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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals)
Subject:	Regulation on detergents : Questions to MSs for WP on 24/04 based on the discussions from 7th ITM

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Questions to MS for WP on 24/04 based on the discussions from 7th ITM

Following the technical meetings on 11th 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 4999/2025 INIT the updated 4-column table after this meeting.

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

Article 1 (subject matter)

Article 1(2), point (ca), Line 82a Parliament can agree with the Council's amendment, underlining that every sector should follow the Urban Waste Water Treatment. The Commission is against this addition, arguing that it either:

- Has no value, because there is no overlap between the requirements for products set out in regulation on detergents and UWWTD; or
- Is problematic, if it is intended to enable future UWWTD provisions on phosphorous to override the standards laid down in this Regulation.

Article 2 (definitions)

Article 2, first paragraph, point (11) | Line 98 On this point, the Commission underlines the need for a clarification that surfactants are not only contained in the detergent, but can also be sold separately with a view to being used in detergents. The lawyer linguists will work on the phrasing.

*"'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:"*

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Article 4 (Biodegradability)

Article 4(2), | Line 136-141 A new drafting proposal from the Commission refers to the Biocidal Products Regulation (BPR), which contains definitions as well as a list of approved active substances and surfactants.

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: (current row 136)
(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 in Annex I to that Regulation; (current row 138)
(b) the surfactants are included in the review programme as set out in Commission Delegated Regulation (EU) No 1062/2014; (current row 139)
(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. (current row 141)

The Presidency suggests that delegations accept the compromise proposal as above.

Article 4(2a-b), | Line 141a-d The EP is open to the Commission's proposal (see WK 5045/2025 INIT) regarding the deadlines, favouring a longer transitional period of 4 years for row 355c, and a shorter period of 2 years for the delegated act. The Presidency suggests to accept the compromise proposal.

The Commission stressed that, in the case of polymers, a REACH restriction on intentionally added microplastics already exists. However, the polymers currently under discussion are not covered by that definition. Overall, within REACH, there is insufficient scientific information on the specific risks related to these substances. No targeted measures exist, no testing methods have been developed, and the Commission could accept the Parliament's proposal to carry out an assessment without setting a deadline.

Regarding organic substances, there has been no impact assessment and no scientific analysis to determine which substances are being considered in the scope. There is a need to better identify the associated risks, and significant knowledge gaps remain.
At the request of the Presidency, the Commission is working on a compromise proposal for wording