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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals)
Subject:	Regulation on detergents : Questions to MSs based on the discussions from 5th and 6th ITM

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Questions to MS for WP on 14/04 based on the discussions from 5th and 6th ITM

Following the technical meetings on 7th and 9th of April 2025 the Presidency would like to present briefly the outcome of further talks with Parliament and the Commission on the draft regulation on detergents.

Delegations can find on WK 4585 2025 INIT REV1 the updated 4-column table after these two meetings.

The Presidency is asking Member States in terms of **possible flexibility** of the proposed compromises prepared in the 4th column of the table.

Article 2 (definitions)

Article 2, first paragraph, point (34a) | Line 128a – new drafting on definition of model, link changing models with changing labels, shouldn't be connected with ingredients data sheet because it changes quite frequently to be operational. Commission and Parliament prefer referring to Annex V. Council have doubts on that, as we have in Council Mandate reference to Annex IV ingredients' data sheet. Combining the content of the rows 128a-f, **could Member States consider the reference to Annex V?**

(34a) 'model' means a type of detergents or surfactants all of whose units meet the following conditions:
- they have the same manufacturer and are placed on the market under the same trade name;
- they have the same content, in accordance with Part A of Annex V, and are manufactured using the same manufacturing processes;
- where applicable, they are subject to the same classification under Regulation (EC) No 1272/2008; and
- they are defined by a type number or other element allowing them to be identified as a group;

Annex V

Annex V, point 6 | Line 505-506 New Commission proposal cconnected with new point 8a of Annex II with methodology [mentioned in Commission discussion paper on micro-organisms]. Commission adds new element – new requirement on risk assessment. Parliament is open to include reference to food. **Would Member States be open to consider the new amendment in point a)?**

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Annex V
LABELLING REQUIREMENTS
PART A – LABELLING OF CONTENTS
6. In addition to the information listed in points 1 to 4, 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 on surfaces in contact with food, unless if the product has been found safe for such applications on the basis of the risk assessment referred to in point 8a of Annex II;

Annex V, point 7(b) | Line 513 New Commission proposal refers to information on dosage in case of the detergent in refill format. **Would Member States consider to be flexible on new drafting proposal?**

Annex V, point 7(b) | Line 515 New Commission proposal on short wash cycle, that is important in relation to phosphorus content. According to Commission, standard washing machine loads should also refer to short cycles, otherwise it will not be adjusted to current habits of EU citizens. As a result, such provision will require a new definition of 'heavy duty detergents for short cycles', including to avoid the risk of abuse. To make it clearer, the Commission will also come forward with proposals to modify provisions on phosphorus to cater for these short cycles detergents.

***2**. For the purposes of point 1, the standard washing machine loads shall be 4,5 kg dry fabric for heavy-duty detergents, **2,5 kg dry fabric for heavy duty detergents for short cycles** 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.*

Article 17 (digital labelling)

Article 17(1), point (d) | Line 244 New Commission proposal which is in line with TSR (Toy Safety Regulation).

Article 17(1) point (g), in connection with Article 15(5) | Line 232 and 247 Commission flagged that on language regime it is better to use wording from NLF and TSR: *a language which can be easily understood*. **Presidency suggests to accept the standard wording on language regime in order to maintain compliance between regulations.**

Article 17(4) | Line 254 The Parliament can drop their deletion and is open on Council amendment, Commission flagged that Council amendment is a deviation form CLP. The Commission states that it would take this into account when adopting the relevant delegated act. **In the light of the Commission justification, would Member States be open to drop Council amendment?**

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Article 17(5) | Line 258 The Council proposes the term "without delay" in relation to the information obligations of economic operators. The European Parliament supports the amendment, while the Commission points out the inconsistency with the provisions of the CLP regulation. Additionally, this topic will be covered in the future in the delegated act. **In the light of the Commission justification, would Member States be open to drop Council amendment?**

Annex V Part III PART C – DIGITAL LABELLING

Annex V, point 7(b) | Line 518 – 519 The Commission suggested new drafting proposal. The Parliament believes that the provisions on digital labelling should be removed because they want all this information to be included on the physical label. Presidency indicated that it is important that the proposed regulations should not contradict the idea of increasing the readability of the physical label. The Commission suggest new wording which refers to individual packaging provisions:

1. *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,* ***for detergents or surfactants made available on the market in individual packaging*** ~~*in the manner specified in that part:*~~

Annex V, New rows 525a-525b The Commission suggest new structure of Annex V which is to consist of 3 points. First one is mentioned in rows 518-525 refers to individual packaging provisions, whereas a new proposal: points 2 referring to digital label for refill detergent and point 3 on dosage information for consumer laundry detergent on digital label, to will be inserted in rows 525a-525b. **Could Member States accept new proposal and to what extent?**

2. For detergents and surfactants in refill format, the content information referred to in part A, may be provided on the digital label only, with the exception of points 3 and 4.

3. For consumer laundry detergents, the dosage information in accordance with point 1(a) and (b) of part B of Annex V may be provided on the digital label only, if a simplified dosage grid as set out in part D of Annex V is provided on the physical label.

Article 15 (data carriers for the DPP and the digital label)

Article 15(2) | Line 223 New wording from the Commission, it relates to discussion on line 272 (deletion of data carrier).

Article 18 (DPP)

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Article 18(3), | Line 272 last sentence deleted due to alignment with TSR, Parliament is open the addition 252-253 272-274, 275a all these requirements are now in one place, so to delete these lines.

f) available/visible to the *consumer or other end-users* before any purchase and to market surveillance authorities, including, where applicable, in cases where the detergent [or end-user surfactant] is made available through distance sales ~~*on the main page of the online product page.*~~

Article 18(-1), | Line 261a The Commission has doubts as the Parliament amendment is not aligned with TSR and ESPR and as it is part of the broader discussion on application date. The Commission has also legal concerns on application date and linking it with implementing acts.

Article 18(2), point (c) | Line 265 New drafting proposal from Commission, reference to Annex VI,

(c) ~~*it shall*~~ contain at least the ~~*information included*~~***data set out*** in **Part A of** Annex VI;

Article 18(2), point (f) | Line 268 The Parliament's intention in this line was to make the DPP accessible to all, that's why they add wording "*easily*" and wanted to be in line with ESPR. The Commission would prefer to have a text as it is in TSR. **Could Member States be open on new wording from Commission based on TSR?**

(f) be accessible ***to consumers or other end-users,*** *market surveillance authorities, customs authorities, the Commission and other economic operators* ***in accordance with the access rights set out pursuant to Article 18 (9)****;*

Annex VI (PART A, Information to be included in the DPP)

Annex VI, | Line 532a The new wording of the title proposed by the EC has been adopted

„PART A, Information to be included in the digital product passport"

Annex VI, | Line 535a The new wording of the title proposed by the Commission has been adopted, mentioned *digital product passport service provider*

"(ba). The reference to the digital product passport service provider hosting the back-up copy of the digital product passport"

Annex VI, | Line 539 The Commission referred to technical aspects of the digital product passport, such as the addition of the word "intentionally" - a distinction between product contamination and an ingredient added intentionally. This is because you can have ingredients

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and impurities in a product – and what makes the difference between them is the intention. According to the Commission, it is important to keep this provision, because if it is not there it will be hard to test detergents. In addition, the EC does not see the added value in the Council's proposal, where it refers to the content given in percentage [%] ranges designed for constituents (group of substances) rather than to single substance. Commission does not also support listing ingredients according to CAS, INCI, or other, which is more strict obligation than in CLP regulation. **Would the Member States be ready to show some flexibility and to what extent?**

Annex VI, | Line 539b The Commission supported the addition of a list of micro-organisms in the DPP, noting that these should be micro-organisms "intentionally" added to the detergent. **Can delegations show openness to adding the word "intentionally" to the phrase "added micro-organisms" to the Council's mandate?**

Annex VI, | Line 539c Due to the possibility of duplication with other provisions, this issue remains unresolved. The Commission has indicated that information on composition will be a part of the Safety Data Sheet and should not be in the DPP. In addition, such an obligation creates an unnecessary burden.

Annex VI, | Line 540a-b The Commission adds a new heading and proposes voluntary information that can be displayed in the DPP:
"PART B
Information which may be provided in the digital product passport

The digital product passport may include the labelling elements referred to in Article 15, paragraphs (3) and (4)."

Article 19 (technical design and operation of product passport)

Article 19, first paragraph, point (ba) | Line 289a The Commission has doubts on purpose of the Parliament addition as it is also deviation from ESPR and TSR. The Parliament intention was to make it most accessible to different users, it is from user perspective and in ESPR it is recital. The Parliament will reconsider and come back with new wording.

Article 19a (Portal web for DPP) | Line 293c-293d For coherence with TSR, where such provision were not proposed, the Commission suggest to delete it.

Article 19 b | Line 289e-j The Commission proposed to add new article on data carrier and unique product identifier which is in line with TSR and ESPR.

New Commission proposals

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Taking into account discussion paper on micro-organisms provided by the Commission in document WK 4604 2025 INIT **Could Member States show openness to the proposed amendments and to what extent?**

Annex VII | line 541-711 The Commission raised the issue of Annex VII testing methods, which does not seem to be useful any longer. For checking the biodegradability of surfactants, the market surveillance authorities should use the same testing methods as the ones indicated in Annex I. Presidency also suggest to delete Annex VII. **Could Member States show some flexibility in this respect?**

Article 2, first paragraph, point (6) | Line 93 The Commission proposed some adjustment to the cleaning definition to accommodate the inclusion of micro-organisms. **Would Member States be open to the proposed amendment?**

*"'cleaning' means the process by which an undesirable deposit is **degraded or** dislodged from a substrate or from within a substrate and brought into a state of solution or dispersion;"*

Article 2, first paragraph, point (11) | Line 98 The Commission made small correction of their proposal in definition of surfactant:

*"'surfactant' means any organic substance or mixture **contained or to be** 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:"*

Article 4(2) | Line 136-141 According to the Commission proposal, Presidency suggest to adjust the provisions referring surfactants which are active substances in disinfectants as follow:

"2. Paragraph 1 shall not apply to 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:
*(a) 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, **or included into Annex I to that Regulation**;*
(b) the surfactants are included in the review programme as set out in Commission Delegated Regulation (EU) No 1062/2014;
*(c) the surfactants are constituents of **disinfectants** which may be made available on the market or used in accordance with Article 55 of Regulation (EU) No 528/2012."*

Annex VIa The Commission also proposed Annex VIa in document **WK 4604 2025 INIT** on commodity code. **Could the Member States be open to the proposed amendments?**