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NOTE

From:	German Delegation
To:	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals)
N° prev. doc.:	ST 8697/23, CM 2899/23
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (CLP Revision) - Non-Paper on Article 35 by Germany

German proposal for an amendment to Article 35 paragraph 2 subparagraph 4 of the CLP-regulation

Article 35 paragraph 2 subparagraph 4 is replaced by the following:

„Where a liquid consumer-detergent, as defined in Article 2(1) of Regulation (EC) No 648/2004 of the European Parliament and of the Council¹, is contained in a soluble packaging for single use, the additional requirements of section 3.3 of Annex II shall apply.“

Consequential change in Annex II Section 3.3:

The term "laundry detergents" is replaced by the term "detergents" in each case.

Reasoning:

Compared to liquid consumer laundry detergents packaged in water-soluble films, liquid detergents for automatic dishwashers for private households packaged in water-soluble films have been available on the market only for a short time. The latter are currently not covered by the requirements of the CLP Regulation, as it only addresses liquid consumer laundry detergents. This type of products for consumer automatic dishwasher detergents is still relatively new on the market. However, it is to be expected that its market share will increase. Therefore, a similar number of poisoning cases can be expected as when liquid detergents packaged in water-soluble films were introduced. For precautionary reasons, and in particular to protect children, poisoning incidents that may be caused by this particular type of product need to be prevented. The extension of the scope of Article 35 paragraph 2 subparagraph 4 to „detergents“ serves the purpose of covering future product developments as well.

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) [currently in the recast process].