that Annex.</p>	<p>LT (Drafting Suggestions): Detergents listed in Annex III shall comply with the limitations on the content of phosphates and other phosphorus compounds laid down in that Annex. <u>The first paragraph shall not apply to detergents that are biocidal products in accordance with Regulation (EU) No 528/2012 or medical devices in accordance with Regulation (EU) No 2017/745.</u></p> <p>PL (Comments): <u>PL comments:</u> We recommend the following exemption should be added, as the following products are already regulated through other legislative texts. The first paragraph shall not apply to detergents that are biocidal products in accordance with Regulation (EU) No 528/2012 or medical devices in accordance with Regulation (EU) No 2017/745. Products regulated under the Biocidal Products Regulation (528/2012) or Medical Devices Regulation (2017/745) in addition to the Detergents Regulation deserve special consideration. These products need to be exempt from the restrictions of phosphorus content in detergents because they play a critical role for society.</p> <p>PT (Comments):</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>Please see comment in Annex III.</p>
	<p>DK (Drafting Suggestions): Article 6a Substances and mixtures prohibited in consumer detergents and surfactants Detergents and surfactants, other than industrial and institutional detergents, shall comply with the requirements laid down in Annex IIIa.</p> <p>Or alternatively if the above is not supported:</p> <p>Article 6a Endocrine disrupting substances and mixtures prohibited in consumer detergents and surfactants Detergents and surfactants, other than industrial and institutional detergents, shall comply with the requirements laid down in Annex IIIa.</p> <p>DK</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>(Comments):</p> <p>In the Chemicals Strategy for Sustainability, detergents are mentioned as a consumer product group where an automatic ban of the most harmful substances should be introduced. Likewise, in the strategy, detergents for consumers are mentioned as a product group, where combination effects of substances should be taken into account. We were therefore surprised to see that these ambitions have not been introduced in the Detergent's Regulation.</p> <p>As such, we propose the introduction of a general prohibition of the presence of the most harmful substances and mixtures as classified under CLP in detergents and surfactants placed on the market for use by non-professionals. This specific requirements are laid down in our proposal for a new Annex IIIa. Besides a general prohibition upon the use of the most harmful substances in consumer detergents, this annex should also contain exemptions to the general prohibition.</p> <p>Exemptions should be possible if safe use (environment and health) can be demonstrated. The new annex should therefore specify the conditions</p>

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	<p>under which exemptions will apply. Exemptions must also take into account both exposure to the substance from other sources as well as exposure to other substances having the same mode of action.</p> <p>Specifically, we believe it is important that exemptions should apply for enzymes for which safe use can be demonstrated, that can play an important role in reducing the climate impact of detergents as the use of enzymes will lower the temperature and increase the efficiency of the washing process.</p>
<p>CHAPTER III</p>	
<p>OBLIGATIONS OF ECONOMIC OPERATORS</p>	
<p>Article 7</p>	
<p>Obligations of manufacturers</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>1. When placing detergents or surfactants on the market, manufacturers shall ensure that those detergents or surfactants have been designed and manufactured in accordance with this Regulation.</p>	
<p>2. Manufacturers shall draw up the technical documentation referred to in Annex IV and carry out the conformity assessment procedure referred to in that Annex.</p>	
<p>Where compliance of a detergent or surfactant with the applicable requirements has been demonstrated by the procedure referred to in the first subparagraph, manufacturers shall:</p>	
<p>(a) create a product passport in accordance with Article 18,</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(b) ensure that the data carrier is printed or otherwise placed on the label or on the packaging of the detergent or surfactant in a visible and legible manner in accordance with Article 18(3),</p>	
<p>(c) where relevant, include in the product passport affix the CE marking in accordance with Article 14,</p>	
<p>(d) before placing detergents or surfactants on the market, manufacturers shall include a reference of the product passport in the registry referred to in Article 20(1).</p>	
<p>3. Manufacturers shall keep the technical documentation and the product passport at the disposal of national market surveillance authorities for 10 years after the detergent or the surfactant covered by that documentation or product passport has been placed on the market.</p>	<p>LT (Drafting Suggestions): Manufacturers shall keep the technical documentation and the product passport at the disposal of national market surveillance authorities for 10 up to a period of 5 years after the detergent or the surfactant covered by that documentation or product passport has been placed on the market.</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>LT (Comments): Obligations for economic operators to retain information (e.g. technical documentation) should be proportionate to the lifespan of the product. In the case of detergents, this retention period should not be more than 5 years after the product was placed on the market.</p>
<p>4. Manufacturers shall ensure that procedures are in place for series production to remain in conformity. Changes in product design or characteristics and changes in the test methods by reference to which conformity of a product is declared shall be adequately taken into account.</p>	
<p>When deemed appropriate with regard to the performance of, or the risks presented by, a detergent or surfactant, manufacturers shall carry out sample testing of such detergents or surfactants, investigate, and, if necessary, keep a register of complaints, of non-conforming detergents or surfactants and recalls of such detergent or surfactants, and shall keep</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>distributors informed of any such monitoring.</p>	
<p>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.</p>	
<p>6. <u>Before placing on the market detergents or surfactants for which there is no obligation to provide information according to Article 45 of Regulation (EC) No 1272/2008, manufacturers, or authorized representatives where applicable,</u> placing on the market detergents that do not meet the criteria for classification as hazardous within the meaning of Regulation (EC) No 1272/2008, shall provide to Member States' appointed bodies referred to in Article 45 of that Regulation, the ingredient datasheet referred to in point 2.2 (e) of Annex IV.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>Manufacturers shall provide the ingredient data sheet to the Member States' appointed bodies referred to in the first subparagraph in the following cases:</p>	
<p>(a) upon request from the Member States' appointed bodies;</p>	
<p>(b) when the detergent for which a data sheet has already been requested no longer corresponds to the information included in that datasheet.</p>	
<p><u>When the detergent or surfactant for which a data sheet has already been provided no longer corresponds to the information included in that datasheet, the manufacturer, or the authorized representative where applicable, shall provide an updated data sheet to the Member states' appointed body before placing the detergent or surfactant, as changed, on the market.</u></p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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<p>The appointed body referred to in the first subparagraph and the medical personnel to which the information contained in the datasheet has been provided shall keep it confidential and use it for medical purposes only.</p>	
<p><u>The information included in that data sheet shall be kept confidential and may only be used:</u></p>	
<p><u>(a) to meet medical demand by formulating preventative and curative measures, in particular in the event of an emergency;</u></p>	
<p><u>and</u></p>	
<p><u>(b) where requested by the 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.</u></p>	

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>7. Manufacturers that consider or have reason to believe that a detergent or surfactant which they have placed on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that detergent or surfactant into conformity, to withdraw it or to recall it, as appropriate. Furthermore, where manufacturers consider or have reason to believe that a detergent or surfactant which they have placed on the market presents a risk to health or to the environment, they shall immediately inform the competent national authorities of the Member States in which they made the detergent or surfactant available on the market to that effect, giving details, in particular, of any non-compliance and of any corrective measures taken.</p>	<p>IT (Drafting Suggestions): <u>Market surveillance authority or Mmanufacturers ...</u></p> <p>IT (Comments): <i>It could be useful to insert a cross reference to SafetyGate Regulation: L_2023135EN.01000101.xml (europa.eu)</i></p>
<p>8. Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the detergent or surfactant with this Regulation, in a</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by a detergent or surfactant which they have placed on the market.</p>	
<p>Article 8</p>	
<p>Authorised representative</p>	<p>FR (Comments): The current organization of the economic operators (manufacturer, distributor, and importer) is sufficient to ensure that proper responsibilities are allocated through the supply chain. The addition of a new economic operator – the authorized representative – will not bring any new added value to the current system and might actually lessen the efficiency of the supply chain communication in some specific situations (e.g. in case of contract termination for the authorized representative).</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>LT (Comments):</p> <p>The current organization of the economic operators (manufacturer, distributor, and importer) is sufficient to ensure that proper responsibilities are allocated through the supply chain. The addition of a new economic operator – the authorized representative – will not bring added value to the current system and might lessen the efficiency of the supply chain communication in some specific situations (e.g. in case of contract termination for the authorized representative).</p> <p>PL (Drafting Suggestions):</p> <p>PL suggestion: We kindly ask for deletion.</p> <p>PL (Comments):</p> <p><u>PL comments:</u></p> <p>We think that, the current structure of the economic operators (manufacturer, distributor and importer) is sufficient to ensure that proper responsibilities are allocated through the supply chain. The addition of a new economic operator – the authorized representative – will not bring any new added value to the current system and might actually lessen the</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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	<p>efficiency of the supply chain communication in some specific situations (e.g. in case of contract termination for the authorized representative).</p>
<p>1. Manufacturers may, by a written mandate, appoint an authorised representative <u>who shall accept in writing. The authorised representative shall provide a copy of the mandate to the competent authority, upon request.</u></p>	
<p>2. Where the manufacturer is not established in the Union, the detergent or surfactant may only be placed on the Union market if the manufacturer designates, by a written mandate, an authorised representative.</p>	
<p>3. TheAn authorised representative shall: perform the tasks specified in the mandate received from the manufacturer. The authorised representative shall provide a copy of the mandate to the competent authority, upon request.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>The mandate shall allow the authorised representative to do at least the following:</p>	
<p>(a) <u>ensure that the detergent or the surfactant he is appointed for fulfils the requirements set out in this Regulation;</u></p>	
<p>(a²) verify that the product passport has been created in accordance with Article 7(2), point (a), that the technical documentation has been drawn up and the conformity assessment procedure has been carried out by the manufacturer in accordance with Article 7(2) <u>and that the ingredient data sheet has been provided to Member States' appointed bodies in accordance with Article 7(6);</u></p>	
<p>(b) keep the product passport and technical documentation at the disposal of national market surveillance authorities for 10 years after the</p>	<p>LT (Drafting Suggestions):</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>detergent or surfactant covered by those documents has been placed on the market;</p>	<p>keep the product passport and technical documentation at the disposal of national market surveillance authorities for 10 up to a period of 5 years after the detergent or surfactant covered by those documents has been placed on the market;</p> <p>LT (Comments): Obligations for economic operators to retain information (e.g. technical documentation) should be proportionate to the lifespan of the product. In the case of detergents, this retention period should not be more than 5 years after the product was placed on the market.</p>
<p>(c) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of the detergent or surfactant with the requirements laid down in this Regulation;</p>	
<p>(d) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by a detergent or</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>surfactant covered by the authorised representative’s mandate.</p>	
<p>(e) terminate the mandate if the manufacturer does not comply with the obligations of the manufacturer under this Regulation.</p>	
<p>4. The obligations laid down in Article 7(1) and the obligation to draw up technical documentation referred to in Article 7(2) shall not form part of the authorised representative’s mandate.</p>	
<p>Article 9</p>	
<p>Obligations of importers</p>	
<p>1. Importers shall place only compliant detergents or surfactants on</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>the market.</p>	
<p>2. Before placing a detergent or surfactant on the market importers shall ensure the following:</p>	
<p>(a) the manufacturer has carried out the conformity assessment procedure and drawn up the technical documentation referred to in Article 7(2);</p>	
<p>(b) the detergent bears the CE marking referred to in Article 14; <u>the ingredient data sheet has been provided to Member States' appointed bodies referred to in Article 7(6);</u></p>	
<p>(c) the manufacturer has created the product passport referred to in Article 7(2);</p>	

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Updated: 22/03/2024 17:43

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<p>(d) the relevant information on the product passport has been included in the registry referred to in Article 20(1);</p>	
<p>3. Where an importer considers or has reason to believe that a detergent or surfactant is not in conformity with this Regulation, the importer shall not place the detergent or surfactant on the market until it has been brought into conformity. Furthermore, where the detergent or surfactant presents a risk to health or to the environment, the importer shall inform the manufacturer and the market surveillance authorities to that effect.</p>	
<p>4. Importers shall indicate their name, registered trade name or registered trade mark and the postal and email address at which they can be contacted on the label of the detergent or surfactant. The contact details shall be in a language easily understood by end-users and market surveillance authorities.</p>	

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Updated: 22/03/2024 17:43

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<p>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.</p>	
<p>6. Importers shall ensure that, while a detergent or surfactant is under their responsibility, its storage or transport conditions do not jeopardise its compliance with this Regulation.</p>	
<p>7. When deemed appropriate with regard to the performance of a detergent or surfactant or the risks presented by them, importers shall carry out sample testing of such detergents and surfactants, investigate, and, if necessary, keep a register of complaints, of non-conforming detergents and surfactants and recalls of such detergents and surfactants, and shall keep distributors informed of any such monitoring.</p>	
<p>8. Importers that consider or have reason to believe that a detergent or surfactant which they have placed on the market is not in conformity</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>with this Regulation shall immediately take the corrective measures necessary to bring that detergent or surfactant into conformity, to withdraw it or to recall it, as appropriate. Furthermore, where importers consider or have reason to believe that a detergent or surfactant which they have placed on the market presents a risk to health or the environment, they shall immediately inform the competent national authorities of the Member States in which they made the detergent or surfactant available on the market to that effect, giving details, in particular, of any non-compliance and of any corrective measures taken.</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-45deg);">PUBLIC</p>
<p>9. Importers shall keep the reference to the unique product identifier at the disposal of the market surveillance authorities for a period of 10 years after the detergent or surfactant has been placed on the market and shall ensure that the technical documentation can be made available to those authorities, upon request.</p>	<p>LT (Drafting Suggestions): 9. Importers shall keep the reference to the unique product identifier at the disposal of the market surveillance authorities for a period of 10 5 years after the detergent or surfactant has been placed on the market and shall ensure that the technical documentation can be made available to those authorities, upon request. LT</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>(Comments): Obligations for economic operators to retain information (e.g. technical documentation) should be proportionate to the lifespan of the product. In the case of detergents, this retention period should not be more than 5 years after the product was placed on the market.</p>
<p>10. Importers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the detergent or surfactant with this Regulation in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by a detergent or surfactant which they have placed on the market.</p>	
<p>Article 10</p>	

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>Obligations of distributors</p>	
<p>1. When making a detergent or surfactant available on the market distributors shall act with due care in relation to the requirements of this Regulation.</p>	
<p>2. Before making a detergent or surfactant available on the market distributors shall verify that the following conditions have been met:</p>	
<p>(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;</p>	
<p>(b) the detergent bears the CE marking referred to in Article 14;</p>	<p>IT (Drafting Suggestions): <u>The product passport of the detergent included the CE marking, as</u></p>

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Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	<p><u>set out in Article 14</u></p> <p>IT (Comments): <i>For consistency</i></p> <p>PT (Drafting Suggestions): We suggest deleting this sentence.</p>
(c) the manufacturer has complied with the requirements set out in Article 7(2), and (3) <u>and (6)</u> or, as applicable, the importer has complied with the requirements set out in Article 9(2).	
3. Where a distributor considers or has reason to believe that a detergent or surfactant is not in conformity with this Regulation, the distributor shall not make the detergent or surfactant available on the market until it has been brought into conformity. Furthermore, where the detergent or surfactant presents a risk to health or the environment, the distributor shall inform the manufacturer and, where relevant, the	<p>LT (Comments):</p> <p>The current organization of the economic operators (manufacturer, distributor, and importer) is sufficient to ensure that proper responsibilities are allocated through the supply chain. The addition of a new economic operator – the authorized representative – will not bring</p>

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Updated: 22/03/2024 17:43

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<p>authorised representative or the importer to that effect as well as the market surveillance authorities.</p>	<p>added value to the current system and might lessen the efficiency of the supply chain communication in some specific situations (e.g. in case of contract termination for the authorized representative).</p>
<p>4. Distributors shall ensure that, while a detergent or surfactant is under their responsibility, its storage or transport conditions do not jeopardise its compliance with this Regulation.</p>	
<p>5. Distributors that consider or have reason to believe that a detergent or a surfactant which they have made available on the market is not in conformity with this Regulation shall make sure that the corrective measures necessary to bring that detergent or surfactant into conformity, to withdraw it or to recall it, as appropriate, are taken. Furthermore, where distributors consider or have reason to believe that a detergent or surfactant which they have made available on the market presents a risk to health or to the environment, they shall immediately inform the competent national authorities of the Member States in which they made the detergent or surfactant available on the market to that effect, giving</p>	

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Updated: 22/03/2024 17:43

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<p>details, in particular, of any non-compliance and of any corrective measures taken.</p>	
<p>6. Distributors shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the detergent or surfactant with this Regulation. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by detergents and surfactants which they have made available on the market.</p>	
<p>Article 11</p>	
<p>Cases in which obligations of manufacturers apply to importers and distributors</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Article 7 where that importer or distributor places a detergent or surfactant on the market under his or her name or trademark or modifies a detergent or surfactant already placed on the market in such a way that compliance with this Regulation may be affected.</p>	
<p>Article 12</p>	
<p>Packaging and repackaging by importers and distributors</p>	
<p>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 <u>in addition to his obligations under article 9 or 10</u> have the following obligations:</p>	

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Updated: 22/03/2024 17:43

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<p>(a) to ensure that the package bears his or her name, registered trade name or registered trade mark and postal address preceded by the words ‘packaged by’ or ‘repackaged by’;</p>	
<p>(b) to ensure compliance with Articles 14 to 17;</p>	
<p>(c) to keep the reference to the unique product identifier at the disposal of the market surveillance authorities for 10 years after having made the detergent or surfactant available on the market.</p>	<p>LT (Drafting Suggestions): (c) to keep the reference to the unique product identifier at the disposal of the market surveillance authorities for 10 up to a period of 5 years after having made the detergent or surfactant available on the market.</p> <p>LT (Comments): Obligations for economic operators to retain information (e.g. technical documentation) should be proportionate to the lifespan of the product. In</p>

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>the case of detergents, this retention period should not be more than 5 years after the product was placed on the market.</p>
<p>Article 13</p>	
<p>Identification of economic operators</p>	
<p>1. Economic operators shall, on request, identify the following to the market surveillance authorities:</p>	
<p>(a) any economic operator who has supplied them with a detergent or a surfactant;</p>	
<p>(b) any economic operator to whom they have supplied a detergent or</p>	

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>a surfactant.</p>	
<p>2. Economic operators shall be able to provide the information referred to in paragraph 1 for 10 years after they have been supplied with the detergent or surfactant and for 10 years after they have supplied the detergent or surfactant.</p>	<p>LT (Drafting Suggestions):</p> <p>2. Economic operators shall be able to provide the information referred to in paragraph 1 for 10 up to a period of 5 years after they have been supplied with the detergent or surfactant and for 10 up to a period of 5 years after they have supplied the detergent or surfactant.</p> <p>LT (Comments):</p> <p>Obligations for economic operators to retain information (e.g. technical documentation) should be proportionate to the lifespan of the product. In the case of detergents, this retention period should not be more than 5 years after the product was placed on the market.</p>
<p>CHAPTER IV</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>CE MARKING AND LABELLING</p>	
<p>Article 14</p>	
<p>Rules and conditions for using affixing the CE marking</p>	
<p>1. The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.</p>	
<p>2. The CE marking shall be included in the product passport affixed visibly, legibly and indelibly before a detergent is placed on the market.</p>	<p>FR (Comments): The French authorities consider CE marking should not apply to detergents as no other chemical product is supposed to be subject to CE marking.</p>

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Updated: 22/03/2024 17:43

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	<p>The inclusion of the requirement for CE marking on Detergents and Cleaning Products was not considered as part of the policy options addressed in the Impact Assessment undertaken by the Commission, and hence the impact was never assessed in terms of costs versus the actual benefit.</p> <p>It seems that CE marking will not be a reliable indicator of the Detergent Regulation conformity, especially given the prevalence of fraudulent CE markings, that are impossible to prevent. It may on the contrary result in more, and not less counterfeiting of detergent products on the market. The effectiveness of the CE marking, therefore, is questionable. This additional requirement will pose yet another administrative burden for the sector, in particular SMEs.</p> <p>However, if CE marking should apply, it would be more appropriate to mention it in the product passport only and not on the label</p>
<p>The CE marking shall be affixed either to the label or the packaging of a detergent or, where the detergent is supplied in bulk, to a document accompanying the detergent.</p>	

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Updated: 22/03/2024 17:43

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<p>Where, in accordance with Article 16(2), economic operators may provide a digital label only, the CE marking shall be provided on the digital label.</p>	
<p>3. Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of that marking.</p>	
<p>Article 15</p>	
<p>General labelling requirements</p>	
<p>1. Detergents and surfactants that are made available on the market in individual packaging or in a refill format shall be accompanied by a</p>	<p>IT (Drafting Suggestions):</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>label.</p>	<p><u>1a: Claims and Advertising</u></p> <p>IT (Comments):</p> <p><i>For example, Reg 528/2012 art. 72 provides regulatory advices on claims and pictures that could or not be present on the label and by advertising. Italy suggests to add clear prescription for allowed claim and pictures on the label and advertising.</i></p>
<p>2. An economic operator making a detergent or surfactant available on the market directly to an end-user in a refill format shall provide the physical label or the data carrier through which the digital label is accessible to the end-user.</p>	<p>DE (Drafting Suggestions):</p> <p>An economic operator making a detergent or surfactant available on the market directly to an end-user in a refill format shall provide the physical label to the end-user <u>and shall ensure that the physical label is affixed on every packaging that is refilled with a detergent or surfactant by an end-user at a refill station.</u></p> <p>DE (Comments):</p> <p>DEU welcomes the Presidency's proposal but considers it necessary to</p>

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	<p>align the provision with the draft CLP Regulation. It must also be ensured that all labelling elements have to be affixed to a physical label on all containers in which the detergents are filled by end-users at the refill station. Paragraph 1 is not clear enough in this respect.</p> <p>DEU also asks whether and how it is ensured that the refill sale and the refill packaging is safe, especially for children, and that there is no risk of confusion with food containers.</p> <p>EL (Comments): We support the proposal. A physical label should be provided to an end user.</p> <p>FI (Drafting Suggestions): An economic operator making a detergent or surfactant available on the market directly to an end-user in a refill format shall provide the physical label to the end-user.</p> <p>FI (Comments):</p>

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	<p>Correction of a typo in “surfactant”</p> <p>FR (Comments): French authorities agree with the deletion.</p> <p>IE (Drafting Suggestions): Propose that “or surfactant” is deleted.</p> <p>IE (Comments): IE proposes deletion of surfactant from the text of Art. 15(2). In practice surfactants on their own are not expected to be for sale at a refill station for an end user as they are an ingredient(s) for use in a detergent product. Removal of “surfactant” also aligns the text with the definitions in Art. 2(33) and (33a).</p> <p>IT (Comments): Agreement with <i>consideranda</i> 34, 36 and 37</p> <p>SE</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>(Drafting Suggestions):</p> <p>2. An economic operator making a detergent or surfactant available on the market directly to an end-user in a refill format shall provide the physical label to the end-user.</p> <p>SE (Comments):</p> <p>Surfactants are not included in the definitions of refill and refill station in articles 2(33) and 2(33a). Furthermore, we do not find it relevant with surfactants sold from refill stations. It is unlikely to sell surfactants directly to an end user, and even more unlikely to do it in refill format.</p>
<p>3. The label of detergents and surfactants shall contain the following information:</p>	
<p>(a) a type number, batch number or other element allowing their identification;</p>	<p>PT (Comments):</p> <p>We would like to have further details on what is the “type number”.</p>

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<p>(b) the manufacturer’s <u>and, where applicable, the authorized representative’s</u> name, registered trade name or registered trade mark and the postal and email address at which they can be contacted. The postal address shall indicate a single point at which they manufacturer can be contacted;</p>	<p>DE (Drafting Suggestions): b) the manufacturer’s and, where applicable, the authorized representative’s name, registered trade name or registered trade mark and <u>the telephone number</u>, the postal and email address at which they can be contacted. The postal address shall indicate a single point at which they can be contacted;</p> <p>DE (Comments): The telephone number should also be indicated (see CLP Regulation).</p> <p>IE (Drafting Suggestions): Propose amendment of text to further clarify that both the manufacturers and authorised representatives (where appointed) details should appear on the label. Suggest the addition of “both” after “they”, i.e. the manufacturer’s and, where relevant, the manufacturer’s authorised representative’s name, registered trade</p>

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	<p>name or registered trade mark, and the postal and email address at which they both can be contacted. The postal address shall indicate a single point at which they both can be contacted.</p> <p>IE (Comments):</p> <p>IE: The legislation provides for an EU manufacturer to appoint an authorised representative and a non EU manufacturer to appoint an authorised representative. This is unusual as normally only the non EU manufacture would have access to appointing an authorised representative. Therefore the way this is worded it is not clear who is to be contacted if action is required. IE is of the opinion that the text as amended is therefore not clear. Clarity is required as to whether both the manufacturer's and authorised representative's full details as listed in Art. 15(3)(b) should be provided. Our preference is that the authorised representative would only represent non EU manufacturers. Without this change then the details of both would need to be listed.</p>

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	<p>SE (Drafting Suggestions):</p> <p>(b) the manufacturer’s and, where applicable, the authorized representative’s or the importer’s name, registered trade name or registered trade mark and the postal and email address at which they can be contacted. The postal address shall indicate a single point at which they manufacturer can be contacted;</p> <p>SE (Comments):</p> <p>The COM and BE PCY proposals are not in line with e.g. article 4(11) in the provisional agreement for a revised CLP regulation. This provision may lead to up to three different addresses on one product label. The proposed provisions will not solve the problem with overloaded labels, which was one of the aims with the review.</p> <p>It is important to always have an actor in the EU responsible for the product on the label. Preferable this should be the same actor as required according to CLP.</p>

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Updated: 22/03/2024 17:43

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(c) the name and trade name of the product;	
(d) the content of the detergent or surfactant in accordance with part A of Annex V;	
(e) instructions for use and special precautions, where necessary and relevant.	<p>DK (Drafting Suggestions):</p> <p>(e) instructions for use and special precautions, where necessary and relevant. Industrial and institutional detergents shall be labelled ‘For professional use only – not to be sold to consumers’.</p> <p>DK (Comments):</p> <p>The market surveillance authorities are unable to determine whether a detergent marketed for consumers is compliant if there is no clear</p>

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Updated: 22/03/2024 17:43

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	<p>indication on the product.</p>
<p><u>For detergents and surfactants transported in bulk,</u> The information referred to in points (a), (b) and (c) of the first subparagraph shall appear on all documents accompanying <u>them</u> detergents and surfactants transported in bulk.</p>	<p>DE (Drafting Suggestions): For detergents and surfactants transported in bulk, the information referred to in points (a), (b) and (c) of the first subparagraph shall appear <u>on a physical label in legible, visible and indelible characters and</u> on all documents accompanying them.</p> <p>DE (Comments): In order to ensure legibility of the information on the physical label, a corresponding sentence should be inserted. In addition, it would be desirable to specify a minimum font size for the characters printed on the physical label.</p>
<p>4. In addition to the information referred to in paragraph 3, the label of consumer laundry detergents and consumer automatic dishwasher detergents shall contain dosage information in accordance with part B of</p>	<p>DK (Drafting Suggestions): 4. In addition to the information referred to in paragraph 3, the label</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>Annex V.</p>	<p>of consumer laundry detergents and consumer automatic dishwasher detergents shall contain dosage information in accordance with part B of Annex V.</p> <p>DK (Comments): Dosage information to consumers is relevant for all detergents in order to ensure safe use for health and the environment, and not only for laundry and dishwasher detergents. In addition, information on the relationship between dosage and use area (m2) should be available on the label (see proposal for amendment of text in Annex V)</p>
<p>5. The information referred to in paragraphs 3 and 4 shall be written in the official language(s) of which can be easily understood by end-users, as determined by the Member State(s) where the detergent or surfactant is made available on the market, unless the Member State(s) concerned provide(s) otherwise concerned, and shall be legible, clear, understandable and intelligible. The label shall be accessible for inspection purposes where the detergent or surfactant is made available</p>	<p>EL (Comments): We support the proposal.</p> <p>IE (Drafting Suggestions): Propose that the text is amended to state ‘.....in the an official language of the Member State(s) where the detergent or</p>

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<p>on the market.</p>	<p>surfactant is placed on the market.....’</p> <p>IE (Comments):</p> <p>IE proposes an amendment to the text to ensure the label is in an official language of their member state. The use of <i>the official language(s)</i> has implications for IE and would require implementing national provisions to exclude the use of Irish only. An amendment of the text to ‘an official language’ allows for the use of EN or GA.</p>
<p>Article 16</p>	
<p>Forms of labelling</p>	
<p>1. Where detergents or surfactants are made available on the market,</p>	<p>IE</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>they shall be accompanied by the label elements set out in Article 15(3) and, where applicable, Article 15(4) in the following form:</p>	<p>(Drafting Suggestions): It is important that the text allows for either (a) or (b) to be chosen. To this end does the words “or” need to be added to the legal text as follows: ‘.....in the following form: (a) on a physical label; or (b) on a digital label and duplicated on a physical label.’</p> <p>IE (Comments): IE: Without the addition of “or” in the provision, digital labelling appears to be mandatory.</p>
<p>(a) on a physical label;</p>	<p>SE (Drafting Suggestions): (a) on a physical label; or</p> <p>SE (Comments): To clarify the relation between 1(a) and 1(b).</p>

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<p>(b) on a digital label and duplicated on a physical label.</p>	
<p>By way of derogation from point (b) of the first subparagraph, the labelling elements set out in part C of Annex V do not have to be duplicated on the physical label. In addition, where the dosage information for consumer laundry detergents in accordance with points 1 and 2 of part B of Annex V is provided on the digital label, a simplified dosage grid as set out in part D of Annex V may be provided on the physical label.</p>	<p>DE (Drafting Suggestions): By way of derogation from point (b) of the first subparagraph, the labelling elements set out in part C of Annex V do not have to be duplicated on the physical label. In addition, where the dosage information for consumer laundry detergents in accordance with points 1 and 2 of part B of Annex V is provided on the digital label, a simplified dosage grid as set out in part D of Annex V may be provided on the physical label.</p> <p>DE (Comments): In principle, the labelling requirements for detergents should be aligned with the requirements of the draft CLP Regulation (see Article 34a(1) – Council mandate), as many detergents are mixtures that are classified as</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>hazardous under the CLP Regulation. Since both labelling requirements must be met, it does not seem practical to use different labelling formats. In order to protect consumers, all ingredients to be labelled shall be listed on the physical label and may not be transferred, even partially, to digital-only labelling. Therefore the empowerment in Article 26(9) and Part C of Annex V should be deleted.</p> <p>In the case of poisoning with a detergent containing surfactants or soap, for example, foaming with possible blockage of the airways or aspiration into the lungs (risk of respiratory distress and suffocation) can be prevented or reduced by the rapid administration of defoaming medication. However, this requires the first aider to be aware of the presence of surfactants/soap in the mixture. It can be assumed that this information is available much more quickly if it is provided on the physical label than if the data carrier has to be read out first, especially if there is no or a faulty internet connection. Therefore, the various surfactants as well as soap should always be on the physical label.</p> <p>Furthermore, we propose to use the digital product passport as the single source of information provided digitally. We therefore firmly reject the parallel introduction of a digital label as well as a digital product passport.</p>

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	<p>Since both concepts are leading towards the same objective we advocate to streamline the wording to avoid fragmentation and the build-up of parallel structures and similar obligations for economic operators. We propose to use the Digital Product Passport concept as it is being introduced in the Ecodesign for Sustainable Products Regulation (ESPR) and rolled out in a variety of product legislations of the EU (Batteries, Toys, etc.). There would be no lack of information since the digital product passport already contains the list of ingredients (Annex VI). Only the weight ranges would additionally have to be specified in the product passport.</p>
<p>2. By way of derogation from paragraph 1, where detergents are made available on the market directly to an end-user in a refill format, the label elements set out in Article 15(3) and (4) may be provided in a digital label only, with the exception of dosage information for consumer laundry detergents as set out in point 1 and 2 of part B of Annex V, which needs to be provided also on a physical label. <u>All the labelling elements corresponding to the detergent or surfactant supplied at a refill</u></p>	<p>BG (Comments): Support.</p> <p>FI (Drafting Suggestions): All the labelling elements corresponding to the detergent or surfactant supplied at a refill station shall be on a visible place and legibly metioned</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p><u>station shall be clearly and legibly mentioned on the refill station.</u></p>	<p>on the refill station.</p> <p>FI (Comments): FI can support removing the derogation. Justification for the drafting suggestion: According to CLP the labels on the refill station shall be firmly affixed horizontally on a visible place.</p> <p>HU (Comments): HU supports that the labelling criteria for refill detergents or surfactants should be accompanied by the same information in physical format as if bought prepackaged.</p> <p>IE (Drafting Suggestions): Propose that the wording is amended to ‘All the labelling elements corresponding to the detergent or surfactant supplied at a refill station shall be clearly and legibly mentioned on <u>displayed at</u> the refill station.’</p> <p>IE (Comments):</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>IE proposes to use the word ‘displayed at’ rather than ‘mentioned on’, as more suitable for legal text.</p> <p>Removal of the term “surfactant” again – we refer to our note above on Art. 15(2) to align with definitions.</p> <p>IT (Drafting Suggestions): <u>and, according article 15(1 and 2), a physical support of the label as set out in point 1 and 2 of part B of Annex V should be available on the refill station to be attached on the detergent or surfactant container.</u></p> <p>IT (Comments): <i>Italy does not agree with the full digitalisation of labels of refill detergents, with the exception of dosage instructions for consumer laundry and consumer automatic dishwasher detergents. Even if already mentioned and also considering the restricted categories</i></p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p><i>of detergent or surfactant available on refill station, a statement regarding a mandatory physical label for refill product should be added: in case of exposure to a refilled detergent or surfactant supplied at a regular refill station, the poisoning centre should have notice of the full composition of the detergent.</i></p> <p>SE (Drafting Suggestions):</p> <p><u>2.</u></p> <p><u>a. By way of derogation from paragraph 1, where detergents are made available on the market directly to an end-user in a refill format, the label elements set out in Article 15(3) and (4) may be provided in a digital label only, with the exception of the name of the product and the dosage information for consumer laundry detergents as set out in point 1 and 2 of part B of Annex V, which needs to be provided also on a physical label.</u></p> <p><u>b.</u> All the labelling elements corresponding to the detergent or surfactant supplied at a refill station shall be clearly and legibly mentioned on the refill station.</p> <p>SE</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>(Comments):</p> <p>We do not find that it is sufficient to have the dosage information only at the refill station and in a digital label. The name of the product and the dosage information should also be available on the physical label handed over to the consumer.</p>
<p>Article 17</p>	
<p>Requirements for digital labelling</p>	
<p>1. Where detergents and surfactants carry a digital label in accordance with Article 16, the following rules shall apply to that label:</p>	
<p>(a) all label elements referred to in Article 15(3) and, where</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>applicable, Article 15(4) shall be provided together in one place and separated from other information;</p>	
<p>(b) the information on the digital label shall be searchable;</p>	
<p>(c) the information on the digital label shall be accessible to all users in the Union;</p>	
<p>(d) the digital label shall be accessible free of charge, without the need to register for prior registration, download or installation of applications, or to provide a password;</p>	
<p>(e) the information on the digital label shall be presented in a way that also addresses the needs of vulnerable groups and supports, as relevant, the necessary adaptations to facilitate access to the information by those groups;</p>	

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Updated: 22/03/2024 17:43

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<p>(f) the digital label shall be accessible through digital technologies widely used and compatible with all major operating systems and browsers;</p>	
<p>(g) <u>the digital label shall be available in the language or languages of the country of purchase;</u> when the <u>information on the</u> digital label is <u>accessible</u> available in more than one language, the choice of language shall not be conditioned by on the geographical location <u>when accessed</u> of the end-user;</p>	<p>IE (Drafting Suggestions): Propose that the wording is amended to ‘the digital label shall be available in the an official language or languages of the country of purchase....’</p> <p>IE (Comments): IE: proposes the addition of an official language in this text to align with Art. 15(5).</p> <p>SE (Drafting Suggestions): (g) the digital label shall be available in the language or languages of</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>the country <u>where the product is made available on the market of purchase</u>;</p> <p><u>(ga)</u> when the information on the digital label is accessible in more than one language, the choice of language shall not be conditioned by the geographical location <u>from where it is accessed by the end-user</u> when accessed;</p> <p>SE (Comments): To clarify the provision.</p>
<p>(h) the digital label shall remain available for a period of 10 years from the moment the detergent or surfactant is placed on the market, also in cases of an insolvency, a liquidation or a cessation of activity in the Union of the economic operator that created it, or for a longer period as required under other Union legislation covering the information that it contains;</p>	<p>DE (Drafting Suggestions):</p> <p>(h) the digital label shall remain available for a period of 10 years from the moment the detergent or surfactant <u>is made available on the market for the last time</u> placed on the market, also in cases of an insolvency, a liquidation or a cessation of activity in the Union of the economic operator that created it, or for a longer period as required under other</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>Union legislation covering the information that it contains;</p> <p>DE (Comments):</p> <p>The retention period should start at the last date of making the products available on the market. Otherwise, for the products which are still on the market 10 years after they were first made available on the market, no documentation would be available. (Alignment with Article 36(1) of the REACH Regulation).</p> <p>FR (Comments):</p> <p>Obligations for the economic operators to keep information available (eg. Technical documentation) should be proportionate to the product lifespan. In case of detergents, this retention period should not be longer than 5 years after the product has been placed on market.</p> <p>LT (Drafting Suggestions):</p> <p>(h) the digital label shall remain available for a period of 10 5 years from the moment the detergent or surfactant is placed on the market, also in cases of an insolvency, a liquidation or a cessation of activity in the</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>Union of the economic operator that created it, or for a longer period as required under other Union legislation covering the information that it contains;</p> <p>LT (Comments): Obligations for economic operators to retain information (e.g. technical documentation) should be proportionate to the lifespan of the product. In the case of detergents, this retention period should not be more than 5 years after the product was placed on the market.</p>
<p>(i) the information on the digital label shall be accessible via the data carrier.</p>	
<p>2. The data carrier shall be physically present on the packaging of detergents and/or surfactants and, when they are transported in bulk, their packaging or on the documentation accompanying them</p>	<p>DE (Drafting Suggestions): 2. The data carrier shall be physically present on the packaging of detergents and surfactants and, when they are transported in bulk, on the documentation accompanying them. <u>It shall be clearly visible and</u></p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p><u>indelible.</u></p> <p>DE (Comments):</p> <p>A requirement should be added to the first subparagraph of Article 17(2) that the physical attachment of the data carrier must be clearly visible and indelible so that the data carrier can be easily found in the event of a subsequent emergency (case of poisoning).</p> <p>IE (Drafting Suggestions):</p> <p>Propose that the wording is amended to ‘<i>The data carrier shall be physically present on the physical label or packaging of detergents and surfactants and, when they are transported in bulk, on the documentation accompanying them</i>’</p> <p>IE (Comments):</p> <p>IE: proposes the addition of the wording “physical label or” to allow for the data carrier to be added to the packaging via a physical label.</p>

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>In addition to the requirement in the first subparagraph, where detergents and surfactants are made available on the market in a refill format, the data carrier shall be present on the refill station.</p>	<p>DE (Drafting Suggestions): In addition to the requirement in the first subparagraph, where detergents and surfactants are made available on the market in a refill format, the data carrier shall be present on the refill station.</p> <p>DE (Comments): We propose to always have a physical labelling present, also in the refill format. This includes also the data carrier.</p> <p>SE (Drafting Suggestions): In addition to the requirement in the first subparagraph, where detergents and surfactants are made available on the market in a refill format, the data carrier shall be present on the refill station <u>and provided also on a physical label.</u></p> <p>SE (Comments): We do not find it sufficient to only provide the data carrier on a refill station. It should also be available on a physical label handed over to the</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>end user.</p>
<p>The data carrier shall be clearly visible to the end-user before any purchase and to market surveillance authorities, including, where applicable, in cases where the detergent or surfactant is made available through distance sales.</p>	
<p>3. Where economic operators provide a digital label, the data carrier shall be accompanied by the statement ‘More comprehensive information on the product is available online’ or by a similar statement.</p>	
<p>4. Economic operators providing a digital label shall not track, analyse or use any usage information for purposes other than what is absolutely necessary for providing the information on the digital label online.</p>	

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Updated: 22/03/2024 17:43

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<p>5. Economic operators providing a digital label shall provide the information present in the digital label by other means in any of the following cases:</p>	
<p>(a) upon oral or written request by the end-user;</p>	
<p>(b) when the digital label is temporarily unavailable, including at the time of purchase.</p>	
<p>Economic operators shall provide the information referred to in the first subparagraph independently from a purchase of a detergent or surfactant and free of charge.</p>	<p>SE (Comments): It is unclear if the information shall be provided immediately upon request or if there is an allowed delay in the submission of information by alternative means.</p>

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<p><u>Article 17a</u></p>	<p>DE (Comments): DEU supports the proposed amendment.</p> <p>EL (Comments): .</p>
<p><u>Distance sales</u></p>	
<p><u>When detergents or surfactants are made available on the market through distance sales, the offer shall clearly and visibly indicate the label elements referred to in Article 15.</u></p>	<p>EL (Comments): We support the proposal.</p> <p>IT (Drafting Suggestions): <u>When detergents or surfactants are made available on the market through distance sales, the offer shall clearly and visibly indicate the label</u></p>

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Updated: 22/03/2024 17:43

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	<p><u>elements referred to in Article 15 and make available the digital label as put out in article 17.</u></p>
<p>CHAPTER V</p>	
<p>PRODUCT PASSPORT</p>	
<p>Article 18</p>	
<p>Product passport</p>	
<p>1. Before placing a detergent or surfactant on the market, manufacturers shall create a product passport for those products. The</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>product passport shall meet the requirements laid down in this Article and Article 19.</p>	
<p>2. The product passport shall meet the following requirements:</p>	
<p>(a) it shall correspond to a specific batch of the detergent or surfactant;</p>	<p>FR (Comments): Applying the DPP for detergents at batch level is not possible for industry since it would require tens of thousands of DPPs for the same product. The model level is more workable. Introducing Product Passport on the Model level, where Model is a combination of Product name + unique formula, would facilitate DPP adoption for the industry without compromising the purpose of the DPP and the work of market surveillance authorities. Therefore French authorities are in favour of the derogation introduced hereafter.</p> <p>LT (Comments): In industry, applying a digital product passport (DPP) for detergents at</p>

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	<p>batch level is a complex and administratively burdensome process. A DPP for detergents at batch level would require the use of many the same DPP. The introduction of a DPP at the model level, where the model is a combination of the product name and a unique formula, would facilitate the industry's adoption of a DPP without compromising the purpose of the DPP and the work of market regulators. The model level would require changing the DPP only when the formula changes, bringing new information to the consumer when necessary, while avoiding unreasonable burden.</p>
<p>(b) it shall state that compliance of the detergent or surfactant with the requirements set out in this Regulation has been demonstrated, and, where relevant, indicate the test methods used;</p>	
<p>(c) it shall contain at least the information included in Annex VI;</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
(d) it shall be <u>complete, accurate and</u> up-to date;	
(e) it shall be available in the language or languages required by the Member State where the detergent or surfactant is placed or made available on the market;	
(f) it shall be accessible to end-users, market surveillance authorities, customs authorities, the Commission and other economic operators;	<p>IT (Drafting Suggestions): it shall be accessible to end-users, also <u>in cases where the detergent or surfactant is made available through distance sales</u>, market surveillance authorities, customs authorities, the Commission and other economic operators;</p>
(g) it shall be available for a period of 10 years after the detergent or surfactant is placed on the market, also in cases of an insolvency, a liquidation or a cessation of activity in the Union of the economic	<p>LT (Drafting Suggestions): (g) it shall be available for a period of 10 5 years after the detergent</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>operator that created the product passport;</p>	<p>or surfactant is placed on the market, also in cases of an insolvency, a liquidation or a cessation of activity in the Union of the economic operator that created the product passport;</p> <p>LT (Comments): Obligations for economic operators to retain information (e.g. technical documentation) should be proportionate to the lifespan of the product. In the case of detergents, this retention period should not be more than 5 years after the product was placed on the market.</p>
<p>(h) it shall be accessible through a data carrier <u>to a persistent unique product identifier;</u></p>	<p>LT (Drafting Suggestions): (h) it shall be accessible through a data carrier <u>to a persistent unique product identifier;</u></p> <p>LT (Comments): The reference to a persistent unique product identifier is unclear and it seems that there will be an obligation to keep the product identifier</p>

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>unchanged, which may complicate implementation in the industry.</p>
<p>(i) it shall fulfil the specific and technical requirements laid down pursuant to paragraph 89.</p>	
<p>3. The data carrier shall be physically present on the detergent or surfactant, their packaging or the documentation accompanying them, in accordance with the implementing act referred to in paragraph 8.</p>	
<p>In addition to the requirement in the first subparagraph, where detergents and surfactants are made available on the market in a refill format, the data carrier shall be present on the refill station.</p>	
<p>The data carrier shall be clearly visible to the end-user before any purchase and to market surveillance authorities, including, where applicable, in cases where the detergent or surfactant is made available</p>	

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Updated: 22/03/2024 17:43

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<p>through distance sales.</p>	
<p>4. Where economic operators provide a digital label, a single data carrier shall be used to access the product passport and the digital label.</p>	
<p>5. Where other Union legislation requires information on the detergent or surfactant to be available via a data carrier, a single data carrier shall be used to provide the information required under this Regulation and the other Union legislation.</p>	
<p>6. Where other Union legislation applying to detergents and surfactants requires a product passport, a single product passport shall be created for detergents and surfactants, containing the information set out in paragraph 2 as well as any other information required for the product passport by that other Union legislation.</p>	

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<p><u>By way of derogation from paragraph 2, point (a), where that legislation requires that the product passport corresponds to a model or an item level, the product passport for the purposes of this Regulation can be issued to that level.</u></p>	<p>FR (Comments): Applying the DPP for detergents at batch level is not possible for industry since it would require tens of thousands of DPPs for the same product. The model level is more workable. Introducing Product Passport on the Model level, where Model is a combination of Product name + unique formula, would facilitate DPP adoption for the industry without compromising the purpose of the DPP and the work of market surveillance authorities. Therefore French authorities are in favour of this derogation.</p> <p>IT (Drafting Suggestions): <u>By way of derogation from paragraph 2, point (a), where that legislation requires that the product passport corresponds to a model or an item level, the product passport for the purposes of this Regulation can be issued to that level.</u> <u>Detergent contain micro-organisms shall have a product passport corresponding to batch level. (see Annex II)</u></p> <p>IT (Comments): Proposal for Ecodesign for Sustainable Products Regulation (ESPR):</p>

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	<p>Art 8 (2d) Product passport: <i>2. The requirements related to the product passport laid down in the delegated acts adopted pursuant to Article 4 shall, as appropriate for the product groups covered, specify the following:</i> <i>(d) whether the product passport is to correspond to the model, batch, or item level;</i></p> <p>Italy does not agree to delegate Commission and other legislation about the level for which the DPP shall be required.</p> <p>Italy considers important to know the different furniture of raw material for the same “detergent model”, so the batch level, or “same raw materials” could be more appropriate.</p> <p>The item level for DPP regarding detergent and surfactant should be better evaluate with Competent Authorities and stakeholders.</p>
<p>7. Economic operators may, in addition to the information referred to in paragraphs 5 and 6, make other information accessible through the data carrier referred to in paragraph 6. Where this is the case, that information shall be clearly separated from the information required under this Regulation and, where relevant, under other Union legislation.</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>8. By creating the product passport, the manufacturer shall assume the responsibility for the compliance of the detergent or surfactant with this Regulation.</p>	
<p>9. The Commission shall adopt an implementing act determining the specific and technical requirements related to the product passport for detergents and surfactants. Those requirements shall set out at least the following:</p>	
<p>(a) the types of data carrier to be used;</p>	
<p>(b) the layout in which the data carrier shall be presented and its positioning;</p>	
<p>(c) the technical elements of the passport for which defined European or international standards shall be used;</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(d) the actors that may introduce or update the information in the product passport, including where needed the creation of a new product passport, including manufacturers, competent national authorities, and the Commission, or any organisation acting on their behalf, and the types of information they may introduce or update; <u>the actors that are to have access to information in the product passport and to what information they are to have access, such as consumers and other end-users, manufacturers, importers and distributors, notified bodies, competent national authorities, civil society organisations, researchers, trade unions, and the Commission, or any organisation acting on their behalf;</u></p>	
<p><u>(da) the actors that are to introduce or update the information in the product passport, including where needed the creation of a new product passport, including manufacturers, competent national authorities, and the Commission, or any organisation acting on their behalf, and the types of information they may introduce or update;</u></p>	

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p><u>(db) the modalities to introduce the updated information referred to in point (e) in the product passport of an existing product. For the purpose of points (e) and (f), any new product passport shall be linked to the product passport or passports of the original product whenever appropriate.</u></p>	<p>LT (Comments): Such a requirement would correspond to an additional burden for the industry since it would require more information retention. Furthermore, linking the newest DPP to the original version of the DPP for the same product could create confusion and misinformation for the consumers and market surveillance. All information included in the DPP should however be kept up to date so that stakeholders have access to the most recent and accurate information. The model level would require changing the DPP only when the formula changes, bringing new information to the consumer, when necessary, while avoiding unreasonable burden.</p>
<p><u>10. The economic operator placing the product on the market shall provide distributors and online marketplaces with a digital copy of the data carrier or the unique product identifier, as relevant, to allow them to make it accessible to customers where they cannot physically access the product. The economic operator shall provide</u></p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p><u>that digital copy or a webpage link free of charge and within 5 working days of receiving the request.</u></p>	
<p><u>11. To ensure access to the product passport for the period specified paragraph 2(g) of this Article, including after an insolvency, a liquidation, or a cessation of activity in the Union, economic operators, when placing the product on the market, shall also make available a back-up copy of the product passport through a certified independent third-party product passport service provider.</u></p>	<p>FR (Comments):</p> <ul style="list-style-type: none"> - Such a provision should not be introduced through a vertical legislation such as the Detergents Regulation but through a horizontal legislation covering the general specificities of a DPP. - This provision would correspond to an additional burden for the industry, since each company would need to refer to an external company to be able to save back-ups of their DPPs, even if a cessation of activity doesn't effectively happen. This will have financial repercussions for the manufacturer and especially for SMEs. - Furthermore, several questions should be raised regarding responsibility, such as in case of cessation of activity, or in case of acquisition of a company <p>LT (Comments):</p> <p>This provision would place an additional burden on the industry, as each company would have to go to an external company to back up its DPP,</p>

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Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
	<p>even if it does not actually stop operations. This will have financial implications for manufacturers, in particular SMEs.</p> <p>In addition, such an initiative would raise several issues such as</p> <ol style="list-style-type: none"> 1) In the case of a business closure, the back-up copy of the DPP must be kept by an independent "certified" third party. Which certifications are we talking about? 2) In the case of an acquisition of a company, can the new acquiring company not become liable for the DPP?
<p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).</p>	
<p>Article 19</p>	
<p>Technical design and operation of the product passport</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>The technical design and operation of the product passport shall comply with the following requirements:</p>	
<p>(a) product passports created under this Regulation shall be fully interoperable with product passports required by other Union legislation in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer;</p>	
<p>(b) all information included in the product passport shall be based on open standards developed with an interoperable format and shall be, <u>as appropriate</u>, machine readable, structured and searchable <u>and</u>; <u>transferable through an open interoperable data exchange network without vendor lock-in</u>;</p>	
<p>(c) end-users, economic operators and other relevant actors shall have</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p><u>free of charge and easy access</u> access to the product passport <u>based on their respective access rights set out in the applicable implementing act referred to in Article 18(9);</u></p>	
<p>(d) the data included in the product passport shall be stored by the economic operator responsible for its creation or by <u>economic</u> operators authorised to act on their behalf <u>or by certified independent third-party product passport service providers authorised to act on their behalf;</u></p>	
<p>(e) if the data included in the product passport is stored or otherwise processed by <u>certified independent third-party product passport service providers or by economic</u> operators authorised to act on behalf of economic operators placing the detergent or surfactant on the market, <u>those certified independent third-party product passport service providers</u> shall not be allowed to sell, re-use or process such data, in whole or in part, beyond what is necessary for the provision of the relevant storing or processing services <u>unless specifically agreed with the economic operator placing the detergent or surfactant on the</u></p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p><u>market;</u></p>	
<p>(f) economic operators may not track, analyse or use any usage information for purposes other than what is absolutely necessary for providing the information on the product passport online;</p>	
<p><u>(g) data authentication, reliability and integrity shall be ensured;</u></p>	
<p><u>(h) product passports shall be designed and operated so that a high level of security and privacy is ensured and fraud is avoided.</u></p>	
<p><u>Article 19a</u></p>	
<p><u>Title missing</u></p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p><u>The commission shall guarantee Stakeholders can compare for the information in line with their respective access rights pursuant the provision of this regulation through the web portal set up in designed according to the Article 12a of the Regulation (EU) .../... on Ecodesign for Sustainable Products.</u></p>	
<p>Article 20</p>	
<p>Product passport registry</p>	
<p>1. Before placing a detergent or surfactant on the market, economic operators shall upload, in the registry established under Article 12(1) of Regulation (EU) .../... on Ecodesign for Sustainable Products (<u>“the registry”</u>) the unique product identifier and the unique operator identifier</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>for the detergent or surfactant. <u>In case of detergents or surfactants intended to be placed under the customs procedure ‘release for free circulation’, economic operators shall also upload the commodity code of the detergent or surfactant in the registry.</u></p>	
<p><u>1a. Upon upload of the information referred to in paragraph 1 in the registry, the registry shall automatically communicate to the economic operator acting pursuant to paragraph 1, a unique registration identifier associated to the identifiers uploaded in the registry for a specific detergent or surfactant. That communication by the registry shall not be deemed to be proof of compliance with this Regulation or other Union legal acts.</u></p>	<p>LT (Comments): The creation of an additional unique registration identifier is an additional instrument that would create an administrative burden for the industry and could lead to uncertainties in the controls. The unique product identifier, the unique operator identifier and the DPP tools should be sufficient to ensure and carry out adequate controls.</p>
<p><u>The Commission may adopt an implementing act specifying the details of the implementation arrangements of the registry referred to in the first subparagraph of this paragraph, including the communication of the unique registration identifier referred to in this paragraph. This implementing act shall be adopted in accordance</u></p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p><u>with the examination procedure referred to in Article 50(3).</u></p>	
<p>2. The Commission, the market surveillance authorities and the customs authorities shall have access to the registry referred to in paragraph 1 for carrying out their duties pursuant to this Regulation.</p>	
<p>Article 21</p>	
<p>Customs controls relating to the product passport</p>	
<p>1. Detergents and surfactants entering the Union market shall be subject to <u>the</u> verifications and other measures laid down in this Article. <u>This Article is without prejudice to any other Union legal acts, in particular Regulation (EU) 952/2013 and Chapter VII of Regulation (EU) 2019/1020.</u></p>	

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>2. <u>The person intending to place a detergent or surfactant under the customs procedure ‘release for free circulation’ shall provide or make available to customs authorities the unique registration identifier of that detergent or surfactant referred to in Article 20(1a).</u> Declarants as defined in Article 5, point (15), of Regulation (EU) 952/2013 shall include the unique product identifier in the customs declaration for release for free circulation of any detergent or surfactant.</p>	
<p>3. <u>Customs authorities may release a detergent or surfactant for free circulation only after having verified as a minimum that the unique registration identifier and the commodity code provided or made available to them corresponds to the information stored in the registry. The release for free circulation shall not be deemed to be proof of compliance with this regulation or any other Union law.</u></p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p><u>The verification referred to in the first subparagraph shall take place electronically and automatically via the interconnection between the registry and the EU Customs Single Window Certificates Exchange System referred to in Article 13 of [PO please insert the serial number for Regulation (EU) .../... on Ecodesign for Sustainable Products]. It shall apply as from the moment that interconnection is operational.</u></p>	
<p>Customs authorities shall verify whether the unique product identifier indicated by the declarant in accordance with paragraph 2 of this Article matches a unique product identifier included in the registry in accordance with Article 20(1).</p>	
<p>4. <u>Customs authorities and the Commission may retrieve and use the information included in the product passport and the registry for carrying out their duties pursuant to any Union legal acts, including for risk management, customs controls and release for free circulation in accordance with Regulation (EU) No 952/2013.</u> 4</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>addition to the verification referred to in paragraph 3, customs authorities shall verify the consistency of information made available to customs by declarants with other information stored in the registry referred to in Article 20(1) listed in the delegated act referred to in Article 26(3).</p>	
<p>5. <u>The verifications and other measures laid down in this Article shall be carried out on the basis of a list of Combined Nomenclature codes, as set out in Annex I to Regulation (EEC) No 2658/87, under which detergents and surfactants are classified as well as the product descriptions of those detergents and surfactants.</u> The verifications referred to in paragraph 3 and 4 shall take place electronically and automatically before the release for free circulation.</p>	
<p>6. — For the purpose of paragraphs 3 to 5, the interconnection between the registry referred to in Article 20(1) and the EU Customs Single Window Certificates Exchange System referred to in [Article 13 of Regulation (EU) .../... on Ecodesign for Sustainable Products] shall be used.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>7. — Paragraphs 3, 4 and 5 shall apply from the day when the interconnection between the registry and the EU Customs Single Window Certificates Exchange System referred to in [Article 13 of Regulation (EU) .../... on Ecodesign for Sustainable Products] becomes operational.</p>	
<p>The Commission shall publish a notice in the Official Journal of the European Union to that effect indicating the date when the interconnection becomes operational.</p>	
<p>8. — Customs authorities may retrieve and use the information included in the product passport and the registry referred to in Article 20(1) for carrying out their duties pursuant to Union legislation, including for risk management in accordance with Articles 46 and 47 of Regulation (EU) No 952/2013.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>9. The verifications and other measures laid down in this Article shall be carried out on the basis of a list of Combined Nomenclature codes, as set out in Annex I to Regulation (EEC) No 2658/87, under which detergents and surfactants are classified as well as the product descriptions of those detergents and surfactants.</p>	
<p>10. The verifications and measures laid down in this Article shall not affect the application of other Union legal acts governing the release for free circulation of products, including Articles 46, 47 and 134 of Regulation (EU) No 952/2013, as well as the controls referred to in Chapter VII of Regulation (EU) 2019/1020.</p>	
<p>CHAPTER VI</p>	
<p>MARKET SURVEILLANCE</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>Article 22</p> <p>Procedure at national level for dealing with detergents and surfactants presenting a risk</p>	
<p>1. Where the market surveillance authorities of one Member State have sufficient reason to believe that a detergent or surfactant presents a risk to health or the environment, they shall carry out an evaluation in relation to the detergent or surfactant concerned covering all relevant requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.</p>	
<p>2. Where the market surveillance authorities of one Member State have sufficient reason to believe that a test carried out in accordance with the methods listed in Annex I or Annex II has produced false results, they shall perform controls to verify the compliance of the detergent or</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>surfactant with this Regulation in accordance with the reference methods set out in Annexes I, II and VII. Economic operators shall not be obliged to pay for any repeat or additional test, provided that the initial test has shown compliance of detergents, or surfactants, with this Regulation.</p>	
<p>3. Where, in the course of the controls referred to in paragraph 1 or paragraph 2, the market surveillance authorities find that the detergent or surfactant does not comply with the requirements laid down in this Regulation, they shall without delay require the relevant economic operators to take all appropriate corrective action to bring the detergent or surfactant into compliance with those requirements, to withdraw it from the market, or to recall it within a reasonable period which is commensurate with the nature of the risk referred to in paragraph 1.</p>	
<p>4. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the market surveillance authorities of other Member States of the results of the evaluation and of the actions which they have</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>required the economic operator to take.</p>	
<p>5. The economic operator shall ensure that all appropriate corrective action is taken in respect of all the concerned detergents or surfactants that the economic operator has made available on the market throughout the Union.</p>	
<p>6. Where the relevant economic operator does not take adequate corrective action within the period referred to in paragraph 3, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict making available on their national market of the detergent or surfactant, to withdraw the detergent or surfactant from that market or to recall it.</p>	
<p>The market surveillance authorities shall inform the Commission and the market surveillance authorities of other Member States, without delay, of those measures.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>The information referred to in the second subparagraph shall include all available details, in particular the data necessary for the identification of the non-compliant detergent or surfactant, the origin of that detergent or surfactant, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator.</p>	
<p>7. Market surveillance authorities of Member States other than the Member State initiating the procedure under this Article shall without delay inform the Commission and the market surveillance authorities of other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the detergent or surfactant concerned, and, in the event of disagreement with the adopted national measure, of their objections.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>8. Where, within three months of receipt of the information referred to in paragraph 6, second subparagraph, no objection has been raised by either a market surveillance authority or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.</p>	
<p>9. Market surveillance authorities shall ensure that appropriate restrictive measures, such as withdrawal of the detergent or surfactant from the market, are taken in respect of the detergent or surfactant concerned without delay.</p>	
<p>10. Where, for the purposes of paragraphs 4, 6, 7 and 8, information is communicated to the Commission or other market surveillance authorities that information shall be communicated through the information and communication system referred to in Article 34(1) of Regulation (EU) 2019/1020.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>Article 23 Union safeguard procedure</p>	
<p>1. Where, on completion of the procedure set out in Article 22(3), (4) and (5), objections are raised against a measure taken by a market surveillance authority, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the market surveillance authorities and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall adopt an implementing act determining whether the national measure is justified or not.</p>	
<p>The Commission shall address its decision to all Member States and shall without delay communicate it to them and the relevant economic operator or operators.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>2. If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant detergent or surfactant is withdrawn from their market, and shall inform the Commission accordingly.</p>	
<p>3. If the national measure is considered unjustified, the Member State concerned shall withdraw that measure.</p>	
<p>Article 24 Compliant detergents and surfactants which present a risk to health or to the environment</p>	
<p>1. Where, having carried out an evaluation under Article 22(1), a market surveillance authority finds that although a detergent or surfactant is in compliance with this Regulation, it presents a risk to health or to the environment, it shall require the relevant economic operator to take all appropriate measures to ensure that the detergent or surfactant concerned,</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>when placed on the market, no longer presents that risk, to withdraw the detergent or surfactant from the market or to recall it, within a reasonable period which is commensurate with the nature of that risk.</p>	
<p>2. The economic operator shall ensure that corrective action is taken in respect of all the concerned detergents or surfactants that the economic operator has made available on the market throughout the Union.</p>	
<p>3. The market surveillance authority shall immediately inform the Commission and the market surveillance authorities of the other Member States. That information shall include all available details, in particular the data necessary for the identification of the detergents or surfactants concerned, the origin and the supply chain of the detergent or surfactant, the nature of the risk involved and the nature and duration of the national measures taken.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>4. The Commission shall without delay enter into consultation with the market surveillance authorities and the relevant economic operator or operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall adopt an implementing act determining whether the national measure is justified or not and, where necessary, propose appropriate measures.</p>	
<p>The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.</p>	
<p>Article 25 Formal non-compliance</p>	
<p>1. Without prejudice to Article 22, where a market surveillance authority makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(a) the CE marking has been used^{affixed} in violation of Article 14 or is not included in the product passportnot affixed at all;</p>	
<p>(b) the product passport has not been drawn up in accordance with Articles 18 and 19;</p>	
<p>(c) the technical documentation referred to in Article 7(2) is either not available or incomplete;</p>	
<p>(d) the data carrier through which the product passport and, where relevant, the digital label is accessible is not present on the detergent or surfactant, their packaging, the documentation accompanying them or on the refill station, as applicable;</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(e) the label has not been provided-, <u>or the label has not been provided in accordance with Articles 16 and 17,</u> or the labelling information referred to in Articles 15 and Annex V is false or incomplete;</p>	
<p>2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the detergent or surfactant being made available on the market or ensure that it is recalled or withdrawn from the market.</p>	
<p>CHAPTER VII</p>	
<p>DELEGATED POWERS AND COMMITTEE PROCEDURE</p>	
<p>Article 26 Delegated powers</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>1. The Commission is empowered to adopt delegated acts in accordance with Article 27 amending Annex VI, as regards the information to be provided in the product passport, for the purposes of adapting it to technical and scientific progress and to the level of digital readiness of market surveillance authorities and of end-users.</p>	
<p>2. The Commission is empowered to adopt delegated acts in accordance with Article 27, amending Article 20(1) by requiring that additional information among the information listed in Annex VI be stored in the registry.</p>	
<p>When adopting the delegated acts in accordance with the first subparagraph, the Commission shall take into account the following criteria:</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(a) coherence with other relevant Union acts where relevant;</p>	
<p>(b) the need to allow for the verification of the authenticity of the product passport;</p>	
<p>(c) the relevance of information for improving the efficiency and effectiveness of market surveillance checks and customs controls for detergents and surfactants;</p>	
<p>(d) the need to avoid disproportionate administrative burden for economic operators <u>and authorities</u>.</p>	
<p>3. The Commission is empowered to adopt delegated acts in accordance with Article 27 supplementing this Regulation by determining additional information stored in the registry referred to in Article 20(1) that is to be controlled by customs authorities.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>4. The Commission is empowered to adopt delegated acts in accordance with Article 27 amending this Regulation by providing an Annex containing a list of Combined Nomenclature codes, as set out in Annex I to Regulation (EEC) No 2658/87, and product descriptions of detergents and surfactants and by updating such Annex.</p>	
<p>5. The Commission is empowered to adopt delegated acts in accordance with Article 27 amending Annexes I to VII to take into account scientific and technical progress.</p>	
<p>6. Where new scientific evidence points to the need to introduce biodegradability requirements for substances and mixtures other than surfactants in detergents, including soluble film polymers of detergent capsules, the Commission is empowered to adopt delegated acts in accordance with Article 27 amending Annex I to lay down biodegradability criteria for those substances and mixtures and test</p>	<p>PL (Drafting Suggestions): Where new scientific evidence points to the need to introduce biodegradability requirements for substances and mixtures other than surfactants in detergents, including soluble film polymers of detergent capsules, the Commission is empowered to adopt delegated acts in</p>

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Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
methods to verify compliance with them.	<p>accordance with Article 27 amending Annex I to lay down biodegradability criteria for those substances and mixtures and test methods to verify compliance with them.</p> <p>PL (Comments): PL comment: Alignement to art 4</p>
When adopting delegated acts in accordance with the first subparagraph, the Commission shall take into account the current manufacturing practices, the availability of technically and economically feasible alternatives and the impacts to small and medium-sized enterprises.	
7. Where individual risk-based concentration limits for fragrance allergens are established in Regulation (EC) No 1223/2009 of the European Parliament and of the Council ¹ , the Commission shall adopt	<p>DK (Drafting Suggestions): 7. Where individual risk-based concentration limits for fragrance</p>

¹ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>delegated acts in accordance with Article 27 amending Annex V in order to adapt the limit of the allergenic fragrances listed in Annex III to that Regulation accordingly.</p>	<p>allergens are established in Regulation (EC) No 1223/2009 of the European Parliament and of the Council¹, the Commission shall adopt delegated acts in accordance with Article 27 amending Annex V in order to adapt the limit of the allergenic fragrances listed in Annex III to that Regulation accordingly.</p> <p>DK (Comments):</p> <p>Denmark proposes to delete the point, as we prefer the automatic adaptation to the updates in the cosmetics regulation - as in the existing provisions since this will ensure that the decisions implemented in the cosmetics regulation will be directly applicable and delays will be avoided. In this regard, we also refer to our comments to point 4 in Part A of Annex V (Labelling requirements).</p>
<p>8. By [OP please insert the date = the first day of the month following 30 months after the date of entry into force of this Regulation],</p>	<p>SE (Drafting Suggestions):</p>

¹ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>the Commission shall adopt delegated acts in accordance with Article 27 to supplement this Regulation, by determining the specific requirements for the digital labelling of detergents. Those requirements shall at least establish the types of IT solutions, which economic operators may use, and the alternative means for providing the information on the digital label, referred to in Article 17.</p>	<p>8. By [OP please insert the date = the first day of the month following 30<u>24</u> months after the date of entry into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 27 to supplement this Regulation, by determining the specific requirements for the digital labelling of detergents. Those requirements shall at least establish the types of IT solutions, which economic operators may use, and the alternative means for providing the information on the digital label, referred to in Article 17.</p> <p>SE (Comments): The proposed amendment is aimed to ensure that the requirements in the delegated acts (with technical requirements for digital marking) become clear for the actors concerned in time before they shall be applied, in order to enable the actors to adapt to new requirements.</p>
<p>When adopting the delegated act referred to in the first subparagraph, the Commission shall take into account the following criteria:</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(a) coherence with other relevant Union acts where relevant;</p>	
<p>(b) the need to encourage innovation;</p>	
<p>(c) technological neutrality characterised by absence of constraints or prescriptions on the choice of technology or equipment, within the bounds of compatibility and avoidance of interference;</p>	
<p>(d) the need for the digital labelling not to compromise the safety of the end-users and the environment.</p>	
<p>(e) the level of digital readiness among all population groups in the Union <u>as well as the readiness of the necessary wireless and other technological infrastructure allowing unrestricted access to the information on detergents and surfactants..</u></p>	

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>9. The Commission is empowered to adopt delegated acts in accordance with Article 27 amending Annex V, as regards the labelling information, which economic operators are allowed to provide only digitally in accordance with Article 16, for the purposes of adapting it to technical and scientific progress and to the level of digital readiness among the end-users of detergents. When adopting those delegated acts, the Commission shall take into account the need to ensure a high level of protection of health and environment.</p>	<p>DE (Drafting Suggestions): 9. — The Commission is empowered to adopt delegated acts in accordance with Article 27 amending Annex V, as regards the labelling information, which economic operators are allowed to provide only digitally in accordance with Article 16, for the purposes of adapting it to technical and scientific progress and to the level of digital readiness among the end-users of detergents. When adopting those delegated acts, the Commission shall take into account the need to ensure a high level of protection of health and environment.</p> <p>DE (Comments): As noted on Article 16, the empowerment should be deleted in order to ensure that labelling of ingredients/content information referred to in Part A of Annex V should always be provided on the physical label.</p> <p>DK (Drafting Suggestions):</p>

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	<p>10. The Commission is empowered to adopt implementing acts in accordance with Article 27 to amend Table A of Annex IIIa, while taking into account the conditions set out in point 3 of that annex, in order to permit a certain use of a substance or mixture that is prohibited under point 1(a) of that annex, or to limit a certain use that has been permitted, in detergents or surfactants.</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>Article 27</p> <p>Exercise of the delegation</p>	
<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p>	
<p>2. The power to adopt delegated acts referred to in Article 26 shall be conferred on the Commission for an indeterminate period of time.</p>	
<p>3. The delegation of power referred to in Article 26 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>specified therein. It shall not affect the validity of any delegated acts already in force.</p>	
<p>4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</p>	
<p>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>	
<p>6. A delegated act adopted pursuant to Article 26 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>extended by two months at the initiative of the European Parliament or the Council.</p>	
<p>Article 28 Committee procedure</p>	
<p>1. The Commission shall be assisted by the Committee on detergents. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p>	
<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	
<p>CHAPTER VIII</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>TRANSITIONAL AND FINAL PROVISIONS</p>	
<p>Article 29 Penalties</p>	
<p>Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those measures and of any subsequent amendment affecting them.</p>	
<p>Article 30</p>	
<p>Amendment of Regulation (EU) 2019/1020</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>In Annex I of Regulation (EU) 2019/1020, point 15 is replaced by the following:</p>	
<p>‘15. Regulation (EU) .../... of the European Parliament and of the Council of ... on the making available on the market of detergents and surfactants (OJ L ...)’.</p>	
<p>Article 31 Report</p>	
<p>[<i>OP: please insert the date = 5 years from the date of application of this Regulation</i>], the Commission shall submit to the European Parliament and to the Council a report on the application of this Regulation. The report shall contain an assessment of how this Regulation is achieving its objectives, including an assessment on the impact on small and medium-</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>sized enterprises.</p>	
<p>Article 32</p>	
<p>Micro-organisms Review</p>	
<p>By [<i>OP: please insert the date = 3 years from the date of application of this Regulation</i>], the Commission shall assess the effectiveness and relevance of the requirements of this Regulation <u>1.</u> for detergents containing micro-organisms as well as the possibility to include new micro-organisms or strains of micro-organisms allowed in detergents in Annex II. <u>for the following:</u></p>	<p>PL (Comments): PL comments: In our opinion, 3 years may not be enough to review biodegradability testing methods, so in this case we recommend 5 years</p>
<p><u>1. For detergents containing micro-organisms: the possibility to include new micro-organisms or strains of micro-organisms allowed</u></p>	<p>SE (Drafting Suggestions):</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p><u>in detergents in Annex II.</u></p>	<p>1. For detergents containing micro-organisms: the possibility to include new micro-organisms or strains of micro-organisms allowed in detergents in Annex II.</p> <p><u>2. After [OP: please insert the date = 3 years from the date of application of this Regulation] the Commission shall regularly, and at least every 4th year, perform a review of Annex II.</u></p> <p>SE (Comments):</p> <p>Sweden proposes that the review clause in Article 32 should also include recurring reviews at fixed time intervals after the first three years.</p>
<p><u>2. For the biodegradability requirements: the possibility to add new requirements for substances, mixtures or soluble film polymers of detergents and standard methods to assess these new requirements to Annex I.</u></p>	<p>LT (Comments):</p> <p>The Detergents Regulation should apply the EU Ecolabel approach, which allows the use of a certain proportion of non-degradable organic ingredients. The established eco-label criteria need to be reviewed before new biodegradability requirements are introduced in the Detergents</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>Regulation.</p> <p>PL (Drafting Suggestions):</p> <p><u>For the biodegradability requirements: the possibility to add new requirements for substances or mixtures or soluble film polymers of detergents and standard methods to assess these new requirements to Annex I.</u></p> <p>PL (Comments):</p> <p>Alignment to art. 4</p> <p>SE (Drafting Suggestions):</p> <p>23. <u>For the biodegradability requirements: the possibility to add new requirements for substances, mixtures or soluble film polymers of detergents and standard methods to assess these new requirements to Annex I.</u></p> <p><u>4. After [OP: please insert the date = 3 years from the date of application of this Regulation] the Commission shall regularly, and at least every 4th year, perform a review of Annex I.</u></p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>SE (Comments): Sweden proposes that the review clause in Article 32 should also include recurring reviews at fixed time intervals after the first three years.</p>
<p><u>3. For the phosphorus requirements in detergents containing phosphates and other phosphorus compounds: the possibility to limit further the phosphorus content or add limitation of phosphorus content on others product categories to Annex III.</u></p>	<p>LT (Comments): The revision of Annex III requires an impact assessment, as the proposed changes may lead to costs for process transformation and may also result in products being rendered unsuitable for placing on the market under the proposals. Reducing phosphorus may reduce the sustainability of the products, as the compounds would need to be replaced by other chemicals.</p> <p>SE (Drafting Suggestions): 35. For the phosphorus requirements in detergents containing</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>phosphates and other phosphorus compounds: the possibility to limit further the phosphorus content or add limitation of phosphorus content on others product categories to Annex III.</p> <p><u>6. After [OP: please insert the date = 3 years from the date of application of this Regulation] the Commission shall regularly, and at least every 4th year, perform a review of Annex III.</u></p> <p>SE (Comments):</p> <p>Sweden proposes that the review clause in Article 32 should also include recurring reviews at fixed time intervals after the first three years.</p>
<p>Article 33</p> <p>Repeal of Regulation (EC) No 648/2004</p>	
<p>Regulation (EC) No 648/2004 is repealed.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>References to the repealed Regulation shall be construed as references to this Regulation and read in accordance with the correlation table in Annex VIII.</p>	
<p>Article 34</p>	
<p>Transitional provisions</p>	
<p>Member States shall not impede the making available on the market of detergents and surfactants which are placed on the market before [OP: <i>please insert the date = 30 months from the date of entry into force of this Regulation</i>] in conformity with Regulation (EC) No 648/2004 as applicable on ... [OP: <i>please insert the date = one day before 30 months from the date of entry into force of this Regulation</i>]</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>Detergents and surfactants which, are placed on the market after [OP: please insert the date of application = one day before 30 months from the date of entry into force of this Regulation] and which at the moment of their placing on the market comply with Regulation (EC) No 648/2004 as applicable on [OP: please insert the date of application = one day before 30 months from the date of entry into force of this Regulation], may be made available on the market until [OP: please insert the date = 36 months from the date of entry into force of this Regulation].</p>	<p>PL (Drafting Suggestions):</p> <p>PL suggestion:</p> <p>Detergents and surfactants which, are placed on the market after [OP: please insert the date of application = one day before 30 months from the date of entry into force of this Regulation] and which at the moment of their placing on the market comply with Regulation (EC) No 648/2004 as applicable on [OP: please insert the date of application = one day before 30 months from the date of entry into force of this Regulation], may be made available on the market until [OP: please insert the date = 36 40 months from the date of entry into force of this Regulation].</p> <p>PL (Comments):</p> <p>PL commenst:</p> <p>We consider that it is necessary to provide the entire supply chain with sufficient time (longer than the proposed 6 months) to sell off existing product, products in the supply chain.</p>
<p>Article 35</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>Entry into force and application</p>	
<p>This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>.</p>	
<p>This Regulation shall apply as of [<i>OP: please insert the date = 30 months from the date of entry into force of this Regulation</i>].</p>	
<p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p>	
<p>Done at Brussels,</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>For the European Parliament For the Council</p>	
<p>The President The President</p>	
<p>ANNEX I</p>	
<p>BIODEGRADABILITY REQUIREMENTS REFERRED TO IN ARTICLE 4</p>	
<p><u>ULTIMATE BIODEGRADABILITY CRITERIA AND TEST METHODS FOR DETERGENTS, SURFACTANTS AND SURFACTANTS IN WATER SOLUBLE FILMS IN DETERGENT CAPSULES DETERGENTS</u></p>	<p>EL (Comments): Extending the biodegradability requirements to water-soluble films requires further research on the applicability of existing biodegradability criteria and methods for surfactants to polymers. The appropriate method for ready biodegradability testing depends on the</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>type of substance and its physical properties and characteristics such as solubility, volatility, and sorption.</p> <p>Current biodegradation test methods may in theory be used for complex ingredients like polymers, but their criteria may need modification as they were designed for smaller, water-soluble molecules.</p> <p>LT (Comments):</p> <p>The biodegradability of detergents cannot be considered as a whole, as they correspond to chemical mixtures. However, the biodegradability of their constituents can be assessed using test methods specific to each constituent.</p> <p>In addition, current biodegradability test methods have been developed for small molecules and are not suitable for complex detergent ingredients. For example, polymers used in detergents are at least 10 times larger molecules than some surfactants. For that reason, the biodegradability test methods for surfactants cannot be applied to polymers. In addition, polymers can degrade when exposed to micro-organisms (biodegradation) or to UV light, water, oxygen (abiotic degradation) or both. Both degradation processes should be included in the scope of this legislation.</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>PL (Drafting Suggestions): <u>ULTIMATE BIODEGRADABILITY CRITERIA AND TEST METHODS FOR DETERGENTS AND SURFACTANTS</u></p> <p>PL (Comments): The title should be in line with wording of Article 4.</p>
<p>1. The reference method for laboratory testing of surfactant ultimate biodegradability in this Regulation is based on the EN ISO standard 14593: 1999 (CO₂ headspace test).</p>	<p>SE (Comments): We support the ambition to have biodegradability requirements for water soluble films to avoid the spread of microplastics in the environment. However, Annex I includes only biodegradability requirements for surfactants.</p> <p>Some relevant testings standards for measuring degradation of watersoluble polymers are listed below. It needs to be checked if they fulfil requirements for rapid degradation of watersoluble films.</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>ISO 14852:2021</p> <p>Determination of the ultimate aerobic biodegradability of plastic materials in an aqueous medium</p> <p>Method by analysis of evolved carbon dioxide</p> <p>ISO 14851:2019</p> <p>Determination of the ultimate aerobic biodegradability of plastic materials in an aqueous medium</p> <p>Method by measuring the oxygen demand in a closed respirometer</p> <p>ISO 17556:2019</p> <p>Plastics - Determination of the ultimate aerobic biodegradability of plastic materials in soil by measuring the oxygen demand in a respirometer or the amount of carbon dioxide evolved</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
	<p>ISO 14853:2016</p> <p>Plastics - Determination of the ultimate anaerobic biodegradation of plastic materials in an aqueous system</p> <p>Method by measurement of biogas production</p> <p>ISO 16221:2001</p> <p>Water quality -- Guidance for determination of biodegradability in the marine environment ASTM D6691-09</p> <p>Standard Test Method for Determining Aerobic Biodegradation of Plastic Materials in the Marine Environment by a Defined Microbial Consortium or Natural Sea Water Inoculum</p>
<p>2. Surfactants and surfactants contained in detergents shall be ultimately biodegradable as determined in accordance with the criteria laid down in point 3.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>3. Surfactants and surfactants contained in detergents shall be considered as ultimately biodegradable if they meet one of the following criteria:</p>	
<p>(a) the level of biodegradability (mineralisation) is at least 60 % within 28 days measured in accordance with one of the following test methods:</p>	
<p>(i) EN ISO Standard 14593: 1999 — Water quality — Evaluation of ultimate aerobic biodegradability of organic compounds in aqueous medium — Method by analysis of inorganic carbon in sealed vessels (CO₂ headspace test);</p>	
<p>(ii) method C.4.-C Carbon dioxide (CO₂) Evolution Test (Modified Sturm Test), described in Part C, Part IV, of the Annex to Commission</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
Regulation (EC) No 440/2008 ¹ ;	
(iii) method C.4-D, manometric respirometry test, described in Part C, Part V, of the Annex to Regulation (EC) No 440/2008;	
(iv) method C.4-E, closed bottle test, described in Part C, Part VI, of the Annex to Regulation (EC) No 440/2008;	
(v) method C.4-F Ministry of International Trade and Industry, Japan (M.I.T.I.) described in Part C, Part VII, of the Annex to Regulation (EC) No 440/2008;	
(vi) ISO 10708: 1997 — Water quality — Evaluation in an aqueous medium of the ultimate aerobic biodegradability of organic compounds	

¹ Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31.5.2008, p. 1).

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>— Determination of biochemical oxygen demand in a two-phase closed bottle test.</p>	
<p>(b) the level of biodegradability (mineralisation) is at least 70% within 28 days measured in accordance with one of the following test methods:</p>	
<p>(i) method C.4-A DOC die-away test described in Part C, Part II, of the Annex to Regulation (EC) No 440/2008;</p>	
<p>(ii) method C.4-B, modified OECD screening test described in Part C, Part III, of the Annex to Regulation (EC) No 440/2008.</p>	
<p>Pre-adaptation shall not be used and the 10-day window principle shall not be applied in any of the test methods referred to in points (a) and (b).</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
1. The tests referred to in point 3 shall be conducted by laboratories meeting any of the following conditions:	PT (Drafting Suggestions): 4. The tests referred to in point 3 shall be conducted by laboratories meeting any of the following conditions:
(a) the laboratories are complying with the principles of good laboratory practice provided for in Directive 2004/10/EC of the European Parliament and of the Council ¹ or international standards recognised as being equivalent;	
(b) the laboratories are accredited in accordance with the standard for laboratories referred to in Regulation (EC) No 765/2008.	
ANNEX II	

¹ Directive 2004/10/EC of the European Parliament and of the Council of 11 February 2004 on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their applications for tests on chemical substances (OJ L 50, 20.2.2004, p. 44).

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>REQUIREMENTS FOR DETERGENTS CONTAINING MICROORGANISMS REFERRED TO IN ARTICLE 5</p>	<p>PL (Comments):</p> <p><u>PL comments:</u></p> <p>We do not support wording informing the ban of the detergents containing micro-organisms placing on the market in spray format for consumer uses.</p> <p>The risk posed by the above-mentioned sprayed products can be minimized through careful product design, for example the use of spray bottles that produce no or very small amounts of respirable droplets, or the use of foaming sprayers, and the use of a robust risk assessment approach to ensure that consumer exposure, safety and security when using the above-mentioned products..</p> <p>Detergents containing micro-organisms placing on the market, including in spray format ones for consumer uses are designed as innovative products this approach may inhibit the innovation processes tha enable the development od the detergents sector.</p> <p>Microbial cleaning products contain beneficial bacteria and enzymes to perform cleaning. Their benefits include:</p> <ol style="list-style-type: none"> 1. Sustainability: As society seeks more sustainable practices, microbial cleaners align with this trend by offering an alternative to traditional cleaning products. They have a different mode of action and break down organic matter, offering eco-friendly and

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>effective cleaning solutions.</p> <ol style="list-style-type: none"> 2. Effective Odour Elimination: Microbial cleaners excel at breaking down the sources of foul odours, such as pet urine or food spills. Instead of masking odours with fragrances, they target the root cause by consuming the organic material that produces the smell. 3. Prevention of Recontamination: Microbial cleaners can actively prevent recontamination by breaking down these residues continuously. <p>Ensuring safety while supporting innovation is possible through regulations and guidelines that differentiate detergents from other goods and do not limit the microorganisms that can be used in microbial cleaners.</p> <p>When micro-organisms meet the QPS list criteria, they can be assessed for use in the production of food using a simplified procedure.</p> <p>On the basis of available data,. we do not agree that they should be excluded from use on food contact surfaces.</p>
<p>1. Micro-organisms intentionally added to detergents shall comply with the following conditions:</p>	

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(a) shall have an American Type Culture Collection (ATCC) number, belong to a collection of an International Depository Authority (IDA) or have had their DNA identified in accordance with a “Strain identification protocol” (using 16S ribosomal DNA sequencing or an equivalent method);</p>	<p>IT (Drafting Suggestions): <u>(a1): shall have a product passport for each batch.</u></p> <p>IT (Comments): <i>This obligation for detergents containing micro-organisms must be maintained even if this Regulation were to allow the product passport at detergent model level. (see article 18)</i></p>
<p>(b) shall belong to both of the following:</p>	
<p>(i) Risk Group I as defined by Directive 2000/54/EC – biological agents at work;</p>	
<p>(ii) The Qualified Presumption of Safety (QPS) list issued by the European Food Safety Authority (EFSA).</p>	<p>IT (Drafting Suggestions): <u>, excluding MO including in QPS for production propose only.</u></p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>IT (Comments): <i>Microorganisms (MOs) in QPS for production propose only: in this care, data are lacking on the direct exposure of humans and animals to viable cells, while there is a documented body of knowledge on the safety of their fermentation products and/or their biomasses in the food and/or feed chain.</i> https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2024.8517</p> <p>PL (Drafting Suggestions): PL suggestion: We kindly ask for deletion.</p> <p>PL (Comments): PL comments: We would like to underline that usage of the QPS list is not obligatory for the food and feed industry during use of microorganisms in the production processes. It plays role only the recommendation for the industry. The QPS is a tool used as a starting point or screening approach for further evaluation by EFSA in their review of microorganisms used in the food and feed industry. QPS status implies a microorganism is fast-tracked for the EFSA review process which also includes product level assessment.</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>The purpose of the qualified presumption of safety (QPS) is to provide a generic pre-assessment approach to facilitate strain safety assessments of microorganisms intended for use in the food and feed chains, to support the work of EFSA’s Scientific Panels. Thus, the QPS frame-work allows a fast-track evaluation of strains belonging to certain QPS taxonomic units (i.e. all strains of a species), provided specific qualifications are met, such as lack of acquired antimicrobial resistance genes.</p> <p>The microorganisms identification should be part of the overall risk assessment and not be bound to limiting culture collections or methodologies.</p> <p>On top, current Detergents Regulation and other legislation, such as the General Product Safety Regulation (GPSR), allow appropriate risk management of microbial ingredients/end products. It is the responsibility of the manufacturers to design and produce safe products through documented risk assessments, conducting appropriate tests, and applying relevant safety standards. In addition to this, a framework for risk assessment of micro-organisms in cleaning products has been developed by the US and European detergents industry to provide recommendations for a risk management strategy for these ingredients.</p> <p>Moreover, during the current revision of UE Ecolabel criteria JRC (Joint Research Center) recommended to delete this requirement.</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>This point shall not apply to micro-organisms intentionally added to detergents placed on the market for research and development purposes.</p>	<p>DE (Drafting Suggestions): This point shall not apply to micro-organisms intentionally added to detergents placed on the market for research and development purposes.</p> <p>DE (Comments): Micro-organisms added to detergents for research and development purposes and placed on the market should be clearly identified, as it should be clear at all times which micro-organisms are involved. Therefore, this subparagraph should be deleted.</p>
<p>2. The following pathogenic micro-organisms shall not be present in any of the strains included in the finished product when screened using the indicated test methods or equivalent:</p>	
<p>(a) <i>E. coli</i>, test method ISO 16649-3:-2005-<u>2015</u>;;</p>	

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Updated: 22/03/2024 17:43

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<p>(b) <i>Streptococcus (Enterococcus)</i>, test method ISO 21528-1:2004 <u>2017</u>;;</p>	
<p>(c) <i>Staphylococcus aureus</i>, test method ISO 6888-1;</p>	
<p>(d) <i>Bacillus cereus</i>, test method ISO 7932:2004 or ISO 21871;</p>	
<p>(e) <i>Salmonella</i>, test method ISO 6579:2002 or ISO 19250.</p>	
<p>3. Intentionally added micro-organisms shall not be genetically modified microorganisms.</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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<p>4. Intentionally added micro-organisms shall be, with the exception of intrinsic resistance, susceptible to each of the major antibiotic classes, namely aminoglycoside, macrolide, beta-lactam, tetracycline and fluoroquinolones, in accordance with the European Committee on Antimicrobial Susceptibility Testing (EUCAST) disk diffusion method or equivalent.</p>	
<p>5. When placed on the market, detergents containing micro-organisms shall have a standard plate count equal to or greater than 1×10^5 colony-forming units (CFUs) per ml in accordance with ISO 4833-1:2014.</p>	<p>SE (Comments): Sweden supports that a test method that requires animal testing is removed. It is also questionable if the method is relevant for the intended purpose with the new provisions for detergents that contains microorganisms.</p>
<p>6. The minimum shelf life of a detergent containing micro-organisms shall not be lower than 24 months and the microbial count shall not decrease by more than 10 % every 12 months in accordance with</p>	<p>HU (Drafting Suggestions): 6. The minimum shelf life of a detergent containing micro-organisms shall not be lower than 24 months and during this shelf life, the CFU count must</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>ISO 4833-1:2014.</p>	<p><u>remain equal to or greater than 1×10^5</u>the microbial count shall not decrease by more than 10 % every 12 months in accordance with ISO 4833-1:2014.</p> <p>HU (Comments): More flexibility and relevance in choosing the analytical method is needed. The statement “the microbial count shall not decrease by more than 10 % every 12 months” may, depending on species, be difficult to determine empirically, since a 10% decrease is difficult to measure with certainty. This requirement may also be impossible to obtain due to natural decay of some microorganisms.</p>
<p>7. Micro-organisms contained in detergents that are placed on the market in a spray format shall pass the acute inhalation toxicity test in accordance with the test method B.2., described in Part B of the Annex to Regulation (EC) No 440/2008.</p>	<p>FI (Comments): FI can accept the proposed changes in requirement 7.</p> <p>HU (Drafting Suggestions): 7. Micro-organisms contained in detergents<u>All microbial cleaners</u> that are placed on the market in a spray format pass the acute inhalation toxicity test in accordance with the test method B.2., described in Part B of the Annex to</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>Regulation (EC) No 440/2008 <u>shall have been assessed to be safe based on non-animal approaches established by the Commission in accordance with Article 26(5a).</u></p> <p>HU (Comments):</p> <p>The acute inhalation toxicity test is not suitable to measure the risk of sensitisation and will not permit to assess the risk. In fact, there is currently no single test able to clearly detect respiratory sensitisation. Other methods based on a thorough analysis of the microorganism, and accurate exposure assessment can ensure the highest level of safety. They rely on benchmarks proven to be protective of consumers based on data derived from humans and would avoid the use of unnecessary animal testing.</p> <p>PL (Drafting Suggestions):</p> <p>PL suggestion:</p> <p>7. Micro-organisms contained in detergents that are placed on the market, especially the ones in a spray format, shall be evaluated with appropriate non-animal approaches to ensure consumer safety of the end product .</p> <p>PL (Comments):</p> <p><u>PL comments:</u></p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>The in vivo acute inhalation toxicity test proposed in the draft revision seems not to be a suitable test to determine the risk to consumers to inhaled aerosols containing micro-organisms and would be an unnecessary use of animals. An appropriate risk-based approach could be used.</p> <p>Moreover, in accordance with the BPR Guidance: difficult to carry this test, and it is prohibited to continue these tests since April 2022.</p> <p>Lastly, the OECD 403 test would require at least ten (10) animals per concentration tested, so a single test with three concentrations would see the killing of 30 animals (on the assumption that a conservative take on the number of concentration per test). If we multiply this by the number of microbial sprays to be placed on the market, thousands of animals will be killed yearly to assess a QPS substance. This is completely against the Directive 2010/63/EU</p> <p>SE (Comments):</p> <p>Sweden supports this proposal as it would not be appropriate to allow spray products for consumers due to the potential inhalation sensitization and that consumers cannot be expected to use PPE like a mask.</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p><u>Detergents containing micro-organisms destined for use by consumers, shall not be placed on the market in a spray format.</u></p>	<p>AT (Comments): We appreciate the precautionary approach however we would like to know if there is an evaluation of the different risk to human health either you inhale or ingest the allowed micro-organisms</p> <p>BG (Comments): We do not support the ban on the mass consumer to use detergents containing microorganisms in a spray format. Given that they are natural, biodegradable and not classified as dangerous under the CLP Regulation, we do not consider it necessary to impose a ban and stop the development and use of innovative products. Instead, specific labelling requirements, such as those defined for the industrial and institutional sectors, may apply.</p> <p>EL (Comments): We support the proposal.</p> <p>HU (Drafting Suggestions):</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>Detergents containing micro-organisms destined for use by consumers, shall not be placed on the market in a spray format.</p> <p>HU (Comments): HU does not support the ban of micro-organisms cleaning products in spray format.</p> <p>IT (Comments): <i>Italy agrees: there are not sufficient information about the exposure to detergent containing MO, and the EFSA evaluation does not always contain data about the human directly exposure and the environmental scenario.</i></p> <p>LT (Comments): A ban on the use of spray cleaners containing micro-organisms for consumer use would be disproportionately restrictive given that: a. the Commission's approach already requires detergents to be free of pathogenic micro-organisms and micro-organisms with antibiotic resistance;</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>b. The safety of such products can be ensured by a combination of product design and a rigorous risk assessment approach, considering the effects and risks posed by micro-organisms.</p> <p>PL (Drafting Suggestions):</p> <p>PL suggestion: we kindly ask for deletion.</p> <p>PL (Comments):</p> <p><u>PL comments:</u></p> <p>The usage ban of sprays for microbial cleaners for consumer use would be disproportionately restrictive given that:</p> <ul style="list-style-type: none"> –the approach of the Commission already imposes detergents not to contain any pathogenic micro-organisms nor microorganisms showing resistance to antibiotics; –the safety of such products can be assured by using a combination of product design and a robust approach to risk assessment considering exposure and hazard impact posed by micro-organisms. <p>PT (Drafting Suggestions):</p> <p>We suggest deleting this point.</p> <p>PT (Comments):</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>PT does not agree with the restriction of this products only to industrial and institutional use.</p> <p>SE (Comments): Sweden finds this proposal including points a and b proportionate as it would be appropriate to recommend the use of PPE to professional users of those products.</p> <p>SK (Comments): We support the use of spray formats even for ordinary consumers. We are of the opinion that the microorganisms used in cleaning products as defined in Annex II point 1 do not pose any hazard to human health.</p> <p>The products used also fall under the General Product Safety Regulation (GPSR), which means that the GPSR mandates that products placed on the EU market must be safe under normal or reasonably foreseeable conditions of use. We are in favour of applying specific labelling requirements as defined for the industrial and institutional sectors. Proper labelling would also include the use of appropriate personal protective equipment when handling Microbial-Based Cleaning Products (MBCPs)</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>in spray format. The risk is mainly associated with the use of spray formats of MBCPs, particularly for individuals with weakened immune systems and hypersensitivity. By carefully designing the product, and use personal protective equipment it is possible to minimize the risks associated with sprays containing microorganisms.</p>
<p><u>Detergents containing micro-organisms destined for use in the industrial and institutional sector, may be placed on the market in a spray format if, in addition to the requirements laid down in Annex V, their label meets the following conditions:</u></p>	<p>IT (Comments): <i>It is important to better define “<u>institutional sector</u>”</i></p> <p>LT (Comments): Other legislation, such as the General Product Safety Regulation (GPSR), allows for appropriate risk management of microbiological ingredients and/or finished products.</p>
<p><u>(a) The label contains a warning that the product may cause respiratory sensitisation;</u></p>	<p>LT (Comments): Microbiological cleaning products must not present any risk that is</p>

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Updated: 22/03/2024 17:43

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	<p>incompatible with a high level of health and safety, and manufacturers are responsible for developing and producing safe products.</p>
<p><u>(b) The label contains instructions for use ensuring the safety of the users, if necessary by protective equipment, and of their environment.</u></p>	<p>LT (Comments): Microbiological cleaning products must not present any risk that is incompatible with a high level of health and safety, and manufacturers are responsible for developing and producing safe products.</p>
<p>8. Detergents containing micro-organisms shall not be placed on the market in a refill format.</p>	
<p>9. All claims made by the manufacturer regarding the actions of the micro-organisms contained in the product shall be supported by third-party testing.</p>	<p>DE (Drafting Suggestions): All claims made by the manufacturer regarding the actions of the micro-organisms contained in the product shall be supported by third-party testing.</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>DE (Comments):</p> <p>The requirement is a criterion for the award of the EU Ecolabel. In the case of the EU Ecolabel, product tests appear to make sense, as the effectiveness of the product is important for acceptance compared to products without the EU Ecolabel. In the present case, such product tests do not appear to be necessary, especially as no recognised test procedure is envisaged. Furthermore, it is not clear what kind of actions the manufacturers will advertise with regard to the micro-organisms used. Therefore point 9 should be deleted.</p> <p>HU (Drafting Suggestions):</p> <p>9. — All claims made by the manufacturer regarding the actions of the micro-organisms contained in the product shall be supported by third-party testing.</p> <p>HU (Comments):</p> <p>Actions of microorganisms cannot be demonstrated through standard methodologies, as there are no standard methodologies available for such claims. This means that third-parties will not have capabilities to perform such specific assessments. Therefore, it should not be a requirement to have third-party testing, which will not add any safety assurance anyway</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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	<p>either.</p>
<p>10. It is prohibited to claim or suggest on the label or by any other communication that the detergent has an antimicrobial or disinfecting effect, unless the detergent complies with Regulation (EU) No 528/2012.</p>	
<p>11. The tests referred to in points 2, 5, 6, 7 and 9 shall be conducted by laboratories meeting any of the following conditions:</p>	<p>DE (Drafting Suggestions): The tests referred to in points 2, <u>4</u>, 5, 6 and 7 and 9 shall be conducted by laboratories meeting any of the following conditions:</p> <p>DE (Comments): The test referred to in point 4 is missing. The reference to point 9 should be deleted (see deletion of point 9).</p> <p>PT (Drafting Suggestions): 11. The tests referred to in points 2, 5, 6, 7 and 9 shall be conducted by laboratories meeting any of the following conditions:</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

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<p>(a) the laboratories are complying with the principles of good laboratory practice provided for in Directive 2004/10/EC of the European Parliament and of the Council¹ or international standards recognised as being equivalent;</p>	
<p>(b) the laboratories are accredited in accordance with the standard for laboratories referred to in Regulation (EC) No 765/2008.</p>	
<p>ANNEX III</p>	<p>DE (Comments): See our comments on Article 4.</p> <p>PT (Comments): PT does not agree with the amendements made in this Annex.</p>

¹ Directive 2004/10/EC of the European Parliament and of the Council of 11 February 2004 on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good labo

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>LIMITATIONS ON THE CONTENT OF PHOSPHATES AND OTHER PHOSPHORUS COMPOUNDS REFERRED TO IN ARTICLE 6</p>	<p>PL (Comments): <u>PL comments:</u> Restrictions on Phosphorus-based substances may lead to an adverse impact on the sustainability of the cleaning products and processes. Concentrated products are vital for sustainable cleaning. Imposing restrictions is likely to drive the industry to diluted products which are more voluminous ,requiring more storage space, more packaging, more transport for the same delivered performance and therefore resulting in increased greenhouse gas emissions and packaging material use.</p>
<p>Detergent Limitations</p>	<p>PL (Comments): <u>PL comments:</u> We think that the current limitation should be maintained withot further restriction of limits and product categories. We reccommend maintenance the current level of limits as regards to Phosphorus. We believe that the Annex III-related changes should always be</p>

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Updated: 22/03/2024 17:43

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	<p>accompanied by an impact assessment. Such an approach will not cause excessive costs, or the loss of products/applications that may be of critical importance to society.</p> <p>In our opinion, further reduction of phosphorus content would lead to a decrease in sustainability, as the compounds would need to be replaced by less efficient and more hazardous chemicals.</p>
<p>Consumer laundry detergents shall not be placed on the market if the The total content of phosphorus is is equal to or greater lower than 0,5-grams in the recommended quantity of the detergent to be used in the main cycle of the washing process for a standard washing machine load as defined in Part B of Annex V for hard water:</p>	<p>BG (Comments): We do not support reducing the values for the permissible content of phosphorus, nor extending the scope of the restriction to more types of products without an impact assessment. This could lead to a reduction in the efficacy and durability of the products.</p> <p>FI (Comments): FI primarily supports the original Commission proposal, where the phosphorus limits had not been changed.</p> <p>HU (Comments): HU supports the compromise text and the phosphorous content limit for</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>consumer laundry detergents.</p>
<p>– for ‘normally soiled’ fabrics in the case of heavy-duty detergents,</p>	
<p>– for ‘lightly soiled’ fabrics in the case of detergents for delicate fabrics.</p>	
<p><u>By the 1/1/2018 is lower than 0,3 grams in the same recommended quantity of the detergents.</u></p>	<p>BG (Drafting Suggestions): <i>By the 1/1/2028</i></p> <p>BG (Comments): Technical mistake</p> <p>HU (Comments): We’d appreciate more explanation on the background of this addition.</p> <p>LT (Comments):</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>This provision is unclear, as it does not set a clear upper limit. This limit is also too low for consumer laundry detergents to remain efficient. Reducing phosphorus may reduce the sustainability of the products, as the compounds would need to be replaced by other chemicals.</p> <p>PL (Drafting Suggestions): <u>By the 1/1/2018 is lower than 0,3 grams in the same recommended quantity of the detergents.</u></p> <p>SE (Drafting Suggestions): By the 1/1/201820182028 is lower than 0,3 grams in the same recommended quantity of the detergents.</p> <p>SE (Comments): Editorial changes suggested. We are interested to get some information about the background and justification of this limit value.</p> <p>SK (Comments):</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>The origin of the limit for phosphorus content is unclear for SK CA. SK CA doesn't understand deadline by the 1/1/2018. Is it correct deadline by 1/1/2028?</p>
<p>Consumer automatic dishwasher detergents Shall not be placed on the market if theThe total content of phosphorus is equal to or greater than 0,3<u>2</u> grams in the standard dosage as defined in Part B of Annex V.</p>	<p>FI (Comments): FI primarily supports the original Commission proposal, where the phosphorus limits had not been changed.</p> <p>HU (Comments): HU supports the compromise text and the phosphorous content limit for consumer automatic dishwasher detergents.</p> <p>PL (Drafting Suggestions): Consumer automatic dishwasher detergents Shall not be placed on the market if theThe total content of phosphorus is equal to or greater than 0,3 grams in the standard dosage as defined in Part B of Annex V.</p> <p>SE (Drafting Suggestions):</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>Consumer automatic dishwasher detergents</p> <p>The total content of phosphorus is equal to or greater lower than 0,2 grams in the standard dosage as defined in Part B of Annex V.</p> <p>SE (Comments): As “<i>shall not be placed on the market if</i>” is deleted the relation greater/lower has to be reversed. As the limit value is at the same level as the ecolabelling criteria for this kind of product it is relevant to include “<i>equal to</i>”.</p> <p>SK (Comments): The origin of the limit for phosphorus content is unclear for SK CA. We understand this formulation as “ The total content of phosphorus is equal to or lower greater than 0,2 grams in the standard dosage as defined in Part B of Annex V”</p>
<p><u>By the 1/1/2018 is lower than 0,2 grams in the same recommended quantity of the detergents.</u></p>	<p>BG (Drafting Suggestions):</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p><i>By the 1/1/2028</i></p> <p>BG (Comments): Technical mistake</p> <p>LT (Comments): This provision is unclear, as it does not set a clear upper limit. This limit is also too low for consumer automatic dishwasher detergents to remain efficient. Reducing phosphorus may reduce the sustainability of the products, as the compounds would need to be replaced by other chemicals.</p> <p>PL (Drafting Suggestions): <u>By the 1/1/2018 is lower than 0,2 grams in the same recommended quantity of the detergents.</u></p> <p>SE (Drafting Suggestions): By the 1/1/201820182028 is lower than 0,2 grams in the same recommended quantity of the detergents.</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>SE (Comments): Editorial changes suggested. We are interested to get some information about the background and justification of this limit value.</p> <p>SK (Comments): SK CA doesn't understand deadline by the 1/1/2018. Is it correct deadline by 1/1/2028?</p>
	<p>DK (Drafting Suggestions): NEW ENTRY Detergents for outdoor use shall not contain more than 1.5 mg/L phosphorous</p> <p>DK (Comments): Outdoor detergents will rarely end up at waste water treatment plants. Hence, the phosphorous content will likely end up in streams, lakes or rivers leading to Eutrophication. Due to increased focus on climate</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>adaptations, an increasing number of drains lead water directly into rivers, indicating an even bigger problem in the future.</p> <p>Denmark has a limit value in WWTP on 1,5 mg/L of phosphorous in the water, therefore Denmark believes that this value is suitable for detergents being directly emitted to the environment.</p> <p>Current EU limits for waste water is set between 1 and 2 mg/L.</p> <p>”COUNCIL DIRECTIVE of 21 May 1991 concerning urban waste water treatment.</p> <p>This limit is a requirement in order to protect sensitive areas from eutrophication</p>
<p><u>Industrial and institutional laundry detergents</u> <u>By the 1/1/2018 the total content of phosphorus is lower than 0,6g/ liter of washing solution.</u></p>	<p>BG (Drafting Suggestions): <i>By the 1/1/2028</i></p> <p>BG (Comments): Technical mistake</p> <p>EL (Drafting Suggestions): Deletion</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>EL (Comments):</p> <p>Justification</p> <p>Taking into consideration that:</p> <ol style="list-style-type: none"> 1. Phosphorus is very important for effective cleaning, which is very crucial in professional uses. Phosphorus helps to remove difficult stains and to reduce washing time, water consumption, and washing temperature. 2. There are only a few available alternatives for phosphorus with less effectiveness. 3. Detergents are not the only source of phosphorus in the surface water e.g. fertilisers are also a significant source of phosphorus which contributes to the surface water quality. <p>Therefore, further phosphorus restriction in Industrial and Institutional laundry detergents and dishwasher detergents may not lead to a measurable change in surface water quality but may result in negative impacts in terms of sustainability.</p> <p>FI (Comments):</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>FI primarily supports the original Commission proposal, where the phosphorus limits had not been extended to cover industrial and institutional laundry detergents.</p> <p>HU (Drafting Suggestions): Industrial and institutional laundry detergents — By the 1/1/2018 the total content of phosphorus is lower than 0,6g/ liter of washing solution.</p> <p>HU (Comments): HU does not support further reduction of phosphorous content in industrial laundry detergents, as it would lead to less efficient detergents and more hazardous chemicals. From our point of view, there is no available effective alternative that could replace phosphates in industrial uses.</p> <p>LT (Drafting Suggestions): Industrial and <u>institutional profesional</u> laundry detergents By the 1/1/2018 the total content of phosphorus is lower than 0,6g/ liter of washing solution.</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>PL (Drafting Suggestions): <u>Industrial and institutional laundry detergents — By the 1/1/2018 the total content of phosphorus is lower than 0,6g/ liter of washing solution.</u></p> <p>PL (Comments): <u>PL comments:</u> We would like to underline that lowering of the total amount of phosphorus in detergents has not been assessed in the impact assessment. Therefore without these data, we do not consider draft proposal considering industrial and institutional laundry detergents may not will achieve the goal expected. We see at the moment no added value. All the more, according to our best knowledge the current level of P in detergents seems to be appropriate. Such a restrictive approach may disrupt innovative processes and products and finally functioning the detergent industry, especially in respect sustainability and circularity in whole life cycle product.</p> <p>SE (Drafting Suggestions): Industrial and institutional laundry detergents By the 1/1/20182028 the total content of phosphorus is lower than 0,6 g/ liter of washing</p>

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
	<p>solution.</p> <p>SE (Comments): Editorial changes suggested. We are interested to get some information about the background and justification of this limit value.</p> <p>SK (Comments): The origin of the limit for phosphorus content is unclear for SK CA. SK CA doesn't understand deadline by the 1/1/2018. Is it correct deadline by 1/1/2028?</p>
<p><u>Industrila and instuitutional dishawer detergents</u> <u>By the 1/1/2018 the total content of phosphorus is lower than 0,64g / liter of washing solution.</u></p>	<p>BG (Drafting Suggestions): <i>By the 1/1/2028</i></p> <p>BG (Comments): Technical mistake</p> <p>EL</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>(Drafting Suggestions): Deletion</p> <p>EL (Comments): Same comment as above.</p> <p>FI (Comments): FI primarily supports the original Commission proposal, where the phosphorus limits had not been extended to cover industrial and institutional dishwasher detergents.</p> <p>HU (Drafting Suggestions): Industrial and institutional dishwasher detergents — By the 1/1/2018 the total content of phosphorus is lower than 0,64g / liter of washing solution.</p> <p>HU (Comments): HU does not support further reduction of phosphorous content in industrial dishwasher detergents, as it would lead to less efficient detergents and more hazardous chemicals. From our point of view, there</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>is no available effective alternative that could replace phosphates in industrial uses.</p> <p>LT (Drafting Suggestions): Industrila Industrial and instuitutional profesional dishawer Industrial and institutional professional dishawer detergents By the 1/1/2018 the total content of phosphorus is lower than 0,64g / liter of washing solution.</p> <p>PL (Drafting Suggestions): Industrila and instuitutional dishawer detergents By the 1/1/2018 the total content of phosphorus is lower than 0,64g / liter of washing solution.</p> <p>SE (Drafting Suggestions): Industrila and instuitutional dishawer Industrial and institutional dishwasher detergents By the 1/1/20182028 the total content of phosphorus is lower than 0,64g / liter of washing solution.</p> <p>SE</p>

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>(Comments): Editorial changes suggested. We are interested to get some information about the background and justification of this limit value.</p> <p>SK (Comments): The origin of the limit for phosphorus content is unclear for SK CA. SK CA doesn't understand deadline by the 1/1/2018. Is it correct deadline by 1/1/2028?</p>
	<p>DK (Drafting Suggestions): <u>ANNEX IIIa</u> <u>SUBSTANCES AND MIXTURES PROHIBITED IN CONSUMER DETERGENTS AND SURFACTANTS</u></p> <p><u>1. For detergents and surfactants placed on the market for use by non-professionals, the following is prohibited:</u></p> <p><u>(a) The presence of substances or mixtures in the form classified</u></p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p><u>under Regulation (EC) No 1272/2008 in any of the following categories:</u></p> <p><u>(i) carcinogenicity, germ cell mutagenicity or reproductive toxicity (CMR) category 2;</u></p> <p><u>(ii) endocrine disruption category 1 or 2;</u></p> <p><u>(iii) specific target organ toxicity category 1, either in single exposure or in repeated exposure;</u></p> <p><u>(iv) respiratory sensitisation category 1.</u></p> <p><u>(b) The presence of active substances approved or under approval for the use as an active substance in compliance with Regulation (EU) No 528/2012, with the exception of biocidal products approved for use as a preservative for products during storage (product type 6) in accordance with Regulation (EU) No 528/2012, when used as a preservative in a detergent.</u></p> <p><u>2. By way of derogation from point 1(a) the presence of these substances and mixtures in individual concentrations equal to or smaller than the generic or specific concentration limits for the</u></p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>hazard categories given in point 1 (a) established <u>under Regulation (EC) No 1272/2008 is allowed.</u></p> <p><u>3. By way of derogation from point 1(a) substances or mixtures prohibited under that point may be used in detergents or surfactants if they are listed in Table A, provided that</u></p> <p><u>a. It has been found safe by ECHA when used by non-professionals taking into account the exposure from other sources.</u></p> <p><u>b. There are no suitable substances or mixtures available, as established by ECHA based on an analysis of alternatives.</u></p> <p><u>c. The substance or mixture is not prohibited for use in consumer articles under Regulation (EC) No 1907/2006.</u></p> <p><u>4. By way of derogation from point 1(a), enzymes and proteins prohibited under point 1(a)(iv) may be used in detergents and surfactants provided that the derived exposure level does not exceed 15 ng/m³.</u></p> <p><u>TABLE A - Permitted uses of substances subject to generic</u></p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>						
	<p><u>prohibitions under point 1(a) of this Annex</u></p> <table border="1" data-bbox="1126 427 1749 598"> <thead> <tr> <th data-bbox="1126 427 1335 539"><u>Substance</u></th> <th data-bbox="1335 427 1543 539"><u>Classification</u></th> <th data-bbox="1543 427 1749 539"><u>Permitted use</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="1126 539 1335 598"></td> <td data-bbox="1335 539 1543 598"></td> <td data-bbox="1543 539 1749 598"></td> </tr> </tbody> </table> <p><u>Or alternatively if the above proposal is not supported:</u></p> <p><u>Annex IIIa</u></p> <p><u>ENDOCRINE DISRUPTING SUBSTANCES AND MIXTURES PROHIBITED IN CONSUMER DETERGENTS AND SURFACTANTS</u></p> <p><u>1. The presence of substances or mixtures in the form classified under Regulation (EC) No 1272/2008 as endocrine disruption category 1 or 2 is prohibited in detergents and surfactants placed on the market for use by non-professionals.</u></p> <p><u>2. The non-intended presence of a substance or mixture referred to in point 1 that stems from impurities of natural or synthetic ingredients, or from the manufacturing process and that is</u></p>	<u>Substance</u>	<u>Classification</u>	<u>Permitted use</u>			
<u>Substance</u>	<u>Classification</u>	<u>Permitted use</u>					

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>						
	<p><u>technically unavoidable in good manufacturing practice, shall be permitted provided that the individual concentration limit of [100] mg/kg is not exceeded.</u></p> <p><u>3. By way of derogation from point 1, substances or mixtures prohibited under that point may be used in detergents or surfactants if they are listed in Table A, provided that</u></p> <p><u>a. It has been found safe by ECHA when used by non-professionals taking into account exposure from other sources.</u></p> <p><u>b. There are no suitable substances or mixtures available, as established by ECHA based on an analysis of alternatives.</u></p> <p><u>c. The substance or mixture is not prohibited for use in consumer articles under Regulation (EC) No 1907/2006.</u></p> <p><u>TABLE A - Permitted uses of substances subject to generic prohibitions under point 1 of this Annex</u></p> <table border="1" data-bbox="1126 1203 1749 1374"> <thead> <tr> <th><u>Substance</u></th> <th><u>Classification</u></th> <th><u>Permitted use</u></th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	<u>Substance</u>	<u>Classification</u>	<u>Permitted use</u>			
<u>Substance</u>	<u>Classification</u>	<u>Permitted use</u>					
<p>ANNEX IV</p>							

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Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>CONFORMITY ASSESSMENT PROCEDURE REFERRED TO IN ARTICLE 7(2)</p>	
<p>Module A - Internal production protocol</p>	
<p>1. Description of the module</p>	
<p>Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares on his or her sole responsibility that the detergent or surfactant concerned satisfy the requirements of this Regulation that apply to them.</p>	

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Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>2. Technical documentation</p>	
<p>2.1. The manufacturer shall establish the technical documentation. The documentation shall make it possible to assess conformity of the detergent or surfactant with the relevant requirements, and shall include an adequate analysis and assessment of the risks.</p>	
<p>2.2. The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and intended use of the detergent or surfactant. The technical documentation shall contain, where applicable, at least the following elements:</p>	
<p>(a) a general description of the detergent or surfactant and a description of the intended use;</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(b) the test reports demonstrating the compliance with Annex I and, where applicable, with Annexes II and III;</p>	
<p>(c) a list of test methods used to demonstrate compliance with the requirements of this Regulation ;</p>	
<p>(d) results of calculations made and examinations carried out;</p>	
<p>(e) an ingredient data sheet which meets the following requirements:</p>	
<p>(i) lists all intentionally added substances and preservatives referred to in labelled in accordance with Part A of Annex V;</p>	<p>DK (Drafting Suggestions): All intentionally added substances and preservative not covered by Part A of Annex V, shall be included with common chemical name or IUPAC name and, where available, the INCI name, and the CAS number</p>

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	<p>– no requirement for weight percentage.</p> <p>DK (Comments):</p> <p>The current rules state (in Annex VII, C.) that all ingredients must be listed in the ingredient data sheet. We would like to uphold this obligation as it ensures the traceability of all ingredients in detergents. This is an important input to the authorities ongoing work with restrictions in REACH, as it delivers information not elsewhere obtainable on the use of substances in products.</p> <p>As this is currently a requirement under Annex VII part D in REGULATION (EC) No 648/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 31 March 2004, this should not include additional expenses for industry.</p>
(ii) the common chemical name or IUPAC name and, where available, the INCI name, and the CAS number, and the European Pharmacopoeia name, is given for each ingredient;	

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Updated: 22/03/2024 17:43

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<p>(iii) all substances are listed in order of decreasing abundance by weight, and the list is sub-divided into the following weight percentage ranges:</p>	
<p>(1) 10 % or more,</p>	
<p>(2) 1 % or over, but less than 10 %,</p>	
<p>(3) 0,1 % or over, but less than 1 %,</p>	
<p>(4) less than 0,1 %.</p>	
<p>For the purposes of point (e), a perfume, an essential oil, or a colouring</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>agent shall be considered to be a single component.</p>	
<p>3. Manufacturing</p>	
<p>The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the detergent or surfactant with the technical documentation referred to in point 2 and with the requirements of this Regulation that apply to them.</p>	
<p>ANNEX V</p>	
<p>LABELLING REQUIREMENTS</p>	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>PART A – LABELLING OF CONTENTS</p>	
<p>The information to be included on the labels of detergents and surfactants made available on the market</p>	
<p>1. The weight percentage ranges ‘less than 5 %’, ‘5 % or over but less than 15 %’, ‘15 % or over but less than 30 %’, ‘30 % and more’, shall be used to indicate the content of the constituents listed below where they are added in a concentration above 0,2 % by weight:</p>	<p>DE (Drafting Suggestions): The weight percentage ranges ‘less than 5 %’, ‘5 % or over but less than 15 %’, ‘15 % or over but less than 30 %’, ‘30 % and more’, shall be used to indicate the content of the constituents listed below where they are added contained in a concentration above 0,2 % by weight:</p> <p>DE (Comments): Consequential to the proposed presidency amendment in point 2.</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
(a) phosphates,	
(b) phosphonates,	
(c) anionic surfactants,	
(d) cationic surfactants,	
(e) amphoteric surfactants,	
(f) non-ionic surfactants,	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
(g) oxygen-based bleaching agents,	
(h) chlorine-based bleaching agents,	
(i) EDTA and salts thereof,	
(j) NTA (nitrilotriacetic acid) and salts thereof,	
(k) phenols and halogenated phenols,	
(l) paradichlorobenzene,	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
(m) aromatic hydrocarbons,	
(n) aliphatic hydrocarbons,	
(o) halogenated hydrocarbons,	
(p) soap,	
(q) zeolites,	
(r) polycarboxylates.	

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>2. The following classes of constituents, if <u>contained</u>added, shall be listed irrespective of their concentration:</p>	<p>BG (Comments): We do not support the replacement of "<i>if added</i>" with "<i>if contained</i>" because we believe that we should consider the fact that the manufacturer knows what is purposefully put into the product. The use of "<i>if contained</i>" has a broader meaning and also includes the presence of unintentionally added traces of the ingredients in the product.</p> <p>HU (Comments): HU supports the compromise text.</p> <p>PT (Drafting Suggestions): The following classes of constituents, if <u>added</u>, shall be listed irrespective of their concentration:</p> <p>PT (Comments): PT does not agree with this amendment. The constituents should be listed only if they are intentionally added.</p>

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(a) enzymes,</p>	
<p>(b) micro-organisms,</p>	
<p>(c) optical brighteners,</p>	
<p>(d) perfumes.</p>	
<p>3. Preservatives shall be listed, using where possible the system referred to in Article 33 of Regulation (EC) No 1223/2009, irrespective of their concentration, provided that they meet the following conditions:</p>	<p>SE (Drafting Suggestions): 3. Preservatives shall be listed, using where possible the system referred to in Article 33 of Regulation (EC) No 1223/2009, irrespective of their concentration, provided that they meet the following</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>conditions <u>except for when preservatives are listed due to the labelling requirements for:</u></p> <p>SE (Comments):</p> <p>An alternative to our drafting suggestion.</p> <p>could be that those detergents where the labelling requirements for treated articles in the Biocidal Products Regulation (EU) No 528/2012 (BPR) will be applicable, should be labelled in accordance with BPR</p> <p>This could be achieved by keeping the COM proposal, but adding the following at the end of the last paragraph:</p> <p>“Where labelling of treated article containing a certain preservative is required in accordance with Regulation (EU) No 528/2012, those requirements shall prevail other requirements in this paragraph.”</p>
<p>(a) contribute to the qualification of the detergent as a treated article within the meaning of Article 3(1), point (l), of Regulation (EU) No 528/2012;</p>	<p>SE (Drafting Suggestions):</p> <p>(a) contribute to the qualification of the detergent as a treated article <u>articles</u> within the meaning of <u>in</u> Article 3(1), point (l) <u>58(3)</u>, of</p>

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Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	Regulation (EU) No 528/2012; <u>or</u>
(b) are labelled on a constituent of the detergent.	SE (Drafting Suggestions): (b) are labelled on a constituent of the detergent.
The condition listed in point (b) of the first subparagraph does not have to be met where preservatives do not exceed the elicitation thresholds referred to in point 3.4.3.3. / table-3.4.6. of Annex I to Regulation (EC) No 1272/2008 or they no longer have a preservation function in the final product even in synergies with other preservatives.	DE (Drafting Suggestions): The condition listed in point (b) of the first subparagraph does not have to be met where preservatives do not exceed the elicitation thresholds referred to in point 3.4.3.3. / table 3.4.6. of Annex I to Regulation (EC) No 1272/2008 DE (Comments): The reference to the CLP-thresholds should also be deleted. Trigger thresholds for contact allergic reactions are individually very different. It cannot be assumed that mandatory labelling only above the trigger thresholds defined in the CLP Regulation can protect each individual

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>from triggering contact dermatitis. Taking these considerations into account, a labelling requirement for preservatives with sensitising hazard potential, regardless of the concentration or the preservative effect present in the product, would be better suited to protect already sensitised individuals from triggering allergic contact dermatitis by giving them the opportunity to avoid the product.</p> <p>DK (Drafting Suggestions): The condition listed in point (b) of the first subparagraph does not have to be met where preservatives do not exceed a the elicitation thresholds of 1,5 mg/kg, referred to in point 3.4.3.3. / table 3.4.6. of Annex I to Regulation (EC) No 1272/2008 or they no longer have a preservation function in the final product even in synergies with other preservatives.</p> <p>DK (Comments): A large number of EU citizens are negatively affected by allergenic substances, and preservatives are known to be able to cause allergenic reactions. If a general obligation to label all carry over preservatives is</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>not possible, it should be specified that specific groups of substances used as preservatives, that are known for triggering allergenic reactions at significantly lower thresholds than the elicitation threshold in CLP (eg. isothiazolinones and formaldehyde releasers). We therefore propose a threshold for labelling of preservatives of 1,5 mg/kg as concentration of some preservatives above 1,5 mg/kg can cause allergenic reactions. Such a labelling requirement will make it possible for a sensitized person to make an informed choice and to avoid detergents containing preservatives that can cause an allergic reaction.</p> <p>EL (Comments): We support the deletion of the last sentence.</p> <p>IT (Comments): <i>Italy agrees with DK comment</i></p> <p>SE (Drafting Suggestions): The condition listed in point (b) of the first subparagraph does not have to</p>

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Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	<p>be met where preservatives that do not exceed the elicitation thresholds referred to in point 3.4.3.3. / table-3.4.6. of Annex I to Regulation (EC) No 1272/2008:</p> <p>SE (Comments): Avoid a double derogation. The wording in the proposal is a bit unclear, so we tried to clarify.</p> <p>See comment under point 3 above, explaining that another alternative is to keep the COM proposal for point 3, but with an addition in this paragraph: “Where labelling of treated article containing a certain preservative is required in accordance with Regulation (EU) No 528/2012, those requirements shall prevail other requirements in this paragraph.”</p>
<p>4. If added at concentrations exceeding 0,01 % by weight, the allergenic fragrances that are listed in entries 45, 67-92 and [X] to [X] of Annex III to Regulation (EC) No 1223/2009 <u>or have been included in</u></p>	<p>BG (Comments): We do not support the labelling requirement extension to allergenic</p>

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Updated: 22/03/2024 17:43

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<p><u>its Annex II</u>, shall be labelled using the system referred to in Article 33 of that Regulation. The first sentence shall not apply to allergenic fragrances that meet the labelling thresholds under Regulation (EC) No 1272/2008.</p>	<p>fragrances included in Annex II of Regulation (EC) No 1223/2009. Annex II is related to prohibited substances in cosmetic products and it is not relevant either to labelling, concentrations or substances in relation to detergents. There is no need for the list of substances to be further expanded.</p> <p>DE (Drafting Suggestions):</p> <p>4. If added contained at concentrations exceeding 0,01 % by weight, the allergenic fragrances that are listed in entries 45, 67-92 and [X] to [X] of Annex III to Regulation (EC) No 1223/2009 or have been included in its Annex II, shall be labelled using the system referred to in Article 33 of that Regulation. The first sentence shall not apply to allergenic fragrances that meet the labelling thresholds under Regulation (EC) No 1272/2008.</p> <p>DE (Comments):</p> <p>Consequential to the proposed presidency amendment in point 2.</p> <p>DK (Drafting Suggestions):</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>If added at concentrations exceeding 0,01 % by weight 0,001% by weight, the allergenic fragrances that are listed in entries 45, 67-92 and [X] to [X] of Annex III to Regulation (EC) No 1223/2009 <u>or have been included in its Annex II</u>, shall be labelled using the system referred to in Article 33 of that Regulation. The first sentence shall not apply to allergenic fragrances that meet the labelling thresholds under Regulation (EC) No 1272/2008.</p> <p>DK (Comments):</p> <p>In order to protect EU citizens against allergenic reactions to fragrances, the threshold should be identical with the threshold for leave on products in the cosmetics regulation. Not all users of detergents rinse their hands after using detergents, and the exposure to fragrances in laundry textiles lasts throughout the day via the textiles they wear.</p> <p>We support the proposal from the presidency to include a reference also to Annex II of Regulation (EC) No 1223/2009. Furthermore, we believe that the Commission’s claim that such a reference is not possible from a legal point of view, since Annex II lists prohibited substances, is not</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>correct. If reference may be made to substances in Annex III of Regulation (EC) No 1223/2009, such reference may also be made to substances in Annex II of that regulation. Like with substances listed in Annex II, use of the substances listed in Annex III are also prohibited except from the specific use stated in that annex. Also, some substances are listed in Annex III, though originally meant to be listed in Annex II, due to the application of the exception procedure in article 15(2) of Regulation (EC) No 1223/2009. Therefore, we believe that it is neither legally nor scientifically justified to leave out a reference to Annex II here.</p> <p>With reference to our comment to and suggestion for the deletion of the proposed article 26 (7), we would also like to stress that it is inexpedient to condition the proposed labelling requirement for detergents on a procedure adding those requirements in the Detergent’s Regulation as well. This will cause unnecessary delays and excess work. Similar problems arises, if the application of the labelling requirement depends on a reference to specific entries of the annexes in the CPR.</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>Therefore instead, the requirements should be directly applicable when listed in Annex II and III of the CPR, and reference should not be made to specific entries.</p> <p>HU (Drafting Suggestions):</p> <p>5. The requirements referred to in points 1 to 4 shall not apply to professional industrial and institutional detergents and surfactants, provided that the equivalent information to that required in those points is provided in section 15 of the safety data sheet drawn up in accordance with Article 31 of Regulation (EC) No 1907/2006.</p> <p>HU (Comments):</p> <p>In line with our position explained in the articles.</p> <p>LV (Drafting Suggestions):</p> <p>4. If added at concentrations exceeding 0,01 % by weight, the allergenic fragrances that are listed in entries 45, 67-92 and [X] to [X] of Annex III to Regulation (EC) No 1223/2009 or have been included in</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>its Annex II, shall be labelled using the system referred to in Article 33 of that Regulation. The first sentence shall not apply to allergenic fragrances that meet the labelling thresholds under Regulation (EC) No 1272/2008.</p> <p>LV (Comments): Annex II contains prohibited substances, should they be allowed in detergents?</p> <p>PL (Drafting Suggestions): If added at concentrations exceeding 0,01 % by weight, the allergenic fragrances that are listed in entries 45, 67-92 and [X] to [X] of Annex III to Regulation (EC) No 1223/2009 <u>or have been included in its Annex II</u>, shall be labelled using the system referred to in Article 33 of that Regulation. The first sentence shall not apply to allergenic fragrances that meet the labelling thresholds under Regulation (EC) No 1272/2008.</p> <p>PL (Comments): <u>PL comments:</u></p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	We think that obligation to list substances included in Annex II to Regulation (EC) No 1223/2009 on the label could raise some uncertainties and may be difficult to enforce.
5. The requirements referred to in points 1 to 4 shall not apply to professional industrial and institutional detergents and surfactants, provided that the equivalent information to that required in those points is provided in section 15 of the safety data sheet drawn up in accordance with Article 31 of Regulation (EC) No 1907/2006.	
6. In addition to the information listed in points 1 to 5, as applicable, the label of detergents containing micro-organisms shall bear the following information:	
(a) an indication or a precautionary statement that the product is not to be used on food nor surfaces in contact with food;	BG (Drafting Suggestions): (a) an indication or a precautionary statement that the product is not

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>to be used on food;</p> <p>BG (Comments):</p> <p>According to Annex II, the microorganisms contained in detergents must appear on EFSA's Qualified Presumption of Safety (QPS) List and as such meet the safety criteria. Microorganisms from this list can also enter food and be in the food chain. In this regard, we consider that the restriction not to use such detergents on surfaces in contact with food is not justified - this will limit their use in kitchens and food preparation areas, where it is necessary to use products that have deep cleaning properties and guarantee long lasting effect.</p> <p>HU (Drafting Suggestions):</p> <p>(a) an indication or a precautionary statement that the product is not to be used on surfaces in contact with food, <u>unless the microorganisms used have been assessed as safe for food applications;</u></p> <p>HU (Comments):</p> <p>The precautionary statement that product is not to be used on surfaces in contact with food should not be required when only <u>Risk Group 1</u> and</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>QPS microorganisms which are considered as safe for food applications are used. This change will drive coherence with the requirement in Annex II, point 1.</p> <p>PT (Drafting Suggestions):</p> <p>(a) an indication or a precautionary statement that the product is not to be used on surfaces in contact with food;</p> <p>PT (Comments):</p> <p>PT does not agree with the introduction of “food” in this paragraph.</p>
<p>(b) an indication of the shelf life of the product;</p>	
<p>(c) use instructions or special precautions, where relevant.</p>	
<p>PART B – LABELLING OF DOSAGE INFORMATION</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>The information to be included on the label of consumer laundry detergents and consumer automatic dishwasher detergents</p>	
<p>1. The label of consumer laundry detergents shall contain the following information:</p>	<p>DK (Drafting Suggestions): NEW point 4. The label of consumer detergents for surface cleaning shall contain the recommended dilution and use area (dosage/m²)</p> <p>DK (Comments): Dosage information is relevant for all detergents, not only for laundry and dishwashing, in order to ensure safe use. In the case of outdoor detergents, a requirement on volume/ m² will contribute to limit direct emissions to the environment. Such a requirement will also make risk assessment of detergents easier, as the concentration emitted will be informed about directly on the detergent</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(a) the recommended quantities and/or dosage instructions expressed in millilitres or grams appropriate to a standard washing machine load, for soft, medium and hard water hardness levels and making provision for one or two cycle washing processes,</p>	
<p>(b) for heavy-duty detergents, the number of standard washing machine loads of ‘normally soiled’ fabrics, and, for detergents for delicate fabrics, the number of standard washing machine loads of ‘lightly soiled’ fabrics, that can be washed with the contents of the package using water of medium hardness, corresponding to 2,5 millimoles CaCO₃/l,</p>	
<p>(c) the capacity of any measuring cup, if provided, shall be indicated in millilitres or grams, and markings shall be provided to indicate the dose of detergent appropriate for a standard washing machine load for soft, medium and hard water hardness levels,</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p align="center">Presidency compromise (6956/1/24 REV1)</p>	<p align="center">Drafting Suggestions and Comments</p>
<p>2. For the purposes of point 1, the standard washing machine loads shall be 4,5 kg dry fabric for heavy-duty detergents and 2,5 kg dry fabric for light-duty detergents. A detergent shall be considered to be a heavy-duty detergent unless the claims of the manufacturer predominantly promote fabric care, namely low temperature wash, delicate fibres and colours.</p>	
<p>3. The label of consumer automatic dishwasher detergents shall indicate the standard dosage expressed in grams or millilitres or number of tablets for the main washing cycle for normally soiled tableware in a fully loaded 12 place settings dishwasher, adjusting the standard dosage, where relevant, for soft, medium, and hard water hardness.</p>	
<p>PART C – DIGITAL LABELLING</p>	<p>DE (Drafting Suggestions): PART C – DIGITAL LABELLING</p> <p>DE (Comments):</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	All ingredients/content information referred to in part A shall always be indicated on the physical label as well and therefore may not be available only digitally (see comment on Article 16 and amendment on Article 26(9)). PART C should therefore be deleted completely.
The following content information referred to in part A, may be provided on the digital label only, in accordance with Article 16(1), second subparagraph, in the manner specified in that part:	<p>DE (Drafting Suggestions): The following content information referred to in part A, may be provided on the digital label only, in accordance with Article 16(1), second subparagraph, in the manner specified in that part:</p> <p>LV (Comments): The taxonomic identity of the microorganism should be indicated in the digital labelling, if microorganisms are indicated as a constituent of detergent according Annex V PART A point 2</p>
(a) anionic surfactants;	DE (Drafting Suggestions):

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	(a) — anionic surfactants;
(b) cationic surfactants;	DE (Drafting Suggestions): (b) — cationic surfactants;
(c) amphoteric surfactants;	DE (Drafting Suggestions): (e) — amphoteric surfactants;
(d) non-ionic surfactants;	DE (Drafting Suggestions): (d) — non-ionic surfactants;
(e) phosphates;	DE (Drafting Suggestions): (e) — phosphates;

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(f) phosphonates;</p>	<p>DE (Drafting Suggestions): (f) — phosphonates;</p>
<p>(g) soap.</p>	<p>DE (Drafting Suggestions): (g) — soap.</p>
<p>PART D – SIMPLIFIED DOSAGE INFORMATION FOR CONSUMER LAUNDRY DETERGENTS</p>	
<p>The simplified dosage grid shall contain the following information:</p>	
<p>(a) basic instructions for use, where relevant;</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(b) the recommended quantities based on medium/average water hardness and different degrees of fabric soiling; and</p>	
<p>(c) an indication of the washing machine load.</p>	
<p>ANNEX VI</p>	<p>PT (Drafting Suggestions): Delete this Annex.</p> <p>PT (Comments): Please see Chapter V.</p>
<p>PRODUCT PASSPORT</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>The product passport shall include the following information:</p>	
<p>(a) the unique product identifier of the detergent or surfactant;</p>	
<p>(b) the name, the address of the manufacturer, <u>the importer and, where relevant,</u> or the manufacturer’s authorised representative, as well the manufacturer’s unique operator identifier;</p>	<p>LT (Comments): The current organization of the economic operators (manufacturer, distributor, and importer) is sufficient to ensure that proper responsibilities are allocated through the supply chain. The addition of a new economic operator – the authorized representative – will not bring added value to the current system and might lessen the efficiency of the supply chain communication in some specific situations (e.g. in case of contract termination for the authorized representative).</p>
<p>(c) the identification of detergent or surfactant allowing traceability, including a colour image of sufficient clarity to enable the identification</p>	

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>of the detergent or surfactant;</p>	
<p>(d) the commodity code under which the detergent or surfactant is classified at the moment the product passport is created, as set out in Council Regulation (EEC) No 2658/87¹;</p>	
<p>(e) references to Union legal acts that the detergent or surfactant complies with;</p>	
<p><u>(ea) the CE marking;</u></p>	

¹ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>(f) a full list of substances intentionally added contained in the detergent or surfactant and of preservatives labelled in accordance with part A, point 3, first subparagraph, point (b), of Annex V, using the International Nomenclature of Cosmetic Ingredients, or where it is not available, the European Pharmacopoeia name and, when also the latter is not available, the common chemical name or International Union of Pure and Applied Chemists name.</p>	<p>DE (Drafting Suggestions):</p> <p>(f) a full list of substances intentionally added contained in the detergent or surfactant and of preservatives labelled in accordance with part A, point 3, first subparagraph, point (b), of Annex V, using the International Nomenclature of Cosmetic Ingredients, or where it is not available, the common chemical name or International Union of Pure and Applied Chemists name.</p> <p>DE (Comments):</p> <p>Consequential to the proposed presidency amendment in Part A point 2.</p> <p>IT (Drafting Suggestions):</p> <p>(f) a full list of substances intentionally added contained in the detergent or surfactant and of preservatives labelled...</p> <p>LV (Drafting Suggestions):</p> <p>(f) a full list of substances and microorganisms intentionally added</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>contained in the detergent or surfactant and of preservatives labelled in accordance with part A, point 3, first subparagraph, point (b), of Annex V, using the International Nomenclature of Cosmetic Ingredients, or where it is not available, the European Pharmacopoeia name and, when also the latter is not available, the common chemical name or International Union of Pure and Applied Chemists name <u>and using scientific name indicating the taxonomic identity of microorganisms.</u></p> <p>LV (Comments):</p> <p>The taxonomic identity of the microorganism should be indicated in the product passport, as information about microorganisms as an ingredient is as important as the other ingredients, if microorganisms are indicated as a constituent of detergent according Annex V PART A point 2.</p>
<p>The obligation referred to in point (f) shall not apply to professional detergents, or to surfactants for professional detergents, for which a safety data sheet referred to in Article 31 of Regulation (EC) No 1907/2006 is available.</p>	

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>ANNEX VII</p>	<p>DE (Drafting Suggestions): DEU propose the deletion of Annex VII.</p> <p>DE (Comments):</p> <ol style="list-style-type: none"> 1. Annex VII contains the reference method (confirmation test) from Annex VIII of the current EC Detergent Regulation. This test is intended as a confirmatory test for the primary biodegradation of surfactants in the context of market surveillance and is not suitable as a reference method for the ultimate aerobic biodegradation of surfactants. 2. As the present Regulation proposal, in contrast to the current EC Detergents Regulation, no longer provides for any exceptions to the ultimate biodegradation of surfactants (e.g. for bottle cleaning/metal cleaning in accordance with Annex V of the EC Detergents Regulation), Annex VII should be deleted. 3. Furthermore, it is not clear from the explanations in Article 22(2)

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p style="text-align: center;">what Annex VII is to be used for.</p> <p>SE (Drafting Suggestions): ANNEX VII</p> <p>SE (Comments): The method in this annex is not relevant in relation to the provisions on degradeability in article 4 and Annex I. It has never been used in our national enforcement. Thus we suggest that this annex is deleted.</p>
<p>TEST METHODS REFERRED TO IN ARTICLE 22(2)</p>	<p>SE (Drafting Suggestions): TEST METHODS REFERRED TO IN ARTICLE 22(2)</p>
<p>1. Reference method (confirmatory test)</p>	<p>SE (Drafting Suggestions):</p>

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Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	1. — Reference method (confirmatory test)
1.1. Definition	SE (Drafting Suggestions): 1.1. — Definition
This method describes a laboratory model of the activated sludge and secondary settler which is designed to simulate municipal sewage treatment. Improved state-of-the-art operating conditions can be applied to this test method as described in EN ISO 11733.	SE (Drafting Suggestions): This method describes a laboratory model of the activated sludge and secondary settler which is designed to simulate municipal sewage treatment. Improved state-of-the-art operating conditions can be applied to this test method as described in EN ISO 11733.
1.2. Equipment needed for measurement	SE (Drafting Suggestions): 1.2. — Equipment needed for measurement

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>The method of measurement employs the small-activated sludge plant shown in Figure 1, and in greater detail in Figure 2. The equipment consists of a sewage vessel A for synthetic sewage, dosing pump B, aeration vessel C, settling vessel D, air-lift pump E to recycle the activated sludge, and vessel F for collecting the treated effluent.</p>	<p>SE (Drafting Suggestions): The method of measurement employs the small-activated sludge plant shown in Figure 1, and in greater detail in Figure 2. The equipment consists of a sewage vessel A for synthetic sewage, dosing pump B, aeration vessel C, settling vessel D, air lift pump E to recycle the activated sludge, and vessel F for collecting the treated effluent.</p>
<p>Vessels A and F must be of glass or suitable plastic and hold at least twenty-four litres. Pump B must provide a constant flow of synthetic sewage to the aeration vessel; this vessel, during normal operation, contains three litres of mixed liquor. A sintered aeration cube G is suspended in the vessel C at the apex of the cone. The quantity of air blown through the aerator shall be monitored by means of a flow meter H.</p>	<p>SE (Drafting Suggestions): Vessels A and F must be of glass or suitable plastic and hold at least twenty four litres. Pump B must provide a constant flow of synthetic sewage to the aeration vessel; this vessel, during normal operation, contains three litres of mixed liquor. A sintered aeration cube G is suspended in the vessel C at the apex of the cone. The quantity of air blown through the aerator shall be monitored by means of a flow meter H.</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>1.3. Synthetic sewage</p>	<p>SE (Drafting Suggestions): 1.3. — Synthetic sewage</p>
<p>A synthetic sewage is employed for the test. Dissolve in each litre of tap water:</p>	<p>SE (Drafting Suggestions): A synthetic sewage is employed for the test. Dissolve in each litre of tap water:</p>
<p>– 160 mg peptone;</p>	<p>SE (Drafting Suggestions): —— 160 mg peptone;</p>
<p>– 110 mg meat extract;</p>	<p>SE (Drafting Suggestions): —— 110 mg meat extract;</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
– 30 mg urea, CO(NH ₂) ₂ ;	SE (Drafting Suggestions): —— 30 mg urea, CO(NH ₂) ₂ ;
– 7 mg sodium chloride, NaCl;	SE (Drafting Suggestions): —— 7 mg sodium chloride, NaCl;
– 4 mg calcium chloride, CaCl ₂ .2H ₂ O;	SE (Drafting Suggestions): —— 4 mg calcium chloride, CaCl ₂ .2H ₂ O;
– 2 mg magnesium sulphate, MgSO ₄ .7H ₂ O;	SE (Drafting Suggestions): —— 2 mg magnesium sulphate, MgSO ₄ .7H ₂ O;
– 28 mg of di-potassium hydrogen phosphate, K ₂ HPO ₄ ;	SE

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>(Drafting Suggestions): _____ 28 mg of di-potassium hydrogen phosphate, K₂HPO₄;</p>
<p>– and 10 ± 1 mg of the surfactant.</p>	<p>SE (Drafting Suggestions): _____ and 10 ± 1 mg of the surfactant.</p>
<p>The synthetic sewage is freshly prepared daily.</p>	<p>SE (Drafting Suggestions): The synthetic sewage is freshly prepared daily.</p>
<p>1.4. Preparation of samples</p>	<p>SE (Drafting Suggestions): 1.4. — Preparation of samples</p>
<p>Uncompounded surfactants are examined in the original state. Active content of surfactant samples must be determined in order to prepare the</p>	<p>SE (Drafting Suggestions):</p>

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Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
synthetic sewage (point 1.3).	Uncompounded surfactants are examined in the original state. Active content of surfactant samples must be determined in order to prepare the synthetic sewage (point 1.3).
1.5. Operation of equipment	SE (Drafting Suggestions): 1.5. — Operation of equipment
Initially, fill aeration vessel C and settling vessel D with synthetic sewage. The height of the vessel D should be so fixed that the volume contained in the aeration vessel C is three litres. Inoculation is made by introducing 3 ml of a secondary effluent of good quality, freshly collected from a treatment plant dealing with a predominantly domestic sewage. The effluent must be kept under aerobic conditions in the period between sampling and application. Then set the aerator G, air-lift E and dosing device B in operation. The synthetic sewage must pass through the aeration vessel C at a rate of one litre per hour; this gives a mean retention time of three hours.	SE (Drafting Suggestions): Initially, fill aeration vessel C and settling vessel D with synthetic sewage. The height of the vessel D should be so fixed that the volume contained in the aeration vessel C is three litres. Inoculation is made by introducing 3 ml of a secondary effluent of good quality, freshly collected from a treatment plant dealing with a predominantly domestic sewage. The effluent must be kept under aerobic conditions in the period between sampling and application. Then set the aerator G, air-lift E and dosing device B in operation. The synthetic sewage must pass through the

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	aeration vessel C at a rate of one litre per hour; this gives a mean retention time of three hours.
<p>The rate of aeration should be so regulated that the contents of vessel C are kept constantly in suspension and the dissolved oxygen content is at least 2 mg/l. Foaming must be prevented by appropriate means. Anti-foaming agents that inhibit the activated sludge or contain surfactants must not be used. The air-lift pump E must be set so that the activated sludge from the settling vessel is continually and regularly recycled to aeration vessel C. Sludge which has accumulated around the top of the aeration vessel C, in the base of the settling vessel D, or in the circulation circuit must be returned to the circulation at least once each day by brushing or some other appropriate means. When the sludge fails to settle, its settleability may be increased by the addition of 2 ml portions of a 5 % solution of ferric chloride, repeated as necessary.</p>	<p>SE (Drafting Suggestions): The rate of aeration should be so regulated that the contents of vessel C are kept constantly in suspension and the dissolved oxygen content is at least 2 mg/l. Foaming must be prevented by appropriate means. Anti-foaming agents that inhibit the activated sludge or contain surfactants must not be used. The air-lift pump E must be set so that the activated sludge from the settling vessel is continually and regularly recycled to aeration vessel C. Sludge which has accumulated around the top of the aeration vessel C, in the base of the settling vessel D, or in the circulation circuit must be returned to the circulation at least once each day by brushing or some other appropriate means. When the sludge fails to settle, its settleability may be increased by the addition of 2 ml portions of a 5 % solution of ferric chloride, repeated as necessary.</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>The effluent from the settling vessel D is accumulated in vessel F for twenty-four hours, following which a sample is taken after thorough mixing. Vessel F must then be carefully cleaned.</p>	<p>SE (Drafting Suggestions): The effluent from the settling vessel D is accumulated in vessel F for twenty-four hours, following which a sample is taken after thorough mixing. Vessel F must then be carefully cleaned.</p>
<p>1.6. Checking measuring equipment</p>	<p>SE (Drafting Suggestions): 1.6. — Checking measuring equipment</p>
<p>The surfactant content (in mg/l) of the synthetic sewage is determined immediately before use.</p>	<p>SE (Drafting Suggestions): The surfactant content (in mg/l) of the synthetic sewage is determined immediately before use.</p>
<p>The surfactant content (in mg/l) of the effluent collected over twenty-four hours in vessel F should be determined analytically by the same method,</p>	<p>SE (Drafting Suggestions):</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
immediately after collection: otherwise the samples must be preserved, preferably by freezing. The concentrations must be determined to the nearest 0,1 mg/l surfactant	The surfactant content (in mg/l) of the effluent collected over twenty-four hours in vessel F should be determined analytically by the same method, immediately after collection: otherwise the samples must be preserved, preferably by freezing. The concentrations must be determined to the nearest 0,1 mg/l surfactant
As a check on the efficiency of the process, the chemical oxygen demand (COD) or the dissolved organic carbon (DOC) of the glass fibre filtered effluent accumulated in vessel F and of the filtered synthetic sewage in vessel A is measured at least twice per week.	SE (Drafting Suggestions): As a check on the efficiency of the process, the chemical oxygen demand (COD) or the dissolved organic carbon (DOC) of the glass fibre filtered effluent accumulated in vessel F and of the filtered synthetic sewage in vessel A is measured at least twice per week.
The reduction in COD or DOC should level off when a roughly regular daily surfactant degradation is obtained at the end of the running-in period shown in Figure 3.	SE (Drafting Suggestions): The reduction in COD or DOC should level off when a roughly regular daily surfactant degradation is obtained at the end of the running-in period shown in Figure 3.

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
The content of dry matter in the activated sludge contained in the aeration vessel should be determined twice a week in g/l. If it is more than 2,5 g/l, the excess activated sludge must be discarded.	SE (Drafting Suggestions): The content of dry matter in the activated sludge contained in the aeration vessel should be determined twice a week in g/l. If it is more than 2,5 g/l, the excess activated sludge must be discarded.
The degradation test is performed at room temperature; this should be steady and kept between 19-24 ° C.	SE (Drafting Suggestions): The degradation test is performed at room temperature; this should be steady and kept between 19-24 ° C.
1.7. Calculation of biodegradability	SE (Drafting Suggestions): 1.7. Calculation of biodegradability
The percentage degradation of surfactant must be calculated every day on	HU

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>the basis of the surfactant content in mg/l of the synthetic sewage and of the corresponding effluent accumulated in vessel F.</p>	<p>(Comments):</p> <p>Biodegradability test methods were developed for small molecules and are not suitable for complex detergent ingredients. For example, polymers, which are used in detergents (including in soluble films for detergent capsules), are at least 10 times larger molecules than some surfactants. For this reason, biodegradability test methods used for surfactants cannot be applied to polymers and the development of new test methods is required.</p> <p>SE (Drafting Suggestions):</p> <p>The percentage degradation of surfactant must be calculated every day on the basis of the surfactant content in mg/l of the synthetic sewage and of the corresponding effluent accumulated in vessel F.</p>
<p>The degradability values thus obtained should be presented graphically as in Figure 3.</p>	<p>SE (Drafting Suggestions):</p> <p>The degradability values thus obtained should be presented graphically as in Figure 3.</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
<p>The degradability of the surfactant should be calculated as the arithmetic mean of the values obtained over the twenty-one days that follow the running-in and acclimatisation period, during which degradation has been regular and the operation of the plant trouble-free. In any event the duration of the running-in period should not exceed six weeks.</p>	<p>SE (Drafting Suggestions): The degradability of the surfactant should be calculated as the arithmetic mean of the values obtained over the twenty-one days that follow the running-in and acclimatisation period, during which degradation has been regular and the operation of the plant trouble-free. In any event the duration of the running-in period should not exceed six weeks.</p>
<p>The daily degradation values are calculated to the nearest 0,1 % but the final result is given to the nearest whole number.</p>	<p>SE (Drafting Suggestions): The daily degradation values are calculated to the nearest 0,1 % but the final result is given to the nearest whole number.</p>
<p>In some cases it may be permissible to reduce the frequency of sampling but at least fourteen results collected over the twenty-one days which follow the running-in period should be used in calculating the average.</p>	<p>SE (Drafting Suggestions): In some cases it may be permissible to reduce the frequency of sampling</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	but at least fourteen results collected over the twenty-one days which follow the running-in period should be used in calculating the average.
2. Determination of anionic surfactants in biodegradability tests	SE (Drafting Suggestions): 2. — Determination of anionic surfactants in biodegradability tests
2.1. Principle	SE (Drafting Suggestions): 2.1. — Principle
The method is based on the fact that the cationic dye methylene blue forms blue salts with anionic surfactants (MBAS), which can be extracted with chloroform. To eliminate interference, the extraction is first effected from alkaline solution and the extract is then shaken with acidic methylene blue solution. The absorbency of the separated organic phase is measured photometrically at the wavelength of maximum absorption of	SE (Drafting Suggestions): The method is based on the fact that the cationic dye methylene blue forms blue salts with anionic surfactants (MBAS), which can be extracted with chloroform. To eliminate interference, the extraction is first effected from alkaline solution and the extract is then shaken with acidic

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
650 nm.	methylene blue solution. The absorbency of the separated organic phase is measured photometrically at the wavelength of maximum absorption of 650 nm.
2.2. Reagents and equipment	SE (Drafting Suggestions): 2.2. — Reagents and equipment
2.2.1. Buffer solution pH 10	SE (Drafting Suggestions): 2.2.1. — Buffer solution pH 10
Dissolve 24 g sodium bicarbonate, NaHCO ₃ AR, and 27 g anhydrous sodium carbonate (Na ₂ CO ₃) AR in deionised water and dilute to 1000 ml.	SE (Drafting Suggestions): Dissolve 24 g sodium bicarbonate, NaHCO ₃ AR, and 27 g anhydrous sodium carbonate (Na ₂ CO ₃) AR in deionised water and dilute to 1000 ml.

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
2.2.2. Neutral methylene blue solution	SE (Drafting Suggestions): 2.2.2. Neutral methylene blue solution
Dissolve 0,35 g methylene blue AR in deionised water and dilute to 1000 ml. Prepare the solution at least twenty-four hours before use. The absorbency of the blank chloroform phase, measured against chloroform must not exceed 0,015 per 1 cm of layer thickness at 650 nm.	SE (Drafting Suggestions): Dissolve 0,35 g methylene blue AR in deionised water and dilute to 1000 ml. Prepare the solution at least twenty-four hours before use. The absorbency of the blank chloroform phase, measured against chloroform must not exceed 0,015 per 1 cm of layer thickness at 650 nm.
2.2.3. Acidic methylene blue solution	SE (Drafting Suggestions): 2.2.3. Acidic methylene blue solution
Dissolve 0,35 g methylene blue AR in 500 ml deionised water and mix with 6,5 ml H ₂ SO ₄ (d = 1,84 g/ml). Dilute to 1000 ml with deionised	SE (Drafting Suggestions):

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
water. Prepare the solution at least twenty-four hours before use. The absorbency of the blank chloroform phase, measured against chloroform must not exceed 0,015 per 1 cm of layer thickness at 650 nm.	Dissolve 0,35 g methylene blue AR in 500 ml deionised water and mix with 6,5 ml H₂SO₄ (d = 1,84 g/ml). Dilute to 1000 ml with deionised water. Prepare the solution at least twenty four hours before use. The absorbency of the blank chloroform phase, measured against chloroform must not exceed 0,015 per 1 cm of layer thickness at 650 nm.
2.2.4. Chloroform (trichloromethane) AR freshly distilled	SE (Drafting Suggestions): 2.2.4. Chloroform (trichloromethane) AR freshly distilled
2.2.5. Dodecyl benzene sulphonic acid methyl ester	SE (Drafting Suggestions): 2.2.5. Dodecyl benzene sulphonic acid methyl ester
2.2.6. Ethanolic potassium hydroxide solution, KOH 0,1 M	SE (Drafting Suggestions): 2.2.6. Ethanolic potassium hydroxide solution, KOH 0,1 M

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
2.2.7. Ethanol pure, C ₂ H ₅ OH	SE (Drafting Suggestions): 2.2.7. Ethanol pure, C₂H₅OH
2.2.8. sulphuric acid, H ₂ SO ₄ 0,5 M	SE (Drafting Suggestions): 2.2.8. sulphuric acid, H₂SO₄ 0,5 M
2.2.9. Phenolphthalein solution	SE (Drafting Suggestions): 2.2.9. Phenolphthalein solution
Dissolve 1 g phenolphthalein in 50 ml ethanol and add 50 ml deionised water while stirring continuously. Filter off any precipitate obtained.	SE (Drafting Suggestions): Dissolve 1 g phenolphthalein in 50 ml ethanol and add 50 ml deionised water while stirring continuously. Filter off any precipitate obtained.

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
2.2.10. Methanolic hydrochloric acid: 250 ml hydrochloric acid AR and 750 ml methanol	SE (Drafting Suggestions): 2.2.10. Methanolic hydrochloric acid: 250 ml hydrochloric acid AR and 750 ml methanol
2.2.11. Separating funnel, 250 ml	SE (Drafting Suggestions): 2.2.11. Separating funnel, 250 ml
2.2.12. Graduated flask, 50 ml	SE (Drafting Suggestions): 2.2.12. Graduated flask, 50 ml
2.2.13. Graduated flask, 500 ml	SE (Drafting Suggestions): 2.2.13. Graduated flask, 500 ml

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
2.2.14. Graduated flask, 1000 ml	SE (Drafting Suggestions): 2.2.14. Graduated flask, 1000 ml
2.2.15. Round-bottomed flask with ground glass stopper and reflux condenser, 250 ml; boiling granules	SE (Drafting Suggestions): 2.2.15. Round-bottomed flask with ground glass stopper and reflux condenser, 250 ml; boiling granules
2.2.16. pH meter	SE (Drafting Suggestions): 2.2.16. pH meter
2.2.17. Photometer for measurements at 650 nm, with 1 to 5 cm cells	SE (Drafting Suggestions): 2.2.17. Photometer for measurements at 650 nm, with 1 to 5 cm cells

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
2.2.18. Qualitative grade filter paper	SE (Drafting Suggestions): 2.2.18. Qualitative grade filter paper
2.3. Procedure	SE (Drafting Suggestions): 2.3. Procedure
The samples for analysis must not be taken through a layer of foam.	SE (Drafting Suggestions): The samples for analysis must not be taken through a layer of foam.
After thorough cleaning with water, the equipment used for the analysis must be thoroughly rinsed with methanolic hydrochloric acid (point 2.2.10) and then with deionised water before using.	SE (Drafting Suggestions): After thorough cleaning with water, the equipment used for the analysis must be thoroughly rinsed with methanolic hydrochloric acid (point

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	2.2.10) and then with deionised water before using.
Filter the activated sludge plant influent and effluent to be examined immediately on sampling. Discard the first 100 ml of the filtrates.	SE (Drafting Suggestions): Filter the activated sludge plant influent and effluent to be examined immediately on sampling. Discard the first 100 ml of the filtrates.
Place a measured volume of the sample, neutralised if necessary, into a 250 ml separating funnel (point 2.2.11). The volume of sample should contain between 20 and 150 g of MBAS. At the lower MBAS content, up to 100 ml of sample may be used. When using less than 100 ml, dilute to 100 ml with deionised water. Add to the sample 10 ml of buffer solution (point 2.2.1), 5 ml of neutral methylene blue solution (point 2.2.2) and 15 ml of chloroform (point 2.2.4). Shake the mixture uniformly and not too vigorously for one minute. After phase separation, run the chloroform layer into a second separating funnel, containing 110 ml of deionised water and 5 ml of acidic methylene blue solution (point 2.2.3). Shake the mixture for one minute. Pass the chloroform layer through a cotton-wool	SE (Drafting Suggestions): Place a measured volume of the sample, neutralised if necessary, into a 250 ml separating funnel (point 2.2.11). The volume of sample should contain between 20 and 150 g of MBAS. At the lower MBAS content, up to 100 ml of sample may be used. When using less than 100 ml, dilute to 100 ml with deionised water. Add to the sample 10 ml of buffer solution (point 2.2.1), 5 ml of neutral methylene blue solution (point 2.2.2) and 15 ml of chloroform (point 2.2.4). Shake the mixture uniformly and not too vigorously for one minute. After phase separation, run the chloroform layer into a second separating funnel, containing 110 ml of deionised

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
filter previously cleaned and wetted with chloroform into a graduated flask (point 2.2.12).	water and 5 ml of acidic methylene blue solution (point 2.2.3). Shake the mixture for one minute. Pass the chloroform layer through a cotton wool filter previously cleaned and wetted with chloroform into a graduated flask (point 2.2.12).
Extract the alkaline and acid solutions three times, using 10 ml of chloroform for the second and third extractions. Filter the combined chloroform extracts through the same cotton wool filter and dilute to the mark in the 50 ml flask (point 2.2.12) with chloroform used for rewashing the cotton wool. Measure the absorbency of the chloroform solution with a photometer at 650 nm in 1 to 5 cm cells against chloroform. Run a blank determination through the whole procedure.	SE (Drafting Suggestions): Extract the alkaline and acid solutions three times, using 10 ml of chloroform for the second and third extractions. Filter the combined chloroform extracts through the same cotton wool filter and dilute to the mark in the 50 ml flask (point 2.2.12) with chloroform used for rewashing the cotton wool. Measure the absorbency of the chloroform solution with a photometer at 650 nm in 1 to 5 cm cells against chloroform. Run a blank determination through the whole procedure.
2.4. Calibration curve	SE (Drafting Suggestions): 2.4. — Calibration curve

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
<p>Prepare a calibration solution from the standard substance dodecylbenzene sulphonic acid methyl ester (tetrapropylene type mol. wt. 340) after saponification into the potassium salt. The MBAS is calculated as sodium dodecyl benzene sulphonate (mol. wt. 348).</p>	<p>SE (Drafting Suggestions): Prepare a calibration solution from the standard substance dodecylbenzene sulphonic acid methyl ester (tetrapropylene type mol. wt. 340) after saponification into the potassium salt. The MBAS is calculated as sodium dodecyl benzene sulphonate (mol. wt. 348).</p>
<p>From a weighing pipette, weigh 400 to 450 mg of dodecyl-benzene-sulphonic-acid-methyl-ester (point 2.2.5) to the nearest 0,1 mg in a round-bottomed flask and add 50 ml of ethanolic potassium hydroxide solution (point 2.2.6) and some boiling granules. After mounting the reflux condenser, boil for one hour. After cooling, wash the condenser and ground glass joint with about 30 ml of ethanol, and add these washings to the contents of the flask. Titrate the solution with sulphuric acid against phenolphthalein until it becomes colourless. Transfer this solution to a 1000 ml graduated flask (point 2.2.14), dilute to the mark with deionised water and mix.</p>	<p>SE (Drafting Suggestions): From a weighing pipette, weigh 400 to 450 mg of dodecyl benzene-sulphonic-acid-methyl-ester (point 2.2.5) to the nearest 0,1 mg in a round-bottomed flask and add 50 ml of ethanolic potassium hydroxide solution (point 2.2.6) and some boiling granules. After mounting the reflux condenser, boil for one hour. After cooling, wash the condenser and ground glass joint with about 30 ml of ethanol, and add these washings to the contents of the flask. Titrate the solution with sulphuric acid against phenolphthalein until it becomes colourless. Transfer this solution to a</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
	<p>1000 ml graduated flask (point 2.2.14), dilute to the mark with deionised water and mix.</p>
<p>Part of this surfactant stock solution is then further diluted. Withdraw 25 ml, transfer to a 500 ml graduated flask (point 2.2.13), dilute to the mark with deionised water and mix.</p>	<p>SE (Drafting Suggestions): Part of this surfactant stock solution is then further diluted. Withdraw 25 ml, transfer to a 500 ml graduated flask (point 2.2.13), dilute to the mark with deionised water and mix.</p>
<p>This standard solution contains:</p>	<p>SE (Drafting Suggestions): This standard solution contains:</p>
<p style="text-align: center;"><u>E x 1,023 mg MBAS per ml</u> 20 000</p>	<p>SE (Drafting Suggestions): <del style="text-align: center;"><u>E x 1,023 mg MBAS per ml</u> 20 000</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>where E is the sample weight in mg.</p>	<p>SE (Drafting Suggestions): where E is the sample weight in mg.</p>
<p>To establish the calibration curve, withdraw 1, 2, 4, 6, 8 ml portions of the standard solution and dilute each to 100 ml with deionised water. Then proceed as stated under point 2.3 including a blank determination.</p>	<p>SE (Drafting Suggestions): To establish the calibration curve, withdraw 1, 2, 4, 6, 8 ml portions of the standard solution and dilute each to 100 ml with deionised water. Then proceed as stated under point 2.3 including a blank determination.</p>
<p>2.5. Calculation of results</p>	<p>SE (Drafting Suggestions): 2.5. — Calculation of results</p>
<p>The amount of anionic surfactant (MBAS) in the sample is read from the</p>	<p>SE</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
calibration curve (point 2.4). The MBAS content of the sample is given by:	(Drafting Suggestions): The amount of anionic surfactant (MBAS) in the sample is read from the calibration curve (point 2.4). The MBAS content of the sample is given by:
$\frac{\text{mg MBAS} \times 1000}{V} = \text{MBAS mg/l}$	SE (Drafting Suggestions): $\frac{\text{mg MBAS} \times 1000}{V} = \text{MBAS mg/l}$
where: V = ml volume of the sample used.	SE (Drafting Suggestions): where: V = ml volume of the sample used.
Express the results as sodium dodecylbenzene sulphonate (MW 348).	SE (Drafting Suggestions):

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	Express the results as sodium dodecylbenzene sulphonate (MW 348).
2.6. Expression of results	SE (Drafting Suggestions): 2.6. — Expression of results
Express the results as MBAS mg/l to the nearest 0,1.	SE (Drafting Suggestions): Express the results as MBAS mg/l to the nearest 0,1.
3. Determination of non-ionic surfactants in biodegradation test liquors	SE (Drafting Suggestions): 3. — Determination of non-ionic surfactants in biodegradation test liquors
3.1. Principle	SE (Drafting Suggestions):

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	3.1. Principle
Surface active agents are concentrated and isolated by gas stripping. In the sample used, the quantity of non-ionic surfactant should be in the range 250-800 g.	SE (Drafting Suggestions): Surface active agents are concentrated and isolated by gas stripping. In the sample used, the quantity of non-ionic surfactant should be in the range 250-800 g.
The stripped surfactant is dissolved in ethyl acetate.	SE (Drafting Suggestions): The stripped surfactant is dissolved in ethyl acetate.
After phase separation and evaporation of the solvent, the non-ionic surfactant is precipitated in aqueous solution with modified Dragendorff reagent (KBiI ₄ + BaCl ₂ + glacial acetic acid).	SE (Drafting Suggestions): After phase separation and evaporation of the solvent, the non-ionic surfactant is precipitated in aqueous solution with modified Dragendorff reagent (KBiI₄ + BaCl₂ + glacial acetic acid).

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
<p>The precipitate is filtered, washed with glacial acetic acid and dissolved in ammonium tartrate solution. The bismuth in the solution is titrated potentiometrically with pyrrolidinedithiocarbamate solution at pH 4-5 using a bright platinum indicator electrode and a calomel or silver/silver chloride reference electrode. The method is applicable to non-ionic surfactants containing 6-30 alkylene oxide groups.</p>	<p>SE (Drafting Suggestions): The precipitate is filtered, washed with glacial acetic acid and dissolved in ammonium tartrate solution. The bismuth in the solution is titrated potentiometrically with pyrrolidinedithiocarbamate solution at pH 4-5 using a bright platinum indicator electrode and a calomel or silver/silver chloride reference electrode. The method is applicable to non-ionic surfactants containing 6-30 alkylene oxide groups.</p>
<p>The titration result is multiplied by the empirical factor of 54 for conversion to the reference substance nonylphenol condensed with 10 mols ethylene oxide (NP 10).</p>	<p>SE (Drafting Suggestions): The titration result is multiplied by the empirical factor of 54 for conversion to the reference substance nonylphenol condensed with 10 mols ethylene oxide (NP 10).</p>
3.2. Reagents and Equipment	SE

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	(Drafting Suggestions): 3.2. — Reagents and Equipment
Reagents are to be made up in deionised water.	SE (Drafting Suggestions): Reagents are to be made up in deionised water.
3.2.1. Pure ethyl acetate, freshly distilled.	SE (Drafting Suggestions): 3.2.1. — Pure ethyl acetate, freshly distilled.
3.2.2. Sodium bicarbonate, NaHCO ₃ AR.	SE (Drafting Suggestions): 3.2.2. — Sodium bicarbonate, NaHCO ₃ AR.
3.2.3. Dilute hydrochloric acid [20 ml concentrated acid (HCl) diluted to 1000 ml with water]	SE (Drafting Suggestions):

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	3.2.3. Dilute hydrochloric acid [20 ml concentrated acid (HCl) diluted to 1000 ml with water]
3.2.4. Methanol AR, freshly distilled, stored in a glass bottle.	SE (Drafting Suggestions): 3.2.4. Methanol AR, freshly distilled, stored in a glass bottle.
3.2.5. Bromocresol purple, 0,1 g in 100 ml methanol.	SE (Drafting Suggestions): 3.2.5. Bromocresol purple, 0,1 g in 100 ml methanol.
3.2.6. Precipitating agent: the precipitating agent is a mixture of two volumes of solution A and one volume of solution B. The mixture is stored in a brown bottle and can be used for up to one week after mixing.	SE (Drafting Suggestions): 3.2.6. Precipitating agent: the precipitating agent is a mixture of two volumes of solution A and one volume of solution B. The mixture is stored in a brown bottle and can be used for up to one week after mixing.

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
3.2.6.1. Solution A	SE (Drafting Suggestions): 3.2.6.1. ——— Solution A
Dissolve 1,7 g bismuth nitrate, BiONO ₃ .H ₂ O AR, in 20 ml glacial acetic acid, and make up to 100 ml with water. Then dissolve 65 g potassium iodide AR in 200 ml water. Mix these two solutions in a 1000 ml measuring flask, add 200 ml glacial acetic acid (point 3.2.7) and make up to 1000 ml with water.	SE (Drafting Suggestions): Dissolve 1,7 g bismuth nitrate, BiONO₃.H₂O AR, in 20 ml glacial acetic acid, and make up to 100 ml with water. Then dissolve 65 g potassium iodide AR in 200 ml water. Mix these two solutions in a 1000 ml measuring flask, add 200 ml glacial acetic acid (point 3.2.7) and make up to 1000 ml with water.
3.2.6.2. Solution B	SE (Drafting Suggestions): 3.2.6.2. ——— Solution B
Dissolve 290 g barium chloride, BaCl ₂ .2H ₂ O AR, in 1000 ml of water.	SE

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	(Drafting Suggestions): Dissolve 290 g barium chloride, BaCl ₂ ·2H ₂ O AR, in 1000 ml of water.
3.2.7. Glacial acetic acid 99-100 % (lower concentrations are unsuitable).	SE (Drafting Suggestions): 3.2.7. Glacial acetic acid 99-100 % (lower concentrations are unsuitable).
3.2.8. Ammonium tartrate solution: mix 12,4 g tartaric acid AR and 12,4 ml of ammonia solution AR (d = 0,910 g/ml) and make up to 1000 ml with water (or use the equivalent amount of ammonium tartrate AR).	SE (Drafting Suggestions): 3.2.8. Ammonium tartrate solution: mix 12,4 g tartaric acid AR and 12,4 ml of ammonia solution AR (d = 0,910 g/ml) and make up to 1000 ml with water (or use the equivalent amount of ammonium tartrate AR).
3.2.9. Dilute ammonia solution: 40 ml ammonia solution AR (d = 0,910 g/ml) diluted to 1000 ml with water.	SE (Drafting Suggestions): 3.2.9. Dilute ammonia solution: 40 ml ammonia solution AR (d = 0,910

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	g/ml) diluted to 1000 ml with water.
3.2.10. Standard acetate buffer: dissolve 40 g solid sodium hydroxide AR, in 500 ml water in a beaker and allow to cool. Add 120 ml glacial acetic acid (point 3.2.7). Mix thoroughly, cool and transfer to a 1000 ml volumetric flask. Make up to the mark with water.	SE (Drafting Suggestions): 3.2.10. Standard acetate buffer: dissolve 40 g solid sodium hydroxide AR, in 500 ml water in a beaker and allow to cool. Add 120 ml glacial acetic acid (point 3.2.7). Mix thoroughly, cool and transfer to a 1000 ml volumetric flask. Make up to the mark with water.
3.2.11. Pyrrolidinedithiocarbamate solution (known as 'carbate solution'): dissolve 103 mg sodium pyrrolidinedithiocarbamate, C ₅ H ₈ NNaS ₂ .2H ₂ O, in about 500 ml water, add 10 ml of n-amyl alcohol AR and 0,5 g NaHCO ₃ AR, and make up to 1000 ml with water.	SE (Drafting Suggestions): 3.2.11. Pyrrolidinedithiocarbamate solution (known as 'carbate solution'): dissolve 103 mg sodium pyrrolidinedithiocarbamate, C₅H₈NNaS₂.2H₂O, in about 500 ml water, add 10 ml of n-amyl alcohol AR and 0,5 g NaHCO₃ AR, and make up to 1000 ml with water.
3.2.12. Copper sulphate solution (for standardisation of point 3.2.11).	SE

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	(Drafting Suggestions): 3.2.12. Copper sulphate solution (for standardisation of point 3.2.11).
STOCK SOLUTION	SE (Drafting Suggestions): STOCK SOLUTION
Mix 1,249 g copper sulphate, CuSO ₄ .5H ₂ O AR, with 50 ml 0,5 M sulphuric acid and make up to 1000 ml with water.	SE (Drafting Suggestions): Mix 1,249 g copper sulphate, CuSO ₄ .5H ₂ O AR, with 50 ml 0,5 M sulphuric acid and make up to 1000 ml with water.
STANDARD SOLUTION	SE (Drafting Suggestions): STANDARD SOLUTION
Mix 50 ml stock solution with 10 ml 0,5 M H ₂ SO ₄ and make up to 1000	SE

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
ml with water.	(Drafting Suggestions): Mix 50 ml stock solution with 10 ml 0,5 M H ₂ SO ₄ and make up to 1000 ml with water.
3.2.13. Sodium chloride AR.	SE (Drafting Suggestions): 3.2.13. Sodium chloride AR.
3.2.14. Gas-stripping apparatus (see Figure 5). The diameter of the sintered disc must be the same as the internal diameter of the cylinder.	SE (Drafting Suggestions): 3.2.14. Gas stripping apparatus (see Figure 5). The diameter of the sintered disc must be the same as the internal diameter of the cylinder.
3.2.15. Separating funnel, 250 ml.	SE (Drafting Suggestions): 3.2.15. Separating funnel, 250 ml.

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
3.2.16. Magnetic stirrer with magnet 25-30 mm.	SE (Drafting Suggestions): 3.2.16. Magnetic stirrer with magnet 25-30 mm.
3.2.17. Gooch crucible, diameter of the perforated base = 25 mm, Type G4.	SE (Drafting Suggestions): 3.2.17. Gooch crucible, diameter of the perforated base = 25 mm, Type G4.
3.2.18. Circular glass-fibre filter papers, 27 mm diameter with fibre diameter 0,3-1,5 m.	SE (Drafting Suggestions): 3.2.18. Circular glass fibre filter papers, 27 mm diameter with fibre diameter 0,3-1,5 m.
3.2.19. Two filter flasks with adapters and rubber collars, 500 and 250 ml respectively.	SE (Drafting Suggestions): 3.2.19. Two filter flasks with adapters and rubber collars, 500 and 250 ml

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	respectively.
3.2.20. Recording potentiometer fitted with a bright platinum indicator electrode and a calomel or silver/silver chloride reference electrode with a 250 mV range, with automatic burette of 20-25 ml capacity, or alternative manual equipment.	SE (Drafting Suggestions): 3.2.20. Recording potentiometer fitted with a bright platinum indicator electrode and a calomel or silver/silver chloride reference electrode with a 250 mV range, with automatic burette of 20-25 ml capacity, or alternative manual equipment.
3.3. Method	SE (Drafting Suggestions): 3.3. Method
3.3.1. Concentration and separation of the surfactant	SE (Drafting Suggestions): 3.3.1. Concentration and separation of the surfactant

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
Filter the aqueous sample through a qualitative filter paper. Discard the first 100 ml of the filtrate.	SE (Drafting Suggestions): Filter the aqueous sample through a qualitative filter paper. Discard the first 100 ml of the filtrate.
Into the stripping apparatus, previously rinsed with ethyl acetate, place a measured quantity of the sample, such that it contains between 250-800 g non-ionic surfactant.	SE (Drafting Suggestions): Into the stripping apparatus, previously rinsed with ethyl acetate, place a measured quantity of the sample, such that it contains between 250-800 g non-ionic surfactant.
To improve the separation add 100 g sodium chloride and 5 g sodium bicarbonate.	SE (Drafting Suggestions): To improve the separation add 100 g sodium chloride and 5 g sodium bicarbonate.
If the volume of the sample exceeds 500 ml, add these salts to the	SE

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>stripping apparatus in solid form, and dissolve by passing nitrogen or air through.</p>	<p>(Drafting Suggestions): If the volume of the sample exceeds 500 ml, add these salts to the stripping apparatus in solid form, and dissolve by passing nitrogen or air through.</p>
<p>If a smaller-sized sample is used, dissolve the salts in 400 ml water and then add to the stripping apparatus.</p>	<p>SE (Drafting Suggestions): If a smaller-sized sample is used, dissolve the salts in 400 ml water and then add to the stripping apparatus.</p>
<p>Add water to bring the level to the upper stopcock.</p>	<p>SE (Drafting Suggestions): Add water to bring the level to the upper stopcock.</p>
<p>Cautiously add 100 ml ethyl acetate on top of the water.</p>	<p>SE (Drafting Suggestions): Cautiously add 100 ml ethyl acetate on top of the water.</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
Fill the wash-bottle in the gas-line (nitrogen or air) two-thirds full with ethyl acetate.	SE (Drafting Suggestions): Fill the wash-bottle in the gas-line (nitrogen or air) two-thirds full with ethyl acetate.
Pass a gas stream of 30-60 l/h through the apparatus; the use of a flowmeter is recommended. The rate of aeration must be increased gradually at the beginning. The gas rate must be so adjusted that the phases remain noticeably separate to minimise the mixing of the phases and the solution of the ethyl acetate in the water. Stop the gas flow after five minutes.	SE (Drafting Suggestions): Pass a gas stream of 30-60 l/h through the apparatus; the use of a flowmeter is recommended. The rate of aeration must be increased gradually at the beginning. The gas rate must be so adjusted that the phases remain noticeably separate to minimise the mixing of the phases and the solution of the ethyl acetate in the water. Stop the gas flow after five minutes.
If there is a reduction of more than 20 % in the volume of the organic phase through solution in water, the sublation must be repeated paying	SE (Drafting Suggestions):

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>special attention to the rate of gas flow.</p>	<p>If there is a reduction of more than 20 % in the volume of the organic phase through solution in water, the sublation must be repeated paying special attention to the rate of gas flow.</p>
<p>Run off the organic phase into a separating funnel. Return any water in the separating funnel from the aqueous phase — it should only be a few ml — to the stripping apparatus. Filter the ethyl acetate phase through a dry qualitative filter paper into a 250 ml beaker.</p>	<p>SE (Drafting Suggestions): Run off the organic phase into a separating funnel. Return any water in the separating funnel from the aqueous phase — it should only be a few ml — to the stripping apparatus. Filter the ethyl acetate phase through a dry qualitative filter paper into a 250 ml beaker.</p>
<p>Put a further 100 ml ethyl acetate into the stripping apparatus and again pass nitrogen or air through for five minutes. Draw off the organic phase into the separating funnel used for the first separation, reject the aqueous phase and run the organic phase through the same filter as the first ethyl acetate portion. Rinse both the separating funnel and the filter with about 20 ml ethyl acetate.</p>	<p>SE (Drafting Suggestions): Put a further 100 ml ethyl acetate into the stripping apparatus and again pass nitrogen or air through for five minutes. Draw off the organic phase into the separating funnel used for the first separation, reject the aqueous phase and run the organic phase through the same filter as the first ethyl acetate portion. Rinse both the separating funnel and the filter with about</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	20 ml ethyl acetate.
Evaporate the ethyl acetate extract to dryness using a water-bath (fume cupboard). Direct a gentle stream of air over the surface of the solution to accelerate the evaporation.	SE (Drafting Suggestions): Evaporate the ethyl acetate extract to dryness using a water-bath (fume cupboard). Direct a gentle stream of air over the surface of the solution to accelerate the evaporation.
3.3.2. Precipitation and filtration	SE (Drafting Suggestions): 3.3.2. Precipitation and filtration
Dissolve the dry residue from 3.3.1 in 5 ml methanol, add 40 ml water and 0,5 ml dilute HCl (point 3.2.3) and stir the mixture with a magnetic stirrer.	SE (Drafting Suggestions): Dissolve the dry residue from 3.3.1 in 5 ml methanol, add 40 ml water and 0,5 ml dilute HCl (point 3.2.3) and stir the mixture with a magnetic stirrer.

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
<p>To this solution add 30 ml of precipitating agent (point 3.2.6) from a measuring cylinder. The precipitate forms after repeated stirring. After stirring for ten minutes leave the mixture to stand for at least five minutes.</p>	<p>SE (Drafting Suggestions): To this solution add 30 ml of precipitating agent (point 3.2.6) from a measuring cylinder. The precipitate forms after repeated stirring. After stirring for ten minutes leave the mixture to stand for at least five minutes.</p>
<p>Filter the mixture through a Gooch crucible, the base of which is covered with a glass-fibre filter paper. First wash the filter under suction with about 2 ml glacial acetic acid. Then thoroughly wash the beaker, magnet, and crucible with glacial acetic acid, of which about 40-50 ml is necessary. It is not necessary to quantitatively transfer the precipitate adhering to the sides of the beaker, to the filter, because the solution of the precipitate for the titration is returned to the precipitating beaker, and the remaining precipitate will then be dissolved.</p>	<p>SE (Drafting Suggestions): Filter the mixture through a Gooch crucible, the base of which is covered with a glass-fibre filter paper. First wash the filter under suction with about 2 ml glacial acetic acid. Then thoroughly wash the beaker, magnet, and crucible with glacial acetic acid, of which about 40-50 ml is necessary. It is not necessary to quantitatively transfer the precipitate adhering to the sides of the beaker, to the filter, because the solution of the precipitate for the titration is returned to the precipitating beaker, and the remaining precipitate will then be dissolved.</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
3.3.3. Dissolution of the precipitate	SE (Drafting Suggestions): 3.3.3. Dissolution of the precipitate
Dissolve the precipitate in the filter crucible by the addition of hot ammonium tartrate solution (about 80 ° C) (point 3.2.8) in three portions of 10 ml each. Allow each portion to stand in the crucible for some minutes before being sucked through the filter into the flask.	SE (Drafting Suggestions): Dissolve the precipitate in the filter crucible by the addition of hot ammonium tartrate solution (about 80 ° C) (point 3.2.8) in three portions of 10 ml each. Allow each portion to stand in the crucible for some minutes before being sucked through the filter into the flask.
Put the contents of the filter flask into the beaker used for the precipitation. Rinse the sides of the beaker with a further 20 ml of tartrate solution to dissolve the rest of the precipitate.	SE (Drafting Suggestions): Put the contents of the filter flask into the beaker used for the precipitation. Rinse the sides of the beaker with a further 20 ml of tartrate solution to dissolve the rest of the precipitate.

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
Carefully wash the crucible, adapter and filter flask with 150-200 ml water, and return the rinsing water to the beaker used for the precipitation.	SE (Drafting Suggestions): Carefully wash the crucible, adapter and filter flask with 150-200 ml water, and return the rinsing water to the beaker used for the precipitation.
3.3.4. The titration	SE (Drafting Suggestions): 3.3.4. The titration
Stir the solution using a magnetic stirrer (point 3.2.16), add a few drops of bromocresol purple (point 3.2.5) and add the dilute ammonia solution (point 3.2.9) until the colour turns violet (the solution is initially weakly acid from the residue of acetic acid used for rinsing).	SE (Drafting Suggestions): Stir the solution using a magnetic stirrer (point 3.2.16), add a few drops of bromocresol purple (point 3.2.5) and add the dilute ammonia solution (point 3.2.9) until the colour turns violet (the solution is initially weakly acid from the residue of acetic acid used for rinsing).

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
Then add 10 ml standard acetate buffer (point 3.2.10), immerse the electrodes in the solution, and titrate potentiometrically with standard 'carbate solution' (point 3.2.11), the burette tip being immersed in the solution.	SE (Drafting Suggestions): Then add 10 ml standard acetate buffer (point 3.2.10), immerse the electrodes in the solution, and titrate potentiometrically with standard 'carbate solution' (point 3.2.11), the burette tip being immersed in the solution.
The titration rate should not exceed 2 ml/min.	SE (Drafting Suggestions): The titration rate should not exceed 2 ml/min.
The endpoint is the intersection of the tangents to the two branches of the potential curve.	SE (Drafting Suggestions): The endpoint is the intersection of the tangents to the two branches of the potential curve.

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Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>It will be observed occasionally that the inflection in the potential curve becomes flattened; this can be eliminated by carefully cleaning the platinum electrode (by polishing with emery paper).</p>	<p>SE (Drafting Suggestions): It will be observed occasionally that the inflection in the potential curve becomes flattened; this can be eliminated by carefully cleaning the platinum electrode (by polishing with emery paper).</p>
<p>3.3.5. Blank determinations</p>	<p>SE (Drafting Suggestions): 3.3.5. Blank determinations</p>
<p>At the same time run a blank determination through the whole procedure with 5 ml methanol and 40 ml water, according to the instructions in point 3.3.2. The blank titration should be below 1 ml, otherwise the purity of the reagents (points 3.2.3, 3.2.7, 3.2.8, 3.2.9, 3.2.10) is suspect, especially their content of heavy metals, and they must be replaced. The blank must be taken into account in the calculation of the results.</p>	<p>SE (Drafting Suggestions): At the same time run a blank determination through the whole procedure with 5 ml methanol and 40 ml water, according to the instructions in point 3.3.2. The blank titration should be below 1 ml, otherwise the purity of the reagents (points 3.2.3, 3.2.7, 3.2.8, 3.2.9, 3.2.10) is suspect, especially their content of heavy metals, and they must be replaced. The blank must be taken into account in the calculation of the results.</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
3.3.6. Control of the factor of the 'carbate solution'	SE (Drafting Suggestions): 3.3.6. Control of the factor of the 'carbate solution'
Determine the factor for the carbate solution on the day of use. To do this, titrate 10 ml of the copper sulphate solution (point 3.2.12) with 'carbate solution' after the addition of 100 ml water and 10 ml standard acetate buffer (point 3.2.10). If the amount used is a ml, the factor f is:	SE (Drafting Suggestions): Determine the factor for the carbate solution on the day of use. To do this, titrate 10 ml of the copper sulphate solution (point 3.2.12) with 'carbate solution' after the addition of 100 ml water and 10 ml standard acetate buffer (point 3.2.10). If the amount used is a ml, the factor f is:
$f = \frac{10}{a}$	SE (Drafting Suggestions): $\del{f = \frac{10}{a}}$

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
and all the results of the titration are multiplied by this factor.	SE (Drafting Suggestions): and all the results of the titration are multiplied by this factor.
3.4. Calculation of results	SE (Drafting Suggestions): 3.4.— Calculation of results
Every non-ionic surfactant has its own factor, depending on its composition, particularly on the length of the alkene oxide chain. The concentration of non-ionic surfactant is expressed in relation to a standard substance — a nonyl phenol with ten ethylene oxide units (NP 10) — for which the conversion factor is 0,054.	SE (Drafting Suggestions): ———— Every non-ionic surfactant has its own factor, depending on its composition, particularly on the length of the alkene oxide chain. The concentration of non-ionic surfactant is expressed in relation to a standard substance — a nonyl phenol with ten ethylene oxide units (NP 10) — for which the conversion factor is 0,054.

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>Using this factor the amount of surfactant present in the sample is found expressed as mg of NP 10 equivalent, as follows:</p>	<p>SE (Drafting Suggestions): Using this factor the amount of surfactant present in the sample is found expressed as mg of NP 10 equivalent, as follows:</p>
<p>(b — c) xfx 0,054 = mg non-ionic surfactant as NP 10</p>	<p>SE (Drafting Suggestions): (b — c) xfx 0,054 = mg non-ionic surfactant as NP 10</p>
<p>where:</p>	<p>SE (Drafting Suggestions): where:</p>
<p>b = volume of ‘carbate solution’ used by the sample (ml),</p>	<p>SE (Drafting Suggestions): b = volume of ‘carbate solution’ used by the sample (ml),</p>

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>c = volume of ‘carbate solution’ used by the blank (ml),</p>	<p>SE (Drafting Suggestions): e ——— = ——— volume of ‘carbate solution’ used by the blank (ml),</p>
<p>f = factor of the ‘carbate solution’.</p>	<p>SE (Drafting Suggestions): f ——— = ——— factor of the ‘carbate solution’.</p>
<p>3.5. Expression of results</p>	<p>SE (Drafting Suggestions): 3.5. — Expression of results</p>
<p>Express the results in mg/l as NP 10 to the nearest 0,1.</p>	<p>SE (Drafting Suggestions): Express the results in mg/l as NP 10 to the nearest 0,1.</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>Figure 1 Activated sludge plant: overviews</p>	<p>SE (Drafting Suggestions): Figure 1 Activated sludge plant: overviews</p>
<p>A Storage vessel</p>	<p>SE (Drafting Suggestions): A — Storage vessel</p>
<p>B Dosing device</p>	<p>SE (Drafting Suggestions): B — Dosing device</p>
<p>C Aeration chamber (three litres capacity)</p>	<p>SE (Drafting Suggestions): C — Aeration chamber (three litres capacity)</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>D Settling vessel</p>	<p>SE (Drafting Suggestions): D — Settling vessel</p>
<p>E Air-lift pump</p>	<p>SE (Drafting Suggestions): E — Air-lift pump</p>
<p>F Collector</p>	<p>SE (Drafting Suggestions): F — Collector</p>
<p>G Sintered aerator</p>	<p>SE (Drafting Suggestions): G — Sintered aerator</p>

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

<p style="text-align: center;">Presidency compromise (6956/1/24 REV1)</p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>H Air-flow meter</p>	<p>SE (Drafting Suggestions): H — Air-flow meter</p>
<p>I Air</p>	<p>SE (Drafting Suggestions): I — Air</p>
<p>Figure 2 Activated sludge plant: detail (dimensions in millimetres)</p>	<p>SE (Drafting Suggestions): Figure 2 Activated sludge plant: detail (dimensions in millimetres)</p>
<p>A Liquid level</p>	<p>SE (Drafting Suggestions): A — Liquid level</p>

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Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
B Hard PVC	SE (Drafting Suggestions): B — Hard PVC
C Glass or waterproof plastic (hard PVC)	SE (Drafting Suggestions): C — Glass or waterproof plastic (hard PVC)
Figure 3 Calculation of biodegradability - Confirmatory test	SE (Drafting Suggestions): Figure 3 Calculation of biodegradability – Confirmatory test
A Running-in period	SE (Drafting Suggestions): A — Running in period
B Period used for calculation (twenty-one days)	SE

From: AT, BG, DE, DK, EL, FI, FR, HU, IE, IT, LT, LV, PL, PT, SE, SK

Updated: 22/03/2024 17:43

Presidency compromise (6956/1/24 REV1)	Drafting Suggestions and Comments
	(Drafting Suggestions): B — Period used for calculation (twenty one days)
C Readily biodegradable surfactant	SE (Drafting Suggestions): C — Readily biodegradable surfactant
D Surfactant not readily biodegradable	SE (Drafting Suggestions): D — Surfactant not readily biodegradable
E Biodegradation (%)	SE (Drafting Suggestions): E — Biodegradation (%)
F Time (days)	SE (Drafting Suggestions): F — Time (days)

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Updated: 22/03/2024 17:43

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