



Council of the European Union
General Secretariat

Brussels, 28 May 2024

**Interinstitutional files:
2023/0124 (COD)**

WK 7527/2024 ADD 1

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NOTE

From:	BG delegation
To:	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals)
N° prev. doc.:	ST 9522/24
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 BG

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General comments		
2023/0124 (COD)		
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)		
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		
Having regard to the Treaty on the Functioning		

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of the European Union, and in particular Article 114 thereof,		
Having regard to the proposal from the European Commission,		
After transmission of the draft legislative act to the national parliaments,		
Having regard to the opinion of the European Economic and Social Committee ¹ ,		
Acting in accordance with the ordinary legislative procedure,		
Whereas:		
(1) The conditions for placing and making		

¹ OJ C , , p. .

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<p>available on the market of detergents and surfactants for detergents have been harmonised through Regulation (EC) No 648/2004 of the European Parliament and of the Council¹. <u>The harmonised requirements of this regulation were related to the particular conditions of use and the disposal of detergent with wastewater.</u></p>		
<p>(2) The Commission evaluation of Regulation (EC) No 648/2004² concluded that overall that Regulation has achieved its objectives to a large extent. However, the evaluation also identified a number of weaknesses and areas for further improvement. In recent years, the regulatory framework for chemicals has changed radically creating a lack of coherence and duplications in the rules</p>		

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).

² Evaluation of Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents (SWD(2019)298).

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<p>applicable to detergents and notably their information requirements. There is therefore a need to ensure consistency and to eliminate the duplicated information requirements.</p>		
<p>(3) New market developments, in particular the development of detergents containing micro-organisms and the refill sale of detergents have emerged that are either completely or partially not covered by Regulation (EC) No 648/2004. <u>Regarding online sales, several surveys show that the number of products offered for sale via the Internet is increasing and this type of sale poses particular enforcement issues where there is no responsible operator established in the European Union.</u> On the other hand, digitalisation offers opportunities for simplification, burden reduction and increased ease of use and understandability of safety and use information that are currently missed. It is therefore necessary to take account of the newly</p>		

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emerged products and practices and step up the digitalisation efforts in line with the overarching objectives of the Union especially in terms of sustainability, green and digital transition.		
<p>(4) The Fitness Check of the most relevant chemicals legislation¹ (excluding Regulation (EC) No 1907/2006 of the European Parliament and of the Council²) highlighted the complexity of the Union regulatory framework for chemicals and attributed it to the large number of product and sector specific pieces of legislation with embedded links with each other.</p> <p><u>It pointed out that enforcement issues are reported by market surveillance authorities concerning products coming to the EU from</u></p>		

¹ Fitness Check of the most relevant chemicals legislation (excluding REACH), SWD(2019)199

² Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

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<p><u>third countries through online sales.</u> It also pointed out that there is room for simplification in the communication of information of overcrowded labels to product users, and found that the use of innovative tools for communicating product information is currently not being taken advantage of. It is, therefore, necessary that the current rules are simplified to reduce burden for economic operators, improve consumer understanding and facilitate market surveillance. Regulation (EC) No 648/2004 should therefore be replaced.</p>		
<p>(5) Decision No 768/2008/EC of the European Parliament and of the Council¹ lays down common principles and reference provisions intended to apply across sectoral legislation in order to provide a coherent basis</p>		

¹ Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).

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<p>for a revision of that legislation. The new legal framework for detergents and surfactants should be aligned to the extent possible to those common principles and reference provisions.</p>		
<p>(6) In order to ensure legal certainty and a level playing field for economic operators, the definition of detergent should cover all products falling in the scope of harmonisation, including the newly developed detergents containing intentionally added micro-organisms. The definition should also cover products for cleaning the surface of fruits and vegetables.</p>		
<p>(7) Since surfactants are primarily sold in business-to-business transactions in order to be used in the manufacturing of detergents, they do not need to be subject to the same requirements as detergents. Therefore, minimum rules for surfactants should be laid down, namely rules on ultimate biodegradability, a minimum set of</p>		

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labelling information and the obligation of economic operators to draw up a technical documentation and to create a <u>digital</u> product passport.		
<p>(8) <u>Since the European Green Deal has set a goal to protect better human health and the environment as part of an ambitious approach to tackle pollution from all sources and move towards a toxic-free environment.</u></p> <p>This Regulation should complement existing rules set out in other legislative instruments.</p>		
<p><u>(8b) Since the EU already has one of the most comprehensive and protective regulatory frameworks for chemicals, supported by the most advanced knowledge base globally. Therefore this regulation and</u></p> <p>should not affect the application of existing Union legislation relating to aspects of protection of health, of safety and of the</p>		

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<p>environment not covered by this Regulation. This Regulation should, in particular, apply without prejudice to Regulation (EC) No 1907/2006, Regulation (EU) No 528/2012 of the European Parliament and of the Council¹ and to Regulation (EC) No 1272/2008 of the European Parliament and of the Council².</p>		
<p>(9) Surfactants are surface-active agents that help break down the interface between water and oils or dirt. They are one of the main ingredients used in detergents. Surfactants could, however, pose a risk to the environment as they are discharged into sewage systems or directly into surface waters. To prevent any adverse effects that surfactants could have on</p>		

¹ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

² Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

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<p>the environment, it is necessary to set requirements ensuring that surfactants, and some others substances including polymers, are completely and readily biodegradable either when placed on the market on their own and intended for use in detergents or when contained in detergents.</p>		
<p>(10) Phosphorus is an other key ingredient used in detergents. However, phosphorus and its compounds could cause damage to ecosystems and aquatic environments as they contribute to eutrophication. To further ensure a high level of protection of the environment, and reduce the contribution of detergents to that phenomenon, it is necessary to establish harmonised limits on the content of phosphates and phosphorus compounds in consumer laundry and consumer automatic dishwasher detergents. Similar limitations are not required for other types of detergents either because their contribution is</p>		

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not significant or because suitable alternatives are currently not available.		
<p>(11) In recent years, novel cleaning products have been developed that contain living micro-organisms as active ingredients. Micro-organisms have their own biology and response to the environment. Due to their ability to proliferate, there is a clear difference between conventional and microbial detergents. Therefore, the inherent hazards and arising risks are not necessarily of the same nature as those presented by chemicals, especially in relation to the capacity of micro-organisms to persist and multiply in different environments and to produce a range of different metabolites and toxins of potential toxicological significance.</p>		
<p>(12) Since micro-organisms are not subject to registration under Regulation (EC) No 1907/2006 or any other Union legislation</p>		

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<p>requiring manufacturers to demonstrate that the intended use is safe, they should be eligible for use in detergents only to the extent that they have been clearly identified and supported by data demonstrating that their use is safe, and subject to specific requirements governing their safety. Harmonised rules governing the safety of micro-organisms in detergents as well as relevant test methods for economic operators to demonstrate compliance with those rules should, therefore, be established. Restrictions are required on the format in which detergents containing micro-organisms are placed on the market when sensitising ingredients are included in their composition. To ensure a high level of protection of human health, even for sensitised persons, dDetergents containing micro-organisms and which are placed on the market in a spray format should, therefore, be <u>subject to specific provisions restricted to industrial and institutional detergents, under</u></p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-30deg);">PUBLIC</p>	

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<p><u>conditions ensuring their safe use</u> found safe for use in this format.</p>		
<p>(13) To ensure a high level of protection of the aspects of public interest, and to guarantee fair competition on the internal market, economic operators should be responsible for the compliance of detergents or surfactants with this Regulation, in relation to their respective roles in the supply chain. Whenever appropriate, manufacturers and importers should carry out sample testing of the detergents and surfactants that they have made available on the market, in order to protect the health and safety of consumers and the environment.</p>		
<p>(14) All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the Union market detergents and surfactants which are in conformity with</p>		

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<p>this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each economic operator in the supply and distribution chain.</p>		
<p>(15) In order to enable economic operators to demonstrate and the competent authorities to verify that detergents and surfactants made available on the market comply with the requirements of this Regulation, it is necessary to provide for a conformity assessment procedure. Decision No 768/2008/EC establishes modules for conformity assessment procedures, from the least stringent to the most stringent, in proportion to the level of risk involved and the level of safety required. In order to ensure inter-sectoral coherence and to avoid ad-hoc variants, Decision No 768/2008/EC specifies that conformity assessment procedures should be chosen from</p>		

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among those modules.		
<p>(16) The manufacturer, having detailed knowledge of the design and production process, is best placed to ensure compliance of the detergent or surfactant with the requirements of this Regulation. Manufacturers, <u>or their authorised representatives where applicable,</u> should therefore be solely responsible for <u>the</u> carrying out <u>of</u> the conformity assessment procedure for detergents and surfactants. Module A should be applicable for the conformity assessment of detergents and surfactants. Manufacturers, <u>or their authorised representatives where applicable,</u> should also put together a technical dossier demonstrating compliance of the detergent or surfactant with the relevant rules and test methods.</p>		<p>The authorised representative cannot be responsible for carrying out of the conformity assessment because this shall be made only by the manufacturer.</p> <p>The recital has to be alined to the deletion of art.8(3aa).</p>
<p>(17) To facilitate compliance of the manufacturers with their obligations under this</p>		

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<p>Regulation, manufacturers established in the Union should be allowed to appoint an authorised representative <u>established in the European Union and liable for product compliance.</u> to carry out specific tasks on their behalf. Moreover, to ensure a clear and proportionate distribution of responsibilities between the manufacturer and the authorised representative it is necessary to set out the list of tasks that manufacturers should be allowed to entrust the authorised representative with. Further, t <u>To ensure the enforceability and effectiveness of the market surveillance requirements and that only compliant detergents and surfactants are placed on the Union market, there should always be an entity established in the Union responsible for liaising with market surveillance authorities and for ensuring compliance with aspects of this Regulation. To this end, manufacturers established outside the European Union</u></p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-30deg);">PUBLIC</p>	

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<p><u>should appoint an authorised representative established in the European Union in respect of detergents and surfactants placed on the market without an importer. This is the case, for instance, where a third country manufacturer places the product directly on the market directly via distance sale, including via online market places.</u></p>		
<p>the appointment of an authorised representative should be mandatory when the manufacturer is established outside of the Union.</p>		
<p>(18) With a view to facilitating the communication between economic operators, market surveillance authorities and consumers, economic operators should, as part of their contact details, indicate and keep up to date a website address in addition to the postal address.</p>		
<p>(19) In order to safeguard the functioning of</p>		

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<p>the internal market and to ensure that the objective of providing a high level of protection of health and the environment is achieved, it is necessary to establish that detergents and surfactants from third countries entering the Union market, <u>including via online sales</u>, also comply with this Regulation. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those products. It is also necessary to lay down rules for importers to ensure that the detergents and surfactants they place on the market comply with those requirements and that the documentation drawn up by manufacturers and, where relevant, the CE marking are is available for inspection by the competent national authorities. Provision should also be made for importers to ensure that a <u>digital</u> product passport is available for those products.</p>		

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<p>(20) Since importers play a key role in guaranteeing the compliance of imported detergents and surfactants in the Union market, when placing a detergent or surfactant on the market, importers should indicate on the product their name, registered trade name or registered trade mark as well as their postal address and, where available, electronic means of communication through which they can be contacted.</p>		
<p>(21) As the distributor makes a detergent or surfactant available on the market after it has been placed there by the manufacturer or importer, the distributor should act with due care in relation to the applicable requirements. The distributor should also ensure that its handling of the detergent or surfactant does not adversely affect its compliance with the requirements of this Regulation.</p>		

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<p>(22) Since authorised representatives, distributors and importers <u>and where applicable authorised representatives</u>, are close to the marketplace and have an important role in ensuring product compliance, they should be involved in market surveillance tasks carried out by the competent national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the detergent or surfactant concerned.</p>		
<p>(23) Economic operators that either place a detergent or surfactant on the market under their own name or trade mark or modify a detergent or surfactant in such a way that compliance with this Regulation could be affected should be considered to be manufacturers and should assume the obligations of manufacturers. In other cases, economic operators that only package or repackage a detergent or surfactant</p>		

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<p>already placed on the market by other economic operators should be able to prove that compliance with the requirements of this Regulation has not been affected, by indicating their identity on the package and by keeping a copy of the original labelling information.</p>		
<p><u>(23a) Since industrial and institutional detergents are to be used by specialised personnel outside the domestic sphere, these detergents are to some extent subject to other requirements than consumer detergents. In order to avoid risks for the health of consumers or the environment, economic operators should ensure that industrial and institutional detergents are not ever made available on the market sold to consumers.</u></p>		
<p>(24)The CE marking, indicating the conformity of a detergent with this Regulation, is the visible consequence of a whole process comprising</p>		

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<p>conformity assessment in a broad sense. Regulation (EC) No 765/2008 of the European Parliament and of the Council lays down the general principles of the CE marking. That Regulation should be applicable to detergents covered by this Regulation in order to ensure that products benefiting from the free movement of goods within the Union fulfil requirements providing a high level of protection of public interests such as health and the environment. In line with Regulation (EC) No 765/2008, the CE marking should be the only marking of conformity indicating that the detergent is in conformity with Union harmonisation legislation.</p>		
<p>(25) To ensure a high level of protection of human health, manufacturers, <u>or their authorised representative where applicable,</u> should be required to provide an ingredients data sheet for non-hazardous detergents. In</p>		

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<p>order to optimise efficiency of the relevant requirements and in view of the system related to emergency health response already established under Regulation (EC) No 1272/2008, manufacturers, <u>or their authorised representatives where applicable,</u> should <u>provide</u> hold this information to at the disposal of poison centres <u>before placing the detergent on the market,</u> upon request.</p>		
<p>(26) Labels communicate important use and safety information to users, such as the presence of skin or respiratory sensitisers (e.g. allergenic fragrances, preservatives or enzymes) in detergents and surfactants. By providing information on the content of those substances on the labels of detergents and surfactants, it is possible for users with allergies or allergic predispositions to make informed choices, and potential reactions related to the use of detergents and surfactants are thus reduced. It is</p>		

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therefore necessary to establish labelling requirements for detergents and surfactants.		
(27) Since the labelling of detergents and surfactants may fall under multiple pieces of Union legislation, the information on detergents' and surfactants' labels needs to be streamlined so that when similar information stemming from different pieces of Union legislation is required on detergents' and surfactants' labels, this information is provided only once in accordance with the stricter rules. This will, on one hand, improve the readability and understandability of detergents' and surfactants' labels by end users and, on the other, reduce regulatory burden for detergents' and surfactants' manufacturers.		
(28) Fragrance substances are organic compounds with characteristic, usually pleasant, odours, which are widely used in detergents but also in many other products such as perfumes		

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<p>and other perfumed cosmetics. Those substances could cause an allergic reaction upon contact, especially to sensitised persons, even when contained in low concentrations. Therefore, it is important to provide information on the presence of individual fragrance allergens in detergents so that sensitised persons can avoid contact with the substance to which they are allergic. It is therefore necessary to lay down strict requirements for the labelling of fragrance allergens. However, those substances could also trigger a labelling requirement under Regulation (EC) No 1272/2008. Specific labelling requirements should therefore be established that would apply only when the labelling thresholds under Regulation (EC) No 1272/2008 are not met. This will not only prevent the unnecessary burden for economic operators but also ensure that end-users receive this information presented in a clear manner thus providing a high level of</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-30deg);">PUBLIC</p>	

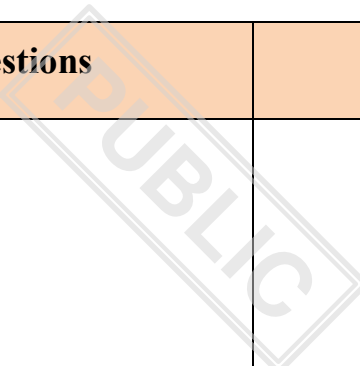
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protection of human health even for sensitised persons.		
(29) Additional labelling requirements are needed for certain substances such as preservatives in order to ensure a high level of health protection. The labelling requirements for preservatives should, therefore, cover not only those preservatives intentionally added by the manufacturer in the detergent but also those that ensue from its constituent mixtures and which are often referred to as ‘carry-over preservatives’.		
(30) Information on the correct amount of detergent that consumers need to use when undertaking cleaning activities, <i>namely</i> , dosage information, should be included on the label of consumer laundry and consumer automatic dishwasher detergents in order to prevent the potential over-use of detergents thus reducing		

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<p>the total amount of detergent and surfactant entering the environment.</p>		
<p>(31) Digital labelling could improve the communication of labelling information both by avoiding overcrowded physical labels and by allowing users to rely on various reading options available only for digital formats, such as increased font, automatic search, loud speakers or translation into other languages. Providing digital labels could also lead to a more efficient management of the labelling obligations by economic operators, by facilitating the update of labelling information, reducing labelling costs and permitting a more targeted information of users. Therefore, economic operators should be allowed to provide certain labelling information only through the digital label subject to certain conditions to ensure a high level of protection of detergents' users.</p>		

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<p>(32) To avoid imposing an unnecessary administrative burden for economic operators and since, in most cases, the digital label is only complementary to the physical one, economic operators should be able to decide whether to use digital labels or provide all the information on a physical label only. The choice to provide a digital label should rest with manufacturers and importers, who are responsible for providing the accurate set of labelling information.</p>		
<p>(33) Digital labelling could also create challenges for the vulnerable population groups with no or insufficient digital skills and lead to an accentuation of the digital divide. For this reason, the specific information to be provided only in a digital label should reflect the current state of the digitalisation of the society and the particular situation of detergents users. In addition, all the labelling information</p>		

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<p>concerning the protection of health and the environment, as well as minimum use instructions of detergents, should remain on the physical label, to enable all end-users to make informed choices before buying the detergent and to ensure its safe handling.</p>		
<p>(34) — An exception should, nevertheless, be made for detergents sold to end-users in a refill format. In order to fully reap not only the benefits offered by digitalisation but also the large environmental benefits in terms of reduction of packaging and related packaging waste that the practice of refill sales offers, it should be permitted to provide all labelling information digitally with the exception of dosage instructions for consumer laundry detergents.</p>		
<p>(35) To ensure a level playing field among economic operators making available detergents</p>		

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<p>on the market, and to protect end-users, general requirements for digital labelling should be laid down. For example, economic operators should ensure free and easy access to digital labels and that mandatory labelling information requested under this Regulation is separated from other information.</p>		
<p>(36) Given the current development of the digital skills, economic operators should also provide the labelling information by alternative means to end-users when they cannot access the digital label. This obligation should be imposed as a safety measure to reduce any potential risks by the unavailability of the labelling information, in particular as regards refilled detergents, where all the information may be provided in a digital label.</p>		
<p>(37) Since detergents have the same use and present the same risks irrespective of the format</p>		

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<p>in which they are made available on the market, economic operators making detergents available on the market in a refill format should ensure that these comply with the same requirements as the pre-packaged ones. In addition, consumers should receive the required labelling information also when opting for refilled detergents. The refill sale of detergents should, therefore, be explicitly covered by this Regulation in order to ensure a high level of protection of health and the environment and a level playing field for economic operators.</p>		
<p><u>(37a) In order to keep pace with technological development and new means of sale, while ensuring good information of consumers and efficient market surveillance activities, it is necessary to require the labelling elements of detergents and surfactants to be indicated in case of distance sales, including via online market places.</u></p>		

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<p>(38) Ensuring traceability of a detergent or surfactant throughout the whole supply chain helps to make market surveillance simpler and more efficient. An efficient traceability system facilitates market surveillance authorities’ task of tracing economic operators who made non-compliant detergents or surfactants available on the market.</p>		
<p>(39) Manufacturers should create a <u>digital</u> product passport to provide information on the conformity of detergents and surfactants with this Regulation, as well as with any other legislation that the detergent or surfactant must comply with. In order to facilitate checks on detergents or surfactants and to allow the actors in the supply chain and end-users to access necessary information such as ingredients and use instructions, the information on the <u>digital</u> product passport should be provided digitally</p>		

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<p>and in a directly accessible manner, through a data carrier affixed to the label of the detergent or surfactant, its packaging or the accompanying documentation. <u>The data carrier should be clearly visible to the end-user before any purchase, including when the detergent or surfactant is made available through an online advertisement.</u> Market surveillance authorities, <u>customs authorities,</u> economic operators and end-users should, therefore, have immediate access to <u>the compliance or other information relevant to them and based on their respective access rights</u> on the detergent or surfactant through the data carrier.</p>		
<p><u>(39a) To provide certainty for economic operators, the transition period for the application of the provisions related to the digital product passport should begin once the Commission’s implementing acts under the Detergents Regulation and the Regulation</u></p>		

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<p><u>(EU) .../... on Ecodesign for Sustainable Products determining the related and necessary technical requirements have been adopted. These include the type of data carrier to be used, its lay-out and positioning on the artwork.</u></p>		
<p>(40) To avoid duplication of investment into digitalisation by all actors involved, including manufacturers, market surveillance authorities and customs authorities, the digital product passport established under this Regulation should be fully interoperable with the digital product passport required under other Union legislation.</p>		
<p>(41) In particular, Regulation (EU) .../... [of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC] also lays</p>		

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<p>down requirements and technical specifications for a digital product passport, the establishment of a Commission central digital product passport registry (the 'registry') where passport information is stored and the interconnection of that registry with the customs IT systems. That Regulation could include detergents or surfactants within its scope in the medium term, thus requiring that a digital product passport is available for them.</p>		
<p>(42) The digital product passport for detergents and surfactants created under this Regulation should therefore comply with the same requirements and technical elements as those set out in Regulation (EU) .../... on ecodesign requirements for sustainable products, including its technical, semantic and organisational aspects of end-to-end communication and data transfer exchange.</p>		

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<p>(43) When other Union legislation applicable to detergents or surfactants requires a digital product passport, a single digital product passport should be available for detergents and surfactants containing the information required under this Regulation and the other Union legislation.</p>		
<p>(44) It is crucial to make clear to both manufacturers and users that by creating the digital product passport for detergent or surfactant and, where relevant, by affixing the CE marking, the manufacturer declares that the detergent or surfactant is in conformity with all applicable requirements and that the manufacturer takes full responsibility thereof.</p>		
<p>(45) Where certain information is provided only digitally, it is necessary to clarify that this information needs to be provided separately and clearly distinguished from each other but</p>		

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<p>through a single data carrier. This will facilitate the work of market surveillance authorities but also provide clarity to end users regarding the different pieces of information that are available to them in a digital format.</p>		
<p>(46) Chapter VII of Regulation (EU) 2019/1020 of the European Parliament and the Council¹, setting up the rules of controls on products entering the Union market, applies to detergents and surfactants. The authorities in charge of those controls, which in almost all Member States are the customs authorities, are to perform them on the basis of risk analysis as referred to in Articles 46 and 47 of Regulation</p>		

¹ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

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<p>(EU) No 952/2013 of the European Parliament and of the Council¹, its implementing legislation and the corresponding guidance. This Regulation should therefore not modify in any way Chapter VII of Regulation (EU) 2019/1020 and the way the authorities in charge of controls on products entering the Union market organise themselves and perform their activities.</p>		
<p>(47) In addition to the framework of controls established by Chapter VII of Regulation (EU) 2019/1020, customs authorities should be able to automatically verify that a digital product passport exists for imported detergents and surfactants subject to this Regulation in order to strengthen the controls at the Union's external borders and prevent non-compliant detergents and surfactants from entering the Union market.</p>		

¹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

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<p>(48) When detergents and surfactants coming from third countries are presented for<u>placed under the customs procedure of</u> release for free circulation, <u>the reference to a digital product passport for those detergents and surfactants should be made available to the customs authorities by the economic operator.</u>customs should ensure that the reference of a product passport is made available to customs authorities by the economic operator and that this <u>The reference to the digital product passport should</u> corresponds to a unique product<u>registration</u> identifier <u>communicated to the economic operator by the digital product passport registry.</u> that is stored in the product passport registry established by the Commission under [Article 12 of Regulation (EU) .../... on Ecodesign for Sustainable Products]. The interconnection between this registry and the customs IT system</p>		

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<p>as provided for in [Article 13 of Regulation (EU) .../... on ecodesign requirements for sustainable products] <u>Customs authorities</u> should allow for automatic verification of the product passport presented to customs for <u>verify as a minimum</u> that <u>the unique registration identifier and the relevant commodity code for the</u> detergent or surfactant <u>provide or made available to them correspond to the data that are stored in the registry,</u> so as to ensure that only detergents and surfactants with a valid reference to a unique product identifier as included in the registry are released for free circulation. <u>This would allow customs authorities to verify that a digital product passport for imported detergents and surfactants exists. To carry out that automatic verification, the interconnection between the registry and the customs IT systems as provided for in [Article 15 of Regulation (EU) .../... on ecodesign</u></p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-30deg);">PUBLIC</p>	

Presidency compromise	Drafting Suggestions	Comments
<p><u>requirements for sustainable products</u> <u>should be used.</u></p>		
<p>(49) — Where other information in addition to the unique product identifier and the unique operator identifier is stored in the product passport registry established under [Article 12 of Regulation (EU) .../... on Ecodesign for Sustainable Products], the Commission should be able to provide in a delegated act, that customs authorities are allowed to verify the consistency between this additional information and the information made available by the economic operator to customs, in order to improve the compliance of detergents and surfactants placed under the customs procedure of release for free circulation with this Regulation.</p>		
<p>(50) The information <u>data</u> included in the <u>digital</u> product passport may <u>are intended to</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<p>allow customs authorities to enrich enhance and facilitate risk management and enable the controls at the border to be the better targeting of controls at the Union's external borders. Therefore, customs authorities should be able to retrieve and use the information data included in the digital product passport and the related registry for carrying out their tasks in accordance with Union legislation including for risk management in accordance with Regulation (EU) No 952/2013.</p>		
<p>(51) — It is appropriate to provide for the publication of a notice in the <i>Official Journal of the European Union</i> indicating the date when the interconnection between the registry and the EU Customs Single Window Certificates Exchange System referred to in [Article 13 of Regulation (EU) .../... on Ecodesign for Sustainable Products] becomes operational in order to facilitate public access to that</p>		

Presidency compromise	Drafting Suggestions	Comments
information.		
<p>(52) The automatic verification by customs authorities of the digital product passport reference for detergents and surfactants entering the Union market should not replace or modify the responsibilities of the market surveillance authorities but only complement the overall framework for controls on products entering the Union market. The market surveillance authorities should, in line with Regulation (EU) 2019/1020, carry out checks of the information contained in products passports, checks on products within the market and, in case of suspension of release for free circulation by the authorities designated for controls at Union’s external borders, determine the compliance and serious risks of products pursuant to Chapter VII of Regulation (EU) 2019/1020.</p>		
<p>(53) Market surveillance is an essential</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>instrument inasmuch as it ensures the proper and uniform application of Union legislation. Regulation (EU) 2019/1020 sets out the framework for market surveillance of products subject to Union harmonisation legislation. Member States should therefore organise and carry out market surveillance of detergents and surfactants in accordance with that Regulation.</p>		
<p>(54) Regulation (EU) 2019/1020 already applies to detergents and surfactants, since Regulation (EC) No 648/2004 is listed in its Annex I. However, in order to ensure legal certainty, it is necessary to clarify that rules on internal market surveillance and control of products entering the internal market provided for in Regulation (EU) 2019/1020 also apply to detergents and surfactants covered by this Regulation. This Regulation should not prevent Member States from choosing the competent authorities to carry out those tasks. Regulation</p>		

Presidency compromise	Drafting Suggestions	Comments
(EU) 2019/1020 should therefore be amended to include a reference to this Regulation.		
<p>(55) Regulation (EC) No 648/2004 provided for a safeguard procedure allowing the Commission to examine the justification for a measure taken by a Member State against detergents and surfactants considered to constitute a risk. In order to increase transparency and to reduce processing time, it is necessary to improve the previous safeguard procedure, with the view to making it more efficient and drawing on the expertise available in Member States. The previous system should be replaced by a procedure under which interested parties are informed of measures intended to be taken with regard to detergents and surfactants presenting a risk to health or the environment. Market surveillance authorities should be allowed, in cooperation with the relevant economic operators, to act at an early</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>stage in respect of such detergents and surfactants. The Commission should, by means of implementing acts and, given their special and technical nature, acting without the application of Regulation (EU) No 182/2011, determine whether a national measure in respect of a detergent or surfactant presenting a risk is justified.</p>		
<p>(56) Experience with Regulation (EC) No 648/2004 has shown that detergents and surfactants which were compliant with the applicable requirements have in specific cases posed a risk to health or the environment. Provisions should be made to ensure that market surveillance authorities take action against any detergent or surfactant presenting a risk to health or the environment, even when compliant with the legal requirements. The Commission should, by means of implementing acts and, given their special and technical nature, acting</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>without the application of Regulation (EU) No 182/2011, determine whether a national measure in respect of compliant detergents or surfactants which a Member State finds to pose a risk to health and safety of persons or the environment is justified.</p>		
<p>(57) In order to take into account technical and scientific progress or new scientific evidence, and the level of digital readiness, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of further supplementing the general requirements on digital labelling; amending the labelling information that may be provided in digital format only; amending the limit of the fragrance allergenic fragrances when individual risk-based concentration limits for fragrance allergens are established under Regulation (EC) No 1223/2009; amending the</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>existing biodegradability requirements to introduce biodegradability requirements for substances and mixtures other than surfactants in detergents (including detergent capsules) when new scientific evidence so requires; and amending Annexes I to VII. The Commission should also be empowered to amend the specific information that should be included in the digital product passport, as well as the information to be included in the Commission registry. Moreover, the Commission should be empowered to supplement this Regulation by determining the additional information stored in the registry to be controlled by customs authorities. In addition, in order to facilitate the work of customs authorities in relation to detergents and surfactants and the requirements set out in this Regulation, the Commission should be empowered to adopt delegated acts amending this Regulation by providing an Annex containing a list of Combined</p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-30deg);">PUBLIC</p>	

Presidency compromise	Drafting Suggestions	Comments
<p>Nomenclature codes, as set out in Annex I to Regulation (EEC) No 2658/87, and product descriptions of detergents and surfactants and by updating such Annex.</p>		
<p>(58) When adopting delegated acts under this Regulation, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of</p>		

¹ OJ L 123, 12.5.2016, p. 1.

Presidency compromise	Drafting Suggestions	Comments
Commission expert groups dealing with the preparation of delegated acts.		
(59) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to establish the detailed technical requirements for the digital product passport for detergents and surfactants. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ¹ .		
(60) In view of the need to ensure a high level of human health and environmental protection and the need to take into account new developments based on scientific facts, the Commission should submit to the European		

¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)

Presidency compromise	Drafting Suggestions	Comments
<p>Parliament and to the Council a report on the application of this Regulation. The Commission should in its report assess <i>inter alia</i> if this Regulation is achieving its objectives, taking into account the impacts on small and medium-sized enterprises.</p>		
<p>(61) In order to ensure a high level of protection of health and the environment, foster innovation and boost competitiveness, the Commission should assess the safety requirements for detergents containing micro-organisms and the possibility to allow <u>or ban</u> the use of new micro-organisms or strains of micro-organisms in detergents.</p>		
<p>(62) This Regulation introduces the possibility of providing all or part of the mandatory labelling requirements only in digital labels in certain situations and requires the creation of a digital product passport for</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>detergents and surfactants. It is, therefore, necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, for Member States to set up the administrative infrastructure necessary for its application and for the Commission to prepare the implementation of the product passport's technical requirements. Consequently, the application of this Regulation should be deferred to a date where those preparations can reasonably be finalised.</p>		
<p>(63) In order to ensure legal certainty and to prevent waste, economic operators need to be able to sell stock that is either in the distribution chain or in storage at the date of application of this Regulation. It is, therefore, necessary to provide for transitional arrangements that allow the making available on the market of detergents and surfactants that have been placed on the market in accordance with Regulation</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>(EC) No 648/2004 before the date of application of this Regulation without those products having to comply with product requirements laid down by this Regulation. Distributors should therefore be able to supply detergents and surfactants that have been placed on the market, namely stock that is already in the distribution chain, before the date of application of this Regulation.</p>		
<p>(64) Transitional arrangements should also be made that allow the placing on the market of detergents and surfactants that at the date of application of this Regulation are not yet in the distribution chain without those products having to comply with the requirements laid down by this Regulation, provided that at the time of their placing on the market they are still compliant with Regulation (EC) No 648/2004. Manufacturers and importers should therefore be able to place on the market detergents and surfactants, namely stock that is not yet in the</p>		

Presidency compromise	Drafting Suggestions	Comments
distribution chain, after the date of application of this Regulation.		
<p>(65) Since the objective of this Regulation, namely to guarantee the functioning of the internal market while ensuring that detergents and surfactants on the market fulfil the requirements providing for a high level of protection of health and the environment, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,</p>		
HAVE ADOPTED THIS REGULATION:		

Presidency compromise	Drafting Suggestions	Comments
CHAPTER I		
GENERAL PROVISIONS		
<i>Article 1</i>		
Subject matter		
1. This Regulation establishes rules for the free movement of detergents and surfactants in the internal market while, at the same time, ensuring a high degree of protection of health and the environment.		
2. This Regulation does not affect the application of the following legal acts:		
(a) Regulation (EC) No 1907/2006 of the		

Presidency compromise	Drafting Suggestions	Comments
European Parliament and of the Council ¹ ;		
(b) Regulation (EC) No 1272/2008 of the European Parliament and of the Council ² ;		
(c) Regulation (EU) No 528/2012 of the European Parliament and of the Council ³ .		
(d) Regulation (EC) No 1223/2009 of the European Parliament and of the Council		

¹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

² Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

³ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products OJ L 167, 27.6.2012, p. 1).

Presidency compromise	Drafting Suggestions	Comments
<i>Article 2</i>		
Definitions		
For the purpose of this Regulation, the following definitions apply:		
(1) ‘detergent’ means any of the following:		
<p>– a substance, mixture or micro-organism, or two or more such materials in combination thereof, which is intended for cleaning of fabrics, dishes or surfaces or added to support cleaning processes;</p>		
<p>– a substance, or substance, or mixture or micro-organism, or combination thereof, intended for soaking (pre-washing), rinsing or bleaching fabrics, or dishes or surfaces;</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>– a <u>substance, or mixture or micro-organism, or combination thereof</u>, intended to modify the feel of fabrics in processes which are to complement the washing of fabrics;</p>		
<p>(2) ‘consumer laundry detergent’ means a detergent for laundry placed on the market for use by non-professionals, including in public laundrettes;</p>		
<p>(3) ‘consumer automatic dishwasher detergent’ means a detergent placed on the market for use in automatic dishwashers by non-professionals;</p>		
<p>(4) ‘detergent containing micro-organisms’ means a detergent in which one or more micro-organisms has been intentionally added, either on its own or via one of the components of the detergent;</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>(5) <u>‘industrial and institutional professional detergent’</u> means a detergent placed on the <u>made available on the market only</u> for use <u>cleaning</u> outside the domestic sphere, carried out by specialised personnel using specific products;</p>		
<p>(6) ‘cleaning’ means the process by which an undesirable deposit is dislodged from a substrate or from within a substrate and brought into a state of solution or dispersion;</p>		
<p>(7) ‘substance’ means a substance as defined in Article 3, point (1), of Regulation (EC) No 1907/2006;</p>		
<p>(8) ‘mixture’ means a mixture as defined in Article 3, point (2), of Regulation (EC) No 1907/2006;</p>		
<p>(9) ‘micro-organism’ means a micro-</p>		

Presidency compromise	Drafting Suggestions	Comments
organism as defined in Article 3(1), point (b), of Regulation (EU) No 528/2012;		
<p>(10) ‘genetically modified micro-organisms’ means a genetically modified micro-organisms as defined in Article 2, point (b), of Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms, in which the genetic material has been altered using gene or cell technology or in any other way that does not occur naturally by mating or natural recombination. <u>in which the genetic material has been altered using gene or cell technology or in any other way that does not occur naturally by mating or natural recombination.</u></p>		
(11) ‘surfactant’ means any organic substance or mixture used in detergents, which has surface-active properties and which consists of		

Presidency compromise	Drafting Suggestions	Comments
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:		
– to reduce the surface tension of water below 45 mN/m;		
– to form spreading or adsorption monolayers at the water-air interface;		
– to form emulsions and/or microemulsions and/or micelles;		
– to adsorpt at water-solid interfaces;		
(12) ‘ultimate aerobic biodegradation’ means the level of biodegradation achieved when the substance or mixture is totally used by micro-organisms in the presence of oxygen resulting in its breakdown to carbon dioxide, water and		

Presidency compromise	Drafting Suggestions	Comments
mineral salts of any other elements present, as measured by test methods listed in Annex I, and new microbial cellular constituents <u>(biomass)</u> ;		
(13) ‘making available on the market’ means any supply for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;		
(14) ‘placing on the market’ means the first making available on the Union market. <u>Import into the Union customs territory shall be deemed to be placing on the market;</u>		
(15) ‘manufacturer’ means any natural or legal persons that manufacture or have a detergent or a surfactant designed or manufactured, and place that detergent or surfactant on the market under their name or trademark;		

Presidency compromise	Drafting Suggestions	Comments
(16) ‘authorised representative’ means any natural or legal persons established within the Union that have received and accepted a written mandate from a manufacturer to act on their behalf in relation to specified tasks ;	(16) ‘authorised representative’ means any natural or legal persons established within the Union that have received and accepted a written mandate from a manufacturer to act on their behalf in relation to specified tasks;	The addition of "and accepted" is redundant. See our comments on art. 8(1). Definition of AR should be aligned with standard NLF definition – we have to keep “in relation to specified tasks”.
(17) ‘importer’ means any natural or legal persons established within the Union that place a detergent or surfactant from a third country on the Union market;		
(18) ‘distributor’ means any natural or legal persons in the supply chain, other than the manufacturer or the importer, that make a detergent or surfactant available on the market;		
(19) ‘economic operator’ means the manufacturer, the authorised representative, the importer or the distributor;		

Presidency compromise	Drafting Suggestions	Comments
(20) ‘market surveillance’ means the activities carried out and measures taken by market surveillance authorities to ensure that products comply with the requirements set out in this Regulation;		
(21) ‘market surveillance authority’ means a market surveillance authority as defined in Article 3, point 4, of Regulation (EU) 2019/1020;		
(22) ‘recall’ means a recall as defined Article 3, point 22, of Regulation (EU) 2019/1020;		
(23) ‘withdrawal’ means a withdrawal as defined in Article 3, point 23, of Regulation (EU) 2019/1020;		
(24) ‘CE marking’ means a marking by which the manufacturer indicates that the detergent is in conformity with the applicable		

Presidency compromise	Drafting Suggestions	Comments
requirements set out in Union harmonisation legislation providing for its <u>use</u> affixing;		
(25) ‘corrective measure’ means a measure as defined in Article 3, point 16, of Regulation (EU) 2019/1020;		
(26) ‘release for free circulation’ means the procedure laid down in Article 201 of Regulation (EU) No 952/2013;		
(27) ‘data carrier’ means a linear bar code symbol, a two-dimensional symbol or other automatic identification data capture medium that can be read by a device;		
(28) ‘unique product identifier’ means a unique string of characters that allows the identification of a product and enables a web link to the <u>digital</u> product passport;		

Presidency compromise	Drafting Suggestions	Comments
(29) ‘unique operator identifier’ means a unique string of characters for the identification of economic operators involved in the value chain of products;		
<u>(29a) 'digital product passport service provider' means a digital product passport service provider within the meaning of Article 2(32) of Regulation (EU) .../... [ESPR];</u>		
(30) ‘customs authorities’ means customs authorities as defined in Article 5, point 1, of Regulation (EU) No 952/2013;		
(31) ‘EU Customs Single Window Certificates Exchange System’ means the system referred to in Article 4 of the Regulation		

Presidency compromise	Drafting Suggestions	Comments
(EU) 2022/2399 of the European Parliament and of the Council ¹ ;		
(32) ‘individual packaging’ means packaging in which the detergent or surfactant is made available on the market and which is intended to accompany the content to the place of use;		
(33) ‘refill’ means the <u>on-site</u> operation by which an end-user fills a packaging with a detergent or surfactant offered by an economic operator in the course of a commercial activity, whether in return for payment or free of charge, is filled in a packaging; the detergent is filled in-store from a large container in the end-users’ own package either manually or through automatic or semi-automatic equipment;		

¹ Regulation (EU) 2022/2399 of the European Parliament and of the Council of 23 November 2022 establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 (OJ L 317, 9.12.2022, p. 1).

Presidency compromise	Drafting Suggestions	Comments
<p><u>(33a) ‘refill station’ means a place where an economic operator offers to end-users a detergent or surfactant that can be acquired through refill, either manually or through automatic or semi-automatic equipment;</u></p>		
<p>(34) ‘batch’ means a defined quantity of finished products that meets the following conditions:</p>		
<p>—— is produced in a single manufacturing process or a series of processes during the same manufacturing cycle;</p>		
<p>—— is intended to have a uniform composition when tested in accordance with the same test methods; and</p>		
<p>—— is clearly defined by a type number, batch number or other element allowing its</p>		

Presidency compromise	Drafting Suggestions	Comments
identification.		
<u>‘model’ means a type of detergents or surfactants that meet the following conditions:</u>		
<u>- they have the same manufacturer and are placed on the market under the same trade name;</u>		
<u>- they have the same composition, in accordance with the ingredients data sheet referred to in point 2.2.(e) of Module A of Annex V and are manufactured using the same manufacturing processes; and</u>	<u>- they have the same composition, in accordance with the ingredients data sheet referred to in point 2.2.(e) of Module A of Annex IV and are manufactured using the same manufacturing processes; and</u>	Reference should be to Annex IV instead of V.
<u>- they are clearly defined by a type number or other element allowing their identification.</u>		
(35) ‘end-user’ means any natural or legal person residing or established in the Union, to		

Presidency compromise	Drafting Suggestions	Comments
whom a detergent or surfactant has been made available either as a consumer outside of any trade, business, craft or profession or as a professional end-user in the course of its industrial or professional activities.		
CHAPTER II		
PRODUCT REQUIREMENTS		
<i>Article 3</i>		
<u>Making available on the market and free movement</u>		
1. Detergents and surfactants may only be <u>made available</u> placed on the market if they comply with this Regulation.		

Presidency compromise	Drafting Suggestions	Comments
<p>2. Member States shall not prohibit, restrict or impede the making available placing on the market of detergents or surfactants which comply with this Regulation.</p>		
<i>Article 4</i>		
Biodegradability		
<p>1. Detergents, and Surfactants <u>detergents and surfactants contained in detergents and water soluble films used in detergent capsules</u> shall comply with the biodegradability requirements laid down in Annex I(A).</p>		
<p>2. Paragraph 1 shall not apply to the following: <u>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:</u></p>		

Presidency compromise	Drafting Suggestions	Comments
(a) — 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:		
(aai) 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;		
(abi) the surfactants are included in the review programme as set out in Commission Delegated Regulation (EU) No 1062/2014 ¹ ;		
(b) — surfactants that are constituents of biocidal products authorised in accordance with		

¹ Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 294, 10.10.2014, p. 1).

Presidency compromise	Drafting Suggestions	Comments
Regulation (EU) No 528/2012;		
(c) surfactants that are constituents of biocidal products and which may be made available on the market or used in accordance with Article 89(2) <u>55</u> of Regulation (EU) No 528/2012.		
<u>3. Ingredients contained in detergents other than those referred to in paragraphs 1 and 3, including polymers used to encapsulate detergents, shall comply with the biodegradability requirements laid down, if any, in Annex I(B)</u>		We believe it is unnecessary to include these biodegradability regulatory requirements here. The Commission is empowered to adopt such a delegated act under Article 26(6).
<u>4. Other organic ingredients contained in detergents shall comply with the biodegradability requirements laid down, if any, in Annex I(C).</u>		See our comment above.
<u>3. By ... [2 years from the date of entry</u>		We support the deletion of proposed paragraphs

Presidency compromise	Drafting Suggestions	Comments
<p>into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 27 to add organic polymers biodegradability requirements and appropriate standard assays in Annex I(B).</p>		3, 4, and 5.
<p>4. — By... [5 years from the date of entry into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 27 to add biodegradability requirements to any relevant organic detergent compound and appropriate standard assays in Annex I(B).</p>		Support. See our comment above.
<p>5. — Where necessary, the Commission is empowered to adopt delegated acts in accordance with Article 27 to allow for the specific use of a limited quantity of a substance in detergents that do not comply with the biodegradability criteria established in accordance with Annex I(B).</p>		Support. See our comment above.

Presidency compromise	Drafting Suggestions	Comments
<p><i>Article 5</i></p> <p>Detergents containing micro-organisms</p>		
<p>1. Detergents containing micro-organisms shall comply with the requirements laid down in Annex II.</p>		
<p>2. <u>By ... [2 years from the date of entry into force of this Regulation], the Commission shall adopt a delegated act in accordance with Article 27 to complement Annex II with the appropriate methodology to assess and manage the risks posed by detergents containing micro-organisms, particularly when they are in spray format or destined to be used on food or surfaces in contact with food. When adopting this delegated act, the Commission shall take into account scientific evidence and technical progress and the need to ensure a high level</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<u>of protection of human health and the environment during the whole lifecycle of the product.</u>		
<i>Article 6</i>		
Limitations on the content of phosphates and other phosphorus compounds		
Detergents listed in Annex III shall comply with the limitations on the content of phosphates and other phosphorus compounds laid down in that Annex.		

Presidency compromise	Drafting Suggestions	Comments
CHAPTER III		
OBLIGATIONS OF ECONOMIC OPERATORS		
<i>Article 7</i>		
Obligations of manufacturers		
1. When placing detergents or surfactants on the market, manufacturers shall ensure that those detergents or surfactants have been designed and manufactured in accordance with this Regulation.		
2. Manufacturers shall draw up the technical documentation referred to in Annex IV and carry out the conformity assessment procedure referred to in that Annex.		

Presidency compromise	Drafting Suggestions	Comments
<p>Where compliance of a detergent or surfactant with the applicable requirements has been demonstrated by the procedure referred to in the first subparagraph, <u>before placing the product on the market,</u> manufacturers shall:</p>		
<p>(a) create a <u>digital</u> product passport in accordance with Article 18,</p>		
<p>(b) ensure that the data carrier is printed or otherwise placed on the label or on the packaging of the detergent or surfactant in a visible and legible manner in accordance with Article 18(3),</p>		
<p>(c) — where relevant, <u>include in the product passport</u> affix the CE marking in accordance with Article 14,</p>		
<p>(d) before placing detergents or surfactants on the market, manufacturers shall include a</p>		

Presidency compromise	Drafting Suggestions	Comments
reference of the digital product passport in the registry referred to in Article 20(1).		
3. Manufacturers shall keep the technical documentation and the digital product passport at the disposal of national market surveillance authorities for 5 ¹⁰ years after the detergent or the surfactant covered by that documentation or product passport has been placed on the market.		
4. Manufacturers shall ensure that procedures are in place for series production to remain in conformity. Changes in product design or characteristics and changes in the test methods by reference to which conformity of a product is declared shall be adequately taken into account.		
When deemed appropriate with regard to the performance of, or the risks presented by, a		

Presidency compromise	Drafting Suggestions	Comments
<p>detergent or surfactant, manufacturers shall carry out sample testing of such detergents or surfactants, investigate, and, if necessary, keep a register of complaints, of non-conforming detergents or surfactants and recalls of such detergent or surfactants, and shall keep distributors informed of any such monitoring.</p>		
<p>5. Manufacturers placing on the market detergents or surfactants shall ensure that they comply with the labelling requirements laid down in Articles 15, 16 and 17.</p>		
<p>6. <u>Before placing on the market detergents or surfactants for which there is no obligation to provide information according to Article 45 of Regulation (EC) No 1272/2008, manufacturers, or authorized representatives where applicable,</u> placing on the market detergents that do not meet the criteria for classification as hazardous within the</p>		<p>We support Commission’s initial proposal - to report ingredients information only upon request by the MS-designated authority. The new version creates an unnecessary burden for the economic operators to notify non-dangerous substances (information on dangerous substances is already notified under the CLP Regulation). The full list of ingredients can be</p>

Presidency compromise	Drafting Suggestions	Comments
<p>meaning of Regulation (EC) No 1272/2008, shall provide to Member States' appointed bodies referred to in Article 45 of that Regulation, the ingredient datasheet referred to in point 2.2 (e) of Annex IV.</p>		<p>accessed through the DPP and the national toxicology centers can be granted access.</p>
<p>Manufacturers shall provide the ingredients data sheet to the Member States' appointed bodies referred to in the first subparagraph in the following cases:</p>		
<p>(a) upon request from the Member States' appointed bodies;</p>		
<p>(b) when the detergent for which a data sheet has already been requested no longer corresponds to the information included in that datasheet.</p>		
<p><u>When the detergent or surfactant for which a data sheet has already been provided no</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<p><u>longer corresponds to the information included in that datasheet, the manufacturer, or the authorized representative where applicable, shall provide an updated data sheet to the Member states’ appointed body before placing the detergent or surfactant, as changed, on the market.</u></p>		
<p>The appointed body referred to in the first subparagraph and the medical personnel to which the information contained in the datasheet has been provided shall keep it confidential and use it for medical purposes only.</p>		
<p><u>The information included in that data sheet shall be kept confidential and may only be used:</u></p>		
<p><u>(a) to meet medical demand by formulating preventative and curative measures, in particular in the event of an</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<u>emergency;</u>		
<u>and</u>		
<u>(b) where requested by the Member State, the Commission or the Agency established by Regulation (EC) No 1907/2006, to undertake a statistical analysis to identify where improved risk management measures may be needed.</u>		
<u>6a. Where the manufacturer is not established in the Union, the detergent or surfactant may only be placed on the Union market if the manufacturer appoints an authorised representative in accordance with Article 8. The manufacturers shall provide their authorised representative with all information and documentation necessary to demonstrate the conformity of the detergent or surfactant with the requirements laid</u>		

Presidency compromise	Drafting Suggestions	Comments
<u>down in this Regulation;</u>		
<u>The first subparagraph shall not apply to detergents or surfactants placed on the market by an importer.</u>		
<p>7. Manufacturers that consider or have reason to believe that a detergent or surfactant which they have placed on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that detergent or surfactant into conformity, to withdraw it or to recall it, as appropriate. Furthermore, where manufacturers consider or have reason to believe that a detergent or surfactant which they have placed on the market presents a risk to health or to the environment, they shall immediately inform the competent national authorities of the Member States in which they made the detergent or surfactant available on the market to that effect,</p>		

Presidency compromise	Drafting Suggestions	Comments
giving details, in particular, of any non-compliance and of any corrective measures taken.		
<p>8. Manufacturers shall, further to a reasonable request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the detergent or surfactant with this Regulation, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by a detergent or surfactant which they have placed on the market.</p>		
<i>Article 8</i>		
Authorised representative		

Presidency compromise	Drafting Suggestions	Comments
<p>1. Manufacturers <u>established outside the Union</u> may, by a written mandate, appoint an authorised representative <u>who shall accept in writing. The authorised representative shall provide a copy of the mandate to the competent authority, upon request.</u></p>	<p>1. Manufacturers may, by a written mandate, appoint an authorised representative. The authorised representative shall provide a copy of the mandate to the competent authority, upon request.</p>	<p>In principle, our position is that the obligations of the authorised representative (AR) should be in accordance with the NLF and the Market Surveillance Regulation, and we see no reason for deviations.</p> <p>It is not correct that the provision applies only to manufacturers who are not established in the Union, since manufacturers established in the Union also have the right to set their own AR. The addition of "<i>who shall accept in writing</i>" is also redundant. Our interpretation is that by receiving the written mandate, the AR agrees to act on behalf of the manufacturer and to perform the tasks specified therein. This has so far operated seamlessly across the NLF legislation.</p>
<p>2. Where the manufacturer is not established in the Union, the detergent or surfactant may only be placed on the Union market if the manufacturer designates, by a written mandate, an authorised representative.</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>3. The^{An} authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The authorised representative shall provide a copy of the mandate to the competent authority, upon request.</p>		
<p>The mandate shall allow the authorised representative to do at least the following:</p>		<p>We do not support the deletion of the text – that is a standard NLF text and the scope of the mandate have to be clear. The provision specifies the tasks that are part of the mandate.</p>
<p>(aa) — ensure that the detergent or the surfactant he is appointed for fulfils the requirements set out in this Regulation;</p>		<p>We support the deletion.</p>
<p>(a) verify that the digital product passport has been created in accordance with Article 7(2), point (a), that the technical documentation</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>has been drawn up and the conformity assessment procedure has been carried out by the manufacturer in accordance with Article 7(2) <u>and that the ingredient data sheet has been provided to Member States' appointed bodies in accordance with Article 7(6);</u></p>		
<p><u>(aa) verify that the information and technical documentation provided by the manufacturer in accordance with Article 7(6a) demonstrate conformity with the requirements laid down in this Regulation;</u></p>		
<p><u>(ab) provide and keep updated the ingredients data sheet to Member States' appointed bodies in accordance with Article 7(6), unless the manufacturer has already provided or kept updated that sheet in accordance with the same provision;</u></p>	<p>(ab) keep and upon request provide up-to-date ingredients data sheet to Member States' appointed bodies referred to in Article 7(6)</p>	<p>Providing info to toxicological centers is a manufacturer's obligation, unless AR has been authorised to do this task as a part of the mandate.</p> <p>The AR's mandate may include providing, but not updating the list of ingredients, as only the manufacturer has information about the used and substituted ingredients in the product.</p>

Presidency compromise	Drafting Suggestions	Comments
		See also our comments on art. 7(6).
<p>(b) keep the digital product passport and technical documentation at the disposal of national market surveillance authorities for 510 years after the detergent or surfactant covered by those documents has been placed on the market;</p>		
<p>(c) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of the detergent or surfactant with the requirements laid down in this Regulation;</p>		
<p>(d) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by a detergent or surfactant covered by the authorised representative's mandate.</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>(e) terminate the mandate if the manufacturer does not comply with the obligations of the manufacturer under this Regulation <u>or does not provide the necessary information and documentation demonstrating that the detergent or the surfactant he is appointed for fulfils the requirements laid down in this Regulation</u> .</p>		
<p>4. The obligations laid down in Article 7(1) and the obligation to draw up technical documentation referred to in Article 7(2) shall not form part of the authorised representative's mandate.</p>		

Presidency compromise	Drafting Suggestions	Comments
<p><u>4. The obligations laid down in Article 7(1) and the obligation to draw up technical documentation referred to in Article 7(2) shall not form part of the authorised representative’s mandate.</u></p>		
<p><i>Article 9</i></p>		
<p>Obligations of importers</p>		
<p>1. Importers shall place only compliant detergents or surfactants on the market.</p>		
<p>2. Before placing a detergent or surfactant on the market importers shall ensure the following:</p>		
<p>(a) the manufacturer has carried out the conformity assessment procedure and drawn up the technical documentation referred to in Article 7(2);</p>		

Presidency compromise	Drafting Suggestions	Comments
(b) the detergent bears the CE marking referred to in Article 14; <u>the ingredients data sheet has been provided to Member States' appointed bodies referred to in Article 7(6);</u>		
(c) the manufacturer has created the <u>digital</u> product passport referred to in Article 7(2)(b) <u>and the data carrier is printed or otherwise placed on the label of the detergent or surfactant in the conditions set out in Article 7(2)(c);</u>		
(d) the relevant information on the <u>digital</u> product passport has been included in the registry referred to in Article 20(1);		
3. Where an importer considers or has reason to believe that a detergent or surfactant is not in conformity with this Regulation, the importer shall not place the detergent or		

Presidency compromise	Drafting Suggestions	Comments
<p>surfactant on the market until it has been brought into conformity. Furthermore, where the detergent or surfactant presents a risk to health or to the environment, the importer shall inform the manufacturer and the market surveillance authorities to that effect.</p>		
<p>4. — Importers shall indicate their name, registered trade name or registered trade mark and the postal and email address at which they can be contacted on the label of the detergent or surfactant. The contact details shall be in a language easily understood by end users and market surveillance authorities.</p>		
<p>5. Importers shall ensure that detergents and surfactants that they place on the market comply with the labelling requirements laid down in Articles 15, 16 and 17.</p>		
<p>6. Importers shall ensure that, while a</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>detergent or surfactant is under their responsibility, its storage or transport conditions do not jeopardise its compliance with this Regulation.</p>		
<p>7. When deemed appropriate with regard to the risks presented by performance of a detergent or surfactant or the risks presented by them, importers shall carry out sample testing of such detergents and surfactants, investigate, and, if necessary, keep a register of complaints, of non-conforming detergents and surfactants and recalls of such detergents and surfactants, and shall keep distributors informed of any such monitoring.</p>		
<p>8. Importers that consider or have reason to believe that a detergent or surfactant which they have placed on the market is not in conformity with this Regulation shall immediately take the corrective measures necessary to bring that</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>detergent or surfactant into conformity, to withdraw it or to recall it, as appropriate.</p> <p>Furthermore, where importers consider or have reason to believe that a detergent or surfactant which they have placed on the market presents a risk to health or the environment, they shall immediately inform the competent national authorities of the Member States in which they made the detergent or surfactant available on the market to that effect, giving details, in particular, of any non-compliance and of any corrective measures taken.</p>		
<p>9. Importers shall keep the reference to the unique product identifier <u>and the documentation referred to in article 7(2)</u> at the disposal of the market surveillance authorities for a period of 5¹⁰ years after the detergent or surfactant has been placed on the market and shall ensure that the technical documentation can be made available to those</p>		

Presidency compromise	Drafting Suggestions	Comments
authorities, upon request.		
<p>10. Importers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation, in paper or electronic form, necessary to demonstrate the conformity of the detergent or surfactant with this Regulation in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by a detergent or surfactant which they have placed on the market.</p>		
<i>Article 10</i>		
Obligations of distributors		
<p>1. When making a detergent or surfactant available on the market distributors shall act</p>		

Presidency compromise	Drafting Suggestions	Comments
with due care in relation to the requirements of this Regulation.		
2. Before making a detergent or surfactant available on the market distributors shall verify that the following conditions have been met:		
(a) the detergent or surfactant is accompanied by the required documents and by a label that meets the requirements laid down in Articles 15, 16 and 17;		It has to be written more precisely which are the required documents.
(b) — the product passport detergent bears the CE marking referred to in Article 14;		
(c) the manufacturer has complied with the requirements set out in Article 7(2) and and (3) and (6) or, as applicable, the importer has complied with the requirements set out in Article 9(2).		

Presidency compromise	Drafting Suggestions	Comments
<p>3. Where a distributor considers or has reason to believe that a detergent or surfactant is not in conformity with this Regulation, the distributor shall not make the detergent or surfactant available on the market until it has been brought into conformity. Furthermore, where the detergent or surfactant presents a risk to health or the environment, the distributor shall inform the manufacturer and, where relevant, the authorised representative or the importer to that effect as well as the market surveillance authorities.</p>		
<p>4. Distributors shall ensure that, while a detergent or surfactant is under their responsibility, its storage or transport conditions do not jeopardise its compliance with this Regulation.</p>		
<p>5. Distributors that consider or have reason to believe that a detergent or a surfactant which</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>they have made available on the market is not in conformity with this Regulation shall make sure that the corrective measures necessary to bring that detergent or surfactant into conformity, to withdraw it or to recall it, as appropriate, are taken. Furthermore, where distributors consider or have reason to believe that a detergent or surfactant which they have made available on the market presents a risk to health or to the environment, they shall immediately inform the competent national authorities of the Member States in which they made the detergent or surfactant available on the market to that effect, giving details, in particular, of any non-compliance and of any corrective measures taken.</p>		
<p>6. Distributors shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation, in paper or electronic form,</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>necessary to demonstrate the conformity of the detergent or surfactant with this Regulation. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by detergents and surfactants which they have made available on the market.</p>		
<i>Article 11</i>		
<p>Cases in which obligations of manufacturers apply to importers and distributors</p>		
<p>An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer under Article 7 where that importer or distributor places a detergent or surfactant on the market under his or her name or trademark, <u>changes the labelling of a detergent or surfactant</u>, or modifies a detergent or surfactant already placed on the</p>		

Presidency compromise	Drafting Suggestions	Comments
market in such a way that compliance with this Regulation may be affected.		
<i>Article 12</i>		
Packaging and repackaging by importers and distributors		
Where an importer or distributor packages or repackages a detergent or surfactant and is not subject to the obligations of the manufacturer pursuant to Article 11, that importer or distributor, as applicable, shall <u>in addition to his obligations under article 9 or 10</u> have the following obligations:		
(a) to ensure that the package bears his or her name, registered trade name or registered trade mark, and postal <u>and e-mail</u> address <u>at which he or she can be contacted</u> , preceded by the words ‘packaged by’ or ‘repackaged by’;		

Presidency compromise	Drafting Suggestions	Comments
(b) to ensure compliance with Articles 14 to 17;		
(c) to keep the reference to the unique product identifier <u>and the digital product passport</u> at the disposal of the market surveillance authorities for 5 10 years after having made the detergent or surfactant available on the market.		
<u>The making available of detergents or surfactants at refill stations is not considered as packaging nor repackaging for the purpose of this article.</u>		
<i>Article 13</i>		
Identification of economic operators		

Presidency compromise	Drafting Suggestions	Comments
1. Economic operators shall, on request, identify the following to the market surveillance authorities:		
(a) any economic operator who has supplied them with a detergent or a surfactant;		
(b) any economic operator to whom they have supplied a detergent or a surfactant.		
2. Economic operators shall be able to provide the information referred to in paragraph 1 for 5 ¹⁰ years after they have been supplied with the detergent or surfactant and for 5 ¹⁰ years after they have supplied the detergent or surfactant.		
<u>Article 13a</u>		
<u>Obligations for economic operators making an industrial or institutional detergent</u>		

Presidency compromise	Drafting Suggestions	Comments
<u>available on the market</u>		
<u>Economic operators making an industrial or institutional detergent available on the market shall ensure that it is not sold to consumers.</u>		
CHAPTER IV		
CE MARKING AND LABELLING		
<i>Article 14</i>		
Rules and conditions for <u>using</u> affixing the CE marking		
1. The CE marking shall be subject to the general principles set out in Article 30 of		

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Regulation (EC) No 765/2008.		
2. — The CE marking shall be <u>included in the product passport</u> affixed visibly, legibly and indelibly before a detergent is placed on the market..		
The CE marking shall be affixed either to the label or the packaging of a detergent or, where the detergent is supplied in bulk, to a document accompanying the detergent.		
Where, in accordance with Article 16(2), economic operators may provide a digital label only, the CE marking shall be provided on the digital label.		
3. — Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use		

Presidency compromise	Drafting Suggestions	Comments
of that marking-		
<i>Article 15</i>		
General labelling requirements		
<p>1. Detergents and surfactants that are made available on the market in individual packaging or in a refill format shall be accompanied by a label.</p>		
<p>2. An economic operator making a detergent <u>or surfactant</u> available on the market directly to an end-user in a refill format shall provide the physical label or the data carrier through which the digital label is accessible to the end-user <u>and shall ensure that the physical label is affixed on every packaging that is refilled with a detergent or surfactant.</u></p>		
<p>3. The label of detergents and surfactants</p>		

Presidency compromise	Drafting Suggestions	Comments
shall contain the following information:		
(a) a type number , batch number or other element allowing their identification;		We do not support the deletion. In accordance with the changes related to the issuance of DPP at the model level, the type number should remain.
(b) the manufacturer's <u>and, where applicable, the authorized representative's or the importer's</u> name, registered trade name or registered trade mark and the postal and email address at which they both can be contacted. The postal address shall indicate a single point <u>in the European Union</u> at which they manufacturer both can be contacted;		
(c) the name and trade name of the product;		
(d) the content of the detergent or surfactant in accordance with part A of Annex V;		

Presidency compromise	Drafting Suggestions	Comments
<p>(e) instructions for use and special precautions, where necessary and relevant.</p> <p><u>Industrial and institutional detergents shall bear a statement indicating that the product is only for professional use and may not be sold to consumers.</u></p>		
<p><u>For detergents and surfactants transported in bulk,</u> The information referred to in points (a), (b) and (c) of the first subparagraph shall appear on <u>transportation containers as well as on</u> all documents accompanying them detergents and surfactants transported in bulk.</p>		
<p>4. In addition to the information referred to in paragraph 3, the label of consumer laundry detergents, and consumer automatic dishwasher detergents <u>and consumer detergents for surfaces</u> shall contain dosage information in accordance with part B of Annex V.</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>5. The information referred to in paragraphs 3 and 4 shall be written in the official language(s) of which can be easily understood by end-users, as determined by the Member State(s) where the detergent or surfactant is made available on the market, unless the Member State(s) concerned provide(s) otherwise concerned, and shall be legible, clear, understandable and intelligible. The label shall be accessible for inspection purposes where the detergent or surfactant is made available on the market.</p>		
<i>Article 16</i>		
Forms of labelling		
<p>1. Where detergents or surfactants are made available on the market, they shall be accompanied by the label elements set out in Article 15(3) and, where applicable, Article</p>		

Presidency compromise	Drafting Suggestions	Comments
15(4) in the following form:		
(a) on a physical label;		
<u>or</u>		
(b) on a digital label and duplicated on a physical label.		
By way of derogation from point (b) of the first subparagraph, the labelling elements set out in part C of Annex V do not have to be duplicated on the physical label. In addition, where the dosage information for consumer laundry detergents in accordance with points 1 and 2 of part B of Annex V is provided on the digital label, a simplified dosage grid as set out in part D of Annex V may be provided on the physical label.		
2. By way of derogation from paragraph 1,		

Presidency compromise	Drafting Suggestions	Comments
<p>where detergents are made available on the market directly to an end-user in a refill format, the label elements set out in Article 15(3) and (4) may be provided in a digital label only, with the exception of dosage information for consumer laundry detergents as set out in point 1 and 2 of part B of Annex V, which needs to be provided also on a physical label. <u>All the labelling elements corresponding to the detergent or surfactant supplied at a refill station shall be visibly clearly and legibly displayed mentioned on the refill station.</u></p>		
<p><i>Article 17</i></p>		
<p>Requirements for digital labelling</p>		
<p>1. Where detergents and surfactants carry a digital label in accordance with Article 16, the following rules shall apply to that label:</p>		

Presidency compromise	Drafting Suggestions	Comments
(a) all label elements referred to in Article 15(3) and, where applicable, Article 15(4) shall be provided together in one place and separated from other information;		
(b) the information on the digital label shall be searchable;		
(c) the information on the digital label shall be accessible to all users in the Union;		
(d) the digital label shall be accessible free of charge, without the need to register for prior registration , download or installation of applications, or to provide a password;		
(e) the information on the digital label shall be presented in a way that also addresses the needs of vulnerable groups and supports, as relevant, the necessary adaptations to facilitate access to the information by those groups;		

Presidency compromise	Drafting Suggestions	Comments
<p>(f) the digital label shall be accessible through digital technologies widely used and compatible with all major operating systems and browsers;</p>		
<p>(g) <u>the digital label shall be available in the official language(s) of the Member State(s) where the detergent or surfactant is made available on the market, unless the Member State(s) concerned provide(s) otherwise in the language or languages of the country where the product is made available on the market of purchase;</u> when the <u>information on the</u> digital label is <u>accessible</u> available in more than one language, the choice of language shall not be conditioned <u>by</u> on the geographical location <u>from where it is when accessed by the end-user</u> of the end-user;</p>		
<p>(h) the digital label shall remain available</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>for a period of 5¹⁰ years from the moment the detergent or surfactant concerned is placed on the market, also in cases of an insolvency, a liquidation or a cessation of activity in the Union of the economic operator that created it, or for a longer period as required under other Union legislation covering the information that it contains;</p>		
<p>(i) the information on the digital label shall be accessible via the data carrier referred to in Article 18(2)(h).</p>		
<p>=</p>		
<p>2. The data carrier shall be physically present on the physical label or packaging of detergents and surfactants and, when they are transported in bulk, their packaging or on the transportation containers and on the documentation accompanying them</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>In addition to the requirement in the first subparagraph, where detergents and surfactants are made available on the market in a refill format, the data carrier shall be present on the refill station <u>and on the physical label.</u></p>		
<p>The data carrier shall be clearly visible to the end-user before any purchase and to market surveillance authorities, including, where applicable, in cases where the detergent or surfactant is made available through distance sales.</p>		
<p>3. Where economic operators provide a digital label, the data carrier shall be accompanied by the statement ‘More comprehensive information on the product is available online’ or by a similar statement.</p>		
<p>4. Economic operators providing a digital</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>label shall not track, analyse or use any usage information for purposes other than what is absolutely necessary for providing the information on the digital label online, <u>in particular, it shall not be used for targeted advertising, shared with third parties or collected and stored as personal data.-</u></p>		
<p>5. Economic operators providing a digital label shall provide the information present in the digital label by other means in any of the following cases:</p>		
<p>(a) upon oral or written request by the end-user;</p>		
<p>(b) when the digital label is temporarily unavailable, including at the time of purchase.</p>		
<p>Economic operators shall provide the information referred to in the first subparagraph</p>		

Presidency compromise	Drafting Suggestions	Comments
independently from a purchase of a detergent or surfactant, <u>without delay</u> and free of charge.		
<u>Article 17a</u>		
<u>Distance sales</u>		
<u>When detergents or surfactants are made available on the market through distance sales, the offer shall clearly and visibly indicate the label elements referred to in Article 15.</u>		

Presidency compromise	Drafting Suggestions	Comments
CHAPTER V		
<u>DIGITAL</u> PRODUCT		
PASSPORT		
<i>Article 18</i>		
<u>Digital</u> Product passport		
1. Before placing a detergent or surfactant on the market, manufacturers shall create a product passport for those products. The product passport shall meet the requirements laid down in this Article and Article 19.		
2. The <u>digital</u> product passport shall meet the following requirements:		
(a) it shall correspond to a specific <u>model</u>		

Presidency compromise	Drafting Suggestions	Comments
batch of the detergent or surfactant;		
(b) it shall state that compliance of the detergent or surfactant with the requirements set out in this Regulation has been demonstrated, and, where relevant, indicate the test methods used;		
(c) it shall contain at least the information included in Annex VI;		
(d) it shall be <u>complete, accurate and</u> up-to date;		
(e) it shall be available in the language or languages required by the Member State where the detergent or surfactant is placed or made available on the market;		
(f) it shall be accessible to end-users, market surveillance authorities, customs		

Presidency compromise	Drafting Suggestions	Comments
authorities, the Commission and other economic operators;		
(g) it shall be available for a period of 5 10 years after the detergent or surfactant is placed on the market, also in cases of an insolvency, a liquidation or a cessation of activity in the Union of the economic operator that created the product passport;		
(h) it shall be accessible through a data carrier <u>to a persistent unique product identifier;</u>		
(i) it shall fulfil the specific and technical requirements laid down pursuant to paragraph 8 9.		
3. The data carrier shall be physically present on the detergent or surfactant, their packaging or the documentation accompanying		

Presidency compromise	Drafting Suggestions	Comments
them, in accordance with the implementing act referred to in paragraph 98.		
In addition to the requirement in the first subparagraph, where detergents and surfactants are made available on the market in a refill format, the data carrier shall be present on the refill station.		
The data carrier shall be clearly visible to the end-user before any purchase and to market surveillance authorities, including, where applicable, in cases where the detergent or surfactant is made available through distance sales.		
4. Where economic operators provide a digital label, a single data carrier shall be used to access the product passport and the digital label.		

Presidency compromise	Drafting Suggestions	Comments
<p>5. Where other Union legislation requires information on the detergent or surfactant to be available via a data carrier, a single data carrier shall be used to provide the information required under this Regulation and the other Union legislation.</p>		
<p>6. Where other Union legislation applying to detergents and surfactants requires a product passport, a single product passport shall be created for detergents and surfactants, containing the information set out in paragraph 2 as well as any other information required for the product passport by that other Union legislation.</p>		
<p><u>By way of derogation from paragraph 2, point (a), where that legislation requires that the product passport corresponds to a model or an item level, the product passport for the purposes of this Regulation can be issued to</u></p>	<p>By way of derogation from paragraph 2, point (a), where that legislation requires that the product passport corresponds to a model or an item level, the product passport for the purposes of this Regulation can be issued to that level.</p>	<p>We support the Presidency's approach that the digital product passport should now be based on model level instead of batch level. In this regard, this text should also be deleted.</p>

Presidency compromise	Drafting Suggestions	Comments
<u>that level.</u>		
<p>7. Economic operators may, in addition to the information referred to in paragraphs 5 and 6, make other information accessible through the data carrier referred to in paragraph 6.</p> <p>Where this is the case, that information shall be clearly separated from the information required under this Regulation and, where relevant, under other Union legislation.</p>		
<p>8. By creating the product passport, the manufacturer shall assume the responsibility for the compliance of the detergent or surfactant with this Regulation.</p>		
<p>9. The Commission shall adopt an implementing act determining the specific and technical requirements related to the product passport for detergents and surfactants. Those requirements shall set out at least the following:</p>		

Presidency compromise	Drafting Suggestions	Comments
(a) the types of data carrier to be used;		
(b) the layout in which the data carrier shall be presented and its positioning;		
(c) the technical elements of the passport for which defined European or international standards shall be used;		
(d) the actors that may introduce or update the information in the product passport, including where needed the creation of a new product passport, including manufacturers, competent national authorities, and the Commission, or any organisation acting on their behalf, and the types of information they may introduce or update; <u>the actors that may are to have access to information in the product passport and to what information they are to have access, such as consumers and other</u>		

Presidency compromise	Drafting Suggestions	Comments
<p><u>end-users, manufacturers, importers and distributors, notified bodies, competent national authorities, civil society organisations, researchers, trade unions, and the Commission, or any organisation acting on their behalf;</u></p>		
<p>(eda) <u>the actors that are to introduce or update the information in the product passport, including where needed the creation of a new product passport, including manufacturers, competent national authorities, and the Commission, or any organisation acting on their behalf, and the types of information they may introduce or update;</u></p>		
<p>(fdb) <u>the procedures for introducing modalities to introduce the updated information referred to in point (e) in the product passport of an existing</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<u>product.</u>		
<u>For the purpose of points (e) and (f), any new product passport shall be linked to the product passport or passports of the original product whenever appropriate.</u>		
<u>10. The economic operator placing the product on the market shall provide distributors and online marketplaces with a digital copy of the data carrier or the unique product identifier, as relevant, to allow them to make it accessible to customers where they cannot physically access the product. The economic operator shall provide that digital copy or a webpage link free of charge and within 5 working days of receiving the request.</u>		
<u>11. To ensure access to the product passport for the period specified paragraph</u>	11. To ensure access to the product passport for the period specified paragraph 2(g) of this	"certified independent third-party" is redundant since "digital product passport service provider"

Presidency compromise	Drafting Suggestions	Comments
<p><u>2(g) of this Article, including after an insolvency, a liquidation, or a cessation of activity in the Union, economic operators, when placing the product on the market, shall also make available a back-up copy of the product passportdigital product passport through a certified independent third-party product passportdigital product passport service provider.</u></p>	<p>Article, including after an insolvency, a liquidation, or a cessation of activity in the Union, economic operators, when placing the product on the market, shall also make available a back-up copy of the product passportdigital product passport through a certified independent third party product passportdigital product passport service provider.</p>	<p>has already been defined.</p>
<p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 28(2).</p>		
<p><i>Article 19</i></p>		
<p>Technical design and operation of the product passportdigital product passport</p>		
<p>The technical design and operation of the product passportdigital product passport shall</p>		

Presidency compromise	Drafting Suggestions	Comments
comply with the following requirements:		
<p>(a) product passportdigital product passports created under this Regulation shall be fully interoperable with product passportdigital product passports required by other Union legislation in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer;</p>		
<p>(b) all information included in the product passportdigital product passport shall be based on open standards developed with an interoperable format and shall be, <u>as appropriate</u>, machine readable, structured and searchable and; transferable through an open interoperable data exchange network without vendor lock-in;</p>		
<p>(c) end-users, economic operators and other relevant actors shall have free of charge and</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>easy access access-to the product passport <u>digital product passport based on their respective access rights set out in the applicable implementing act referred to in Article 18(9);</u></p>		
<p>(d) the data included in the <u>digital</u> product passport shall be stored by the economic operator responsible for its creation or by economic operators authorised to act on their behalf <u>or by certified independent third-party digital product passport service providers authorised to act on their behalf;</u></p>		
<p>(e) if the data included in the product passport is stored or otherwise processed by <u>certified independent third-party product passport service providers or by economic operators authorised to act on behalf of economic operators placing the detergent or surfactant on the market, those certified</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<p><u>independent third-party product passport service providers</u> shall not be allowed to sell, re-use or process such data, in whole or in part, beyond what is necessary for the provision of the relevant storing or processing services <u>unless specifically agreed with the economic operator placing the detergent or surfactant on the market;</u></p>		
<p>(f) economic operators may not track, analyse or use any usage information for purposes other than what is absolutely necessary for providing the information on the product passport online;</p>		
<p><u>(g) data authentication, reliability and integrity shall be ensured;</u></p>		
<p><u>(h) product passports shall be designed and operated so that a high level of security and privacy is ensured and fraud is avoided.</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<u>Article 19a</u>		
<u>Title missing</u>		
<p><u>The commission shall guarantee Stakeholders can compare for the information in line with their respective access rights pursuant the provision of this regulation through the web portal set up in designed according to the Article 12a of the Regulation (EU) .../... on Ecodesign for Sustainable Products.</u></p>		<p>The text is unclear as worded and needs revision.</p>
<i>Article 20</i>		
Product passport registry		
<p>1. Before placing a detergent or surfactant on the market, economic operators shall upload,</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>in the registry established under Article 12(1) of Regulation (EU) .../... on Ecodesign for Sustainable Products (<u>“the registry”</u>) the unique product identifier and the unique operator identifier for the detergent or surfactant. <u>In case of detergents or surfactants intended to be placed under the customs procedure ‘release for free circulation’, economic operators shall also upload the commodity code of the detergent or surfactant in the registry.</u></p>		
<p><u>1a. Upon upload of the information referred to in paragraph 1 in the registry, the registry shall automatically communicate to the economic operator acting pursuant to paragraph 1, a unique registration identifier associated to the identifiers uploaded in the registry for a specific detergent or surfactant. That communication by the registry shall not be deemed to be proof of compliance with</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<u>this Regulation or other Union legal acts.</u>		
<p><u>The Commission may adopt an implementing act specifying the details of the implementation arrangements of the registry referred to in the first subparagraph of this paragraph, including the communication of the unique registration identifier referred to in this paragraph. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 50(3).</u></p>		
<p>2. The Commission, the market surveillance authorities and the customs authorities shall have access to the registry referred to in paragraph 1 for carrying out their duties pursuant to this Regulation.</p>		

Presidency compromise	Drafting Suggestions	Comments
<i>Article 21</i>		
Customs controls relating to the product passport		
<p>1. Detergents and surfactants entering the Union market shall be subject to <u>the</u> verifications and other measures laid down in this Article. <u>This Article is without prejudice to any other Union legal acts, in particular Regulation (EU) 952/2013 and Chapter VII of Regulation (EU) 2019/1020.</u></p>		
<p>2. <u>The person intending to place a detergent or surfactant under the customs procedure ‘release for free circulation’ shall provide or make available to customs authorities the unique registration identifier of that detergent or surfactant referred to in Article 20(1a).</u> Declarants as defined in Article 5, point (15), of Regulation (EU) 952/2013 shall</p>		

Presidency compromise	Drafting Suggestions	Comments
include the unique product identifier in the customs declaration for release for free circulation of any detergent or surfactant.		
<p>3. <u>Customs authorities may release a detergent or surfactant for free circulation only after having verified as a minimum that the unique registration identifier and the commodity code provided or made available to them corresponds to the information stored in the registry. The release for free circulation shall not be deemed to be proof of compliance with this regulation or any other Union law.</u></p>		
<p><u>The verification referred to in the first subparagraph shall take place electronically and automatically via the interconnection between the registry and the EU Customs Single Window Certificates Exchange System referred to in Article 13 of [PO please insert</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<p><u>the serial number for Regulation (EU) .../... on Ecodesign for Sustainable Products]. It shall apply as from the moment that interconnection is operational.</u></p>		
<p>Customs authorities shall verify whether the unique product identifier indicated by the declarant in accordance with paragraph 2 of this Article matches a unique product identifier included in the registry in accordance with Article 20(1).</p>		
<p>4. <u>Customs authorities and the Commission may retrieve and use the information included in the product passport and the registry for carrying out their duties pursuant to any Union legal acts, including for risk management, customs controls and release for free circulation in accordance with Regulation (EU) No 952/2013.</u> In addition to the verification referred to in paragraph 3,</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>customs authorities shall verify the consistency of information made available to customs by declarants with other information stored in the registry referred to in Article 20(1) listed in the delegated act referred to in Article 26(3).</p>		
<p>5. <u>The verifications and other measures laid down in this Article shall be carried out on the basis of a list of Combined Nomenclature codes, as set out in Annex I to Regulation (EEC) No 2658/87, under which detergents and surfactants are classified as well as the product descriptions of those detergents and surfactants.</u> The verifications referred to in paragraph 3 and 4 shall take place electronically and automatically before the release for free circulation.</p>		
<p>6. For the purpose of paragraphs 3 to 5, the interconnection between the registry referred to in Article 20(1) and the EU Customs Single</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>Window Certificates Exchange System referred to in [Article 13 of Regulation (EU) .../... on Ecodesign for Sustainable Products] shall be used.</p>		
<p>7. Paragraphs 3, 4 and 5 shall apply from the day when the interconnection between the registry and the EU Customs Single Window Certificates Exchange System referred to in [Article 13 of Regulation (EU) .../... on Ecodesign for Sustainable Products] becomes operational.</p>		
<p>The Commission shall publish a notice in the Official Journal of the European Union to that effect indicating the date when the interconnection becomes operational.</p>		
<p>8. Customs authorities may retrieve and use the information included in the product passport and the registry referred to in Article</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>20(1) for carrying out their duties pursuant to Union legislation, including for risk management in accordance with Articles 46 and 47 of Regulation (EU) No 952/2013.</p>		
<p>9. — The verifications and other measures laid down in this Article shall be carried out on the basis of a list of Combined Nomenclature codes, as set out in Annex I to Regulation (EEC) No 2658/87, under which detergents and surfactants are classified as well as the product descriptions of those detergents and surfactants.</p>		
<p>10. — The verifications and measures laid down in this Article shall not affect the application of other Union legal acts governing the release for free circulation of products, including Articles 46, 47 and 134 of Regulation (EU) No 952/2013, as well as the controls referred to in Chapter VII of Regulation (EU) 2019/1020.</p>		

Presidency compromise	Drafting Suggestions	Comments
CHAPTER VI		
MARKET SURVEILLANCE		
<p><i>Article 22</i></p> <p>Procedure at national level for <u>market surveillance of dealing with detergents and surfactants presenting a risk</u></p>		
<p>1. Where the market surveillance authorities of one Member State have sufficient reason to believe that a detergent or surfactant presents a risk to health or the environment, they shall carry out an evaluation in relation to the detergent or surfactant concerned covering all relevant requirements laid down in this Regulation, t. The relevant economic operators shall cooperate as necessary with the market</p>		

Presidency compromise	Drafting Suggestions	Comments
surveillance authorities for that purpose.		
<p>2. Where the mMarket surveillance authorities of one Member State have sufficient reason to believe that a test carried out in accordance with the methods listed in Annex I or Annex II has produced false results, they shall may perform controls to verify the compliance of the detergent or surfactant with this Regulation in accordance with the reference methods set out in the Annexes I, II and VII. Economic operators shall not be obliged to pay for any repeat or additional test, provided that the initial test has shown compliance of detergents, or surfactants, with this Regulation.</p>		
<p>3. Where, in the course of the controls referred to in paragraph 1 or paragraph 2, the market surveillance authorities find that the detergent or surfactant does not comply with the requirements laid down in this Regulation, they</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>shall without delay require the relevant economic operators to take all appropriate corrective action to bring the detergent or surfactant into compliance with those requirements, to withdraw it from the market, or to recall it within a reasonable period which is commensurate with the nature of the risk referred to in paragraph 1.</p>		
<p>4. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the market surveillance authorities of other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.</p>		
<p>5. The economic operator shall ensure that all appropriate corrective action is taken in respect of all the concerned detergents or</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>surfactants that the economic operator has made available on the market throughout the Union.</p>		
<p>6. Where the relevant economic operator does not take adequate corrective action within the period referred to in paragraph 3, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict making available on their national market of the detergent or surfactant, to withdraw the detergent or surfactant from that market or to recall it.</p>		
<p>The market surveillance authorities shall inform the Commission and the market surveillance authorities of other Member States, without delay, of those measures.</p>		
<p>The information referred to in the second subparagraph shall include all available details, in particular the data necessary for the</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>identification of the non-compliant detergent or surfactant, the origin of that detergent or surfactant, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator.</p>		
<p>7. Market surveillance authorities of Member States other than the Member State initiating the procedure under this Article shall without delay inform the Commission and the market surveillance authorities of other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the detergent or surfactant concerned, and, in the event of disagreement with the adopted national measure, of their objections.</p>		
<p>8. Where, within three months of receipt of</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>the information referred to in paragraph 6, second subparagraph, no objection has been raised by either a market surveillance authority or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.</p>		
<p>9. Market surveillance authorities shall ensure that appropriate restrictive measures, such as withdrawal of the detergent or surfactant from the market, are taken in respect of the detergent or surfactant concerned without delay.</p>		
<p>10. Where, for the purposes of paragraphs 4, 6, 7 and 8, information is communicated to the Commission or other market surveillance authorities that information shall be communicated through the information and communication system referred to in Article 34(1) of Regulation (EU) 2019/1020.</p>		

Presidency compromise	Drafting Suggestions	Comments
<p><i>Article 23</i> Union safeguard procedure</p>		
<p>1. Where, on completion of the procedure set out in Article 22(3), (4), and (5) and (6), objections are raised against a measure taken by a market surveillance authority, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the market surveillance authorities and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall adopt an implementing act determining whether the national measure is justified or not.</p>		
<p>The Commission shall address its decision to all Member States and shall without delay communicate it to them and the relevant economic operator or operators.</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>2. If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant detergent or surfactant is withdrawn from their market, and shall inform the Commission accordingly.</p>		
<p>3. If the national measure is considered unjustified, the Member State concerned shall withdraw that measure.</p>		
<p><i>Article 24</i> Compliant detergents and surfactants which present a risk to health or to the environment</p>		
<p>1. Where, having carried out an evaluation under Article 22(1), a market surveillance authority finds that although a detergent or surfactant is in compliance with this Regulation, it presents a risk to health or to the environment,</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>it shall require the relevant economic operator to take all appropriate measures to ensure that the detergent or surfactant concerned, when placed on the market, no longer presents that risk, to withdraw the detergent or surfactant from the market or to recall it, within a reasonable period which is commensurate with the nature of that risk.</p>		
<p>2. The economic operator shall ensure that corrective action is taken in respect of all the concerned detergents or surfactants that the economic operator has made available on the market throughout the Union.</p>		
<p>3. The market surveillance authority shall immediately inform the Commission and the market surveillance authorities of the other Member States. That information shall include all available details, in particular the data necessary for the identification of the detergents</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>or surfactants concerned, the origin and the supply chain of the detergent or surfactant, the nature of the risk involved and the nature and duration of the national measures taken.</p>		
<p>4. The Commission shall without delay enter into consultation with the market surveillance authorities and the relevant economic operator or operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall adopt an implementing act determining whether the national measure is justified or not and, where necessary, propose appropriate measures.</p>		
<p>The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.</p>		

Presidency compromise	Drafting Suggestions	Comments
<p><i>Article 25</i></p> <p>Formal non-compliance</p>		
<p>1. Without prejudice to Article 22, where a market surveillance authority makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:</p>		
<p>(a) the CE marking has been used affixed in violation of Article 14 or is not included in the <u>product passport</u> not affixed at all;</p>		
<p>(b) the product passport has not been drawn up in accordance with Articles 18 and 19;</p>		
<p>(c) the technical documentation referred to in Article 7(2) is either not available or incomplete;</p>		
<p>(d) the data carrier through which the</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>product passport and, where relevant, the digital label is accessible is not present on the detergent or surfactant, their packaging, the documentation accompanying them or on the refill station, as applicable;</p>		
<p>(e) the label has not been provided-, <u>or the label has not been provided in accordance with Articles 16 and 17,</u> or the labelling information referred to in Articles 15 and Annex V is false or incomplete;</p>		
<p>2. <u>a</u>Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the detergent or surfactant being made available on the market or ensure that it is recalled or withdrawn from the market.</p>		

Presidency compromise	Drafting Suggestions	Comments
CHAPTER VII		
DELEGATED POWERS AND COMMITTEE PROCEDURE		
<i>Article 26</i> Delegated powers		
<u>1. The Commission is empowered to adopt delegated acts in accordance with Article 27 amending Annexes I to VII or to add Annexes to take into account technical and scientific and technical progress. When drafting these acts, the Commission shall take into account any relevant European standards.</u>		
<u>1a</u> . The Commission is empowered to adopt delegated acts in accordance with Article 27		

Presidency compromise	Drafting Suggestions	Comments
<p>amending Annex VI, as regards the information to be provided in the digital product passport, for the purposes of adapting it to technical and scientific progress and to the level of digital readiness of market surveillance authorities and of end-users.</p>		
<p>2. The Commission is empowered to adopt delegated acts in accordance with Article 27, amending Article 20(1) by requiring that additional information among the information listed in Annex VI be stored in the registry.</p>		
<p>When adopting the delegated acts in accordance with the first subparagraph, the Commission shall take into account the following criteria:</p>		
<p>(a) coherence with other relevant Union acts where relevant;</p>		
<p>(b) the need to allow for the verification of</p>		

Presidency compromise	Drafting Suggestions	Comments
the authenticity of the product passport;		
(c) the relevance of information for improving the efficiency and effectiveness of market surveillance checks and customs controls for detergents and surfactants;		
(d) the need to avoid disproportionate administrative burden for economic operators <u>and authorities.</u>		
3. The Commission is empowered to adopt delegated acts in accordance with Article 27 supplementing this Regulation by determining additional information stored in the registry referred to in Article 20(1) that is to be controlled by customs authorities.		
4. The Commission is empowered to adopt delegated acts in accordance with Article 27 amending this Regulation by <u>adding</u> providing		

Presidency compromise	Drafting Suggestions	Comments
<p>an Annex containing a list of Combined Nomenclature codes, as set out in Annex I to Regulation (EEC) No 2658/87, and product descriptions of detergents and surfactants and by updating such Annex.</p>		
<p>5. — The Commission is empowered to adopt delegated acts in accordance with Article 27 amending Annexes I to VII to take into account <u>technical and</u> scientific and technical progress, <u>using where possible European standards</u>.</p>		
<p>6. Where new scientific evidence points to the need <u>The Commission is empowered to adopt delegated acts in accordance with Article 27</u> to introduce biodegradability requirements for substances and mixtures or other organic <u>for surfactants and other detergent ingredients</u> than surfactants in detergents, including <u>soluble film polymers used to in of encapsulated ddetergents</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<p>capsules, the Commission is empowered to adopt delegated acts in accordance with Article 27, amending Annex I to lay down biodegradability criteria for those substances and mixtures <u>ingredients</u> and test methods to verify compliance with them.</p>		
<p>When adopting delegated acts in accordance with the first subparagraph, the Commission shall take into account the current manufacturing practices, the availability of technically and economically feasible alternatives and the impacts to small and medium-sized enterprises.</p>		
<p><u>6a. When duly justified necessary, the Commission is empowered to adopt delegated acts in accordance with Article 27 to allow for some limited specific use of substances in detergents that do not comply with the biodegradability criteria requirements</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<u>established in accordance with article 4 and Annex I.</u>		
<u>When adopting delegated acts in accordance with the first previous-subparagraph, the Commission shall take into account manufacturing practices, the consequence on wastewater treatment plants, the availability of technically and economically feasible alternatives, the impact on small and medium-sized enterprises and the impact on health and the environment.</u>		
<u>6b. The Commission is empowered to adopt delegated acts in accordance with Article 27 amending Annex II in order to add the risk assessment methodology for detergents containing micro-organisms and to adapt this Annex to technical and scientific progress for the purpose of ensuring a high level of protection of health and the</u>		

Presidency compromise	Drafting Suggestions	Comments
<u>environment.</u>		
<p>7. Where individual risk-based concentration limits for fragrance allergens are established in Regulation (EC) No 1223/2009 of the European Parliament and of the Council¹, the Commission shall adopt delegated acts in accordance with Article 27 amending Annex V in order to adapt the limit of the fragrance allergensie fragrances listed in Annex III to that Regulation accordingly.</p>		
<p><u>7a. Where new fragrance allergens are listed in Annex II or Annex III of Regulation (EC) No 1223/2009 of the European Parliament and of the Council², the Commission shall</u></p>		<p>We would not support this paragraph and the automatic link to the Cosmetics Regulation.</p>

¹ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).

² Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).

Presidency compromise	Drafting Suggestions	Comments
<p><u>adopt delegated acts in accordance with Article 27 in order to add these fragrance allergens in point 4 of Part A of Annex V.</u></p>		
<p>8. By [OP please insert the date = the first day of the month following 2430 months after the date of entry into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 27 to supplement this Regulation, by determining the specific requirements for the digital labelling of detergents. Those requirements shall at least establish the types of IT solutions, which economic operators may use, and the alternative means for providing the information on the digital label, referred to in Article 17.</p>		
<p>When adopting the delegated act referred to in the first subparagraph, the Commission shall take into account the following criteria:</p>		

Presidency compromise	Drafting Suggestions	Comments
<p><u>(aa) the need for the digital labelling not to compromise the safety of the end-users and the environment;</u></p>		
<p>(a) coherence with other relevant Union acts where relevant;</p>		
<p>(b) the need to encourage innovation;</p>		
<p>(c) technological neutrality characterised by absence of constraints or prescriptions on the choice of technology or equipment, within the bounds of compatibility and avoidance of interference;</p>		
<p>(d) the need for the digital labelling not to compromise the safety of the end-users and the environment.</p>		
<p>(e) the level of digital readiness among all population groups in the Union <u>as well as the</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<p><u>readiness of the necessary wireless and other technological infrastructure allowing unrestricted access to the information on detergents and surfactants..</u></p>		
<p>9. The Commission is empowered to adopt delegated acts in accordance with Article 27 amending Annex V, as regards the labelling information, which economic operators are allowed to provide only digitally in accordance with Article 16, for the purposes of adapting it to technical and scientific progress and to the level of digital readiness among the end-users of detergents. When adopting those delegated acts, the Commission shall take into account the need to ensure a high level of protection of health and environment.</p>		
<p><u>4. The Commission is empowered to adopt delegated acts in accordance with Article 27 amending this Regulation by</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<p>adding<u>providing an Annex containing a list of Combined Nomenclature codes, as set out in Annex I to Regulation (EEC) No 2658/87, and product descriptions of detergents and surfactants and by updating such Annex.</u></p>		
<p><i>Article 27</i> Exercise of the delegation</p>		
<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p>		
<p>2. The power to adopt delegated acts referred to in Article 26 shall be conferred on the Commission for an indeterminate period of time <u>a period of five years from the date of entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period.</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<p><u>The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</u></p>		
<p>3. The delegation of power referred to in Article 26 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p>		
<p>4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional</p>		

Presidency compromise	Drafting Suggestions	Comments
Agreement of 13 April 2016 on Better Law-Making.		
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		
6. A delegated act adopted pursuant to Article 26 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.		

Presidency compromise	Drafting Suggestions	Comments
<i>Article 28</i> Committee procedure		
1. The Commission shall be assisted by the Committee on detergents. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.		
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		

Presidency compromise	Drafting Suggestions	Comments
CHAPTER VIII		
TRANSITIONAL AND FINAL PROVISIONS		
<i>Article 29</i> Penalties		
Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those measures and of any subsequent amendment affecting them.		

Presidency compromise	Drafting Suggestions	Comments
<i>Article 30</i>		
Amendment of Regulation (EU) 2019/1020		
In Annex I of Regulation (EU) 2019/1020, point 15 is replaced by the following:		
‘15. Regulation (EU) .../... of the European Parliament and of the Council of ... on the making available on the market of detergents and surfactants (OJ L ...)’.		
<i>Article 31</i>		
Report		
[OP: please insert the date = 5 years from the date of application of this Regulation], the Commission shall submit to the European Parliament and to the Council a report on the application of this Regulation. The report shall contain an assessment of how this Regulation is		

Presidency compromise	Drafting Suggestions	Comments
<p>achieving its objectives, including an assessment on the impact on small and medium-sized enterprises.</p>		
<p><i>Article 32</i></p>		
<p>Micro-organisms Review</p>		
<p>By [<i>OP: please insert the date = 3 years from the date of application of this Regulation</i>], the Commission shall assess the effectiveness and relevance of the requirements of this Regulation 1. <u>for detergents containing micro-organisms as well as the possibility to include new micro-organisms or strains of micro-organisms allowed in detergents in Annex II. for the following:</u></p>		
<p><u>i. For detergents containing micro-organisms: the list possibility to include new of micro-organisms or strains of micro-</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<p><u>organisms allowed or banned in detergents in Annex II and the relevance of the other provisions of Annex II to ensure the safety of these products for health and the environment.</u></p>		
<p><u>2ii. For the biodegradability: based on an impact assessment of biodegradability requirements for ingredients covered by Article 4 compared to the biodegradability of the detergent as a whole; the eventual need to ban certain ingredients and to strengthen the biodegradability requirements shall also be assessed.</u></p>		
<p><u>iii. For the protection of health and the environment from the most harmful substances, in articulation with other relevant regulations and their achievement, assess the need to include or adapt provisions in this regulation for these substances.</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<p><u>d. By defining the biodegradation charge as the sum of the biodegradation charges of the ingredients and the possibility of limiting this charge progressively in a review process while maintaining an identical performance and without adverse impact possibility to add new requirements for substances, mixtures or soluble film polymers of detergents and standard methods to assess these new requirements to Annex I for.</u></p>		
<p><u>3iii. For the phosphorus requirements in detergents containing phosphates and other phosphorus compounds: the possibility to limit further the phosphorus content or add limitation of phosphorus content on others product categories to Annex III.</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<i>Article 33</i> Repeal of Regulation (EC) No 648/2004		
Regulation (EC) No 648/2004 is repealed.		
References to the repealed Regulation shall be construed as references to this Regulation and read in accordance with the correlation table in Annex VIII.		
<i>Article 34</i>		
Transitional provisions		
1. Member States shall not impede the making available on the market of detergents and surfactants which are placed on the market before [<i>OP: please insert the date = 30 months from the date of entry into force of this Regulation</i>] in conformity with Regulation (EC) No 648/2004 as applicable on ... [<i>OP: please</i>		

Presidency compromise	Drafting Suggestions	Comments
<i>insert the date = one day before 30 months from the date of entry into force of this Regulation].</i>		
<p>2. Detergents and surfactants which, are placed on the market after [<i>OP: please insert the date of application = one day before 30 months from the date of entry into force of this Regulation</i>] and which at the moment of their placing on the market comply with Regulation (EC) No 648/2004 as applicable on [<i>OP: please insert the date of application = one day before 30 months from the date of entry into force of this Regulation</i>], may be made available on the market until [<i>OP: please insert the date = 36 months from the date of entry into force of this Regulation</i>].</p>		
<p>3. <u>By way of derogation from paragraphs 1 and 2, provisions of Articles 18 to 21 shall apply by [<i>OP: please insert the date = 30 months from the date of entry into force</i></u></p>	<p><u>By way of derogation from paragraphs 1 and 2, provisions of Articles 18 to 21 shall apply by [<i>OP: please insert the date = 36 months from the date of entry into force of this</i></u></p>	<p>We support the addition of the transitional provision in relation to the digital product passport to ensure sufficient time for operators after the adoption of the implementing acts</p>

Presidency compromise	Drafting Suggestions	Comments
<p><u>of this Regulation] or no later than 12 months after the entry into force of the Commission's implementing acts under the Detergents Regulation and the Regulation (EU) .../... on Ecodesign for Sustainable Products, determining the related and necessary technical requirements for the digital product passport,</u></p>	<p><u>Regulation] or no later than 18 months after the entry into force of the Commission's implementing acts under the Detergents Regulation and the Regulation (EU) .../... on Ecodesign for Sustainable Products, determining the related and necessary technical requirements for the digital product passport,</u></p>	<p>defining the technical requirements. However, sufficient transitional periods should be given for companies to implement the DPP and its registration into the central registry. Implementing new IT systems and changing all artworks is a very timetaking process and companies will struggle to be compliant in time. Therefore, our recommendation is to have a longer transitional period.</p>
<p>Article 35</p>		
<p>Entry into force and application</p>		
<p>This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>.</p>		
<p>This Regulation shall apply as of [<i>OP: please insert the date = 30 months from the date of entry into force of this Regulation</i>].</p>		

Presidency compromise	Drafting Suggestions	Comments
This Regulation shall be binding in its entirety and directly applicable in all Member States.		
Done at Brussels,		
<i>For the European Parliament</i>	<i>For</i>	
<i>the Council</i>		
<i>The President</i>	<i>The</i>	
<i>President</i>		
<u>ANNEX I</u>		
BIODEGRADABILITY REQUIREMENTS REFERRED TO IN ARTICLE 4		
<u>ULTIMATE BIODEGRADABILITY CRITERIA AND TEST METHODS FOR DETERGENTS AND SURFACTANTS,</u>		

Presidency compromise	Drafting Suggestions	Comments
<p><u>SURFACTANTS CONTAINED IN DETERGENTS AND OTHER ORGANIC INGREDIENTS OF CONTAINED IN DETERGENTS OTHER RELEVANT INGREDIENT SURFACTANTS IN WATER SOLUBLE FILMS IN DETERGENT CAPSULES DETERGENTS</u></p>		
<p><u>A: Ultimate Biodegradability of for surfactants and surfactants contained in detergents</u></p>		
<p>1. The reference method for laboratory testing of surfactant ultimate biodegradability in this Regulation is based on the EN ISO standard 14593: 1999 (CO₂ headspace test).</p>		
<p>2. Surfactants and surfactants contained in detergents shall be ultimately biodegradable as determined in accordance with the criteria laid down in point 3.</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>3. Surfactants and surfactants contained in detergents shall be considered as ultimately biodegradable if they meet one of the following criteria:</p>		
<p>(a) the level of biodegradability (mineralisation) is at least 60 % within 28 days measured in accordance with one of the following test methods:</p>		
<p>(i) EN ISO Standard 14593: 1999 — Water quality — Evaluation of ultimate aerobic biodegradability of organic compounds in aqueous medium — Method by analysis of inorganic carbon in sealed vessels (CO₂ headspace test);</p>		
<p>(ii) method C.4.-C Carbon dioxide (CO₂) Evolution Test (Modified Sturm Test), described in Part C, Part IV, of the Annex to</p>		

Presidency compromise	Drafting Suggestions	Comments
Commission Regulation (EC) No 440/2008 ¹ ;		
(iii) method C.4-D, manometric respirometry test, described in Part C, Part V, of the Annex to Regulation (EC) No 440/2008;		
(iv) method C.4-E, closed bottle test, described in Part C, Part VI, of the Annex to Regulation (EC) No 440/2008;		
(v) method C.4-F Ministry of International Trade and Industry, Japan (M.I.T.I.) described in Part C, Part VII, of the Annex to Regulation (EC) No 440/2008;		
(vi) ISO 10708: 1997 — Water quality — Evaluation in an aqueous medium of the		

¹ Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31.5.2008, p. 1).

Presidency compromise	Drafting Suggestions	Comments
ultimate aerobic biodegradability of organic compounds — Determination of biochemical oxygen demand in a two-phase closed bottle test.		
(b) the level of biodegradability (mineralisation) is at least 70% within 28 days measured in accordance with one of the following test methods:		
(i) method C.4-A DOC die-away test described in Part C, Part II, of the Annex to Regulation (EC) No 440/2008;		
(ii) method C.4-B, modified OECD screening test described in Part C, Part III, of the Annex to Regulation (EC) No 440/2008.		
Pre-adaptation shall not be used and the 10-day window principle shall not be applied in any of the test methods referred to in points (a) and (b)		

Presidency compromise	Drafting Suggestions	Comments
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<p>4. The tests referred to in point 3 shall be conducted by laboratories meeting any of the following conditions:</p>		
<p>(a) the laboratories are complying with the principles of good laboratory practice provided for in Directive 2004/10/EC of the European Parliament and of the Council¹ or international standards recognised as being equivalent;</p>		
<p>(b) the laboratories are accredited in accordance with the standard for laboratories referred to in Regulation (EC) No 765/2008.</p>		
<p><u>B . Ultimate Biodegradabilty requirements of</u></p>		

¹ Directive 2004/10/EC of the European Parliament and of the Council of 11 February 2004 on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their applications for tests on chemical substances (OJ L 50, 20.2.2004, p. 44).

Presidency compromise	Drafting Suggestions	Comments
<u>organic polymers and of other organic ingredients for soluble film and other soluble polymer</u>		
<u>C. Ultimate biodegradability requirements for other organic compounds</u>		
<u>ANNEX II</u>		
REQUIREMENTS FOR DETERGENTS CONTAINING MICRO-ORGANISMS REFERRED TO IN ARTICLE 5		
1. Micro-organisms intentionally added to detergents shall comply with the following conditions:		
(a) shall have an American Type Culture Collection (ATCC) number, belong to a collection of an International Depository Authority (IDA) or have had their DNA		

Presidency compromise	Drafting Suggestions	Comments
identified in accordance with a “Strain identification protocol” (using 16S ribosomal DNA sequencing or an equivalent method);		
(b) shall belong to both of the following:		
(i) Risk Group I as defined by Directive 2000/54/EC – biological agents at work;		
(ii) The Qualified Presumption of Safety (QPS) list issued by the European Food Safety Authority (EFSA), <u>excluding micro-organisms listed for production purpose only.</u> <u>according to the qualifications foreseen in this list for the micro-organisms concerned.</u>		
This point shall not apply to micro-organisms intentionally added to detergents placed on the market for research and development purposes.		
2. The following pathogenic micro-		

Presidency compromise	Drafting Suggestions	Comments
organisms shall not be present in any of the strains included in the finished product when screened using the indicated test methods or equivalent:		
(a) <i>E. coli</i> , test method ISO 16649-3: 2005 <u>2015</u> ;		
(b) <i>Streptococcus (Enterococcus)</i> , test method ISO 21528-1: 2004 <u>2017</u> ;		
(c) <i>Staphylococcus aureus</i> , test method ISO 6888-1;		
(d) <i>Bacillus cereus</i> , test method ISO 7932:2004 or ISO 21871;		
(e) <i>Salmonella</i> , test method ISO 6579:2002 or ISO 19250.		

Presidency compromise	Drafting Suggestions	Comments
<p><u>The finished product shall not contain significant amounts of other micro-organisms than those reported as the microbial strain(s) used as the cleaning agent(s).</u></p>		
<p>3. Intentionally added micro-organisms shall not be genetically modified micro-organisms.</p>		
<p>4. Intentionally added micro-organisms shall be, with the exception of intrinsic resistance, susceptible to each of the major antibiotic classes, namely aminoglycoside, macrolide, beta-lactam, tetracycline and fluoroquinolones, in accordance with the European Committee on Antimicrobial Susceptibility Testing (EUCAST) disk diffusion method or equivalent.</p>		
<p>5. When placed on the market, detergents containing micro-organisms shall have a</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>standard plate count equal to or greater than 1×10^5 colony-forming units (CFUs) per ml in accordance with ISO 4833-1:2014 or if not suitable for the micro-organisms in question, other internationally recognized methods.</p>		
<p>6. The minimum shelf life of a detergent containing micro-organisms shall not be lower than 24 months and the microbial count shall not decrease by more than 10 % every 12 months in accordance with ISO 4833-1:2014. <u>The minimum shelf life of a detergent containing micro-organisms shall not be shorter than 18 months and shall have a standard plate count equal to or greater than 1×10^4 colony-forming units (CFUs) per ml in accordance with ISO 4833-1:2014, or corresponding method, at the end of the shelf-life.</u></p>		
<p>7. Micro-organisms contained in detergents</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>that are placed on the market in a spray format shall pass the acute inhalation toxicity test in accordance with the test method B.2., described in Part B of the Annex to Regulation (EC) No 440/2008.</p>		
<p><u>Detergents containing micro-organisms destined for use by consumers, shall not be placed on the market in a spray format.</u></p>		
<p><u>Detergents containing micro-organisms destined for use in the industrial and institutional sector, may be placed on the market in a spray format if:</u></p>		
<p><u>(a) a risk assessment covering all potential risks posed by the micro-organisms and demonstrating safe use has been carried out and is made available in the technical documentation;</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<u>and</u>		
<u>(b) in addition to the requirements laid down in Annex V, their label meets the following conditions:</u>		
<u>(a) — The label contains a warning that the product may cause respiratory sensitisation; and</u>		
<u>(b) — The label contains instructions for use ensuring the safety of the users, if necessary by protective equipment, of the other individuals potentially exposed and of their environment.</u>		
8. Detergents containing micro-organisms shall not be placed on the market in a refill format.		
9. — All claims made by the manufacturer		

Presidency compromise	Drafting Suggestions	Comments
regarding the actions of the micro-organisms contained in the product shall be supported by third party testing.		
10. It is prohibited to claim or suggest on the label or by any other communication that the detergent has an antimicrobial or disinfecting effect, unless the detergent complies with Regulation (EU) No 528/2012.		
11. The tests referred to in points 2, <u>4</u> , <u>5</u> , <u>and</u> 6, 7 and 9 shall be conducted by laboratories meeting any of the following conditions:		
(a) the laboratories are complying with the principles of good laboratory practice provided		

Presidency compromise	Drafting Suggestions	Comments
for in Directive 2004/10/EC of the European Parliament and of the Council ¹ or international standards recognised as being equivalent;		
(b) the laboratories are accredited in accordance with the standard for laboratories referred to in Regulation (EC) No 765/2008.		
<u>ANNEX III</u>		
LIMITATIONS ON THE CONTENT OF PHOSPHATES AND OTHER PHOSPHORUS COMPOUNDS REFERRED TO IN ARTICLE 6		
Detergent Limitations		

¹ Directive 2004/10/EC of the European Parliament and of the Council of 11 February 2004 on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good labo

Presidency compromise	Drafting Suggestions	Comments
<p>Consumer laundry detergents Shall not be placed on the market if the The total content of phosphorus is equal to or greater lower than 0,5-grams in the recommended quantity of the detergent to be used in the main cycle of the washing process for a standard washing machine load as defined in Part B of Annex V for hard water:</p>		
<p>– for ‘normally soiled’ fabrics in the case of heavy-duty detergents,</p>		
<p>– for ‘lightly soiled’ fabrics in the case of detergents for delicate fabrics.</p>		
<p><u>By the 1/1/2021-2028 is lower than 0,3 grams in the same recommended quantity of the detergents.</u></p>		<p>We are against reducing the values for the total content of phosphorus in consumer detergents, without it being clear how these values were determined and without an assessed impact on the efficacy and sustainability of the products.</p>
<p>Consumer automatic dishwasher detergents Shall not be placed on the market if the The total content of phosphorus is equal to or greater lower than 0,33-2 grams in the standard</p>		

Presidency compromise	Drafting Suggestions	Comments
dosage as defined in Part B of Annex V.		
<u>By the 1/1/20218-2028 is lower than 0,2 grams in the same recommended quantity of the detergents.</u>		See our comments above.
<u>Industrial and institutional laundry detergents</u> <u>By the 1/1/2018 the total content of phosphorus is lower than 0,6g/ liter of washing solution.</u>		
<u>Industrila and instuitutional dishawer detergents</u> <u>By the 1/1/2018 the total content of phosphorus is lower than 0,64g/ liter of washing solution.</u>		
<u>ANNEX IV</u>		
CONFORMITY ASSESSMENT PROCEDURE REFERRED TO IN ARTICLE 7(2)		

Presidency compromise	Drafting Suggestions	Comments
Module A - Internal production protocol		
1. Description of the module		
<p>Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares on his or her sole responsibility that the detergent or surfactant concerned satisfy the requirements of this Regulation that apply to them.</p>		
2. Technical documentation		
<p>2.1. The manufacturer shall establish the technical documentation. The documentation shall make it possible to assess conformity of the detergent or surfactant with the relevant requirements, and shall include an adequate analysis and assessment of the risks.</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>2.2. The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and intended use of the detergent or surfactant. The technical documentation shall contain, where applicable, at least the following elements:</p>		
<p>(a) a general description of the detergent or surfactant and a description of the intended use;</p>		
<p>(b) the test reports demonstrating the compliance with Annex I and, where applicable, with Annexes II and III <u>and the risk assessment of detergents containing intentionally added micro-organisms</u>;</p>		
<p>(c) a list of test methods used to demonstrate compliance with the requirements of this Regulation ;</p>		

Presidency compromise	Drafting Suggestions	Comments
(d) results of calculations made and examinations carried out;		
(e) an ingredients data sheet which <u>contains</u> meets the following requirements:		
(i) <u>the trade name of the detergent or surfactant, and of the name, registered trade name or registered trade mark of the manufacturer and the intended use of the detergent;</u>		
(ii) <u>the lists of all intentionally added contained intentionally added substances; for this purpose, a perfume, an essential oil or a colouring agent shall be considered to be a single component, however except impurities; the and preservatives and fragrance allergens shall also only be listed if they must be referred to in labelled in accordance with</u>		

Presidency compromise	Drafting Suggestions	Comments
<u>Regulation (EC) No 1272/2008, Regulation (EU) No 528/2012 or point 3 or 4 of Part A(3) of Annex V;</u>		
(iii) the common chemical name or IUPAC name and, where available, the INCI name, the EC number, and the CAS number, and the European Pharmacopoeia name, is provided for each substance given for each ingredient;		
(iv) all substances are listed in order of decreasing abundance by weight, and the list is sub-divided into the following weight percentage ranges:		
(1) 10 % or more,		
(2) 1 % or over, but less than 10 %,		
(3) 0,1 % or over, but less than 1 %,		

Presidency compromise	Drafting Suggestions	Comments
(4) less than 0,1 %.		
<p>(iii) the list of all intentionally added micro-organisms <u>providing their taxonomic classification (genus, species, strain), the ATCC or IDA numbers or documentation on their DNA identification and their concentration in the product; their concentration shall be expressed as the number of active units per volume or weight, or in any other manner that is relevant to the micro-organism, e.g. colony forming units per gram (cfu/g).</u></p>		
<p>For the purposes of point (e), a perfume, an essential oil, or a colouring agent shall be considered to be a single component.</p>		
3. Manufacturing		

Presidency compromise	Drafting Suggestions	Comments
<p>The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the detergent or surfactant with the technical documentation referred to in point 2 and with the requirements of this Regulation that apply to them.</p>		
	<p>4. Digital product passport</p> <p>The manufacturer shall create the digital product passport for a detergent model and ensure that together with the technical documentation, it remains available for 5 years after the product has been placed on the market. The digital product passport shall identify the detergent for which it has been created.</p>	<p>In order to finilise the procedure of Module A.</p>
<p><u>ANNEX V</u></p>		
<p>LABELLING REQUIREMENTS</p>		
<p>PART A – LABELLING OF CONTENTS</p>		

Presidency compromise	Drafting Suggestions	Comments
The information to be included on the labels of detergents and surfactants made available on the market		
1. The weight percentage ranges ‘less than 5 %’, ‘5 % or over but less than 15 %’, ‘15 % or over but less than 30 %’, ‘30 % and more’, shall be used to indicate the content of the constituents listed below where they are added <u>contained</u> added in a concentration above 0,2 % by weight:		
(a) phosphates,		
(b) phosphonates,		
(c) anionic surfactants,		
(d) cationic surfactants,		

Presidency compromise	Drafting Suggestions	Comments
(e) amphoteric surfactants,		
(f) non-ionic surfactants,		
(g) oxygen-based bleaching agents,		
(h) chlorine-based bleaching agents,		
(i) EDTA and salts thereof,		
(j) NTA (nitrilotriacetic acid) and salts thereof,		
(k) phenols and halogenated phenols,		
(l) paradichlorobenzene,		
(m) aromatic hydrocarbons,		

Presidency compromise	Drafting Suggestions	Comments
(n) aliphatic hydrocarbons,		
(o) halogenated hydrocarbons,		
(p) soap,		
(q) zeolites,		
(r) polycarboxylates.		
2. The following classes of constituents, if added contained added, shall be listed irrespective of their concentration:		
(a) enzymes,		
(b) micro-organisms,		
(c) optical brighteners,		

Presidency compromise	Drafting Suggestions	Comments
(d) perfumes.		
<p>3. <u>Except when they are already labelled on the product in accordance with Regulation (EC) No 1272/2008 or Regulation (EU) No 528/2012, p</u>Preservatives shall be listed, using where possible the system referred to in Article 33 of Regulation (EC) No 1223/2009, irrespective of their concentration, provided that they meet <u>one of</u> the following conditions:</p>		
(a) contribute to the qualification of the detergent as a treated article within the meaning of Article 3(1), point (l), of Regulation (EU) No 528/2012;		
(b) are labelled on a constituent of the detergent.		
<p>The condition listed in point (b) of the first subparagraph does not have to be met where</p>		<p>We do not support the deletion. It is necessary to avoid the labeling of traces of preservatives.</p>

Presidency compromise	Drafting Suggestions	Comments
<p>preservatives do not exceed the elicitation thresholds referred to in point 3.4.3.3. / table 3.4.6., including Note 1, of Annex I to Regulation (EC) No 1272/2008 or they no longer have a preservation function in the final product even in synergies with other preservatives.</p>		
<p>4. If contained added at concentrations exceeding 0,01 % by weight, thefragrance allergenic fragrances that are listed in entries 45, 46, 67 to-92, 109, 114, 122, 124, 131, 133, 154, 157, 175, 196, 324 and 327 to 371 and [X] to [X] of Annex III to Regulation (EC) No 1223/2009 or have been included in its Annex H, or in entries 1380, 1381, 1382 and 1666 of Annex II to the same Regulation, shall be labelled using the system referred to in Article 33 of that Regulation. The first sentence shall not apply to fragrance allergenic fragrances that are already labelled on the product in</p>		

Presidency compromise	Drafting Suggestions	Comments
<p><u>accordance with</u> meet the labelling thresholds under Regulation (EC) No 1272/2008.</p>		
<p>5. The requirements referred to in points 1 to 4 shall not apply to professional <u>industrial and institutional</u> detergents and surfactants, provided that the equivalent information to that required in those points is provided in section 15 of the safety data sheet drawn up in accordance with Article 31 of Regulation (EC) No 1907/2006.</p>		
<p>6. In addition to the information listed in points 1 to 5, as applicable, the label of detergents containing micro-organisms shall bear the following information:</p>		
<p>(a) an indication or a precautionary statement that the product is not to be used on <u>food nor</u> surfaces in contact with food, <u>except if the product as been found safe for such</u></p>		

Presidency compromise	Drafting Suggestions	Comments
<u>applications on the basis of a risk assessment made available in the technical documentation;</u>		
(b) an indication of the shelf life of the product;		
(c) use instructions or special precautions, where relevant.		
PART B – LABELLING OF DOSAGE INFORMATION		
The information to be included on the label of consumer laundry detergents, and consumer automatic dishwasher detergents <u>and consumer detergents for surface cleaning.</u>		
1. The label of consumer laundry detergents shall contain the following information:		

Presidency compromise	Drafting Suggestions	Comments
<p>(a) the recommended quantities and/or dosage instructions expressed in millilitres or grams appropriate to a standard washing machine load, for soft, medium and hard water hardness levels and making provision for one or two cycle washing processes,</p>		
<p>(b) for heavy-duty detergents, the number of standard washing machine loads of ‘normally soiled’ fabrics, and, for detergents for delicate fabrics, the number of standard washing machine loads of ‘lightly soiled’ fabrics, that can be washed with the contents of the package using water of medium hardness, corresponding to 2,5 millimoles CaCO₃/l,</p>		
<p>(c) the capacity of any measuring cup, if provided, shall be indicated in millilitres or grams, and markings shall be provided to indicate the dose of detergent appropriate for a</p>		

Presidency compromise	Drafting Suggestions	Comments
standard washing machine load for soft, medium and hard water hardness levels,		
2. For the purposes of point 1, the standard washing machine loads shall be 4,5 kg dry fabric for heavy-duty detergents 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.		
3. The label of consumer automatic dishwasher detergents shall indicate the standard dosage expressed in grams or millilitres or number of tablets <u>or capsules</u> for the main washing cycle for normally soiled tableware in a fully loaded 12 place settings dishwasher, adjusting the standard dosage, where relevant, for soft, medium, and hard water hardness.		

Presidency compromise	Drafting Suggestions	Comments
<p><u>4. The label of consumer detergents for surfaces cleaning shall contain the recommended dilution and volume to be used per surface area or other relevant use instructions to ensure the products is not used in excess.</u></p>		
<p>PART C – DIGITAL LABELLING</p>		
<p>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, in the manner specified in that part:</p>		
<p>(a) anionic surfactants;</p>		
<p>(b) cationic surfactants;</p>		
<p></p>		

Presidency compromise	Drafting Suggestions	Comments
(c) amphoteric surfactants;		
(d) non-ionic surfactants;		
(e) phosphates;		
(f) phosphonates;		
(g) soap.		
PART D – SIMPLIFIED DOSAGE INFORMATION FOR CONSUMER LAUNDRY DETERGENTS		
The simplified dosage grid shall contain the following information:		
(a) basic instructions for use, where relevant;		

Presidency compromise	Drafting Suggestions	Comments
(b) the recommended quantities based on medium/average water hardness and different degrees of fabric soiling; and		
(c) an indication of the washing machine load.		
<u>ANNEX VI</u>		
<u>DIGITAL PRODUCT PASSPORT</u>		
The <u>digital</u> product passport shall include the following information:		
(a) the unique product identifier of the detergent or surfactant;		
(b) the name, the <u>postal and email</u> address of the manufacturer, <u>and where applicable of the importer or and, where relevant,</u> or the	(b) the name, the postal and email address of the manufacturer, and where applicable of the importer or and, where relevant, or the	It is not clear why the importer is included.

Presidency compromise	Drafting Suggestions	Comments
manufacturer's authorised representative, as well the manufacturer's unique operator identifier;	manufacturer's authorised representative, as well the manufacturer's unique operator identifier;	
(c) the identification of detergent or surfactant allowing traceability, including <u>its trade name and</u> a colour image <u>of the packaging of the detergent or surfactant</u> of sufficient clarity to enable <u>its</u> the identification of the detergent or surfactant ;		
(d) the commodity code under which the detergent or surfactant is classified at the moment the product passport is created, as set out in Council Regulation (EEC) No 2658/87 ¹ ;		
(e) references to Union legal acts that the detergent or surfactant complies with;		

¹ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

Presidency compromise	Drafting Suggestions	Comments
(ea) — the CE marking;		
<p>(f) a full list of substances intentionally added contained in the detergent or surfactant and of preservatives labelled in accordance with part A, point 3, first subparagraph, point (b), of Annex V, using the International Nomenclature of Cosmetic Ingredients, or where it is not available, the European Pharmacopoeia name and, when also the latter is not available, the common chemical name or International Union of Pure and Applied Chemists <u>(IUPAC)</u> name and, where available, the INCI name and the CAS number; preservatives and fragrance allergens shall be listed if they must be labelled in accordance with Regulation (EC) No 1272/2008, Regulation (EU) No 528/2012 or point 3 or 4 of Part A of Annex V;</p>		
<u>(fa) a full list of all intentionally added</u>		

Presidency compromise	Drafting Suggestions	Comments
<u>micro-organism providing their taxonomic classification (genus, species, strain).</u>		
The obligation referred to in point (f) shall not apply to professional <u>industrial and institutional</u> detergents, or to surfactants for professional <u>industrial and institutional</u> detergents, for which a safety data sheet referred to in Article 31 of Regulation (EC) No 1907/2006 is available.		
	(g) the mention that this passport is issued under the sole responsibility of the manufacturer;	Since the DPP replaces the EC declaration with the issuance of which the manufacturer declares and bears legal responsibility for the conformity of the product, it is necessary to include the proposed text in the DPP (analogous to the Toys Safety Regulation).
	(h) the reference of the digital product passport service provider hosting the back-up copy of the digital product passport.	We also consider it appropriate to include this text.

Presidency compromise	Drafting Suggestions	Comments
<u>ANNEX VII</u>		
TEST METHODS REFERRED TO IN ARTICLE 22(2)		
1. Reference method (confirmatory test)		
1.1. Definition		
This method describes a laboratory model of the activated sludge and secondary settler which is designed to simulate municipal sewage treatment. Improved state-of-the-art operating conditions can be applied to this test method as described in EN ISO 11733.		
1.2. Equipment needed for measurement		
The method of measurement employs the small-		

Presidency compromise	Drafting Suggestions	Comments
<p>activated sludge plant shown in Figure 1, and in greater detail in Figure 2. The equipment consists of a sewage vessel A for synthetic sewage, dosing pump B, aeration vessel C, settling vessel D, air-lift pump E to recycle the activated sludge, and vessel F for collecting the treated effluent.</p>		
<p>Vessels A and F must be of glass or suitable plastic and hold at least twenty-four litres. Pump B must provide a constant flow of synthetic sewage to the aeration vessel; this vessel, during normal operation, contains three litres of mixed liquor. A sintered aeration cube G is suspended in the vessel C at the apex of the cone. The quantity of air blown through the aerator shall be monitored by means of a flow meter H.</p>		
<p>1.3. Synthetic sewage</p>		
<p>A synthetic sewage is employed for the test.</p>		

Presidency compromise	Drafting Suggestions	Comments
Dissolve in each litre of tap water:		
– 160 mg peptone;		
– 110 mg meat extract;		
– 30 mg urea, CO(NH ₂) ₂ ;		
– 7 mg sodium chloride, NaCl;		
– 4 mg calcium chloride, CaCl ₂ .2H ₂ O;		
– 2 mg magnesium sulphate, MgSO ₄ .7H ₂ O;		
– 28 mg of di-potassium hydrogen phosphate, K ₂ HPO ₄ ;		
– and 10 ± 1 mg of the surfactant.		

Presidency compromise	Drafting Suggestions	Comments
The synthetic sewage is freshly prepared daily.		
1.4. Preparation of samples		
Uncompounded surfactants are examined in the original state. Active content of surfactant samples must be determined in order to prepare the synthetic sewage (point 1.3).		
1.5. Operation of equipment		
Initially, fill aeration vessel C and settling vessel D with synthetic sewage. The height of the vessel D should be so fixed that the volume contained in the aeration vessel C is three litres. Inoculation is made by introducing 3 ml of a secondary effluent of good quality, freshly collected from a treatment plant dealing with a predominantly domestic sewage. The effluent must be kept under aerobic conditions in the period between sampling and application. Then		

Presidency compromise	Drafting Suggestions	Comments
<p>set the aerator G, air-lift E and dosing device B in operation. The synthetic sewage must pass through the aeration vessel C at a rate of one litre per hour; this gives a mean retention time of three hours.</p>		
<p>The rate of aeration should be so regulated that the contents of vessel C are kept constantly in suspension and the dissolved oxygen content is at least 2 mg/l. Foaming must be prevented by appropriate means. Anti-foaming agents that inhibit the activated sludge or contain surfactants must not be used. The air-lift pump E must be set so that the activated sludge from the settling vessel is continually and regularly recycled to aeration vessel C. Sludge which has accumulated around the top of the aeration vessel C, in the base of the settling vessel D, or in the circulation circuit must be returned to the circulation at least once each day by brushing or some other appropriate means. When the sludge</p>		

Presidency compromise	Drafting Suggestions	Comments
fails to settle, its settleability may be increased by the addition of 2 ml portions of a 5 % solution of ferric chloride, repeated as necessary.		
The effluent from the settling vessel D is accumulated in vessel F for twenty-four hours, following which a sample is taken after thorough mixing. Vessel F must then be carefully cleaned.		
1.6. Checking measuring equipment		
The surfactant content (in mg/l) of the synthetic sewage is determined immediately before use.		
The surfactant content (in mg/l) of the effluent collected over twenty-four hours in vessel F should be determined analytically by the same method, immediately after collection: otherwise the samples must be preserved, preferably by		

Presidency compromise	Drafting Suggestions	Comments
freezing. The concentrations must be determined to the nearest 0,1 mg/l surfactant		
As a check on the efficiency of the process, the chemical oxygen demand (COD) or the dissolved organic carbon (DOC) of the glass fibre filtered effluent accumulated in vessel F and of the filtered synthetic sewage in vessel A is measured at least twice per week.		
The reduction in COD or DOC should level off when a roughly regular daily surfactant degradation is obtained at the end of the running-in period shown in Figure 3.		
The content of dry matter in the activated sludge contained in the aeration vessel should be determined twice a week in g/l. If it is more than 2,5 g/l, the excess activated sludge must be discarded.		

Presidency compromise	Drafting Suggestions	Comments
<p>The degradation test is performed at room temperature; this should be steady and kept between 19-24 ° C.</p>		
<p>1.7. Calculation of biodegradability</p>		
<p>The percentage degradation of surfactant must be calculated every day on the basis of the surfactant content in mg/l of the synthetic sewage and of the corresponding effluent accumulated in vessel F.</p>		
<p>The degradability values thus obtained should be presented graphically as in Figure 3.</p>		
<p>The degradability of the surfactant should be calculated as the arithmetic mean of the values obtained over the twenty-one days that follow the running-in and acclimatisation period, during which degradation has been regular and the operation of the plant trouble-free. In any</p>		

Presidency compromise	Drafting Suggestions	Comments
event the duration of the running-in period should not exceed six weeks.		
The daily degradation values are calculated to the nearest 0,1 % but the final result is given to the nearest whole number.		
In some cases it may be permissible to reduce the frequency of sampling but at least fourteen results collected over the twenty-one days which follow the running-in period should be used in calculating the average.		
2. Determination of anionic surfactants in biodegradability tests		
2.1. Principle		
The method is based on the fact that the cationic dye methylene blue forms blue salts with anionic surfactants (MBAS), which can be		

Presidency compromise	Drafting Suggestions	Comments
<p>extracted with chloroform. To eliminate interference, the extraction is first effected from alkaline solution and the extract is then shaken with acidic methylene blue solution. The absorbency of the separated organic phase is measured photometrically at the wavelength of maximum absorption of 650 nm.</p>		
2.2. Reagents and equipment		
2.2.1. Buffer solution pH 10		
<p>Dissolve 24 g sodium bicarbonate, NaHCO₃ AR, and 27 g anhydrous sodium carbonate (Na₂CO₃) AR in deionised water and dilute to 1000 ml.</p>		
2.2.2. Neutral methylene blue solution		
<p>Dissolve 0,35 g methylene blue AR in deionised water and dilute to 1000 ml. Prepare the</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>solution at least twenty-four hours before use. The absorbency of the blank chloroform phase, measured against chloroform must not exceed 0,015 per 1 cm of layer thickness at 650 nm.</p>		
2.2.3. Acidic methylene blue solution		
<p>Dissolve 0,35 g methylene blue AR in 500 ml deionised water and mix with 6,5 ml H₂SO₄ (d = 1,84 g/ml). Dilute to 1000 ml with deionised water. Prepare the solution at least twenty-four hours before use. The absorbency of the blank chloroform phase, measured against chloroform must not exceed 0,015 per 1 cm of layer thickness at 650 nm.</p>		
2.2.4. Chloroform (trichloromethane) AR freshly distilled		
2.2.5. Dodecyl benzene sulphonic acid methyl ester		

Presidency compromise	Drafting Suggestions	Comments
2.2.6. Ethanolic potassium hydroxide solution, KOH 0,1 M		
2.2.7. Ethanol pure, C ₂ H ₅ OH		
2.2.8. sulphuric acid, H ₂ SO ₄ 0,5 M		
2.2.9. Phenolphthalein solution		
Dissolve 1 g phenolphthalein in 50 ml ethanol and add 50 ml deionised water while stirring continuously. Filter off any precipitate obtained.		
2.2.10. Methanolic hydrochloric acid: 250 ml hydrochloric acid AR and 750 ml methanol		
2.2.11. Separating funnel, 250 ml		
2.2.12. Graduated flask, 50 ml		

Presidency compromise	Drafting Suggestions	Comments
2.2.13. Graduated flask, 500 ml		
2.2.14. Graduated flask, 1000 ml		
2.2.15. Round-bottomed flask with ground glass stopper and reflux condenser, 250 ml; boiling granules		
2.2.16. pH meter		
2.2.17. Photometer for measurements at 650 nm, with 1 to 5 cm cells		
2.2.18. Qualitative grade filter paper		
2.3. Procedure		
The samples for analysis must not be taken through a layer of foam.		

Presidency compromise	Drafting Suggestions	Comments
<p>After thorough cleaning with water, the equipment used for the analysis must be thoroughly rinsed with methanolic hydrochloric acid (point 2.2.10) and then with deionised water before using.</p>		
<p>Filter the activated sludge plant influent and effluent to be examined immediately on sampling. Discard the first 100 ml of the filtrates.</p>		
<p>Place a measured volume of the sample, neutralised if necessary, into a 250 ml separating funnel (point 2.2.11). The volume of sample should contain between 20 and 150 g of MBAS. At the lower MBAS content, up to 100 ml of sample may be used. When using less than 100 ml, dilute to 100 ml with deionised water. Add to the sample 10 ml of buffer solution (point 2.2.1), 5 ml of neutral methylene blue</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>solution (point 2.2.2) and 15 ml of chloroform (point 2.2.4). Shake the mixture uniformly and not too vigorously for one minute. After phase separation, run the chloroform layer into a second separating funnel, containing 110 ml of deionised water and 5 ml of acidic methylene blue solution (point 2.2.3). Shake the mixture for one minute. Pass the chloroform layer through a cotton-wool filter previously cleaned and wetted with chloroform into a graduated flask (point 2.2.12).</p>		
<p>Extract the alkaline and acid solutions three times, using 10 ml of chloroform for the second and third extractions. Filter the combined chloroform extracts through the same cotton wool filter and dilute to the mark in the 50 ml flask (point 2.2.12) with chloroform used for rewashing the cotton wool. Measure the absorbency of the chloroform solution with a photometer at 650 nm in 1 to 5 cm cells against</p>		

Presidency compromise	Drafting Suggestions	Comments
chloroform. Run a blank determination through the whole procedure.		
2.4. Calibration curve		
Prepare a calibration solution from the standard substance dodecylbenzene sulphonic acid methyl ester (tetrapropylene type mol. wt. 340) after saponification into the potassium salt. The MBAS is calculated as sodium dodecyl benzene sulphonate (mol. wt. 348).		
From a weighing pipette, weigh 400 to 450 mg of dodecyl-benzene-sulphonic-acid-methyl-ester (point 2.2.5) to the nearest 0,1 mg in a round-bottomed flask and add 50 ml of ethanolic potassium hydroxide solution (point 2.2.6) and some boiling granules. After mounting the reflux condenser, boil for one hour. After cooling, wash the condenser and ground glass joint with about 30 ml of ethanol, and add these		

Presidency compromise	Drafting Suggestions	Comments
<p>washings to the contents of the flask. Titrate the solution with sulphuric acid against phenolphthalein until it becomes colourless. Transfer this solution to a 1000 ml graduated flask (point 2.2.14), dilute to the mark with deionised water and mix.</p>		
<p>Part of this surfactant stock solution is then further diluted. Withdraw 25 ml, transfer to a 500 ml graduated flask (point 2.2.13), dilute to the mark with deionised water and mix.</p>		
<p>This standard solution contains:</p>		
<p>$E \times 1,023 \text{ mg MBAS per}$ <hr/> 20 000</p>		
<p>where E is the sample weight in mg.</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>To establish the calibration curve, withdraw 1, 2, 4, 6, 8 ml portions of the standard solution and dilute each to 100 ml with deionised water. Then proceed as stated under point 2.3 including a blank determination.</p>		
<p>2.5. Calculation of results</p>		
<p>The amount of anionic surfactant (MBAS) in the sample is read from the calibration curve (point 2.4). The MBAS content of the sample is given by:</p>		
$\frac{\text{mg MBAS} \times 1000}{V} =$ <p>MBAS mg/l</p>		

Presidency compromise	Drafting Suggestions	Comments
where: V = ml volume of the sample used.		
Express the results as sodium dodecylbenzene sulphonate (MW 348).		
2.6. Expression of results		
Express the results as MBAS mg/l to the nearest 0,1.		
3. Determination of non-ionic surfactants in biodegradation test liquors		
3.1. Principle		
Surface active agents are concentrated and isolated by gas stripping. In the sample used, the quantity of non-ionic surfactant should be in the range 250-800 g.		

Presidency compromise	Drafting Suggestions	Comments
The stripped surfactant is dissolved in ethyl acetate.		
After phase separation and evaporation of the solvent, the non-ionic surfactant is precipitated in aqueous solution with modified Dragendorff reagent ($\text{KBiI}_4 + \text{BaCl}_2 + \text{glacial acetic acid}$).		
The precipitate is filtered, washed with glacial acetic acid and dissolved in ammonium tartrate solution. The bismuth in the solution is titrated potentiometrically with pyrrolidinedithiocarbamate solution at pH 4-5 using a bright platinum indicator electrode and a calomel or silver/silver chloride reference electrode. The method is applicable to non-ionic surfactants containing 6-30 alkylene oxide groups.		
The titration result is multiplied by the empirical factor of 54 for conversion to the reference		

Presidency compromise	Drafting Suggestions	Comments
substance nonylphenol condensed with 10 mols ethylene oxide (NP 10).		
3.2. Reagents and Equipment		
Reagents are to be made up in deionised water.		
3.2.1. Pure ethyl acetate, freshly distilled.		
3.2.2. Sodium bicarbonate, NaHCO ₃ AR.		
3.2.3. Dilute hydrochloric acid [20 ml concentrated acid (HCl) diluted to 1000 ml with water]		
3.2.4. Methanol AR, freshly distilled, stored in a glass bottle.		
3.2.5. Bromocresol purple, 0,1 g in 100 ml methanol.		

Presidency compromise	Drafting Suggestions	Comments
3.2.6. Precipitating agent: the precipitating agent is a mixture of two volumes of solution A and one volume of solution B. The mixture is stored in a brown bottle and can be used for up to one week after mixing.		
3.2.6.1. Solution A		
Dissolve 1,7 g bismuth nitrate, BiONO ₃ .H ₂ O AR, in 20 ml glacial acetic acid, and make up to 100 ml with water. Then dissolve 65 g potassium iodide AR in 200 ml water. Mix these two solutions in a 1000 ml measuring flask, add 200 ml glacial acetic acid (point 3.2.7) and make up to 1000 ml with water.		
3.2.6.2. Solution B		
Dissolve 290 g barium chloride, BaCl ₂ .2H ₂ O AR, in 1000 ml of water.		

Presidency compromise	Drafting Suggestions	Comments
3.2.7. Glacial acetic acid 99-100 % (lower concentrations are unsuitable).		
3.2.8. Ammonium tartrate solution: mix 12,4 g tartaric acid AR and 12,4 ml of ammonia solution AR (d = 0,910 g/ml) and make up to 1000 ml with water (or use the equivalent amount of ammonium tartrate AR).		
3.2.9. Dilute ammonia solution: 40 ml ammonia solution AR (d = 0,910 g/ml) diluted to 1000 ml with water.		
3.2.10. Standard acetate buffer: dissolve 40 g solid sodium hydroxide AR, in 500 ml water in a beaker and allow to cool. Add 120 ml glacial acetic acid (point 3.2.7). Mix thoroughly, cool and transfer to a 1000 ml volumetric flask. Make up to the mark with water.		

Presidency compromise	Drafting Suggestions	Comments
3.2.11. Pyrrolidinedithiocarbamate solution (known as 'carbate solution'): dissolve 103 mg sodium pyrrolidinedithiocarbamate, C ₅ H ₈ NNaS ₂ .2H ₂ O, in about 500 ml water, add 10 ml of n-amyl alcohol AR and 0,5 g NaHCO ₃ AR, and make up to 1000 ml with water.		
3.2.12. Copper sulphate solution (for standardisation of point 3.2.11).		
STOCK SOLUTION		
Mix 1,249 g copper sulphate, CuSO ₄ .5H ₂ O AR, with 50 ml 0,5 M sulphuric acid and make up to 1000 ml with water.		
STANDARD SOLUTION		
Mix 50 ml stock solution with 10 ml 0,5 M H ₂ SO ₄ and make up to 1000 ml with water.		

Presidency compromise	Drafting Suggestions	Comments
3.2.13. Sodium chloride AR.		
3.2.14. Gas-stripping apparatus (see Figure 5). The diameter of the sintered disc must be the same as the internal diameter of the cylinder.		
3.2.15. Separating funnel, 250 ml.		
3.2.16. Magnetic stirrer with magnet 25-30 mm.		
3.2.17. Gooch crucible, diameter of the perforated base = 25 mm, Type G4.		
3.2.18. Circular glass-fibre filter papers, 27 mm diameter with fibre diameter 0,3-1,5 m.		
3.2.19. Two filter flasks with adapters and rubber collars, 500 and 250 ml respectively.		

Presidency compromise	Drafting Suggestions	Comments
3.2.20. Recording potentiometer fitted with a bright platinum indicator electrode and a calomel or silver/silver chloride reference electrode with a 250 mV range, with automatic burette of 20-25 ml capacity, or alternative manual equipment.		
3.3. Method		
3.3.1. Concentration and separation of the surfactant		
Filter the aqueous sample through a qualitative filter paper. Discard the first 100 ml of the filtrate.		
Into the stripping apparatus, previously rinsed with ethyl acetate, place a measured quantity of the sample, such that it contains between 250-800 g non-ionic surfactant.		

Presidency compromise	Drafting Suggestions	Comments
To improve the separation add 100 g sodium chloride and 5 g sodium bicarbonate.		
If the volume of the sample exceeds 500 ml, add these salts to the stripping apparatus in solid form, and dissolve by passing nitrogen or air through.		
If a smaller-sized sample is used, dissolve the salts in 400 ml water and then add to the stripping apparatus.		
Add water to bring the level to the upper stopcock.		
Cautiously add 100 ml ethyl acetate on top of the water.		
Fill the wash-bottle in the gas-line (nitrogen or air) two-thirds full with ethyl acetate.		

Presidency compromise	Drafting Suggestions	Comments
<p>Pass a gas stream of 30-60 l/h through the apparatus; the use of a flowmeter is recommended. The rate of aeration must be increased gradually at the beginning. The gas rate must be so adjusted that the phases remain noticeably separate to minimise the mixing of the phases and the solution of the ethyl acetate in the water. Stop the gas flow after five minutes.</p>		
<p>If there is a reduction of more than 20 % in the volume of the organic phase through solution in water, the sublation must be repeated paying special attention to the rate of gas flow.</p>		
<p>Run off the organic phase into a separating funnel. Return any water in the separating funnel from the aqueous phase — it should only be a few ml — to the stripping apparatus. Filter the ethyl acetate phase through a dry qualitative</p>		

Presidency compromise	Drafting Suggestions	Comments
filter paper into a 250 ml beaker.		
Put a further 100 ml ethyl acetate into the stripping apparatus and again pass nitrogen or air through for five minutes. Draw off the organic phase into the separating funnel used for the first separation, reject the aqueous phase and run the organic phase through the same filter as the first ethyl acetate portion. Rinse both the separating funnel and the filter with about 20 ml ethyl acetate.		
Evaporate the ethyl acetate extract to dryness using a water-bath (fume cupboard). Direct a gentle stream of air over the surface of the solution to accelerate the evaporation.		
3.3.2. Precipitation and filtration		
Dissolve the dry residue from 3.3.1 in 5 ml methanol, add 40 ml water and 0,5 ml dilute		

Presidency compromise	Drafting Suggestions	Comments
HCl (point 3.2.3) and stir the mixture with a magnetic stirrer.		
To this solution add 30 ml of precipitating agent (point 3.2.6) from a measuring cylinder. The precipitate forms after repeated stirring. After stirring for ten minutes leave the mixture to stand for at least five minutes. <u>26</u>		
Filter the mixture through a Gooch crucible, the base of which is covered with a glass-fibre filter paper. First wash the filter under suction with about 2 ml glacial acetic acid. Then thoroughly wash the beaker, magnet, and crucible with glacial acetic acid, of which about 40-50 ml is necessary. It is not necessary to quantitatively transfer the precipitate adhering to the sides of the beaker, to the filter, because the solution of the precipitate for the titration is returned to the precipitating beaker, and the remaining precipitate will then be dissolved.		

Presidency compromise	Drafting Suggestions	Comments
3.3.3. Dissolution of the precipitate		
Dissolve the precipitate in the filter crucible by the addition of hot ammonium tartrate solution (about 80 ° C) (point 3.2.8) in three portions of 10 ml each. Allow each portion to stand in the crucible for some minutes before being sucked through the filter into the flask.		
Put the contents of the filter flask into the beaker used for the precipitation. Rinse the sides of the beaker with a further 20 ml of tartrate solution to dissolve the rest of the precipitate.		
Carefully wash the crucible, adapter and filter flask with 150-200 ml water, and return the rinsing water to the beaker used for the precipitation.		
3.3.4. The titration		

Presidency compromise	Drafting Suggestions	Comments
Stir the solution using a magnetic stirrer (point 3.2.16), add a few drops of bromocresol purple (point 3.2.5) and add the dilute ammonia solution (point 3.2.9) until the colour turns violet (the solution is initially weakly acid from the residue of acetic acid used for rinsing).		
Then add 10 ml standard acetate buffer (point 3.2.10), immerse the electrodes in the solution, and titrate potentiometrically with standard 'carbate solution' (point 3.2.11), the burette tip being immersed in the solution.		
The titration rate should not exceed 2 ml/min.		
The endpoint is the intersection of the tangents to the two branches of the potential curve.		
It will be observed occasionally that the inflection in the potential curve becomes		

Presidency compromise	Drafting Suggestions	Comments
flattened; this can be eliminated by carefully cleaning the platinum electrode (by polishing with emery paper).		
3.3.5. Blank determinations		
<p>At the same time run a blank determination through the whole procedure with 5 ml methanol and 40 ml water, according to the instructions in point 3.3.2. The blank titration should be below 1 ml, otherwise the purity of the reagents (points 3.2.3, 3.2.7, 3.2.8, 3.2.9, 3.2.10) is suspect, especially their content of heavy metals, and they must be replaced. The blank must be taken into account in the calculation of the results.</p>		
3.3.6. Control of the factor of the ‘carbate solution’		
Determine the factor for the carbate solution on		

Presidency compromise	Drafting Suggestions	Comments
<p>the day of use. To do this, titrate 10 ml of the copper sulphate solution (point 3.2.12) with 'carbate solution' after the addition of 100 ml water and 10 ml standard acetate buffer (point 3.2.10). If the amount used is a ml, the factor f is:</p>		
$f = \frac{10}{a}$		
<p>and all the results of the titration are multiplied by this factor.</p>		
<p>3.4. Calculation of results</p>		
<p>Every non-ionic surfactant has its own factor, depending on its composition, particularly on the length of the alkene oxide</p>		

Presidency compromise	Drafting Suggestions	Comments
<p>chain. The concentration of non-ionic surfactant is expressed in relation to a standard substance — a nonyl phenol with ten ethylene oxide units (NP 10) — for which the conversion factor is 0,054.</p>		
<p>Using this factor the amount of surfactant present in the sample is found expressed as mg of NP 10 equivalent, as follows:</p>		
<p>$(b - c) \times f \times 0,054 = \text{mg non-ionic surfactant as NP 10}$</p>		
<p>where:</p>		
<p>b = volume of ‘carbate solution’ used by the sample (ml),</p>		
<p>c = volume of ‘carbate solution’ used by the blank (ml),</p>		
<p>f = factor of the ‘carbate</p>		

Presidency compromise	Drafting Suggestions	Comments
solution’.		
3.5. Expression of results		
Express the results in mg/l as NP 10 to the nearest 0,1.		
<i>Figure 1 Activated sludge plant: overviews</i>		
A Storage vessel		
B Dosing device		
C Aeration chamber (three litres capacity)		
D Settling vessel		
E Air-lift pump		

Presidency compromise		Drafting Suggestions	Comments
F	Collector		
G	Sintered aerator		
H	Air-flow meter		
I	Air		
<i>Figure 2 Activated sludge plant: detail (dimensions in millimetres)</i>			
A	Liquid level		
B	Hard PVC		
C	Glass or waterproof		

Presidency compromise	Drafting Suggestions	Comments
plastic (hard PVC)		
<i>Figure 3 Calculation of biodegradability - Confirmatory test</i>		
A	Running-in period	
B	Period used for calculation (twenty-one days)	
C	Readily biodegradable surfactant	
D	Surfactant not readily biodegradable	
E	Biodegradation (%)	
F	Time (days)	

Presidency compromise	Drafting Suggestions	Comments

