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WK 6561/2025 INIT

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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals)
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 (Text with EEA relevance): - Questions to MS for WP on 20/05 based on the discussions from 9th ITM

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Questions to MS for WP on 20/05 based on the discussions from 9th ITM

Following the technical meetings on 14th of May 2025 the Presidency would like to present briefly the outcome of further talks with Parliament and the Commission on the draft regulation on detergents.

A preliminary agreement was found on lines: 82a, 97, 102a, 135, 136, 137, 138, 139, 140, 141, 141b ,141c, 161, 162, 163, 163a, 163b, 163c, 163d,163e, 163i, 163j, 167, 168,168a, 169, 171a,171c, 173, 175, 175b, 190, 229, 258c, 258d, 258e, 258f, 258g, 258h, 258i, 258j, 344, 345,348, 349,350, 351,3352, 353, 354, 354a, 354b, 354c, 355, 355c, 355d, 355e, 355f, 355g, 356, 356a, 358a, 362, 363, 364, 367, 381, 383, 384d, 423a, 423b, 424, 425, 426, 427, 433c, 433d, 438a,b,c,d, 439, 440, 442, 456, 463, 468,503,530b.

The discussion at this working group will be based on lines, where further discussion is still required.

Delegations can find in **WK 6388 2025 INIT** the updated 4-column table after that meeting and discussion paper – drafting suggestions WK 6381/2025 REV1.

The Presidency would like to ask the Member States to indicate possible flexibilities on the proposed compromises prepared in the 4th column of the table.

Rows:
159 – Commission redrafted proposal, the Presidency suggests to accept the new Commission proposal (drafting proposal in doc. WK 6381/2025 REV1)

175c – this row is connected with row 159, the Presidency suggests to accept the new Commission proposal (drafting proposal in doc. WK 6381/2025 REV1)

355a – there are two amendments made by the Parliament, marked in purple. On potential endocrine disrupting effect and non- animal testing. Presidency pointed that in case of chemicals, endocrine disruption is already covered by CLP criteria. On the other hand, the Commission pointed out that if the intention of EP was to cover potential endocrine effects caused by microorganism, it is premature to insert it to the regulation due to the lack of scientific basis. In case of non-animal new approach methodologies, the availability of such methods is limited and there is a risk of delaying the adoption of the risk assessment methodology. **Can Member States show any flexibility towards the Parliament's proposal and to what extent?**

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6a. By [30 months from the entry into force of this Regulation] the Commission shall adopt a delegated act in accordance with Article 27 amending point 8a in Annex II by setting out a methodology for a risk assessment at strain level and product level under all foreseeable use conditions as claimed by the manufacturer.

The methodology shall contain the criteria to determine that the detergent is safe for human health and the environment, including the dermal and respiratory sensitisation potential of products in a spray format potential endocrine-disrupting effects, and potential risks in case of ingestion of detergents used on food or on surfaces in contact with food.

The methodology shall be established by using non-animal new approach methodologies, without prejudice to any other relevant Union law, and shall not prevent the use of historical data.

See also Commission drafting proposal in doc. WK 6381/2025 REV1.

384a – the Parliament proposed new amendment (marked in purple). Would delegations be in a position to support the EP's proposal in row 384a concerning the inclusion of a list of pathogenic micro-organisms and the effects of micro-organisms intentionally added to detergents on urban wastewater treatment processes?

i. As regards detergents containing micro-organisms, the list of micro-organisms or strains of micro-organisms allowed or banned in detergents in Annex II, in particular the list of pathogenic micro-organisms and the effects of micro-organisms intentionally added to detergents on urban wastewater treatment processes, and the suitability of the other paragraphs of Annex II to ensure the safety of these products for health and the environment;

See also Commission drafting proposal in doc. WK 6381/2025 REV1.

384c – the Parliament is open to the Council's amendment, but would like to propose a compromise text that would include the content of its proposal in point (f) of row 382. **In view of EP's openness, would delegations be able to support a merging of the content of point (f) in row 382in a compromise text in row 384c?**

506 - Based on the discussions that took place during our previous WP the word "food" was deleted. According to the Commission, regulation on food business operators is not relevant for consumer so there is no duplication and food should be reintroduced. This row should be in line with provisions in row 355a.

232a – the Commission suggests full deletion of this row, as it refers to conflict with UCPD (Art. 6), already covering misleading claims; Green Claims Directive seen as not relevant here. The Parliament showed openness to dropping first part, keeping only wording on avoiding misleading consumers and wishes to revisit in connection with Art. 6a.

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→ Could delegations consider supporting deletion or, alternatively, keeping only the second part on misleading claims, in line with EP position?

5a. Without prejudice to Directive .../... [Directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims (Green Claims Directive) COM/2023/166 final] ~~*, the label of detergents and surfactants may report the fact that no animal tests have been carried out only if the manufacturer and its suppliers, where this information can be identified by the manufacturer with all reasonable efforts, have not carried out or commissioned any animal tests on the finished detergent or surfactant, or its prototype, or any of the ingredients contained in it, or used any ingredients that have been tested on animals by others for the purpose of developing new detergents or surfactants.*~~ ***the label may only report the fact that the detergent or surfactant is 'vegan' or 'animal-free' if no animal-derived ingredients or animal by-products have been used in the production and development of the detergent or surfactant.***

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324a -the Parliament is flexible to take Council proposal, but needs final confirmation, the Commission has concerns with the examination procedure and stressed out that implementing act should not be adopted in accordance with the examination procedure as it will lengthen the procedure. **Given the procedural concerns raised regarding the use of the examination procedure, could delegation consider deletion of row 324a?**

470b – connected with row 269, Commission unsure about the need for technical documentation; EP suggests deletion or limitation. **Would Member States support deletion of mentioning technical documentation?**