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NOTE

From:	LU delegation
To:	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals)
N° prev. doc.:	ST 6965/24 REV1
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 by LU



Objet : Proposal for a Regulation of the European Parliament and of Council on detergent and surfactants, amending Regulation (EU) 2019/1020 and repealing Regulation (EC) No648/2004
WPT on 29 April 2024 Presidency Steering Note
Comments by Luxembourg

Cluster 1 – Product requirements

LU agrees with the proposal and supports a strong regulation towards detergents and surfactants in order to guarantee an appropriate protection of the environment.

1) General provisions

2) Definitions of detergents

LU agrees with the proposal.

3) Biodegradability

LU supports a strengthening of the biodegradability criteria. Today, a high number of methods to certify biodegradability pose problems f.i regarding comparability or transparency. In our eyes, a uniform and standardized method is absolutely required.

4) Microorganisms

LU supports a holistic risk assessment approach regarding micro-organisms used in detergents. Micro-organisms should not pose a risk towards other living organisms, neither in surface water nor in wastewater treatment plants.

5) Phosphate and phosphorus

LU supports the PRES in maintaining their proposal for additional efforts regarding the limits of phosphate contained in consumer laundry and dishwasher detergents. In LU there are cases where P-containing surfactants with anti-corrosive properties are used in cooling systems, directly in the cooling water. Sooner or later these cooling waters end up in wastewater treatment plants or surface waters, where in both cases, they cause problems.

It is however impossible for us at this stage to evaluate the impact of the proposed concentration limits. Therefore, LU would be favorable towards an approach of a progressive reduction of the P-concentrations.

6) Delegation's non-paper regarding the better protection of consumers and the environment from harmful substances in detergents

LU is sharing the general concerns raised in the non-paper, but favours addressing horizontal provisions within the REACH regulation where restrictions should be handled (example: CNR Cat.2). Indeed, restrictions should be handled under the horizontal regulation to avoid discrepancies between different categories of products. Coming back to the above-mentioned example, a ban under the new detergent regulation would lead to a ban of CMR Cat.2 for detergents, but not for other products with similar exposure/risk profile not falling under the detergent's regulation.

LU does not see the necessity to introduce a review clause to assess the developments of relevance to detergents under REACH/CLP. Detergents are already considered.

Cluster 2 – NLF and market surveillance

1) Authorised Representative



No comment

2) Rules and conditions for affixing the CE marking

LU has a negative scrutiny reserve on the proposed suppression of the obligation for a CE marking on the label and introduction on the product passport. In our view, the CE marking is an important reference for consumers. We are concerned about creating a precedent for other products.

3) Conformity assessment procedure

LU supports the idea of risk assessments during the “placing on the market” phase, so that only products without negative impacts will be available. A risk assessment which is closely linked to the labelling allows to take measures aiming at the source and avoid ex post remediation measures when deterioration has occurred or the need to define environmental standards.

Cluster 4 – Labelling and digital labelling

1) Refill

2) Labelling

LU insists that a clear labelling is important. Equally important is that these informations is available in a accessible and transparent manner. LU approves the proposal to have a complete list in which all the major components necessary to assess a potential impact on surface waters and water in general are listed.

i. Labelling of preservatives

ii. Labelling of allergenic fragrances

The preference of LU is for “option C” . Fragrances substances must be eliminated in wastewater by quaternary treatment steps. Such treatments are however according to the new Urban Wastewater Treatment Directive under negotiation, limited to water treatment plant with capacities above 150K inhabitant equivalents. The ban in detergents as proposed by the PRES will limit costs for waster water treatment and limit the impacts on water bodies.

iii. Labelling of dosage information

See LU general comments above (point 2).

Cluster 4 – Product passport

LU supports the proposed product passport and any improvement regarding its accessibility and exhaustiveness.

During the permit granting process for industrial sites, LU often encounters the problem that industrial representants are not capable of handing out product safety data sheet or other relevant information regarding the chemical nature of the substances they use. Very often this concerns “by-product” used for cleaning, additives used in the process, or any other substance mixed in at some point (e.g. cooling water additives). These substances are very often part of the detergent/surfactant family.