



Council of the European Union  
General Secretariat

Brussels, 27 May 2024

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

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#### **NOTE**

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From:	DE, DK, EL, FI, LV, MT, PT, SI, AT, ES, IE, IT, LT, SE, RO, SK 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 DE, DK, EL, FI, LV, MT, PT, SI, AT, ES, IE, IT, LT, SE, RO, SK

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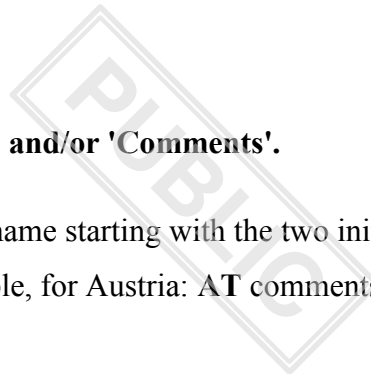
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Please add your contributions in the table below, only in the columns '**Drafting**' and/or '**Comments**'.

Before returning your contribution, please save the MS Word document with a name starting with the two initials of your delegation's Country followed by a space, only then you may add any text to the file name, for example, for Austria: **AT** comments on.docx !

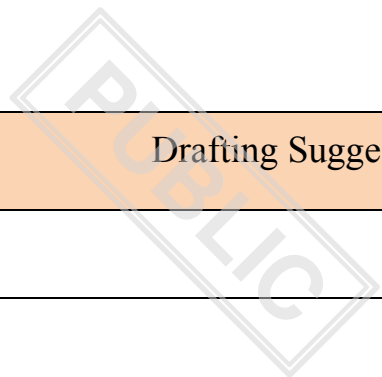
Thank you for your cooperation!



Presidency compromise	Drafting Suggestions and Comments
<p><b>General comments</b></p>	<p>SE  <b>(Comments):</b></p> <p><b>General Swedish comments:</b></p> <p>Sweden supports proposals to delete requirements for CE marking in all articles where such requirements were suggested in earlier version of the compromise proposal.</p> <p>Sweden is flexible regarding the timeframes for keeping information in e.g. technical documentation and digital product passports.</p>
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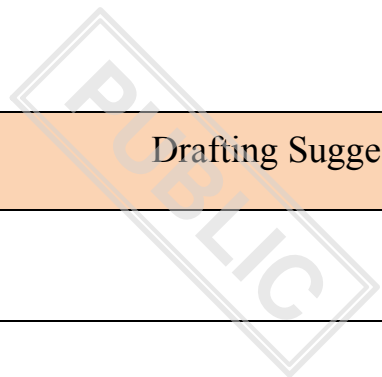
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Presidency compromise	Drafting Suggestions and Comments
Proposal for a	
<b>REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL</b>	
<b>on detergents and surfactants, amending Regulation (EU) 2019/1020 and repealing Regulation (EC) No 648/2004</b>	
(Text with EEA relevance)	

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Presidency compromise	Drafting Suggestions and Comments
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Having regard to the Treaty on the Functioning 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 <sup>1</sup> ,	

<sup>1</sup> OJ C , , p. .

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Acting in accordance with the ordinary legislative procedure,	
Whereas:	
<p>(1) The conditions for placing and making 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 Council<sup>1</sup>. <b><u>The harmonised requirements of this regulation were related to the particular conditions of use and the disposal of detergent with wastewater.</u></b></p>	
<p>(2) The Commission evaluation of Regulation (EC) No 648/2004<sup>2</sup> concluded that overall that Regulation has achieved its objectives to a</p>	

<sup>1</sup> 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).

<sup>2</sup> 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>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 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. <b><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></b> 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 emerged products</p>	<p>DK  <b>(Comments):</b>                      DK supports the proposal</p>

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<p>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>	
<p>(4) The Fitness Check of the most relevant chemicals legislation<sup>1</sup> (excluding Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>2</sup>) 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. <b><u>It pointed out that enforcement issues are reported by market surveillance authorities concerning products coming to the EU from third countries through online sales.</u></b> 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</p>	<p>DK  <b>(Comments):</b>                      DK supports the proposal</p>

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

<sup>2</sup> 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>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 Council<sup>1</sup> lays down common principles and reference provisions intended to apply across sectoral legislation in order to provide a coherent basis 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</p>	<p>DE (Drafting Suggestions):</p>

<sup>1</sup> 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>falling in the scope of harmonisation, including the newly developed detergents containing intentionally added micro-organisms. <del>The definition should also cover products for cleaning the surface of fruits and vegetables.</del></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. <b><u>The word "added" as used in this Regulation should cover any addition of an ingredient by any actor in the manufacturing chain of a detergent or surfactant whereas impurities should not be considered as added.</u></b></p> <p>DE (Comments): The word “intentionally” should be deleted in the whole regulation. See justification for the amendment in Annex IV, Module A (2.2)(e)(ii). The additional explanations on the use of the word "added" in the detergents regulation is intended to help avoid unclearities and different interpretations and to have a uniform labelling requirement for all ingredients.</p> <p>DK (Drafting Suggestions): (6) In order to ensure legal certainty and a level playing field for economic operators, the definition of detergent should cover all products</p>

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	<p>falling in the scope of harmonisation, including the newly developed detergents containing intentionally added micro-organisms. <b><u>The word "added" as used in this Regulation should cover any addition of an ingredient by any actor in the manufacturing chain of a detergent or surfactant whereas impurities should not be considered as added.</u></b></p> <p>DK (Comments):</p> <p>The additional explanations on the use of the word "added" in the detergents regulation is intended to help avoid unclearities and different interpretations and to have a uniform labelling requirement for all ingredients.</p> <p>IT (Drafting suggestions):</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. <b>The word "added" as used in this Regulation should cover any addition of an ingredient by any actor in the manufacturing chain of a detergent or</b></p>

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	<p><b>surfactant whereas impurities should not be considered as added.</b></p> <p>IT  <b>(Comments):</b></p> <p>The word “intentionally” should be deleted in the whole regulation. See justification for the amendment in Annex IV, Module A (2.2)(e)(ii). The additional explanations on the use of the word "added" in the detergents regulation is intended to help avoid unclearities and different interpretations and to have a uniform labelling requirement for all ingredients.</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 labelling information and the obligation of economic operators to draw up a technical documentation and to create a <b>digital</b> product passport.</p>	<p>IT  <b>(Comments):</b></p> <p>IT agrees with this recital; please for consistency, clarify the art. on refill.</p>
<p>(8) <b><u>Since the European Green Deal has set a goal to protect better human health and the environment as part of an ambitious approach</u></b></p>	<p>DK  <b>(Comments):</b></p>

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<p><b><u>to tackle pollution from all sources and move towards a toxic-free environment.</u></b> This Regulation should complement existing rules set out in other legislative instruments.</p>	<p>DK supports the proposal</p> <p>FI (Comments): Something missing in the first sentence - or should there be a comma in the end instead of a full stop?</p>
<p><b><u>(8b) Since tThe 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</u></b> <del>and</del> should not affect the application of existing Union legislation relating to aspects of protection of health, of safety and of the 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 Council<sup>1</sup> and to Regulation (EC) No 1272/2008 of the European Parliament and of the Council<sup>1</sup>.</p>	<p>IT (Drafting suggestions): <b><u>Requirement for risk minimisation measure included in Regulation (EC) No 1272/2008 for laundry capsules should be applied, with the opportune modification, also to dishwashing capsules.</u></b></p> <p>IT (Comments): RMMs are currently applied on a voluntary basis by companies, but for uniformity of application and to better define the requirements also for dishwasher caps, it is appropriate to update Regulation (EC) No 1272/2008 on the subject of dishwasher caps</p>

<sup>1</sup> 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).

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	IT: please add the reference to <u>Texts adopted - Urban wastewater treatment - Wednesday, 10 April 2024 (europa.eu)</u>
<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 the environment, it is necessary to set requirements ensuring that surfactants, <b>and some</b> others <b>substances including polymers</b>, are <del>completely <b>and readily</b></del> biodegradable either when placed on the market on their own and intended for use in detergents or when contained in detergents.</p>	<p>DK  <b>(Comments):</b>                      DK supports the proposal</p>

<sup>1</sup> 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>(10) Phosphorus is <b>an other</b> 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 not significant or because suitable alternatives are currently not available.</p>	<p>IT  <b>(Comments):</b>                      IT: consistency with other technical documents and legislation should be considered:  <u>JRC Template (europa.eu)</u>  <a href="https://susproc.jrc.ec.europa.eu/product-bureau/sites/default/files/contenttype/product_group_documents/1581681262/Technical%20Annexe.pdf">https://susproc.jrc.ec.europa.eu/product-bureau/sites/default/files/contenttype/product_group_documents/1581681262/Technical%20Annexe.pdf</a></p> <p>LT  <b>(Drafting suggestions):</b>                      (10) Phosphorus is <b>an other</b> 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 <b><u>without compromising product performance</u></b>. Similar limitations are not required for other types of detergents either because their contribution is not significant or because suitable alternatives are currently not available.</p>

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	<p>LT  <b>(Comments):</b>                      We need to ensure that phosphorus limits do not compromise the effectiveness of detergents.                      Reducing phosphorus may reduce the sustainability of the products, as the compounds would need to be replaced by other chemicals.</p>
<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</p>	<p>DK</p>

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<p>Regulation (EC) No 1907/2006 or any other Union legislation 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 <del>when sensitising ingredients are included in their composition.</del> <del>To ensure a high level of protection of human health, even for sensitised persons,</del> <del>d</del> Detergents containing micro-organisms and which are placed on the market in a spray format should, therefore, be <b>subject to specific provisions restricted to industrial and institutional detergents, under conditions ensuring their safe use</b> found safe for use in this format.</p>	<p><b>(Drafting Suggestions):</b></p> <p>(12) [...] <del>Detergents</del> containing micro-organisms and which are placed on the market in a spray format should, therefore, be <b>subject to specific provisions restricted to industrial and institutional detergents, under conditions ensuring their safe use</b> found safe for use in this format.</p> <p>DK</p> <p><b>(Comments):</b></p> <p>We do not support sale of detergents containing micro-organisms to private consumers and believe it should be restricted to industrial and institutional detergents.</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</p>	

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<p>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 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</p>	<p>FI  <b>(Comments):</b>                      In general, regarding the reference to the competent authority (also in other parts of the proposed legal text), would it be more consistent instead of "competent authority", to refer to the market surveillance authorities,</p>

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<p>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 among those modules.</p>	<p>since they are the relevant bodies when it comes to supervision of compliance with this provision?</p>
<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. <b>Manufacturers, or <u>their authorised representatives where applicable</u></b>, should therefore be <del>solely</del> responsible for <b><u>the</u></b> carrying out <b><u>of</u></b> the conformity assessment procedure for detergents and surfactants. Module A should be applicable for the conformity assessment of detergents and surfactants. <b>Manufacturers, or <u>their authorised representatives where applicable</u></b>, should also put together a technical dossier demonstrating compliance of the detergent or surfactant with the relevant rules and test methods.</p>	<p>LT <b>(Comments):</b> The current organization of the economic operators is sufficient to ensure that proper responsibilities are allocated through the supply chain. The introduction of the concept of an authorised representative is acceptable where the manufacturer is not established in the European Union and there is no importer who is operating in the European Union market and is responsible for the import.</p>
<p>(17) <del>To facilitate compliance of the manufacturers with their</del></p>	<p>DK</p>

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<p><del>obligations under this 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, <del>t</del><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, <b>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 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.</b></u></del></p>	<p><b>(Comments):</b></p> <p>DK supports the proposal</p> <p>IE</p> <p><b>(Drafting suggestions):</b></p> <p><b>IE:</b> We propose an amendment to clarify the need for a non-EU manufacturer to appoint an authorised representative where there is no importer in place. We propose the following:</p> <p><i>....To this end, manufacturers established outside the European Union <del>should</del> <b>must</b> appoint an authorised representative established in the European Union in respect of detergents and surfactants placed on the market without an importer....</i></p> <p>IE</p> <p><b>(Comments):</b></p> <p><b>IE:</b> An authorised representative must be appointed in the case where there is no importer in place, i.e. via distance sales. Therefore, we request that this obligation is made clear in this Recital.</p> <p>LT</p> <p><b>(Comments):</b></p> <p>The current organization of the economic operators is sufficient to ensure</p>

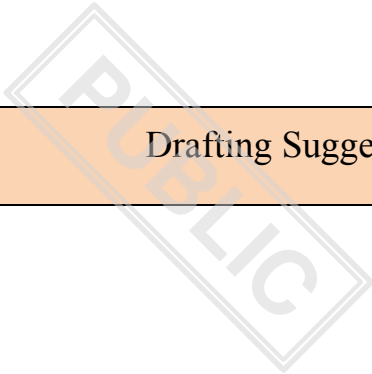
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	<p>that proper responsibilities are allocated through the supply chain.</p> <p>The introduction of the concept of an authorised representative is acceptable where the manufacturer is not established in the European Union and there is no importer who is operating in the European Union market and is responsible for the import.</p>
<p><del>the appointment of an authorised representative should be mandatory when the manufacturer is established outside of the Union.</del></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 <b>and keep up to date</b> a website address in addition to the postal address.</p>	<p>DK  <b>(Comments):</b>                      DK supports the proposal</p>
<p>(19) In order to safeguard the functioning of 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</p>	<p>DK  <b>(Comments):</b>                      DK supports the proposal</p>

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<p>detergents and surfactants from third countries entering the Union market, <b><u>including via online sales</u></b>, 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 <del>and, where relevant, the CE marking are</del> <b><u>is</u></b> available for inspection by the competent national authorities. Provision should also be made for importers to ensure that a <b><u>digital</u></b> product passport is available for those products.</p>	
<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>	

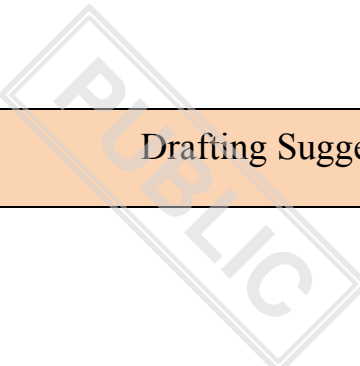
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<p>(21) As the distributor makes a detergent or surfactant available on the market after it has been placed there by the manufacturer or importer, the distributor should act with due care in relation to the applicable requirements. The distributor should also ensure that its handling of the detergent or surfactant does not adversely affect its compliance with the requirements of this Regulation.</p>	
<p>(22) Since <del>authorised representatives</del>, distributors and importers <b>and where applicable authorised representatives</b>, 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>LT  <b>(Comments):</b>                      The current organization of the economic operators is sufficient to ensure that proper responsibilities are allocated through the supply chain.                      The introduction of the concept of an authorised representative is acceptable where the manufacturer is not established in the European Union and there is no importer who is operating in the European Union market and is responsible for the import.</p>

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<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 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><b><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></b></p>	<p>DK (Comments): DK supports the proposal</p> <p>IT (Comments): IT considers necessary to define the correct legislative procedures that allow economic operators to identify the companies to which they could supply I&amp;I detergents, also to guarantee the information method of any new risk profiles from the end-user to the manufacturer, via the SDS.</p>

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	SE (Comments): See our comments on Article 13a.
<p><del>(24) The CE marking, indicating the conformity of a detergent with this Regulation, is the visible consequence of a whole process comprising 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.</del></p>	EL (Comments): We support the deletion of the provision.
<p>(25) To ensure a high level of protection of human health, manufacturers, <b><u>or their authorised representative where applicable,</u></b></p>	DK (Comments):

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<p>should be required to provide an ingredients data sheet for non-hazardous detergents. In 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> this information <u>at the disposal of poison centres before placing the detergent on the market</u>, upon request.</p>	<p>DK supports the proposal</p> <p>LV (Comments): LV supports PRES proposal.</p> <p>AT (Comments): AT supports the proposal to provide an ingredient data sheet for non classified detergents to poison centres before placing the detergent on the market</p> <p>IE (Comments): <b>IE:</b> We support the presidency proposal but don't have a portal for industry to upload the ingredient datasheets or an IT system to store and retrieve them.</p> <p>IT (Comments): The communication procedure is described by ECHA: <a href="https://poisoncentres.echa.europa.eu/documents/1789887/1803644/pcn_ractical_guide_en.pdf/4f01baa5-40f1-3103-66e7-25e9584b738e?t=1647527863695">https://poisoncentres.echa.europa.eu/documents/1789887/1803644/pcn_ractical_guide_en.pdf/4f01baa5-40f1-3103-66e7-25e9584b738e?t=1647527863695</a></p> <p>LT</p>

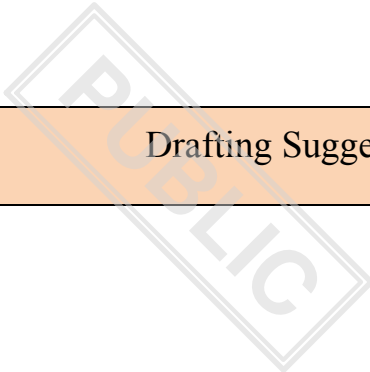
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	<p><b>(Comments):</b></p> <p>The current organization of the economic operators is sufficient to ensure that proper responsibilities are allocated through the supply chain.</p> <p>The introduction of the concept of an authorised representative is acceptable where the manufacturer is not established in the European Union and there is no importer who is operating in the European Union market and is responsible for the import.</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 therefore necessary to establish labelling requirements for detergents and surfactants.</p>	

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<p>(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.</p>	
<p>(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 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 <b>fragrance</b> allergenic <del>fragrances</del> 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</p>	

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<p>the labelling of <b>fragrance</b> allergenic <del>fragrances</del>. 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 protection of human health even for sensitised persons.</p>	
<p>(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’.</p>	<p>DE  <b>(Drafting Suggestions):</b>                      (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 <del>intentionally</del> 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’.</p> <p>DE</p>

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	<p><b>(Comments):</b> See justification for the amendment in Annex IV, Module A (2.2)(e)(ii).</p>
<p>(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 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.</p>	

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<p>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>	
<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 concerning the protection</p>	

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<p>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><del>(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.</del></p>	<p>EL  <b>(Comments):</b>                      We agree with the deletion.</p>
<p>(35) To ensure a level playing field among economic operators making available detergents 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</p>	

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is separated from other information.	
<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, <del>in particular as regards refilled detergents, where all the information may be provided in a digital label.</del></p>	
<p>(37) Since detergents have the same use and present the same risks irrespective of the format 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</p>	<p>DK  <b>(Comments):</b>                      Given the fact that approximately 80% of all detergents are covered by the CLP regulation, DK believes that the provisions regarding refill should be the same as in CLP. Specific requirements for non-hazardous detergents are not sensible in a concrete sales situation.                       We suggest that the recital and the relevant articles is amended to reflect</p>

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environment and a level playing field for economic operators.	this.
<p><b><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></b></p>	<p>DK  <b>(Comments):</b>                      DK supports the proposal</p>
<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 <b>digital</b> 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</p>	<p>DK  <b>(Comments):</b>                      DK supports the proposal.</p>

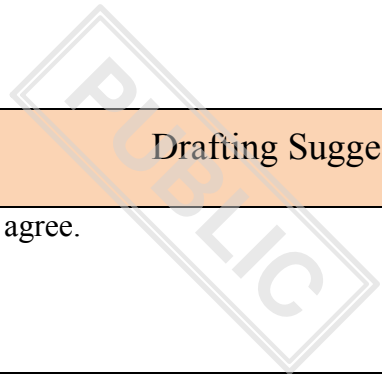
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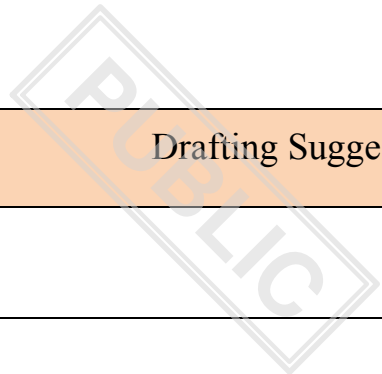
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<p>surfactant must comply with. In order to facilitate checks on detergents or surfactants and to allow the actors in the supply chain and end-users to access necessary information such as ingredients and use instructions, the information on the <u>digital</u> product passport should be provided digitally 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. <b><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></b> Market surveillance authorities, <u>customs authorities</u>, economic operators and end-users should, therefore, have immediate access to <del>the compliance or other information</del> <b><u>relevant to them and based on their respective access rights</u></b> on the detergent or surfactant through the data carrier.</p>	<p>We welcome the reference to online advertisements and thank the Presidency for taking steps to address this issue. We believe that added value could be created by supporting this statement with legislative requirements in the articles. We refer to the proposals we put forward for this under Article 18(3).</p>
<p><b><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 (EU) .../... on Ecodesign for Sustainable Products determining the related and</u></b></p>	<p>DK  <b>(Comments):</b>                      DK supports the proposal                      EL  <b>(Comments):</b></p>

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<p><b><u>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></b></p>	<p>We agree.</p>
<p>(40) To avoid duplication of investment into digitalisation by all actors involved, including manufacturers, market surveillance authorities and customs authorities, the <b><u>digital</u></b> product passport established under this Regulation should be fully interoperable with the <b><u>digital</u></b> 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 down requirements and technical specifications for a digital product passport, the establishment of a Commission central <b><u>digital product passport</u></b> registry (<b><u>the 'registry'</u></b>) where passport information is stored and the interconnection of that registry with the customs IT systems. That Regulation could include detergents or</p>	



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<p>surfactants within its scope in the medium term, thus requiring that a digital product passport is available for them.</p>	
<p>(42) The <b>digital</b> 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 <del>transfer</del> <b>exchange</b>.</p>	
<p>(43) When other Union legislation applicable to detergents or surfactants requires a <b>digital</b> product passport, a single <b>digital</b> 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</p>	

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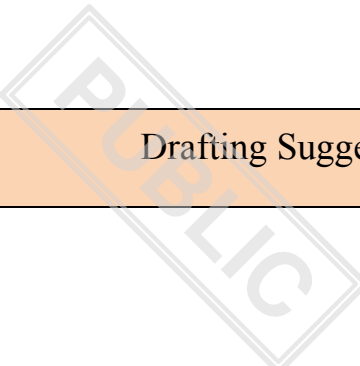
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<p>creating the <b>digital</b> product passport for detergent or surfactant <del>and, where relevant, by affixing the CE marking</del>, the manufacturer declares that the detergent or surfactant is in conformity with all applicable requirements and 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 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 Council<sup>1</sup>, setting up the rules of controls on products entering the Union market, applies to detergents and surfactants. The</p>	

<sup>1</sup> 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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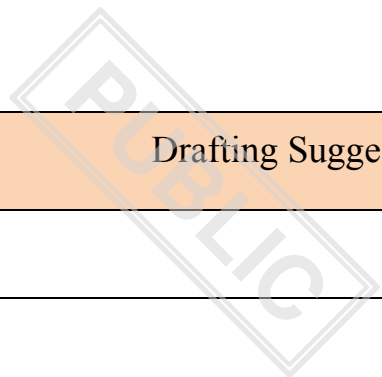
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<p>authorities in charge of those controls, which in almost all Member States are the customs authorities, are to perform them on the basis of risk analysis as referred to in Articles 46 and 47 of Regulation (EU) No 952/2013 of the European Parliament and of the Council<sup>1</sup>, 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 <b>digital</b> 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>	

<sup>1</sup> 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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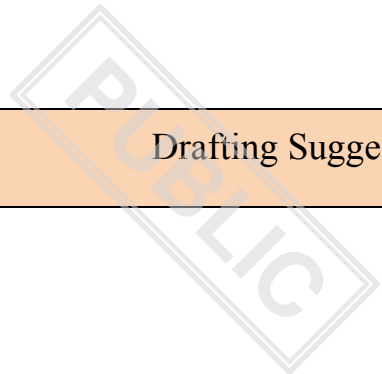
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<p>(48) When detergents and surfactants coming from third countries are <del>presented for</del> <b><u>placed under the customs procedure of</u></b> release for free circulation, <b><u>the reference to a digital product passport for those detergents and surfactants should be made available to the customs authorities by the economic operator.</u></b> <del>eustoms should ensure that the reference of a product passport is made available to customs authorities by the economic operator and that this</del> <b><u>The</u></b> reference <b><u>to the digital product passport should</u></b> corresponds to a unique <del>product</del> <b><u>registration identifier communicated to the economic operator by the digital product passport registry.</u></b> <del>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 as provided for in [Article 13 of Regulation (EU) .../... on ecodesign requirements for sustainable products]</del> <b><u>Customs authorities</u></b> should allow for automatic verification of the product passport presented to customs for <b><u>verify as a minimum</u></b> that <b><u>the unique registration identifier and the relevant commodity code for the</u></b> detergent or surfactant <b><u>provide or made</u></b></p>	

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<p><u>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. <b><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 requirements for sustainable products] should be used.</u></b></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>	

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<p>(50) The <del>information</del><b><u>data</u></b> included in the <b><u>digital</u></b> product passport <del>may</del> <b><u>are intended to</u></b> allow customs authorities to <del>enrich</del><b><u>enhance</u></b> and facilitate risk management and enable <b><u>the controls at the border to</u></b> <del>be</del><b><u>the better targeted</u></b> <del>ing</del> of controls at the Union’s external borders. Therefore, customs authorities should be able to retrieve and use the <del>information</del><b><u>data</u></b> included in the <b><u>digital</u></b> 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 <del>the Official Journal of the European Union</del> 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 <del>in order to facilitate public access to that information.</del></p>	

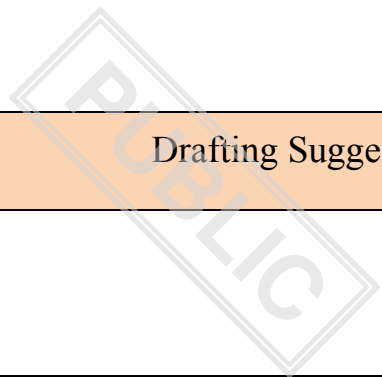
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<p>(52) The automatic verification by customs <b>authorities</b> of the <b>digital</b> product passport reference for detergents and surfactants entering the Union market should not replace or modify the responsibilities of the market surveillance 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 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.</p>	

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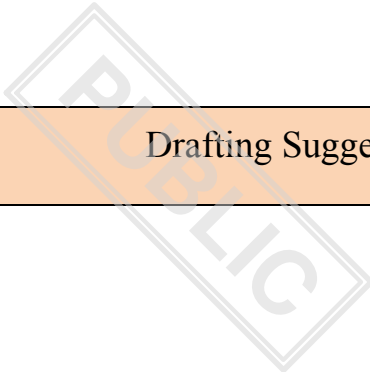
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<p>Member States should therefore organise and carry out market surveillance of detergents and surfactants in accordance with that Regulation.</p>	
<p>(54) Regulation (EU) 2019/1020 already applies to detergents and surfactants, since Regulation (EC) 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 (EU) 2019/1020 should therefore be amended to include a reference to this Regulation.</p>	
<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</p>	

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<p>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 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</p>	

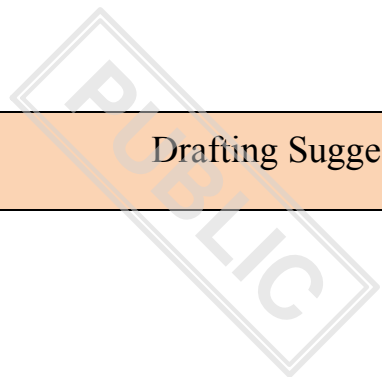
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<p>the legal requirements. The Commission should, by means of implementing acts and, given their special and technical nature, acting without the application of Regulation (EU) No 182/2011, determine whether a national measure in respect of compliant 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 <b>fragrance allergenic fragrances</b> when individual risk-based concentration limits for fragrance allergens are established under Regulation (EC) No 1223/2009; amending the existing biodegradability requirements to introduce biodegradability requirements for substances and mixtures other than surfactants in detergents (including detergent capsules) when new</p>	

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<p>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 <b>digital</b> product passport, as well as the information to be included in the Commission registry. <del>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.</del> 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 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</p>	

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<p>Law-Making<sup>1</sup>. 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 Commission expert groups dealing with the preparation of delegated acts.</p>	
<p>(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 <b>digital</b> 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<sup>2</sup>.</p>	
<p>(60) In view of the need to ensure a high level of human health and</p>	

<sup>1</sup> OJ L 123, 12.5.2016, p. 1.

<sup>2</sup> 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)

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<p>environmental protection and the need to take into account new developments based on scientific facts, the Commission should submit to the European 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 <b>or ban</b> the use of new micro-organisms or strains of micro-organisms in detergents.</p>	<p>DK  <b>(Drafting Suggestions):</b>                      (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 or ban the use of new micro-organisms or strains of micro-organisms in detergents.  <u>Similarly, in terms of the most harmful substances and biocidal active substances, the Commission should, while taking into account of achievements under other relevant regulations, assess the need to include or adapt provisions in this regulation for the presence of</u></p>

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	<p><b><u>these substances in detergents and surfactants, for the purposes of ensuring fulfillment of the goals set in the European Green Deal concerning the generic approach to risk management for the most harmful substances in consumer products and of avoiding circumvention of the approval scheme in the Regulation (EU) No 528/2012.</u></b></p> <p>DK  <b>(Comments):</b>                      We suggest to extend the recital in order for it to cover also the review clause concerning the most harmful substances (and biocidal active substances, cf, our suggestions to art.32 iii below)</p> <p>SE  <b>(Drafting suggestions):</b>                      (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 or ban the use of new micro-organisms or strains of micro-organisms in detergents.</p>

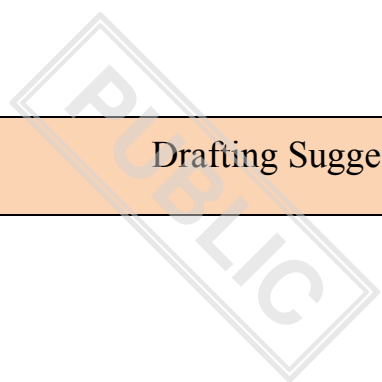
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	<p><b><u>Similarly, in terms of the most harmful substances and biocidal active substances, the Commission should, while taking into account of achievements under other relevant regulations, assess the need to include or adapt provisions in this regulation for the presence of these substances in detergents and surfactants, for the purposes of ensuring fulfillment of the goals set in the European Green Deal [concerning the generic approach to risk management for the most harmful substances in consumer products] and of avoiding circumvention of the approval scheme in the Regulation (EU) No 528/2012.</u></b></p> <p>SE (Comments):</p> <p>We propose to extend recital (61) to include the proposed review of the most harmful substances, and also to add review of biocidal active substances in detergents.</p>

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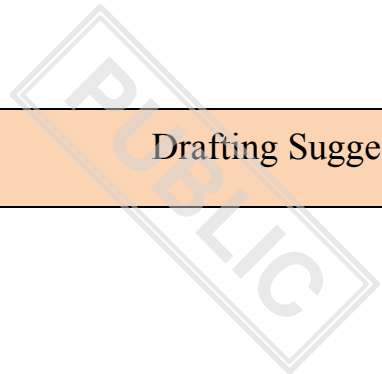
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<p style="text-align: center;"><b>Presidency compromise</b></p>	<p style="text-align: center;"><b>Drafting Suggestions and Comments</b></p>
<p>(62) This Regulation introduces the possibility of providing all or part of the mandatory labelling requirements only in digital labels in certain situations and requires the creation of a digital product passport for 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 (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</p>	

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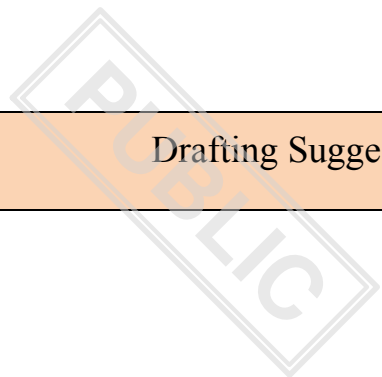
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<p style="text-align: center;"><b>Presidency compromise</b></p>	<p style="text-align: center;"><b>Drafting Suggestions and Comments</b></p>
<p>Regulation. Distributors should therefore be able to supply detergents and surfactants that have been placed 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 distribution chain, after the date of application of this Regulation.</p>	
<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</p>	

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<p style="text-align: center;"><b>Presidency compromise</b></p>	<p style="text-align: center;"><b>Drafting Suggestions and Comments</b></p>
<p>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>	
<p>HAVE ADOPTED THIS REGULATION:</p>	

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Presidency compromise	Drafting Suggestions and Comments
<b>CHAPTER I</b>	
<b>GENERAL PROVISIONS</b>	
<i>Article 1</i>	
<b>Subject matter</b>	
<p>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.</p>	<p>LV  <b>(Drafting Suggestions):</b>                      This Regulation establishes rules for the free movement of detergents and surfactants in the internal market and <b><u>for their release for free circulation</u></b>, while, at the same time, ensuring a high degree of protection of health and the environment.</p>

Presidency compromise	Drafting Suggestions and Comments
	<p>IT (Comments):</p> <p>IT considers useful to better clarify the scopes of this Reg, taking as reference the previous text:</p> <p><i>2. For this purpose, this Regulation harmonises the following rules for the placing on the market of detergents and of surfactants for detergents:</i></p> <ul style="list-style-type: none"> <li>- <i>the biodegradability of surfactants in detergents;</i></li> <li>- <i>restrictions or bans on surfactants on grounds of biodegradability;</i></li> <li>- <i>the additional labelling of detergents, including fragrance allergens;</i></li> <li>- <i>the information that manufacturers must hold at the disposal of the Member States' competent authorities and medical personnel;</i></li> <li>- <i>limitations on the content of phosphates and other phosphorus compounds in consumer laundry detergents and consumer automatic dishwasher detergents.</i></li> </ul>
<p>2. This Regulation does not affect the application of the following legal acts:</p>	

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(a) Regulation (EC) No 1907/2006 of the European Parliament and of the Council <sup>1</sup> ;	
(b) Regulation (EC) No 1272/2008 of the European Parliament and of the Council <sup>2</sup> ;	
(c) Regulation (EU) No 528/2012 of the European Parliament and of the Council <sup>3</sup> .	
<del>(d) Regulation (EC) No 1223/2009 of the European Parliament and of</del>	IT

<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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).

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<p><u>the Council</u></p>	<p><b>(Drafting suggestions):</b></p> <p><b><u>(d) Regulation (EC) No 1223/2009 of the European Parliament and of the Council</u></b></p> <p>(e) Directive 2000/54/EC of the European Parliament and of the Council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work</p> <p>(f) Directive (EU) 2024/... of the European Parliament and of the Council concerning urban wastewater treatment</p> <p>IT  <b>(Comments):</b>                      Microbial cleaners clearly fall under the Directive 2000/54/EC on occupational health risks of biological agents.  <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02000L0054-20200624">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02000L0054-20200624</a></p> <p>Texts adopted - Urban wastewater treatment - Wednesday, 10 April 2024 (europa.eu)</p>

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<i>Article 2</i>	
<b>Definitions</b>	
For the purpose of this Regulation, the following definitions apply:	
(1) 'detergent' means any of the following:	IT (Drafting suggestions): (1a) "Detergency; detergence" defined by EN ISO 862: "The process by which soil/dirt is dislodged from the substrate and brought into a state of solution or dispersion; detergency has the effect of cleaning surfaces or fabrics. It is the result of the action of several physico-chemical phenomena". IT

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	<p>(Comments):</p> <p>This clarification could help the distinction between detergents and biocidal products</p>
<p>– a substance, mixture or micro-organism, or <del>two or more such materials in combination</del> <b>thereof</b>, which is intended for cleaning of fabrics, dishes or surfaces <del>or added to support cleaning processes</del>;</p>	<p>DE (Drafting Suggestions):</p> <p>– a substance, mixture or micro-organism, or combination thereof, which is intended for cleaning of fabrics, dishes or surfaces <b>or intended to support cleaning processes</b>;</p> <p>DE (Comments):</p> <p>With the proposed amendment, we would like to extend the scope of the regulation only slightly to take account of previous developments. If this amendment is not taken into account manufacturers could produce and sell for example separate watersofteners which then would not fall under the detergents regulation.</p> <p>DK (Drafting Suggestions):</p> <p>– a substance, mixture or micro-organism, or combination thereof,</p>

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	<p>which is intended for cleaning of fabrics, dishes or surfaces <b><u>or added to support cleaning processes</u></b>;</p> <p>DK  <b>(Comments):</b>                      DK does not support the deletion of the last sentence. The products concerned are equally important to regulate in order to protect human health and the environment, as humans as well ad the environment are exposed to these products in the same way (via skin/thorough waste water systems) as detergents.</p> <p>EL  <b>(Comments):</b>                      We do not support the deletion because it limits the scope of the Regulation for example “scent boosters”, which are added during the laundry and contain fragrance allergens, are excluded from the scope.</p> <p>IE  <b>(Drafting suggestions):</b>  <b>IE:</b> We agree with the removal of the wording “<i>or added to support cleaning processes</i>”.</p> <p>IE  <b>(Comments):</b></p>

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	<p><b>IE:</b> We agree with the removal of the broad term “<i>or added to support cleaning processes</i>”. IE did not agree with this addition as it allows for any additional products added to aid cleaning to fall under the definition of “detergent”, e.g. baking powder, and it broadens the definition to include products which need not fall within the remit of the Regulation.</p>
<p>– a <u>substance, <del>or</del> mixture or micro-organism, or combination thereof</u>, intended for soaking (pre-washing), rinsing or bleaching fabrics, <del>or</del> dishes <u>or surfaces</u>;</p>	<p>EL  <b>(Comments):</b>                      We support DK’s proposal i.e. the addition “including the unblocking of drains or pipes” for reasons of clarity.</p>
<p>– a <u>substance, <del>or</del> 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>DE  <b>(Drafting Suggestions):</b>                      – a substance, mixture or micro-organism, or combination thereof, intended to modify the feel <u>or the smell</u> of fabrics in processes which are to complement the washing of fabrics;</p> <p>DE</p>

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	<p><b>(Comments):</b></p> <p>This is also a minor amendment to take account of previous developments and would correspond to the EP amendment 30. The washing perfumes mentioned here are just as little intended for cleaning as fabric softeners, which, however, rightly fall within the scope of the regulation. This should therefore also apply to these products.</p> <p>If this amendment is not taken into account manufacturers could produce and sell separate perfumes for the washing of fabrics (perfumes are usually contained in detergents) which then would not fall under the detergents regulation.</p> <p>IT</p> <p><b>(Drafting suggestions):</b></p> <ul style="list-style-type: none"> <li>- micro-organisms as active ingredients: micro-organisms that produce a broad range of extracellular enzymes, including proteases, cellulases, amylases and ureases, which can degrade organic high molecular weight substances in soil/dirt and metabolise the degradation products. Microbial action is aimed at controlling odour and to support the cleaning action of detergents</li> </ul> <p>IT</p>

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	<p>(Comments):</p> <p>IT suggests to clearly define the mode of action of MO contained in detergents, because they have not a physical dispersion activity.</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>	<p>DE</p> <p>(Drafting Suggestions):</p> <p>(4) ‘detergent containing micro-organisms’ means a detergent in which one or more micro-organisms has been <del>intentionally</del> added, either on its own or via one of the components of the detergent;</p> <p>DE</p>

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	<p>(Comments): See justification for the amendment in Annex IV, Module A (2.2)(e)(ii).</p>
<p>(5) ‘<b>industrial and institutional</b> professional detergent’ means a detergent <del>placed on the</del> <b>made available on the market only</b> for <del>use</del> cleaning outside the domestic sphere, carried out by specialised personnel <del>using specific products</del>;</p>	<p>DK (Comments): DK supports the proposal. We are very satisfied with the changes to the definition of “industrial and institutional detergents”, since this indeed makes it much easier to understand and to apply. However, we agree with the Commission that it should, as we have also proposed, be defined by the placed on the market, not the making available on the market, for the reasons put forth by the Commission at the meeting May 15<sup>th</sup>.</p> <p>IE (Comments): <b>IE:</b> We agree with the amendment to Art. 2(5) and support the wording as currently proposed.</p>

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(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;	
(7) 'substance' means a substance as defined in Article 3, point (1), of Regulation (EC) No 1907/2006;	
(8) 'mixture' means a mixture as defined in Article 3, point (2), of Regulation (EC) No 1907/2006;	
(9) 'micro-organism' means a micro-organism as defined in Article 3(1), point (b), of Regulation (EU) No 528/2012;	<p>IT  <b>(Drafting suggestions):</b></p> <p><b>'micro-organism' means any cellular microbiological bacteria entity capable of replication, or non-cellular, or of transferring genetic material, including lower fungi, viruses, , yeasts, moulds, algae, protozoa and microscopic parasitic helminths; with metabolisation and degradation proprieties.</b></p> <p>IT  <b>(Comments):</b></p>

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	IT: The BPR definition does not fit with Detergent purpose, as it is related also versus Micro-organism that are the target of biocide products.
<p>(10) ‘genetically modified micro-organisms’ means <del>a genetically modified</del> micro-organisms <del>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</del> 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>	<p>DK (Comments): DK supports the proposal</p> <p>FI (Comments): Very sorry for bringing this up this late, but we would like to know whether this definition has been checked by GMO experts in DG Sante?</p> <p>IT (Drafting suggestions): ‘genetically modified micro-organisms’ means <u>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</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.</p>

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	<p>IT (Comments):</p> <p>IT: The Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 should be respected.</p>
<p>(11) ‘surfactant’ means any organic substance or mixture used in detergents, which has surface-active properties and which consists of one or more hydrophilic and one or more hydrophobic groups of such a nature and size that it is capable to perform all of the following actions:</p>	<p>ES (Drafting suggestions):</p> <p>‘Surfactant’ means any organic substance or mixture <del>used in detergents, which has surface-active properties and</del> which consists of one or more hydrophilic and one or more hydrophobic groups of such a nature and size that it is capable to perform all of the following actions <b><u>meets the following criteria:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>forms a transparent micellar solution or a translucent micro emulsion or an emulsion stable without separation of insoluble matter when mixed with water at a concentration of 0.5% by weight and let it rest for one hour at 20 °C</u></b></li> <li>• <b><u>reduces surface tension of water below 45 mN/m (at a concentration of 0.5% by weight at 20 mN/m).</u></b></li> </ul> <p>ES (Comments):</p> <p>In reference with the definition of surfactant, we consider to change it.</p>

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	The current definition does not cover every use of surfactants.
– to reduce the surface tension of water below 45 mN/m;	ES (Drafting suggestions): — to reduce the surface tension of water below 45 mN/m;
– to form spreading or adsorption monolayers at the water-air interface;	ES (Drafting suggestions): — to form spreading or adsorption monolayers at the water-air interface;
– to form emulsions and/or microemulsions and/or micelles;	ES (Drafting suggestions): — to form emulsions and/or microemulsions and/or micelles;
– to adsorpt at water-solid interfaces;	ES (Drafting suggestions):

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	<p><del>to adsorpt at water solid interfaces;</del></p>
<p>(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 mineral salts of any other elements present, as measured by test methods listed in Annex I, and new microbial cellular constituents <b>(biomass)</b>;</p>	
<p>(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;</p>	<p>LV <b>(Comments):</b> <i>Latvia recommends applying the same practice to the definition of terms, i.e. to include a reference to the relevant paragraph of Article 3 of this Regulation (by analogy as indicated in Article 2(22), (23) and (25) of this Regulation) for all terms defined in Regulation (EU) 2019/1020.</i></p> <p>IT <b>(Drafting suggestions):</b> (13) ‘making available on the market’ means any supply for</p>

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	distribution, consumption or use on the Union market in the course of a commercial activity, <i>including on-line sales</i> , whether in return for payment or free of charge;
<p>(14) ‘placing on the market’ means the first making available on the Union market. <b><u>Import into the Union customs territory shall be deemed to be placing on the market;</u></b></p>	<p>DK (Drafting Suggestions): (14) ‘placing on the market’ means the first making available on the Union market. <del><b><u>Import into the Union customs territory shall be deemed to be placing on the market;</u></b></del></p> <p>EL (Comments): We support the proposal.</p> <p>FI (Drafting Suggestions): ‘placing on the market’ means the first making available on the Union market.</p> <p>FI (Comments): FI does not support the addition, as it is a deviation from NLF and makes</p>

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	<p>uniform application difficult.</p> <p>LV (Comments): <i>Latvia recommends applying the same practice to the definition of terms, i.e. to include a reference to the relevant paragraph of Article 3 of this Regulation (by analogy as indicated in Article 2(22), (23) and (25) of this Regulation) for all terms defined in Regulation (EU) 2019/1020.</i></p> <p>SE (Drafting suggestions): (14) ‘placing on the market’ means the first making available on the Union market. <del>Import into the Union customs territory shall be deemed to be placing on the market.</del></p> <p>SE (Comments): Sweden does not support the text added regarding import in the last sentence. The added text deviates from the NLF, makes the definition less clear. and there is a risk that it will undermine the role of the authorised representative if consumers that purchase products from non-EU online market places will be regarded to be importers which as we understand it will be the consequence of this addition. Moreover, there seems to be no</p>

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	explanation of this amendment.
<p>(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;</p>	<p>LV  <b>(Comments):</b>  <i>Latvia recommends applying the same practice to the definition of terms, i.e. to include a reference to the relevant paragraph of Article 3 of this Regulation (by analogy as indicated in Article 2(22), (23) and (25) of this Regulation) for all terms defined in Regulation (EU) 2019/1020.</i></p> <p>PT  <b>(Comments):</b>                      This definition should not include the non-EU manufacturer.</p>
<p>(16) ‘authorised representative’ means any natural or legal persons established within the Union that have received <b>and accepted</b> a written mandate from a manufacturer to act on their behalf <del>in relation to specified tasks;</del></p>	<p>FI  <b>(Comments):</b>                      For clarity, should the manufacturer in this definition be manufacturer outside the Union?</p>

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	<p>LV (Comments): <i>Latvia recommends applying the same practice to the definition of terms, i.e. to include a reference to the relevant paragraph of Article 3 of this Regulation (by analogy as indicated in Article 2(22), (23) and (25) of this Regulation) for all terms defined in Regulation (EU) 2019/1020.</i></p> <p>LT (Drafting suggestions): 'authorised representative' means any natural or legal persons established within the Union that have received <b>and accepted</b> a written mandate from a manufacturer <b>who is established outside the Union in order</b> to act on their behalf <del>in relation to specified tasks</del>;</p> <p>LT (Comments): The current organization of the economic operators is sufficient to ensure that proper responsibilities are allocated through the supply chain. The introduction of the concept of an authorised representative is acceptable where the manufacturer is not established in the European Union and there is no importer who is operating in the European Union</p>

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	<p>market and is responsible for the import.</p> <p>It is not clear how detergents sourced directly from third countries are expected to comply with the requirements applicable in the EU market.</p> <p>Authorised representatives may be required to perform this function.</p>
<p>(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;</p>	<p>LV (Comments): <i>Latvia recommends applying the same practice to the definition of terms, i.e. to include a reference to the relevant paragraph of Article 3 of this Regulation (by analogy as indicated in Article 2(22), (23) and (25) of this Regulation) for all terms defined in Regulation (EU) 2019/1020.</i></p>
<p>(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;</p>	<p>LV (Comments): <i>Latvia recommends applying the same practice to the definition of terms, i.e. to include a reference to the relevant paragraph of Article 3 of this Regulation (by analogy as indicated in Article 2(22), (23) and (25) of this Regulation) for all terms defined in Regulation (EU) 2019/1020.</i></p>

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<p>(19) ‘economic operator’ means the manufacturer, the authorised representative, the importer or the distributor;</p>	<p>LV  <b>(Comments):</b>  <i>Latvia recommends applying the same practice to the definition of terms, i.e. to include a reference to the relevant paragraph of Article 3 of this Regulation (by analogy as indicated in Article 2(22), (23) and (25) of this Regulation) for all terms defined in Regulation (EU) 2019/1020.</i></p> <p>LT  <b>(Comments):</b>                      The current organization of the economic operators is sufficient to ensure that proper responsibilities are allocated through the supply chain. The introduction of the concept of an authorised representative is acceptable where the manufacturer is not established in the European Union and there is no importer who is operating in the European Union market and is responsible for the import.</p>
<p>(20) ‘market surveillance’ means the activities carried out and measures taken by market surveillance authorities to ensure that products</p>	<p>LV  <b>(Comments):</b></p>

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comply with the requirements set out in this Regulation;	<i>Latvia recommends applying the same practice to the definition of terms, i.e. to include a reference to the relevant paragraph of Article 3 of this Regulation (by analogy as indicated in Article 2(22), (23) and (25) of this Regulation) for all terms defined in Regulation (EU) 2019/1020.</i>
(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 requirements set out in Union harmonisation legislation providing for its	LT (Comments): The CE marking has value because by affixing the CE marking or

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<p><del>use affixing;</del></p>	<p>arranging for it to be affixed, the manufacturer indicates that he accepts responsibility for the conformity of the product with all the applicable requirements laid down in the relevant harmonised Community legislation that make provision for the marking.</p> <p>With the withdrawal of the CE marking for detergents and surfactants, there will no longer be a legal basis for manufacturers to certify the CE conformity of the products referred to in the draft Regulation with the requirements of that Regulation. There will be requirements, but consumers will not be informed by a clearly identifiable mark that compliance with the requirements of the Regulation has been confirmed. We would therefore not support the abandonment of the CE marking and would propose that controls on inadequate CE marking be tightened. Without CE marking, it is difficult to control detergents imported from third countries or purchased directly from third country manufacturers (online sales).</p> <p>SE  <b>(Comments):</b>                      Sweden supports the proposal to delete requirements for CE marking.</p>

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(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;	<p>LV  <b>(Drafting Suggestions):</b>                      (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 <b>and enables a web link to the digital product passport;</b></p> <p>LV  <b>(Comments):</b>                      The definition should be supplemented with the indication that the function of the ‘Data carrier’ is to provide a connection to the digital product passport, as stated in preamble recital (28) and Article 9 paragraf</p>

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<p>(28) ‘unique product identifier’ means a unique string of characters that allows the identification of a product and enables a web link to the <b>digital</b> product passport;</p>	<p>LV  <b>(Drafting Suggestions):</b>                      (28) ‘unique product identifier’ means a unique string of characters that allows the identification of a product;</p> <p>LV  <b>(Comments):</b>  <b>Here it is necessary to delete the words “and enables a web link to the digital product passport”, because the unique product identifier is included in the digital product passport (see Annex VI, point a), therefore it is not correct to say, that it enables a web link to the digital product passport.</b></p>
<p>(29) ‘unique operator identifier’ means a unique string of characters for the identification of economic operators involved in the value chain of products;</p>	
	SE

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	<p><b>(Drafting suggestions):</b></p> <p><b><u>29aa) 'digital product passport' means a product passport within the meaning of Article 2(29) of Regulation (EU) .../... [ESPR];</u></b></p> <p>SE</p> <p><b>(Comments):</b></p> <p>The steering note refers to a new definition for “digital product passport”, which we support. We understand that some participants in the working group consider that there is an added value with a reference to Article 2(32) in the ESPR. We thus suggest to include references to definitions in both article 2(29) and 2(32) in the ESPR.</p>
<p><b><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></b></p>	<p>IE</p> <p><b>(Comments):</b></p> <p><b>IE:</b> We agree with the new proposal for Art. 2(29a).</p>
<p>(30) ‘customs authorities’ means customs authorities as defined in Article 5, point 1, of Regulation (EU) No 952/2013;</p>	

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<p>(31) ‘EU Customs Single Window Certificates Exchange System’ means the system referred to in Article 4 of the Regulation (EU) 2022/2399 of the European Parliament and of the Council<sup>1</sup>;</p>	
<p>(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;</p>	
<p>(33) ‘refill’ means the <u>on-site</u> operation by which <u>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;</u> <del>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;</del></p>	<p>FI (Comments): Article 15 refers to the refill as follows: "Detergents and surfactants that are made available on the market in individual packaging or in a refill format shall be accompanied by a label." Is the definition now in line with this format, when it is stated that refill means an operation... So would it make more sense to define 'refill</p>

<sup>1</sup> 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).

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	<p>format'?</p> <p>SI  <b>(Drafting Suggestions):</b>                      (33) ‘refill’ means the operation by which <b><u>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 on-site;</u></b></p> <p>IE  <b>(Comments):</b>                      IE: We note the removal of reference to “end use” and agree to the proposed wording.</p> <p>IT  <b>(Drafting suggestions):</b>                      (33) ‘refill’ means the <b><u>on-site</u></b> operation by which <b><u>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;</u></b></p>

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	<p>IT  <b>(Comments):</b></p> <p>IT: It could be useful to clarify the difference between refill (economic operator vs consumers which are not usually involved in surfactant sales) and re-packaging (economic operator vs economic operator)</p> <p>SE  <b>(Drafting suggestions):</b></p> <p>(33) ‘refill’ means <del>the on-site</del> <b>an</b> operation by which <b>an end-user or an economic operator 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;</b> <del>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</del></p> <p>SE  <b>(Comments):</b></p> <p>On-site might be misunderstood to also include e.g. manufacturing sites. We find it more appropriate to align this definition with the definition of refill in the CLP regulation.</p>

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<p><b><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></b></p>	<p>FI  <b>(Comments):</b>                      The term refill format could fit well here.                      It could be considered whether there should be offers "directly" to end-users, as stipulated later in other sections of the article.</p>
<p><del>(34) ‘batch’ means a defined quantity of finished products that meets the following conditions:</del></p>	<p>LV  <b>(Drafting Suggestions):</b>                      (34) ‘batch’ means a defined quantity of finished products that meets the following conditions:                      LV  <b>(Comments):</b>                      The label shall contain batch number, therefore the definition of ‘batch’ should be retained.                      ES  <b>(Comments):</b>                      The substitution of batch level by model level is a positive aspect.</p>

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<p><del>_____ is produced in a single manufacturing process or a series of processes during the same manufacturing cycle;</del></p>	<p>LV  <b>(Drafting Suggestions):</b>                      – _____ is produced in a single manufacturing process or a series of processes during the same manufacturing cycle;</p>
<p><del>_____ is intended to have a uniform composition when tested in accordance with the same test methods; and</del></p>	<p>LV  <b>(Drafting Suggestions):</b>                      – _____ is intended to have a uniform composition when tested in accordance with the same test methods; and</p>
<p><del>_____ is clearly defined by a type number, batch number or other element allowing its identification.</del></p>	<p>LV  <b>(Drafting Suggestions):</b>                      – _____ is clearly defined by a batch number or other element allowing its identification.</p>
<p><b><u>'model' means a type of detergents or surfactants that meet the</u></b></p>	<p>IE</p>

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<p><u>following conditions:</u></p>	<p>(Comments):</p> <p>IE: We support the proposed amendment to Art. 2(34).</p> <p>SE</p> <p>(Comments):</p> <p>Sweden welcomes that model replaces batch as the main determiner of a product passport.</p> <p>However, we do not support that the manufacturing process is part of the definition of the product model. It is more important/relevant that the ingredients are the same in products that share the same digital product passport. Furthermore, there is no definition of a manufacturing process, which leads to increased unclarity of the definition of model.</p> <p>Please consider if the change from batch to model needs to be followed by a similar amendment in article 15(3a).</p>
<p><u>- they have the same manufacturer and are placed on the market under the same trade name;</u></p>	

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<p style="text-align: center;"><b>Presidency compromise</b></p>	<p style="text-align: center;"><b>Drafting Suggestions and Comments</b></p>
<p><b><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></b></p>	<p>EL  <b>(Drafting Suggestions):</b></p> <p>-they have the same composition, in accordance with the ingredients data sheet referred to in point 2.2.(e) of Module A of Annex <del>V</del> <b>IV</b> and are manufactured using the same manufacturing processes;</p> <p><b>-they are, where applicable, classified according to the same hazard categories under Regulation (EU) 1272/2008; and</b></p> <p>EL  <b>(Comments):</b></p> <p>In the ingredient data sheet, substances are listed according to their concentration in wide weight percentages. Thus, according to the current wording in the model definition, if the concentration of a hazardous substance changes within the same weight range, the classification of the detergent may change. A new UFI would be assigned to the product , but the ingredient data sheet would not change, so the model would remain the same and consequently the DDP.</p> <p>A suggestion could be that hazardous detergents should be linked to the</p>

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	<p>UFI and not to the ingredient data sheet.</p> <p>Linking to the ingredient data sheet could only be acceptable for detergents not classified as hazardous, provided that a change in the formulation would not change the classification of the detergent from non-hazardous to hazardous.</p> <p>FI  <b>(Comments):</b>                      Annex IV instead of Annex V?                      Now the batch definition has been removed - it indicated that products belonging to the same batch should have "uniform composition".                      Furthermore, paragraph 3 of Article 15 has been corrected so that only the batch number (not the type number) would be required for the label.                      Although the definition of batch is missing, it could still be interpreted according to the deleted term. Are the requirements for the type specificity of the product passport and the product batch number requirement of the label now in line with each other?</p> <p>PT  <b>(Drafting Suggestions):</b></p>

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	<p><b><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<del>IV</del> and are manufactured using the same manufacturing processes; and</u></b></p> <p>PT  <b>(Comments):</b>                      Error in reference: should be Annex IV instead of Annex V.</p> <p>IT  <b>(Drafting suggestions):</b>                      - they have the same manufacturer and are placed on the market under the same trade name;                      -they have the same composition, in accordance with the ingredients data sheet referred to in point 2.2.(e) of Module A of <b>Annex IV</b> and are manufactured using the same manufacturing processes;  <b><u>- they are, where applicable, classified according to the same hazard categories under Regulation (EU) 1272/2008;</u></b>  <b><u>- they have the same batch of micro-organism compound, where applicable, and</u></b></p> <p>LT  <b>(Drafting suggestions):</b></p>

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	<p><b><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 Annex IV and are manufactured using the same manufacturing processes: and</u></b></p> <p>LT (Comments): Error in reference</p> <p>SE (Drafting suggestions): <b><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</u></b> and are manufactured using the same manufacturing processes; <b><u>and</u></b></p> <p>SE (Comments): Sweden does not support that the manufacturing process is part of the definition of the product model. It is more important/relevant that the ingredients are the same in products that share the same digital product passport. Furthermore, there is no definition of a manufacturing process, which leads to increased unclarity of the definition of model.</p>

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	<p>RO  <b>(Drafting suggestions):</b>                      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 IV and are manufactured using the same manufacturing processes</p> <p>RO  <b>(Comments):</b>                      Corection error</p> <p>SK  <b>(Comments):</b>                      There is a typo error the ingredients data sheet is not stated in Annex V, but in Annex IV (CONFORMITY ASSESSMENT PROCEDURE)</p>
	<p>DK  <b>(Drafting Suggestions):</b>  <u>- they are, where applicable, classified according to the same hazard categories under Regulation (EU) 1272/2008; and</u></p>

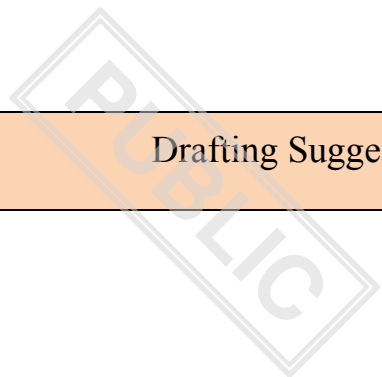
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	<p>DK  <b>(Comments):</b>                      DK suggests this addition in order to ensure that changes in the concentration of certain substances that might affect the hazard classification will require a new DPP.</p>
<p><b><u>- they are clearly defined by a type number or other element allowing their identification.</u></b></p>	<p>PT  <b>(Comments):</b>                      What is the type number? This should be clarified.</p> <p>SI  <b>(Drafting Suggestions):</b>                      Each model must be <b><u>clearly distinguishable by a type number or other element allowing for their identification.</u></b></p> <p>SI  <b>(Comments):</b>                      To ensure clarity, we suggest that identification should not be element of the definition but rather an explicit requirement. Each model must be clearly distinguishable by a type number or another identifying element.</p>

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<b>Presidency compromise</b>	<b>Drafting Suggestions and Comments</b>
(35) 'end-user' means any natural or legal person residing or established in the Union, to 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.	

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Presidency compromise	Drafting Suggestions and Comments
<b>CHAPTER II</b>	
<b>PRODUCT REQUIREMENTS</b>	
<i>Article 3</i>	<p>SE  <b>(Comments):</b>                      Sweden does not support the change from "placing on the market" to "making available on the market" in Article 3.1. The proposed wording deviates from Article 3 in the current regulation, and also from similar provisions in other legal acts, e.g. Article 5 in regulation Regulation (EU) 2023/1542 concerning batteries and waste batteries, and might lead to unclarities regarding the responsibilities of distributors.</p>
<b><u>Making available on the market and free movement</u></b>	DK

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	<p>(Comments): DK supports the proposal</p> <p>MT (Comments): The CLP regulation makes reference to “<i>placing on the market</i>” rather than “<i>making available on the market</i>”. In light of this, MT seeks clarification to avoid conflicting statements between the CLP Regulation and the Detergents Regulation.</p> <p>SE (Drafting suggestions): <del>Making available on the market and f</del><u>Free movement</u></p> <p>SE (Comments): Sweden does not support this amendment. The wording in this new proposal is not in line with the usual standard wording.</p>
<p>1. Detergents and surfactants may only be <del>made available</del><u>placed</u> on the market if they comply with this Regulation.</p>	<p>SE (Drafting suggestions): 1. Detergents and surfactants may only be <del>made available</del><u>placed</u> <del>placed</del> <u>placed</u> on</p>

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	<p>the market if they comply with this Regulation.</p> <p>SE (Comments):</p> <p>Sweden does not support this amendment. The wording in the new proposal is not in line with the usual standard wording. The consequences of this change is unclear, e.g because it would widen the responsibilities for all actors in the supply chain. What is the reason for the proposed amendment?</p>
<p>2. Member States shall not prohibit, restrict or impede the <b>making available</b> <del>placing</del> on the market of detergents or surfactants which comply with this Regulation.</p>	

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<i>Article 4</i>	
<b>Biodegradability</b>	PT (Comments): We reiterate the need to establish appropriate and realistic transition periods for the implementation of these new rules, which should be determined after the methods of analysis and criteria have been identified.
1. <del>Detergents, and Surfactants</del> <b><u>and surfactants contained in detergents and water soluble films used in detergent capsules</u></b> shall comply with the biodegradability requirements laid down in Annex I(A).	
2. Paragraph 1 shall not apply to <del>the following:</del> <b><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></b>	DK (Drafting Suggestions): Para 2 should be DELETED  DK (Comments):

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	<p>Active substances approved under the BPR are not by default biodegradable, as confirmed by the COM at the last meeting in the Council Working Group, and do not by default comply with the biodegradability requirements under the Detergents Regulation. Thus, the scientific as well as the legal reason for their exemption from the requirement in paragraph 1 is lacking, and we consider the exemption to constitute a significant, unjustified legal gap. We therefore believe that this paragraph is contrary to one of the the main purposes of this Regulation - to ensure the biodegradability of surfactants - and in this revision even broaden the scope for ensuring biodegradability of ever more ingredients in detergents.</p> <p>IT (Drafting suggestions):</p> <p>2. Paragraph 1 shall not apply to the following: <b><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 <del>disinfectants</del> preservatives where they meet any of the following conditions:</u></b></p> <p>IT (Comments):</p> <p>Active biocide substances can not be used as disinfectants in detergents.</p>

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	They can be used only as preservatives PT06.
<p><del>(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:</del></p>	
<p><del>(aa)</del> 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;</p>	<p>IT  <b>(Drafting suggestions):</b>  <del>(aa)</del> 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;</p>
<p><del>(ab)</del> the surfactants are included in the review programme as set out in Commission Delegated Regulation (EU) No 1062/2014<sup>1</sup>;</p>	

<sup>1</sup> 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).

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(b) — surfactants that are constituents of biocidal products authorised in accordance with 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) <del>55</del> of Regulation (EU) No 528/2012.	<p>IT (Drafting suggestions):</p> <p>(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)<del>55</del> of Regulation (EU) No 528/2012.</p> <p>IT (Comments):</p> <p>This Art. 55 BPR does not fit with the scope of REG. DETERGENTS <i>Article 55 Reg 528/2012</i> <b><i>Derogation from the requirements</i></b> <i>1. By way of derogation from Articles 17 and 19, a competent authority may permit, for a period not exceeding 180 days, the making available on the market or use of a biocidal product which does not fulfil the conditions for authorisation laid down in this Regulation, for a limited and controlled use under the supervision of the competent authority, if such a measure is necessary because of a danger to public health, animal health or the environment which cannot be contained by other</i></p>

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	<p><i>means. [...]</i></p> <p>2. By way of derogation from point (a) of Article 19(1) and until an active substance is approved, competent authorities and the Commission may authorise, for a period not exceeding three years, a biocidal product containing <b>a new active substance</b>. [...]</p> <p>3. By way of derogation from point (a) of Article 19(1), the Commission may, by means of implementing acts, allow a Member State to authorise a biocidal product containing a non-approved active substance if it is satisfied that <b>that active substance is essential for the protection of cultural heritage and that no appropriate alternatives are available</b>.</p>
<p><b><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></b></p>	<p>DE (Drafting Suggestions):</p> <p>3. <del>Ingredients contained in detergents other than those referred to in paragraphs 1 and 3, including polymers used to encapsulate detergents,</del> <b>Organic polymers contained in detergents</b>, including polymers used to encapsulate detergents, shall comply with the biodegradability requirements laid down, if any, in Annex I(B)</p> <p>DE (Comments):</p> <p>Paragraph 3 should refer to organic polymers.</p>

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	<p>FI  <b>(Comments):</b>                      Paragraph 3 now states that all ingredients not defined in paragraphs 1 and 2 (2 instead of 3?) should meet the biodegradability requirements in Annex I(B). However, the requirements of Annex I(B) are only for soluble films and other soluble polymers. It is not clear which ingredients are meant in paragraphs 3 and 4 and should be clarified.</p> <p>SI  <b>(Drafting Suggestions):</b>  <u><b>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 in Annex I(B)</b></u></p>
<p><u><b>4. Other organic ingredients contained in detergents shall comply with the biodegradability requirements laid down, if any, in Annex I(C).</b></u></p>	<p>SI  <b>(Drafting Suggestions):</b>  <u><b>4. Other organic ingredients contained in detergents shall comply with the biodegradability requirements laid down in Annex I(C).</b></u></p>

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<p><b><u>3. By ... [2 years from the date of entry 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).</u></b></p>	<p>DK <b>(Drafting Suggestions):</b></p> <p><b><u>3. By ... [2 years from the date of entry 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).</u></b></p> <p>DK <b>(Comments):</b></p> <p>We believe the delegation to substantiate the biodegradability requirements for organic polymers should be kept.</p> <p>SE <b>(Drafting suggestions):</b></p> <p><i>Add the deleted text to article 32.</i></p> <p>SE <b>(Comments):</b></p> <p>Sweden supports the ambition to have biodegradability requirements for water soluble films to avoid the spread of microplastics in the environment. We would prefer to add this requirement to the regulation.</p>

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	<p>However, as a compromise we can support the PCY proposal to add these requirements in a delegated act 2 years after entry into force of the regulation. The previous (and now deleted) proposals for articles 4.(3) and 4(4) could be inserted in article 32.</p> <p>As a response to a comment from the Commission at the WP meeting on 15 May, we don't find it sufficient to only have a mandate to the Commission in Article 26 to amend Annex II. To ensure that initiatives are taken, we believe that a review clause with a clear time limit is necessary.</p>
<p><del>4. <u>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).</u></del></p>	<p>DK (Drafting Suggestions):</p> <p>4. <u>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).</u></p> <p>DK</p>

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	<p>(Comments):</p> <p>We believe the delegation to substantiate the biodegradability requirements for other organic compounds should be kept.</p> <p>SE</p> <p>(Drafting suggestions):</p> <p><i>Add the deleted text to article 32.</i></p> <p>SE</p> <p>(Comments):</p> <p>We support the previous (and now deleted) proposal for a review clause in article 4(4). The previous proposals for articles 4(3) and 4(4) could be inserted in article 32. See also the comments for article 4(3) above.</p>
<p><b><u>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).</u></b></p>	
	<p>ES</p> <p>(Drafting suggestions):</p>

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	<p><b><u>Article 4.5: the obligations related to biodegradability shall apply as of 30 months from the date in which Commission adopt delegated acts established in this article.</u></b></p> <p>ES (Comments):</p> <p>We are satisfied with the new redaction of article 4 in reference with biodegradability criteria. However, Spain’s delegation are worried about the transition period for the biodegradability requirements because these requirements depend on delegated acts of Commission. The compliance of these requirements, demands testing the new products, evaluate its performance, innovation process, etc.</p> <p>We require a formula for starting the obligations related to biodegradability as of 30 months from the date in which Commission adopt delegated acts established in the article 26. For example, the addition of a new article</p>
<p><i>Article 5</i></p> <p><b>Detergents containing micro-organisms</b></p>	<p>MT (Comments):</p> <p>Whilst MT can support most of the proposed changes related to micro-</p>

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	<p>organisms (such as mentioning micro-organisms and identifying them in the digital product passport and in the ingredients data sheet), and the need to carry out a risk assessment for detergents containing microorganisms, MT does not support the adoption of a delegated act in Article 5 to supplement Annex II with the appropriate methodology. This is because the appropriate method to risk assessment is not related to technical adaptation and as such an implementing act may instead be adopted.</p>
<p><b>1.</b> Detergents containing micro-organisms shall comply with the requirements laid down in Annex II.</p>	<p>SE  <b>(Comments):</b>                      Sweden does not find that it would be appropriate to allow spray products for consumers due to the potential inhalation sensitization and that consumers cannot be expected to use PPE. We prefer the previous compromise proposal for Annex II where detergents containing microorganisms are not allowed to be placed on the market in spray format if the products are destined for use by consumers.</p>

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<p><b><u>2. 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 of protection of human health and the environment during the whole lifecycle of the product.</u></b></p>	<p>DK <b>(Comments):</b> DK is not in favour of allowing detergents containing microorganisms in spray format for consumers. If, however, that proposal is upheld, we find it appropriate to develop methods for assessing and managing the risks.</p> <p>LT <b>(Comments):</b> Pasitarti su Jurgita</p> <p>SE <b>(Comments):</b> Sweden supports the intention to amend annex II by an delegated act on risk assessment and risk management of products containing microorganisms. Due to our view that products containing microorganisms in spray format shall not be used by consumers, the focus in the delegated act should be on products intended for industrial and institutional use.</p>
<p><i>Article 6</i></p>	

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<p><b>Limitations on the content of phosphates and other phosphorus compounds</b></p>	<p>SE  <b>(Comments):</b>                      We would prefer to add restrictions on the phosphorus content in industrial and institutional products, and thus find it important to at least have a review clause regarding the possibility to add further limitations on phosphorus content. An appropriate place for the review clause could be Article 32.</p> <p>Sweden strongly opposes deletion of both the proposal to add requirements on phosphorus in industrial and institutional products and the review clause for Annex III on phosphates and phosphorus compounds.</p>
<p>Detergents listed in Annex III shall comply with the limitations on the content of phosphates and other phosphorus compounds laid down in that Annex.</p>	
	<p>LT</p>

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	<p>(Drafting suggestions):</p> <p><b><u>Article 6a</u></b></p> <p><b><u>Substances and mixtures prohibited in detergents and surfactants</u></b></p> <p><b><u>Detergents and surfactants shall comply with the requirements laid down in Annex IIIa.</u></b></p> <p>LT</p> <p>(Comments):</p> <p>Lithuania supports proposition made by Denmark in non-paper, presented at the council working group meeting.</p>

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<b>CHAPTER III</b>	
<b>OBLIGATIONS OF ECONOMIC OPERATORS</b>	
<i>Article 7</i> <b>Obligations of manufacturers</b>	
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.	

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<p>Where compliance of a detergent or surfactant with the applicable requirements has been demonstrated by the procedure referred to in the first subparagraph, <b>before placing the product on the market</b>, manufacturers shall:</p>	
(a) create a <b>digital</b> product passport in accordance with Article 18,	
(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),	
(c) — where relevant, <b>include in the product passport</b> affix the CE marking in accordance with Article 14,	<p>LT  <b>(Drafting suggestions):</b>                      (c) where relevant, <b>include in the product passport</b> affix the CE marking in accordance with Article 14,</p> <p>LT  <b>(Comments):</b></p>

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	Lithuania does not support this change. See comments made to Art 14.  SE (Comments):  Sweden supports that the requirements on CE marking is deleted.
(d) <del>before placing detergents or surfactants on the market, manufacturers shall</del> include a reference of the <b>digital</b> product passport in the registry referred to in Article 20(1).	
3. Manufacturers shall keep the technical documentation and the <b>digital</b> product passport <b>at the disposal of national market surveillance authorities</b> for <del>5</del> 10 years after the detergent or the surfactant covered by <del>that documentation or product passport</del> has been placed on the market.	DE (Drafting Suggestions):  3. Manufacturers shall keep the technical documentation and the digital product passport at the disposal of national market surveillance authorities for <b>at least 10</b> <del>5</del> -years after <b>having made available</b> the detergent or the surfactant <del>has been placed</del> on the market <b>for the last time</b> .  DE (Comments):

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	<p>As already stated in the meeting of the working party on May 15, 2024, the retention period should start at the last date of making the products available on the market by the manufacturers. Otherwise, for the products which are still on the market 10 years after they were first made available on the market, no documentation would be available from the manufacturer (<b>Alignment with Article 36(1) of the REACH Regulation</b>).</p> <p>It makes no sense to provide different retention periods for detergents, around 80 % of which are also covered by the CLP Regulation. This applies to all retention periods in this regulation.</p> <p>LV (Drafting Suggestions):</p> <p>3. Manufacturers shall keep the technical documentation and the <b>digital</b> product passport <b>at the disposal of national market surveillance authorities</b> for <b>10</b> years after the <b>last batch of</b> the detergent or surfactant has been placed on the market.</p> <p>LV (Comments):</p>

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	<p>It is necessary to add clarification that it has been <b>10 years since the last batch has been placed on the market</b>, because it is a time known to the manufacturer. Importantly, the words "placed on the market" and not "make available on the market" are used here, as distribution is outside the manufacturer's control. Product traceability is required, 5 years is not enough, as detergents can be in the trade chains for quite a long time. LV supports the same approach as used in REACH and CLP Regulation.</p> <p>PT <b>(Comments):</b> PT has flexibility concerning changing this period from 10 to 5 years. Nevertheless, it would be important to ensure coherence with other similar pieces of legislation.</p> <p>SI <b>(Drafting Suggestions):</b> 3. Manufacturers shall keep the technical documentation and the <b><u>digital</u></b> product passport <b><u>available to national market surveillance authorities</u></b> for <b><u>5</u></b> years after the detergent or the surfactant has been discontinued from the market.</p> <p>SI</p>

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	<p><b>(Comments):</b></p> <p>We agree with reducing the duration for keeping the documentation, but we believe counting it from the end of the product's availability on the market would be more practical. In certain instances, such as when detergents or surfactants would remain on the market for more than five years, the obligation to retain documentation would cease while the product is still available for purchase and use.</p> <p>In general, we would suggest taking the same principle in other articles where there are such obligation for economic operators.</p> <p>ES <b>(Comments):</b></p> <p>We are satisfied with the substitution of 10 years period for different obligations by 5 years period, according to the lifespan of the detergents and surfactants.</p> <p>IT <b>(Drafting suggestions):</b></p> <p>3. Manufacturers shall keep the technical documentation and the <b>digital</b> product passport <b><u>at the disposal of national market surveillance</u></b></p>

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	<p><b>authorities</b> for <del>5</del> 10 years after the detergent or the surfactant covered by that documentation or product passport has been placed on the market.</p> <p><b><u>Technical support should be guarantee to SME</u></b></p> <p>IT                      (Comments):                      For consistency with CLP legislation.                      Technical support should be guarantee to SME</p> <p>SE                      (Comments):                      Sweden is flexible regarding the timeframes for keeping information in e.g. technical documentation and digital product passports.</p>
<p>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.</p>	

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<p style="text-align: center;"><b>Presidency compromise</b></p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>When deemed appropriate with regard to <del>the performance of,</del> or the risks presented by, a 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. <b><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, m</u></b>Manufacturers, <b><u>or authorized representatives where applicable,</u></b> <del>placing on the market detergents that do not meet the criteria for classification as hazardous within the meaning of Regulation (EC) No 1272/2008,</del> shall provide to Member States' appointed bodies referred to in Article 45 of that</p>	<p>DE  <b>(Comments):</b>                      Maintaining this regulation (alignment with Article 45(1) and Annex VIII Part A point 3.1 of the CLP Regulation) is very important to us.                       As already mentioned in the meeting of the working party on May 15, 2024, submitting the IDS to the Member States' appointed bodies</p>

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<p>Regulation, the ingredient datasheet referred to in point 2.2 (e) of Annex IV.</p>	<p><b>without being requested is absolutely important and necessary and the only way to ensure timely qualified medical advice in emergencies. Detergents, whether classified as hazardous according to CLP or not, are not only relevant in allergy emergencies, but also in poisoning emergencies, e.g. when swallowed by children.</b></p> <p>EL  <b>(Comments):</b>                      We support the proposal.                      We support the communication of the ingredients data sheet to the poison center on an obligatory basis before placing detergents on the market, which are not classified as hazardous according to CLP. They may contain hazardous substances such as fragrance allergens although they are not classified as hazardous.                      The proposed provision ensures a high level of protection of human health.</p> <p>FI  <b>(Comments):</b>                      FI supports Option A of the steering note (Initial proposal of the Commission: the ingredients data sheet shall be communicated to poison</p>

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	<p>centers only on request), but could consider the proposal made by Commission in the 15.5. meeting.</p> <p>MT  <b>(Comments):</b></p> <p>MT does not see the benefit in the provision of an ingredient datasheet to the Member State’s appointed body for detergents which are not classified as hazardous. As highlighted by MT, and several other delegations in the last WP, this would result in an excessive and unnecessary administrative burden.</p> <p>SI  <b>(Drafting Suggestions):</b></p> <p>6. For <b><u>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></b> 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 upon request.</p> <p>SI  <b>(Comments):</b></p>

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	<p>Slovenia fully supports option A. Bearing in mind that this requirement would be for non-hazardous detergents, the provision expands Article 45 of the CLP beyond what is considered necessary for poison control centers. Additionally, we do not believe that providing an ingredients data sheet for each detergent to every appointed body in all Member States is necessary and would create an excessive administrative burden for both the industry and even more so for the Poison control centres.</p> <p>We also acknowledge the differing arrangements regarding Product Control Notifications (PCN) in Member States, where some receive these notifications through ECHA. Maintaining such an obligation for non-PCN detergents could lead to ambiguities.</p> <p>IE  <b>(Comments):</b></p> <p><b>IE: Article 7:</b> We support the revisions made to the text of Article 7 and to the inclusion of Art. 7(6a) which now clarifies the role of the authorised representative required only where a manufacturer of a third country places a product on the market via distance sales and without an importer.</p> <p>IT</p>

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	<p>(Drafting suggestions):</p> <p>IT (Comments):</p> <p>See comments on consideranda (25); the alignment with Article 45(1) and Annex VIII Part A point 3.1 of the CLP Regulation is very important. Cases of exposure and intoxication caused by detergents in domestic scenario are the most frequent; the toxicity of the product is classified for the intended use, but if the route of exposure is accidentally changed, the product, even if not classified under CLP, may become dangerous to human health, aboveall for children.</p> <p>It is essential to have these fundamental information, by submitting the IDS to the Member States' appointed bodies, to make these ready available for poison control centers, through the portal managed by ECHA.</p> <p>LT (Comments):</p> <p>The introduction of the concept of an authorised representative is acceptable where the manufacturer is not established in the European Union and there is no importer who is operating in the European Union</p>

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	<p>market and is responsible for the import.</p> <p>SE (Comments):</p> <p>Sweden supports this requirement and prefers option B in the steering note.</p> <p>However, it can not be ensured that all manufacturers outside the Union will be able to comply with this requirement, as according to CLP the importer is the actor responsible for classification of products manufactured outside the Union, and thus the manufacturer might not have all the necessary information whether a product is classified or not to know if they are responsible for the reporting of a specific product.</p> <p>A solution might be to move the responsibility to an actor that is responsible for classification and labelling under CLP, e.g. an importer. This may however lead to a situation where it is not possible to include the ingredient data sheet in the product passport and there would be a regulatory gap in situations where there is an authorised representative and no importer involved.</p>
	SI

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	<p><b>(Drafting Suggestions):</b> Member States may, in their national implementation legislation, make the submission of the data sheet obligatory.</p> <p>SI <b>(Comments):</b> A possible compromise alternative solution for Member States that wish to maintain this obligation.</p>
<p><del>Manufacturers shall provide the ingredients data sheet to the Member States' appointed bodies referred to in the first subparagraph in the following cases:</del></p>	
<p><del>(a) upon request from the Member States' appointed bodies;</del></p>	
<p><del>(b) when the detergent for which a data sheet has already been requested no longer corresponds to the information included in that datasheet.</del></p>	

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<p><b><u>When the detergent or surfactant for which a data sheet has already been provided no 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></b></p>	<p>SI (Drafting Suggestions): Delete</p> <p>SI (Comments): In accordance with our previous comment</p> <p>LT (Comments): The introduction of the concept of an authorised representative is acceptable where the manufacturer is not established in the European Union and there is no importer who is operating in the European Union market and is responsible for the import.</p> <p>SK (Comments): SK support the opinion that information shall be communicated to Member States appointed bodies before the placing on the market of a product, but the format will remain as currently used format.</p>

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<p><del>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.</del></p>	
<p><b><u>The information included in that data sheet shall be kept confidential and may only be used:</u></b></p>	<p>EL (Comments): We support the provision.</p>
<p><b><u>(a) to meet medical demand by formulating preventative and curative measures, in particular in the event of an emergency;</u></b></p>	
<p><b><u>and</u></b></p>	
<p><b><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</u></b></p>	<p>DK (Comments): ECHA should be mentioned in the financial fiche of the proposal if the</p>

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<p><u>measures may be needed.</u></p>	<p>agency is to carry out tasks under this regulation as it will otherwise lack funding for that.</p> <p>SI (Drafting Suggestions): DELETE</p> <p>SI (Comments): The statement is unclear regarding who is responsible for taking action and at whose request.</p> <p>RO (Drafting suggestions): where requested by the Member State, the Commission or the Agency established by Regulation (EC) No 1907/2006, to undertake a <del>statistical</del> analysis to identify where improved risk management measures may be needed.</p> <p>RO (Comments): The analysis is not carried out in statistical purpose</p>

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<p><b><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 down in this Regulation;</u></b></p>	<p>DK (Comments): Denmark thanks the Presidency for considering our concerns and those of other Member States, and introducing this new paragraph 6a in Article 7. We support the Presidency's approach. As the Presidency puts forward in its compromise proposal, it is also important to distinguish between instances where a detergent is imported from third countries by a professional importer and where third country manufacturers sell directly to private consumers in the EU. Further comments to the role of the authorised representative are set out under Article 8.</p> <p>FI (Comments): This seems to indicate that the non-EU/ETA manufacturer has to provide all the documents related to the conformity assessment procedure to the authorised representative for review (if there is no importer) as based on Article 8 para 3(aa), the authorised representative must <u>verify that the information and technical documentation provided by the manufacturer in accordance with Article 7(6a) demonstrate conformity with the</u></p>

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	<p><u>requirements laid down in this Regulation;</u></p> <p>However, in case there is an importer and the non-EU manufacturer chooses no to appoint an authorised representative, it seems that based on the current wording of the text, the non-EU manufacturer does not need to provide such documents to the importer for review, as based on Article 9(2)(a), the importer shall only ensure that the manufacturer has carried out the conformity assessment procedure, not that the documentation demonstrates conformity with the requirements.</p> <p>Is this difference intentional? And what would be the reason for treating the products differently?</p> <p>SI  <u>(Drafting Suggestions):</u>  <b><u>6a. Where neither the manufacturer nor the importer are established in the EU the detergent or surfactant may only be placed on the Union market if the manufacturer appoints an authorised representative in accordance with Article 8.</u></b>  <u>Alternatively: DELETE</u></p> <p>SI</p>

Presidency compromise	Drafting Suggestions and Comments
	<p>(Comments):                      With the changes made in Article 8 this point may be redundant altogether</p> <p>SE                      (Comments):                      Sweden supports this proposal.</p>
<p><b><u>The first subparagraph shall not apply to detergents or surfactants placed on the market by an importer.</u></b></p>	<p>FI                      (Comments):                      In case all manufacturers have the right to appoint an authorised representative, this subparagraph could be amended accordingly (see the next comment).</p> <p>SI                      (Drafting Suggestions):                      Delete</p> <p>SI                      (Comments):</p>

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	<p>Included in the previous paragraph.</p> <p>SE                      (Comments):                      Sweden supports this proposal.</p>
<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, giving details, in particular, of any non-compliance and of any corrective measures taken.</p>	

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<p>8. Manufacturers shall, further to a <del>reasoned</del>-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>	<p>SE  <b>(Drafting suggestions):</b></p> <p>8. Manufacturers shall, further to a <b>reasoned</b> <del>reasoned</del>-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> <p>SE  <b>(Comments):</b></p> <p>Sweden finds it appropriate to keep the word "reasoned" as it is reasonable that authorities shall explain why they request certain information.</p>

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<i>Article 8</i>	
<b>Authorised representative</b>	<p>AT (Comments): AT supports the Presidency’s proposal on the authorised representative</p> <p>IE (Comments): <b>IE:</b> We note that there are responsibilities on the manufacturer, importer and distributor under Art. 7(5), Art. 9(5) and Art. 10(2)(a) respectively, in relation to ensuring that detergents and surfactants placed on the market are labelled in compliance with Art. 15, 16 and 17. There is no such provision laid down for the authorised representative representing a non-EU manufacturer where an importer is not responsible for placing on the market. We suggest the addition of a provision requiring the authorised representatives in such cases to be responsible for labelling compliance.</p> <p>We request that the duties of the AR are aligned with those of the importer.</p> <p>LT (Comments):</p>

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	<p>The current organization of the economic operators is sufficient to ensure that proper responsibilities are allocated through the supply chain.</p> <p>The introduction of the concept of an authorised representative is acceptable where the manufacturer is not established in the European Union and there is no importer who is operating in the European Union market and is responsible for the import.</p>
<p>1. Manufacturers <b><u>established outside the Union</u></b> may, by a written mandate, appoint an authorised representative <b><u>who shall accept in writing. The authorised representative shall provide a copy of the mandate to the competent authority, upon request.</u></b></p>	<p>DK (Drafting Suggestions):</p> <p><b><u>Without prejudice to Article 7(6a), manufacturers</u></b> <del>Manufacturers <b><u>established outside the Union</u></b></del> may, by a written mandate, appoint an authorised representative <del><b><u>who shall accept in writing.</u></b></del> The authorised representative shall provide a copy of the mandate to the competent authority, upon request.</p> <p>Where a manufacturer not established in the Union appoints an authorised representative as referred to in paragraph 1 of this Article, the written mandate shall for the purposes of Article 16(1) of Regulation (EU) 2023/988 include the tasks set out in Article 4(3) of Regulation (EU)</p>

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	<p>2019/1020.</p> <p>DK (Comments):</p> <p>We support the Presidency's proposals to strengthen the role of the authorised representative and define the mandate's scope as obligations. While we agree with the amended Article 8, we propose amendments to enhance the provision, ensure coherence with horizontal legislation, and allow EU manufacturers to appoint an authorised representative:</p> <ul style="list-style-type: none"> <li>• To enable EU manufacturers to appoint an authorised representative without conflicting with the requirement for non-EU manufacturers to do so when there is no importer in the EU, we suggest amending the introductory statement in paragraph 1 and referencing Article 7(6a). Thus, EU manufacturers may appoint an authorised representative, while non-EU manufacturers covered by Article 7(6a) <u>must</u> appoint one.</li> <li>• Since the definition in Article 2, point 16, already requires the authorised representative to accept the written mandate, it is unnecessary to repeat this in Article 8(1).</li> </ul> <p>To avoid discrepancies between authorised representatives under the</p>

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	<p>Detergents Regulation and GPSR Article 16(1), the Detergents Regulation should specify that the same individual should serve both roles. This approach, used in the Toy Safety Regulation proposal, ensures the contact details of the authorised representative meet the information requirements for online sales in GPSR Article 19 and product labelling in GPSR Article 16(3).</p> <p>FI  <b>(Comments):</b>                      This first part of the sentence is partly overlapping with the newly added paragraph 6a in Article 7 above, which states that the manufacturers without an importer <u>shall</u> appoint an authorised representative. Can this be deleted? In case a non-EU manufacturers should have the opportunity to appoint an authorised representative, we suggest to amend the Article 7 para 6a accordingly.</p> <p>PT  <b>(Comments):</b>                      It seems that there is a contradiction between this point and article 7(6a).</p> <p>SI</p>

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	<p><b>(Drafting Suggestions):</b></p> <p>1. Manufacturers <b><u>established outside the Union placing detergents and surfactants on the market without an importer</u></b> shall, by a written mandate, appoint an authorised representative <b><u>who shall accept in writing. The authorised representative shall provide a copy of the mandate to the competent authority, upon request.</u></b></p> <p>SI <b>(Comments):</b> We believe the AR could only play a role in cases where there is no importer in the EU (i.e. internet sales).</p> <p>SK <b>(Comments):</b> SK CA supports the idea that the authorised representative is now only foreseen when a manufacturer of a third country places a product on the market via distance sales and without an importer. We are of the opinion that these idea need to be implemented in the legislative text.</p> <p>SK CA supports the obligations of the authorised representative and of the manufacturer established outside the EU have been revised</p>

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	accordingly.
<p>2. <del>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.</del></p>	<p>SI  <b>(Drafting Suggestions):</b>  <u><b>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 down in this Regulation;</b></u></p> <p>IE  <b>(Drafting suggestions):</b>  <b>IE:</b> The obligation for a non-EU manufacturer to appoint an authorised representative where an importer is not in place obligation is not clear in the proposed text of Art. 8(1). Therefore, for clarity we suggest that Art. 8(2) is not deleted and is amended as follows:  <i>Where the manufacturer is not established in the Union <b>and where an importer is not responsible for placing on the market</b>, the detergent or surfactant may only be placed on the Union market if the manufacturer designates, by a written mandate, an authorised representative.</i></p> <p>IE</p>

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	<p><b>(Comments):</b></p> <p><b>IE:</b> It is now proposed in Art. 7(6a) that a non-EU manufacturer must appoint an authorised representative to place a detergent or surfactant on the market where an importer is not in place. As Art. 8(1) is currently written, this obligation is not clear. Therefore, for clarity we propose that Art. 8(2) is not deleted and is amended to include the necessity for the non-EU manufacturer to appoint an authorised representative where an importer is not in place.</p>
<p>3. <del>The</del><u>An</u> authorised representative shall <del>perform the tasks specified in the mandate received from the manufacturer.</del> The authorised representative shall provide a copy of the mandate to the competent authority, upon request.</p>	
<p><del>The mandate shall allow the authorised representative to do at least the following:</del></p>	

Presidency compromise	Drafting Suggestions and Comments
<p>(aa) <del><u>ensure that the detergent or the surfactant he is appointed for fulfils the requirements set out in this Regulation;</u></del></p>	<p>DE (Drafting Suggestions): <b><u>(aa) ensure that the detergent or the surfactant he is appointed for fulfils the requirements set out in this Regulation;</u></b></p> <p>DE (Comments): In order to ensure coherence, the obligations of the authorised representative need to be similar to those of the supplier/importer (see Article 4(11) of the new CLP Regulation).</p> <p>SI (Drafting Suggestions): <b><u>(aa) ensure that the detergent or the surfactant he is appointed for fulfils the requirements set out in this Regulation;</u></b></p> <p>SI (Comments): If the authorized representative is the sole entity responsible in the EU, they should be required to assume all of the manufacturer's obligations.</p>

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<p>(a) verify that the <b>digital</b> product passport has been created in accordance with Article 7(2), point (a), that the technical documentation has been drawn up and the conformity assessment procedure has been carried out by the manufacturer in accordance with Article 7(2) <b>and that the ingredient data sheet has been provided to Member States' appointed bodies in accordance with Article 7(6);</b></p>	
<p><b><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></b></p>	<p>DK  <b>(Comments):</b>                      We particularly welcome the introduction of this point. Our interpretation is that it creates a clear obligation for authorised representatives not only to store technical documentation relating to the product, but also to objectively ensure its veracity. Ignorance should not be a defence for authorised representatives who accept payment for acting on behalf of a non-EU manufacturer wishing to make their products available to EU consumers. Therefore, Denmark supports an objective requirement for authorised representatives to examine the technical documentation to ensure that it clearly demonstrates the detergent's compliance with the regulation as a condition for marketing the product to European</p>

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	<p>consumers.</p> <p>FI                      (Comments):                      See the comment above related to different obligations of authorised representatives and importers.</p> <p>SI                      (Drafting Suggestions):  <u><b>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 down in this Regulation;</b></u></p>
<p><u><b>(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;</b></u></p>	

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<p>(b) keep the <b>digital</b> product passport and technical documentation at the disposal of national market surveillance authorities for <del>5</del><sup>10</sup> years after the detergent or surfactant covered by those documents has been placed on the market;</p>	<p>DE  <b>(Drafting Suggestions):</b>                      (b) keep the digital product passport and technical documentation at the disposal of national market surveillance authorities for <b>at least 10</b> <del>5</del> years after <b><u>the manufacturer who appointed the authorised representative has made available</u></b> the detergent or surfactant covered by those documents has been placed on the market <b><u>for the last time</u></b>;</p> <p>DE  <b>(Comments):</b>                      See justification relating to Article 7(3).</p> <p>LV  <b>(Comments):</b>                      The digital product passport and technical documentation should be kept for 10 years after the detergent or surfactant has been placed on the market. Product traceability is required, 5 years is not enough, as detergents can be in the trade chains for quite a long time. LV supports the same approach as used in REACH and CLP Regulation.</p> <p>PT  <b>(Comments):</b>                      PT has flexibility concerning changing this period from 10 to 5 years.</p>

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	<p>Nevertheless, it would be important to ensure coherence with other similar pieces of legislation.</p> <p>ES (Comments): We are satisfied with the substitution of 10 years period for different obligations by 5 years period, according to the lifespan of the detergents and surfactants.</p> <p>SE (Comments): Sweden is flexible regarding the timeframes for keeping information in e.g. technical documentation and digital product passports.</p>
<p>(c) further to a <del>reasoned</del> 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>SE (Drafting suggestions): (c) further to a <b>reasoned</b> <del>reasoned</del> 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>

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	SE (Comments): Sweden finds it appropriate to keep the word "reasoned" as it is reasonable that authorities shall explain why they request certain information.
(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.	
(e) terminate the mandate if the manufacturer does not comply with the obligations of the manufacturer under this Regulation <b><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></b>	SI (Drafting Suggestions): (e) terminate the mandate if the manufacturer does not comply with the obligations of the manufacturer under this Regulation <b><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. and inform the national authority thereof.</u></b>

Presidency compromise	Drafting Suggestions and Comments
	<p>ES (Drafting suggestions): <b><u>“(f) Shall ensure the relevant information on the DPP has been included in the registry referred to in art. 20(1)”.</u></b></p> <p>ES (Comments):</p> <p>We agree to use the figure of authorised representative in cases where the importer does not arrive, for example, in online sales.</p> <p>In any case, we consider that the obligations of authorised representative would be symmetric to the obligations of importers. The article 9.2.d) indicates that importers have the obligation of verify that relevant information of DPP has been included in the registry. However, this obligation does not appear for authorised representative</p>
<p>4. <del>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.</del></p>	

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<p><b><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></b></p>	<p>DE <b>(Drafting Suggestions):</b> 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> <p>DE <b>(Comments):</b> Can be deleted, as the authorised representative should ensure that the detergent or the surfactant he is appointed for fulfils the requirements set out in this Regulation (see amendment above).</p>
<i>Article 9</i>	
<b>Obligations of importers</b>	
<p>1. Importers shall place only compliant detergents or surfactants on</p>	

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the market.	
2. Before placing a detergent or surfactant on the market importers shall ensure the following:	
(a) the manufacturer has carried out the conformity assessment procedure and drawn up the technical documentation referred to in Article 7(2);	
(b) <del>the detergent bears the CE marking referred to in Article 14;</del> <b><u>the ingredients data sheet has been provided to Member States' appointed bodies referred to in Article 7(6);</u></b>	<p>SI (Drafting Suggestions): <b><u>the ingredients data sheet is available to Member States' appointed bodies upon request;</u></b></p> <p>SI (Comments): In accordance with option A</p> <p>LT (Drafting suggestions):</p>

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	<p>(b) the detergent bears the CE marking referred to in Article 14;</p> <p>LT (Comments): The current organization of the economic operators is sufficient to ensure that proper responsibilities are allocated through the supply chain. The introduction of the concept of an authorised representative is acceptable where the manufacturer is not established in the European Union and there is no importer who is operating in the European Union market and is responsible for the import.</p> <p>SE (Comments): Sweden supports that the reference to the CE marking is deleted.</p>
<p>(c) the manufacturer has created the <b><u>digital</u></b> product passport referred to in Article 7(2)(b) <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></b></p>	

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(d) the relevant information on the <b>digital</b> product passport has been included in the registry referred to in Article 20(1);	
<p>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 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><del>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.</del></p>	<p>SE  <b>(Drafting suggestions):</b>  <b><u>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.</u></b></p>

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	<p>SE  <b>(Comments):</b>                      Sweden does not support that this requirement is deleted, unless it is included somewhere else in this proposal for a regulation, that this contact information for an importer shall be available <b>on the label of the product.</b></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 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 <b>risks presented</b> <del>by performance of a detergent or surfactant or the risks presented by them,</del></p>	<p>RO  <b>(Drafting suggestions):</b></p>

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Presidency compromise	Drafting Suggestions and Comments
<p>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>When deemed appropriate with regard to the <b>risks presented</b> <del>by performance of a detergent or surfactant or the risks presented by them,</del> importers shall carry out sample testing of such detergents and surfactants, investigate, and, <del>if necessary,</del> 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>RO (Comments): In our opinion keeping a register of complaints, of non-conforming detergents and surfactants and recalls of such detergents and surfactants should be mandatory, supporting in this way the activity of market surveillance authorities.</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 detergent or surfactant into conformity, to withdraw it or to recall it, as appropriate. Furthermore, where importers</p>	

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<p>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 <b>and the documentation referred to in article 7(2)</b> at the disposal of the market surveillance authorities for a period of <del>5</del><sup>10</sup> 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 authorities, upon request.</p>	<p>DE  <b>(Drafting Suggestions):</b>                      9. Importers shall keep the reference to the unique product identifier and the documentation referred to in article 7(2) at the disposal of the market surveillance authorities for a period of <b>at least 10</b> <del>5</del> years after <b>having made available</b> the detergent or surfactant <del>has been placed</del> on the market <b>for the last time</b> and shall ensure that the technical documentation can be made available to those authorities, upon request.</p> <p>DE  <b>(Comments):</b>                      See justification relating to Article 7(3).</p> <p>LV</p>

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	<p><b>(Comments):</b>                      Technical information should be kept for 10 years after the detergent or surfactant has been placed on the market. Product traceability is required, 5 years is not enough, as detergents can be in the trade chains for quite a long time. LV supports the same approach as used in REACH and CLP Regulation.</p> <p>PT  <b>(Comments):</b>                      PT has flexibility concerning changing this period from 10 to 5 years. Nevertheless, it would be important to ensure coherence with other similar pieces of legislation.</p> <p>ES  <b>(Comments):</b>                      We are satisfied with the substitution of 10 years period for different obligations by 5 years period, according to the lifespan of the detergents and surfactants.</p> <p>SE  <b>(Comments):</b></p>

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Presidency compromise	Drafting Suggestions and Comments
	Sweden is flexible regarding the timeframes for keeping information in e.g. technical documentation and digital product passports.
<p>10. Importers shall, further to a <del>reasoned</del> 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>	<p>FI (Comments): With relation to the comments above concerning different obligations of the authorised representative and importer, we understand that this paragraph is not requiring the importers to have the documentation from the manufacturer in their possession at all times, but that in case a request is made to the importer, a third party may submit the documentation directly to the enforcement authority.</p> <p>SE (Drafting suggestions): 10. Importers shall, further to a <b>reasoned</b> <del>reasoned</del> 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</p>

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	<p>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> <p>SE  <b>(Comments):</b>                      Sweden finds it appropriate to keep the word "reasoned" as it is reasonable that authorities shall explain why they request certain information.</p>
<i>Article 10</i>	
<b>Obligations of distributors</b>	
<p>1. When making a detergent or surfactant available on the market distributors shall act with due care in relation to the requirements of this Regulation.</p>	

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<p>2. Before making a detergent or surfactant available on the market distributors shall verify that the following conditions have been met:</p>	
<p>(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;</p>	
<p>(b) <del>the <b>product passport</b></del> detergent bears the CE marking referred to in Article 14;</p>	<p>LT  <b>(Comments):</b>                      The CE marking has value because by affixing the CE marking or arranging for it to be affixed, the manufacturer indicates that he accepts responsibility for the conformity of the product with all the applicable requirements laid down in the relevant harmonised Community legislation that make provision for the marking.                      With the withdrawal of the CE marking for detergents and surfactants, there will no longer be a legal basis for manufacturers to certify the CE</p>

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	<p>conformity of the products referred to in the draft Regulation with the requirements of that Regulation. There will be requirements, but consumers will not be informed by a clearly identifiable mark that compliance with the requirements of the Regulation has been confirmed. We would therefore not support the abandonment of the CE marking and would propose that controls on inadequate CE marking be tightened. Without CE marking, it is difficult to control detergents imported from third countries or purchased directly from third country manufacturers (online sales).</p> <p>SE  <b>(Comments):</b>                      Sweden supports this deletion.</p>
<p>(c) the manufacturer has complied with the requirements set out in Article 7(2) <del>and</del>, and (3) <del>and (6)</del> or, as applicable, the importer has complied with the requirements set out in Article 9(2).</p>	<p>LV  <b>(Comments):</b>                      Distributor should verify <b>only</b> the data carrier, which can lead to the product digital passport and/or digital label and technical information in Member State language where product will be placed on the market.</p> <p>SI</p>

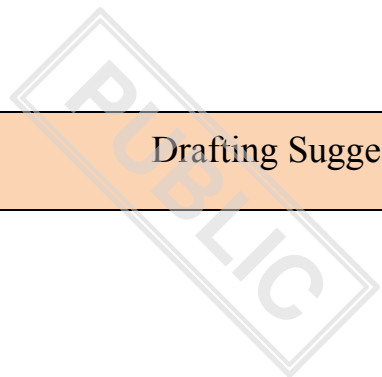
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	<p><b>(Drafting Suggestions):</b></p> <p>Delete</p> <p>SI</p> <p><b>(Comments):</b></p> <p>In our view the scope and complexity of this obligation go beyond the capabilities and competences of distributors and should not be imposed on them.</p> <p>IE</p> <p><b>(Comments):</b></p> <p><b>IE:</b> Regarding obligations proposed for distributors under Art. 10(2)(c), IE is of the opinion that these duties are onerous, in that, as the text is written, distributors must ensure that the manufacturer or importer have complied with the duties set out in Art. 7(2) and 7(3) or 9(2). While we agree that distributors have a responsibility to check product compliance, the main responsibilities should remain at the top of the supply chain, i.e. with the manufacturers/authorised representatives and/or importers. Therefore, IE proposes that provisions are set out under Art. 7 and Art. 9 requiring the manufacturer and importer to provide the relevant information/proof of compliance to the distributor for proportionality.</p>

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<p style="text-align: center;"><b>Presidency compromise</b></p>	<p style="text-align: center;"><b>Drafting Suggestions and Comments</b></p>
<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 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,</p>	

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Presidency compromise	Drafting Suggestions and Comments
<p>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 <del>reasoned</del> 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. 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>	<p>SE (Drafting suggestions):</p> <p>6. Distributors shall, further to a <b>reasoned</b><del>reasoned</del> 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. 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> <p>SE (Comments):</p>

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Presidency compromise	Drafting Suggestions and Comments
	Sweden finds it appropriate to keep the word "reasoned" as it is reasonable that authorities shall explain why they request certain information.
<i>Article 11</i>	
<b>Cases in which obligations of manufacturers apply to importers and distributors</b>	
<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, <b><u>changes the labelling of a detergent or surfactant</u></b>, or modifies a detergent or surfactant already placed on the market in such a way that compliance with this Regulation may be affected.</p>	<p>DE <b>(Comments):</b> Thank you for accepting our proposal.</p> <p>SE <b>(Drafting suggestions):</b> 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</p>

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	<p>detergent or surfactant on the market under his or her name or trademark; <b>changes the labelling of a detergent or surfactant</b>, or modifies a detergent or surfactant already placed on the market in such a way that compliance with this Regulation may be affected.</p> <p>SE <b>(Comments):</b> Sweden <b>strongly opposes against</b> the new text regarding changing the labelling.</p> <p>We don't find it reasonable that a company when changing a label has more responsibilities than a company that packages or repackages products (see article 12).</p> <p>It is unclear what the definition of "changing the label" is. Is adding an address or translating the label regarded as changing the label? Is labelling the product according to classification in the CLP-legislation regarded as changing the label?</p> <p>In the current legislation the commission has stated in the document</p>

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	<p>“Questions and agreed answers concerning the correct implementation of Regulation (EC) No 648/2004 on detergents” a translation is not considered to be a change to the labelling.</p> <p>If changing a label means changing the CLP classification, which is the role of an importer in CLP, it would probably mean that requirements in article 7 no longer apply manufacturers outside the Union when there is also an importer. We don't understand that this has been the intention with the proposal for this regulation?</p>
<i>Article 12</i>	
<b>Packaging and repackaging by importers and distributors</b>	
Where an importer or distributor packages or repackages a detergent or surfactant and is not subject to the obligations of the manufacturer	

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<p>pursuant to Article 11, that importer or distributor, as applicable, shall <b><u>in addition to his obligations under article 9 or 10</u></b> have the following obligations:</p>	
<p>(a) to ensure that the package bears his or her name, registered trade name or registered trade mark, <del>and</del> postal <b><u>and e-mail</u></b> address <b><u>at which he or she can be contacted</u></b>, preceded by the words ‘packaged by’ or ‘repackaged by’;</p>	<p>DE <b>(Drafting Suggestions):</b> (a) to ensure that the package bears his or her name, registered trade name or registered trade mark, postal and e-mail address <b><u>and telephone number</u></b> at which he or she can be contacted, preceded by the words ‘packaged by’ or ‘repackaged by’</p> <p>DE <b>(Comments):</b> The telephone number is also required as a possibility quickly contacting the importer or distributor.</p> <p>SE <b>(Comments):</b> .</p>

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<p>(b) to ensure compliance with Articles 14 to 17;</p>	<p>SE  <b>(Drafting suggestions):</b>                      (b) to ensure compliance with Articles <b>14 15</b> to 17;</p> <p>SE  <b>(Comments):</b>                      Editorial, Article 14 is deleted.</p>
<p>(c) to keep the reference to the unique product identifier <b>and the digital product passport</b> at the disposal of the market surveillance authorities for <del>5</del><b>10</b> years after having made the detergent or surfactant available on the market.</p>	<p>DE  <b>(Drafting Suggestions):</b>                      (c) to keep the reference to the unique product identifier and the digital product passport at the disposal of the market surveillance authorities for <b>at least 10</b> <del>5</del>-years after having made <b>available</b> the detergent or surfactant available on the market <b>for the last time</b>.</p> <p>DE  <b>(Comments):</b>                      Here, it should be clarified that the making available on the market for the last time should be the starting point for the 10 years period. If a detergent is placed on the market unchanged for more than 10 years, no information would eventually be available.</p>

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	<p>LV (Comments): Technical information should be kept for 10 years after the detergent or surfactant has been placed on the market. Product traceability is required, 5 years is not enough, as detergents can be in the trade chains for quite a long time. LV supports the same approach as used in REACH and CLP Regulation.</p> <p>ES (Comments): We are satisfied with the substitution of 10 years period for different obligations by 5 years period, according to the lifespan of the detergents and surfactants.</p> <p>IT (Comments): Keep 10 years, with technical support to SME</p> <p>SE (Comments): Sweden is flexible regarding the timeframes for keeping information in e.g. technical documentation and digital product passports.</p>

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<p><b><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></b></p>	
<p><i>Article 13</i></p>	
<p><b>Identification of economic operators</b></p>	
<p>1. Economic operators shall, on request, identify the following to the market surveillance authorities:</p>	
<p>(a) any economic operator who has supplied them with a detergent or a surfactant;</p>	

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(b) any economic operator to whom they have supplied a detergent or a surfactant.	
<p>2. Economic operators shall be able to provide the information referred to in paragraph 1 for <del>5</del>10 years after they have been supplied with the detergent or surfactant and for <del>5</del>10 years after they have supplied the detergent or surfactant.</p>	<p>DE  <b>(Drafting Suggestions):</b>                      2. Economic operators shall be able to provide the information referred to in paragraph 1 for <b>at least 10</b> <del>5</del>-years after <b>being</b> <del>they have been</del>-supplied with the detergent or surfactant <b>for the last time</b> and for <b>at least 10</b> <del>5</del>-years after they <b>havinge</b> supplied the detergent or surfactant <b>for the last time</b>.</p> <p>DE  <b>(Comments):</b>                      Here, it should also be clarified that the time of the last supply is the starting point of the 10 years period.</p> <p>LV  <b>(Comments):</b>                      Technical information should be kept for 10 years after the detergent or</p>

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	<p>surfactant has been placed on the market. Product traceability is required, 5 years is not enough, as detergents can be in the trade chains for quite a long time. LV supports the same approach as used in REACH and CLP Regulation.</p> <p>PT  <b>(Comments):</b>                      PT has flexibility concerning changing this period from 10 to 5 years. Nevertheless, it would be important to ensure coherence with other similar pieces of legislation.</p> <p>ES  <b>(Comments):</b>                      We are satisfied with the substitution of 10 years period for different obligations by 5 years period, according to the lifespan of the detergents and surfactants.</p> <p>SE  <b>(Comments):</b>                      Sweden is flexible regarding the timeframes for keeping information in e.g. technical documentation and digital product passports.</p>

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<u>Article 13a</u>	AT (Comments): AT welcomes the insertion of a new Article 13 a
<u>Obligations for economic operators making an industrial or institutional detergent available on the market</u>	DK (Comments): DK Supports the proposal  IE (Comments): IE: We support the addition of Art. 13a.
<u>Economic operators making an industrial or institutional detergent available on the market shall ensure that it is not sold to consumers.</u>	DE (Comments): We believe that the obligation to ensure compliance is too far-reaching, difficult for economic operators to implement in practice and can hardly be monitored by the market surveillance authorities. Instead, a labelling

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	<p>requirement would probably be sufficient and more appropriate.</p> <p>DK (Comments):</p> <p>We thank the Presidency for inclusion of this provision in the compromise proposal and for the support expressed by Member States and the Commission. Experience from the Cosmetics Regulation demonstrates the importance of this issue as well as the importance of ensuring a coherent and enforceable approach to regulation of this issue.</p> <p>We share the Commission's analysis of the issue being a two-step process, where different obligations may apply to economic operators that place a detergent upon the market as opposed to economic operators at a later stage in the distribution process. We acknowledge that only the economic operator selling the product to the end user can be held responsible for this. Further specification of this obligation should be set out in a guidance document.</p> <p>EL (Comments):</p> <p>We agree.</p>

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	<p>IT  <b>(Comments):</b>                      It is necessary to identify clearly the procedures; the COUNCIL REGULATION (EEC) No 3037/90 of 9 October 1990 could be used to identify which company can buy the I&amp;I detergents.</p> <p>SE  <b>(Comments):</b>                      Sweden supports the intention of this addition, but is flexible as this provision could be difficult to implement and enforce.</p>

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<p><b>CHAPTER IV</b></p>	<p>MT  <b>(Comments):</b>                      MT notes the proposed amendment to delete the CE marking and strongly supports this change. MT would like to thank and commend the Presidency for taking into consideration MT’s position on CE marking in previous WPs.</p>
<p><del><b>CE MARKING AND LABELLING</b></del></p>	<p>EL  <b>(Comments):</b>                      We support the deletion of the provision.</p> <p>IE  <b>(Comments):</b>  <b>IE:</b> We support deletion of the CE marking provisions as we feel that presently, it does not add value for product compliance.</p>
<p><i>Article 14</i></p>	<p>LT  <b>(Comments):</b>                      The CE marking has value because by affixing the CE marking or</p>

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	<p>arranging for it to be affixed, the manufacturer indicates that he accepts responsibility for the conformity of the product with all the applicable requirements laid down in the relevant harmonised Community legislation that make provision for the marking.</p> <p>With the withdrawal of the CE marking for detergents and surfactants, there will no longer be a legal basis for manufacturers to certify the CE conformity of the products referred to in the draft Regulation with the requirements of that Regulation. There will be requirements, but consumers will not be informed by a clearly identifiable mark that compliance with the requirements of the Regulation has been confirmed. We would therefore not support the abandonment of the CE marking and would propose that controls on inadequate CE marking be tightened. Without CE marking, it is difficult to control detergents imported from third countries or purchased directly from third country manufacturers (online sales).</p> <p>SE  <b>(Comments):</b>                      Sweden welcomes and supports that the requirements for CE-marking are deleted.</p>

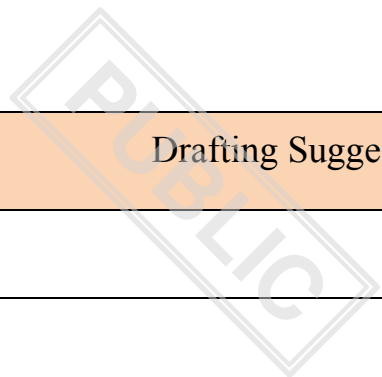
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	Please check in the other articles that references to article 14 is removed.
<p><b>Rules and conditions for <u>using</u> affixing the CE marking</b></p>	<p>AT  <b>(Comments):</b>                      AT welcomes the Presidency’s proposal on CE marking</p> <p>SK  <b>(Comments):</b>                      SK CA supports the requirements for simplification, therefore supports the removal of the CE marking from detergents.</p>
<p>1. — The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.</p>	
<p>2. — The CE marking shall be <b>included in the product passport</b> affixed visibly, legibly and indelibly before a detergent is placed on the market..</p>	

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<p>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.</p>	
<p>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.</p>	
<p>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 of that marking.</p>	

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<i>Article 15</i>	
<b>General labelling requirements</b>	
<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 <b><u>or surfactant</u></b> available on the market directly to an end-user in a refill format shall provide the physical label <del>or the data carrier through which the digital label is accessible</del> to the end-user <b><u>and shall ensure that the physical label is affixed on every packaging that is refilled with a detergent or surfactant.</u></b></p>	<p>DE  <b>(Drafting Suggestions):</b>                  2. An economic operator making a detergent or surfactant available on the market directly to an end-user in a refill format shall provide the physical label to the end-user and shall ensure that the physical label is affixed on every packaging that is refilled with a detergent or surfactant, <b><u>that there is no risk of confusion between refill packaging and food containers and that the packaging to be refilled is suitable and clean.</u></b></p>

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	<p><b><u>The safety requirements according to Annex II point 3.4 of Regulation (EC) No 1272/2008 shall apply accordingly.</u></b></p> <p>DE  <b>(Comments):</b></p> <p>DEU welcomes the Presidency's proposal but considers it necessary to align the provision with the new CLP Regulation so that the requirements for refill sales apply to all detergents.</p> <p><b>As already stated in the meeting of the working party on May 15, 2024, the responsible economic operator shall ensure that specific relevant safety requirements set out in point 3.4 of Annex II to CLP-Regulation are met, in particular for children, and that there is no risk of confusion with food containers. Those safety requirements of the CLP Regulation for refill stations should therefore apply accordingly to detergents which are not classified as hazardous. It makes no sense to differentiate between detergents classified as hazardous and non-hazardous in the safety requirements for refill sales.</b></p>

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	<p>DK                      (Comments):                      DK Supports the proposal</p> <p>EL                      (Comments):                      We agree.</p> <p>IT                      (Drafting suggestions):                      2. An economic operator making a detergent <del>or surfactant</del> available on the market directly to an end-user in a refill format shall provide the physical label to the end-user and shall ensure that the physical label is affixed on every packaging that is refilled with a detergent or surfactant, <b><u>and that there is no risk of confusion between refill packaging and food containers, and risk mitigation measures in refill station are applied to minimize the exposure of humans, especially of children.</u></b> <b><u>The safety requirements according to Annex II point 3.4 of Regulation (EC) No 1272/2008 shall apply accordingly.</u></b></p> <p>IT                      (Comments):                      IT welcomes the Presidency's proposal but considers it necessary to align</p>

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	<p>the provision with the new CLP Regulation so that the requirements for refill sales apply to all detergents.</p> <p>The responsible economic operator shall ensure that specific relevant safety requirements set out in point 3.4 of Annex II to CLP-Regulation are met, in particular for children, and that there is no risk of confusion with food containers. Those safety requirements of the CLP Regulation for refill stations should therefore apply accordingly to detergents which are not classified as hazardous. It makes no sense to differentiate between detergents classified as hazardous and non-hazardous in the safety requirements for refill sales.</p> <p>SE (Comments): Sweden supports the provisions in the text added at the end of this paragraph.</p>
<p>3. The label of detergents and surfactants shall contain the following information:</p>	
<p>(a) a <del>type number</del>, batch number <del>or other element allowing their identification</del>;</p>	<p>SE (Drafting suggestions):</p>

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	<p>(a) a <b>type number</b>, batch number <b>or other element allowing their identification</b>;</p> <p>SE (Comments): Our proposed wording is aimed to make this paragraph consistent with the definition of model in article 2.</p>
<p>(b) the manufacturer's <b>and, where applicable, the authorized representative's or the importer's</b> name, registered trade name or registered trade mark and the postal and email address at which they <b>both</b> can be contacted. The postal address shall indicate a single point <b>in the European Union</b> at which they <del>manufacturer</del> <b>both</b> can be contacted;</p>	<p>DE (Drafting Suggestions):</p> <p>(b) the manufacturer's and, where applicable, the authorized representative's or the importer's name, registered trade name or registered trade mark and <b>telephone number</b>, the postal and email address at which they can be contacted. The postal address shall indicate a single point in the European Union at which they can be contacted;</p> <p>DE (Comments): The telephone number should also be indicated (see CLP Regulation).</p>

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(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;	
(e) instructions for use and special precautions, where necessary and relevant. <b><u>Industrial and institutional detergents shall bear a statement indicating that the product is only for professional use and may not to be sold to consumers.</u></b>	<p>DK (Drafting Suggestions):</p> <p>(e) instructions for use and special precautions, where necessary and relevant. <b><u>Industrial and institutional detergents shall bear a statement indicating that the product is only for professional use and may not to be sold to consumers, as required under Article 13a.</u></b></p> <p>DK (Comments):</p> <p>DK Supports the proposal</p> <p>IE (Comments):</p> <p><b>IE:</b> We support the addition of the requirement for specific labelling</p>

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	<p>under Art. 15(3)(e).</p> <p>SE (Comments): Sweden welcomes and supports the proposed addition in this paragraph.</p>
<p><b><u>For detergents and surfactants transported in bulk,</u></b> The information referred to in points (a), (b) and (c) of the first subparagraph shall appear on <b><u>transportation containers as well as on</u></b> all documents accompanying <b><u>them</u></b><del>detergents and surfactants transported in bulk.</del></p>	<p>DE (Drafting Suggestions): For detergents and surfactants transported in bulk, the information referred to in points (a), (b) and (c) of the first subparagraph shall appear <b><u>on a physical label in legible, visible and indelible characters and</u></b> on transportation containers as well as on all documents accompanying them.</p> <p>DE (Comments): In order to ensure legibility of the information on the physical label, a corresponding sentence should be inserted. In addition, it would be desirable to specify a minimum font size for the characters printed on the physical label.</p>

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<p>4. In addition to the information referred to in paragraph 3, the label of consumer laundry detergents, <del>and</del> consumer automatic dishwasher detergents <b>and consumer detergents for surfaces</b> shall contain dosage information in accordance with part B of Annex V.</p>	<p>DK  <b>(Comments):</b>                      DK Supports the proposal</p>
<p>5. The information referred to in paragraphs 3 and 4 shall be <b>written</b> in <del>the official</del> language(s) <del>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</del> <b>concerned</b>, and shall be <b>legible</b>, clear, understandable and intelligible. The label shall be accessible for inspection purposes where the detergent or surfactant is made available on the market.</p>	<p>IE  <b>(Drafting suggestions):</b>  <b>IE:</b> We propose the following wording:                      “The information referred to in paragraphs 3 and 4 shall be written in <del>the</del> <b>an</b> official language(s) of.....”                      IE  <b>(Comments):</b>  <b>IE:</b> We propose an amendment to the text to ensure the label is in <b>an official</b> language of their member state. The use of <b>the official</b> language(s) has implications for IE and would require implementing national provisions to exclude the use of Irish only. An amendment of the text to ‘<b>an</b> official language’ would allow for the use of EN or GA.</p>

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	<p>IT                      (Drafting suggestions):                      The information referred to in paragraphs 3 and 4 shall be <u>written</u> in <i>one the official</i> a language(s) of MSs or Regions.</p>
<i>Article 16</i>	
<b>Forms of labelling</b>	
<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 15(4) in the following form:</p>	
<p>(a) on a physical label;</p>	

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<u>or</u>	
(b) on a digital label and duplicated on a physical label.	
<p>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.</p>	<p>DE  <b>(Drafting Suggestions):</b>                      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, <del>where</del> <b>W</b>here 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.</p> <p>DE  <b>(Comments):</b></p>

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	<p>In principle, the labelling requirements for detergents should be aligned with the requirements of the draft CLP Regulation (see Article 34a(1)), as many detergents are mixtures that are classified as hazardous under the CLP Regulation. Since both labelling requirements must be met, it does not seem practical to use different labelling formats.</p> <p>In order to protect consumers, all ingredients to be labelled shall be listed on the physical label and may not be transferred, even partially, to digital-only labelling. Therefore the empowerment in Article 26(9) and Part C of Annex V should be deleted.</p> <p>In the case of poisoning with a detergent containing surfactants or soap, for example, foaming with possible blockage of the airways or aspiration into the lungs (risk of respiratory distress and suffocation) can be prevented or reduced by the rapid administration of defoaming medication. However, this requires the first aider to be aware of the presence of surfactants/soap in the mixture. It can be assumed that this information can be accessed much faster if it is provided on the physical label than if the data carrier has to be read out first, especially if there is no or a faulty internet connection. Therefore, the various surfactants as well as soap should always be indicated on the physical label.</p>

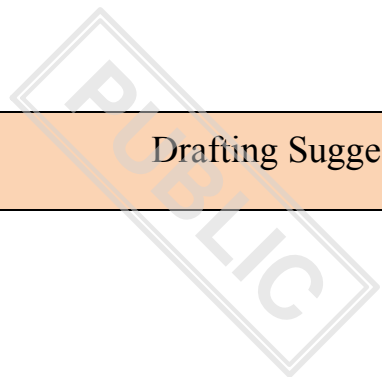
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	<p>Furthermore, we propose to use the digital product passport as the single source of information provided digitally. We therefore firmly reject the parallel introduction of a digital label as well as a digital product passport. Since both concepts are leading towards the same objective we advocate to streamline the wording to avoid fragmentation and the build-up of parallel structures and similar obligations for economic operators. We propose to use the Digital Product Passport concept as it is being introduced in the Ecodesign for Sustainable Products Regulation (ESPR) and rolled out in a variety of product legislations of the EU (Batteries, Toys, etc.).</p>
<p>2. By way of derogation from paragraph 1, 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. <b><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</u></b></p>	<p>EL (Comments): We support the deletion.</p> <p>RO (Drafting suggestions):</p>

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<p><u>refill station.</u></p>	<p>All the labelling elements corresponding to the detergent or surfactant supplied at a refill station shall be visibly and legibly displayed on the refill station <b>and on a physical label ready to be affixed to the packaging of the detergent or surfactant</b></p> <p>RO                      (Comments):</p>

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	RO supports DK proposal , namely the text added and marked in bold.
<i>Article 17</i>	
<b>Requirements for digital labelling</b>	
1. Where detergents and surfactants carry a digital label in accordance with Article 16, the following rules shall apply to that label:	
(a) all label elements referred to in Article 15(3) and, where applicable, Article 15(4) shall be provided <b>together</b> in one place and separated from other information;	

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(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 <b>to register</b> 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 <b>also</b> addresses the needs of vulnerable groups and supports, as relevant, the necessary adaptations to facilitate access to the information by those groups;	
(f) the digital label shall be accessible through digital technologies widely used and compatible with all major operating systems and	

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browsers;	
<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 <del>by</del> the geographical location <u>from where it is when accessed by the end-user</u> of the end user;</p>	<p>IE  <b>(Drafting suggestions):</b>  <b>IE:</b> We propose the following wording:                      “the digital label shall be available in <del>the</del> <b>an</b> official language(s) of the Member State(s) where the detergent or surfactant is made available on the market.....”</p> <p>IE  <b>(Comments):</b>  <b>IE:</b> We propose an amendment to the text to ensure the label is in <b>an official</b> language of their member state. The use of <i>the official</i> language(s) has implications for IE and would require implementing national provisions to exclude the use of Irish only. An amendment of the text to ‘<b>an</b> official language’ would allow for the use of EN or GA.</p>
(h) the digital label shall remain available for a period of <del>5</del> 10 years	DE

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<p>from the moment the detergent or surfactant <b>concerned</b> 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><b>(Drafting Suggestions):</b></p> <p>(h) the digital label shall remain available for a period of <b>at least 10</b> <del>5</del> years from the moment the detergent or surfactant concerned is <b>is made available on the market for the last time</b> <del>placed on the market</del>, 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>DE <b>(Comments):</b> The retention period should start at the last date of making the products available on the market. Otherwise, for the products which are still on the market 10 years after they were first made available on the market, no documentation would be available. <b>(Alignment with Article 36(1) of the REACH Regulation).</b></p> <p>LV <b>(Comments):</b> Digital label should remained available for 10 years from the moment the detergent or surfactant concerned is placed on the market. Product</p>

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	<p>traceability is required, 5 years is not enough, as detergents can be in the trade chains for quite a long time. LV supports the same approach as used in REACH and CLP Regulation.</p> <p>PT  <b>(Comments):</b>                      PT has flexibility concerning changing this period from 10 to 5 years. Nevertheless, it would be important to ensure coherence with other similar pieces of legislation.</p> <p>SI  <b>(Drafting Suggestions):</b>                      (h) the digital label shall remain available for a period of <del>5</del>10 years from the moment the detergent or surfactant <b>concerned</b> is discontinued from 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>ES  <b>(Comments):</b></p>

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	<p>We are satisfied with the substitution of 10 years period for different obligations by 5 years period, according to the lifespan of the detergents and surfactants.</p> <p>IT (Comments):</p> <p>(h) the digital label shall remain available for a period of <del>5</del>10 years</p> <p>SE (Comments):</p> <p>Sweden is flexible regarding the timeframes for keeping information in e.g. technical documentation and digital product passports.</p>
(i) the information on the digital label shall be accessible via the data carrier <u>referred to in Article 18(2)(h).</u>	
=	

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<p>2. The data carrier shall be physically present on the <b><u>physical label or packaging of</u></b> detergents <b><u>and</u></b> <del>or</del> surfactants <b><u>and, when they are transported in bulk, their packaging or on the transportation containers and on</u></b> the documentation accompanying them</p>	<p>DE <b>(Drafting Suggestions):</b></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, on the transportation containers and on the documentation accompanying them. <b><u>It shall be clearly visible and indelible.</u></b></p> <p>DE <b>(Comments):</b></p> <p>A requirement should be added to the first subparagraph of Article 17(2) that the physical attachment of the data carrier must be clearly visible and indelible so that the data carrier can be easily found in the event of a subsequent emergency (case of poisoning).</p>
<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 <b><u>and on the physical label.</u></b></p>	<p>DE <b>(Drafting Suggestions):</b></p> <p><del>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 and on the physical label.</del></p> <p>DE</p>

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	<p>(Comments):</p> <p>We propose to always have a physical labelling present, also in the refill format. This includes also the data carrier.</p> <p>DK</p> <p>(Comments):</p> <p>DK Supports the proposal</p>
<p>The data carrier shall be clearly visible to the end-user before any purchase and to market surveillance authorities, <del>including, where applicable, in cases where the detergent or surfactant is made available through distance sales.</del></p>	<p>DK</p> <p>(Drafting Suggestions):</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>DK</p> <p>(Comments):</p> <p>DK finds it important that the data carrier is clearly visible in the case of distance sales, including the situation where an online advertisement is leading to the sale.</p> <p>LV</p>

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	<p><b>(Drafting Suggestions):</b></p> <p>The data carrier shall be clearly visible to the end-user before any purchase and to market surveillance authorities, <b>including, where applicable, in cases where the detergent or surfactant is made available through distance sales.</b></p> <p>LV <b>(Comments):</b></p> <p>The data carrier is an excellent opportunity to provide consumers with information, it would play an especially important role in distance trade, when the consumer does not have the opportunity to familiarize himself with physical labeling.</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 label shall not track,</p>	<p>DK</p>

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<p>analyse or use any usage information for purposes other than what is absolutely necessary for providing the information on the digital label online, <b><u>in particular, it shall not be used for targeted advertising, shared with third parties or collected and stored as personal data.</u></b></p>	<p>(Comments): DK supports the proposal</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 independently from a purchase of a detergent or surfactant,</p>	

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<u>without delay</u> and free of charge.	
<u>Article 17a</u>	EL (Comments): We agree.
<u>Distance sales</u>	
<p><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></p>	LV (Drafting Suggestions): 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 <b>and data carrier</b> through which the digital label in the official language of the member state is provided.  LV (Comments):

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	<p>If there is a separate article, then it should be clearly stated that a data carrier must be available in distance trade through which the digital label in the official language of the member state is provided. Because this is the only way to make clearly and visibly available in distance sale the label elements referred to in Article 15.</p> <p>LT  <b>(Drafting suggestions):</b></p> <p><b><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 and the CE marking referred to in Article 14(2).</u></b></p> <p>LT  <b>(Comments):</b></p> <p>The CE marking has value because by affixing the CE marking or arranging for it to be affixed, the manufacturer indicates that he accepts responsibility for the conformity of the product with all the applicable requirements laid down in the relevant harmonised Community legislation that make provision for the marking.</p> <p>Without CE marking, it is difficult to control detergents imported from</p>

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	third countries or purchased directly from third country manufacturers (online sales).

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<b>CHAPTER V</b>	
<b><u>DIGITAL PRODUCT PASSPORT</u></b>	
<i>Article 18</i>	
<b><u>Digital</u> Product passport</b>	SK (Comments): SK CA supports addition the adjective “digital” throughout the text in front of “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	

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Article 19.	
2. The <b>digital</b> product passport shall meet the following requirements:	
(a) it shall correspond to a specific <b>model</b> <del>batch</del> of the detergent or surfactant;	<p>SK  <b>(Comments):</b></p> <p>As we previous stated in our comments, we support, that it would be more suitable to have the digital product passport based on a model level.</p>
(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;	

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(d) it shall be <b>complete, accurate and</b> 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 authorities, the Commission and other economic operators;	<p>DE  <b>(Drafting Suggestions):</b>                      (f) it shall be accessible to end-users, market surveillance authorities, customs authorities, <b>Member States' appointed bodies,</b> the Commission and other economic operators;</p> <p>DE  <b>(Comments):</b>                      The product passport should also be accessible to Member States' appointed bodies in order to check whether the detergents on the market correspond to the ingredient data sheets provided by the manufacturers.</p>

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<p>(g) it shall be available for a period of <del>5</del><sup>10</sup> 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;</p>	<p>DE  <b>(Drafting Suggestions):</b>                      (g) it shall be available for a period of <b>at least 10</b> <del>5</del>-years after the detergent or surfactant is <b>made</b> available <del>placed</del> on the market <b>by the economic operator for the last time</b>, 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;</p> <p>DE  <b>(Comments):</b>                      See justification relating to Article 7(3).</p> <p>LV  <b>(Comments):</b>                      Technical information should be available for 10 years after the detergent or the surfactant has been placed on the market. Product traceability is required, 5 years is not enough, as detergents can be in the trade chains for quite a long time. LV supports the same approach as used in REACH and CLP Regulation.</p> <p>ES</p>

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	<p>(Comments):</p> <p>We are satisfied with the substitution of 10 years period for different obligations by 5 years period, according to the lifespan of the detergents and surfactants.</p> <p>IT</p> <p>(Comments):</p> <p>See comments above, art. 12</p> <p>SE</p> <p>(Comments):</p> <p>Sweden is flexible regarding the timeframes for keeping information in e.g. technical documentation and digital product passports.</p>
<p>(h) it shall be accessible through a data carrier <b><u>to a persistent unique product identifier;</u></b></p>	<p>LV</p> <p>(Drafting Suggestions):</p> <p>(h) it shall be accessible through a data carrier;</p> <p>LV</p> <p>(Comments):</p> <p>It is not appropriate to mention the product identifier here, as the</p>

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	<p>identifier will of course be in the passport, like other information. ‘Data carrier’ is that mean that provides connection to the digital product passport.</p> <p>LT (Drafting suggestions):</p> <p>(h) it shall be accessible through a data carrier <u>to a persistent unique product identifier;</u></p> <p>LT (Comments):</p> <p>The reference to a persistent unique product identifier is unclear and it seems that there will be an obligation to keep the product identifier unchanged, which may complicate implementation in the industry.</p>
(i) it shall fulfil the specific and technical requirements laid down pursuant to paragraph 89.	
3. The data carrier shall be physically present on the detergent or surfactant, their packaging or the documentation accompanying them, in	

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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.	<p>DK  <b>(Drafting Suggestions):</b>                      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><b><u>Where a detergent is made available through online sales, any online advertisement for the detergent shall additionally either include the data carrier on the advert or ensure that when a user clicks on the online advertisements, the advertisement links to a page where the the data carrier is clearly visible to the end-user.</u></b></p>

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	<p>DK  <b>(Comments):</b>                      As stated in our comments on recital 39, we welcome the inclusion of online advertisements in the Detergents Regulation.</p> <p>Online detergent sales occur through two main channels: online marketplaces or direct sales from a homepage. The mechanisms under GPSR, MSR, and the DSA address non-compliance by third-country sellers on online marketplaces. However, enforcing compliance against third-country sellers on their own homepages is more challenging due to limited enforcement tools.</p> <p>Most online sellers heavily rely on online advertising. Advertisements appear where there is user traffic, such as Google or Bing sales listings, social media platforms like Facebook, Instagram, or Twitter, or video-sharing platforms like YouTube or Vimeo. These online platforms are regulated under the DSA and must appoint legal representatives within the EU to operate there – even if the platform is established outside the EU.</p>

Presidency compromise	Drafting Suggestions and Comments
	<p>Including a specific provision on advertisements in the Detergents Regulation could allow market surveillance authorities to order online platforms to remove non-compliant ads. These ads would be considered illegal content under Article 3(h) of the DSA. The Market Surveillance Regulation empowers authorities to issue such orders when a product presents a serious risk, per Article 14(4)(k)(i). National laws can also offer broader powers to remove illegal content, such as those related to advertising laws.</p> <p>Since the DSA incentivizes online platforms to comply with content removal orders by reducing their liability under Article 6, effective regulation of advertising can prevent third-country sellers from advertising non-compliant products and gaining market share.</p> <p>Referring to the mandatory data carrier that provides access to the DPP in Article 18(3) will give market surveillance authorities and consumers a practical way to identify non-compliance. It will also incentivize third-country sellers to adopt the product passport to access the EU market.</p>

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	We are happy to discuss this issue in greater detail on a bilateral basis.
<p>4. Where economic operators provide a digital label, a single data carrier shall be used to access the product passport and the digital label.</p>	<p>DE  <b>(Drafting Suggestions):</b></p> <p>4. Where economic operators provide a digital label, a single data carrier shall be used to access the product passport and the digital label.  <u><b>Alternatively, the digital label and its content may also be included in the product passport as a separate component of the product passport. The requirements of Article 17 apply accordingly.</b></u></p> <p>DE  <b>(Comments):</b></p> <p>In our opinion, the digital product passport is the central concept for making information available digitally without the need for a parallel “digital label”. For this reason, economic operators should have the option of integrating the content of the digital label into the product passport as a separate component.</p>

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<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><b><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 that level.</u></b></p>	<p>DE  <b>(Drafting Suggestions):</b>                      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.                      DE</p>

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Presidency compromise	Drafting Suggestions and Comments
	<p><b>(Comments):</b></p> <p>In the current proposal, the “model approach” is applied, so that the product passport always has to correspond to a model (see amendment in paragraph 2, point (a)) in the Detergents Regulation. The paragraph should therefore be deleted.</p> <p>DK</p> <p><b>(Drafting Suggestions):</b></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><b>By way of derogation from paragraph 2, point (g), where that legislation requires that the product passport must be available for a period longer than 10 years after the detergent is placed on the market, the product passport for the purpose of this Regulation must follow that legislation.</b></p> <p>DK</p> <p><b>(Comments):</b></p> <p>DK suggests to allow for another derogation in case requirements for product passports for detergents from the ESPR requires the availability</p>

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	<p>of product passports for a longer period than 10 years.</p> <p>Article 8 (product passport) paragraph 2, point (h), of the ESPR states:                      (h) the period <i>during</i> which the product passport <i>is to</i> remain available, <i>which shall correspond to at least the expected lifetime of a specific product</i>.</p> <p>SE                      (Drafting suggestions):</p> <p><del>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.</del></p> <p>SE                      (Comments):</p> <p>We assume that this part of paragraph 6 can be deleted when when batch is replaced by model as the main route for digital product passports in paragraph 2(a).</p>

Presidency compromise	Drafting Suggestions and Comments
<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. 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>PT  <b>(Drafting Suggestions):</b>                      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 <del>6</del><u>5</u>.                      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</p>	

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Presidency compromise	Drafting Suggestions and Comments
following:	
(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) <del>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;</del> <b><u>the actors that may have access to information in the product passport and to what</u></b>	RO (Drafting suggestions):

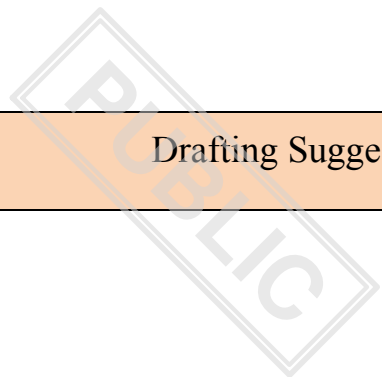
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Presidency compromise	Drafting Suggestions and Comments
<p><b><u>information they are to have access, such as consumers and other end-users, manufacturers, importers and distributors, notified bodies, competent national authorities, civil society organisations, researchers, trade unions, and the Commission, or any organisation acting on their behalf;</u></b></p>	<p>the actors that mayare to have access to information in the product passport and to what information they are to have access, such as consumers and other end-users, manufacturers, importers and distributors, <del>notified bodies</del>, competent national authorities, civil society organisations, researchers, trade unions, and the Commission, or any organisation acting on their behalf;</p> <p>RO (Comments):</p>

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	<p>RO suggests the deletion of the reference to notified bodies as they have no responsibility in the application of this regulation</p>
<p><b><u>(eda) 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></b></p>	
<p><b><u>(fdb) the procedures for introducing <del>modalities to introduce the</del> updated information referred to in point (e) in the product passport of an existing product.</u></b></p>	

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<p><b><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></b></p>	<p>ES (Drafting suggestions):</p> <p><del>“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.”</del></p> <p>ES (Comments):</p> <p>We do not consider necessary that new product passport shall be linked to the original product passport. Consumers need update information about the product that they are using now. If a product changes its formula, it will change its product passport, being unnecessary and an administrative burden, to link this new product passport with the previous one.</p>
<p><b><u>10. The economic operator placing the product on the market shall provide distributors and online marketplaces with a digital copy</u></b></p>	<p>LV (Drafting Suggestions):</p>

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<p><u>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></p>	<p><b>10. <u>The economic operator placing the product on the market shall provide distributors and online marketplaces with a digital copy of the data carrier, 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></b></p> <p>LV <b>(Comments):</b> Here it is necessary to delete the words “unique product identifier”, since <b>data carrier</b> is the "media" that provides the connection to the DPP. The product identifier cannot functionally replace the media, so it is incorrect to refer to it as an option here.</p> <p>ES <b>(Drafting suggestions):</b> 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</p>

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	<p>webpage link free of charge and within <u>5</u> working days of receiving the request.</p> <p>ES (Comments):</p> <p>We consider insufficient the timing of 5 working days so that economic operator shall provide digital copy or a webpage link free of charge</p>
<p><b><u>11. To ensure access to the product passport for the period specified paragraph 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 <del>product passport</del>digital product passport through a certified independent third-party <del>product passport</del>digital product passport service provider.</u></b></p>	<p>RO (Comments):</p> <p>We consider necessary to define the certified independent third-party product passport service provider and to clarify, at least in one recital, who performs the certification</p>
<p>Those implementing acts shall be adopted in accordance with the</p>	<p>PT (Drafting Suggestions):</p>

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examination procedure referred to in Article 28(2).	We suggest moving this paragraph to the end of point 9.
	<p>ES  <b>(Drafting suggestions):</b>  <u><b>Article 18.12: the obligations related to product passport for economic operators shall apply as of 30 months from the date in which Commission adopt implementing acts to determinate the specific and technical requirements related to the product passport for detergents and surfactants.</b></u></p> <p>ES  <b>(Comments):</b>                      Manufacturers are worried about the transition period for the implementation of the digital product passport because the technical requirements of it depends on implementing acts of Commission. We share their concern.</p> <p>It is true that in the new redaction a new “<i>whereas</i>” has been included in relation to transition period of DPP (39a). However, we consider necessary to clarify that requirements of DPP should apply as of 30 months from the date in which Commission adopts implementing acts to</p>

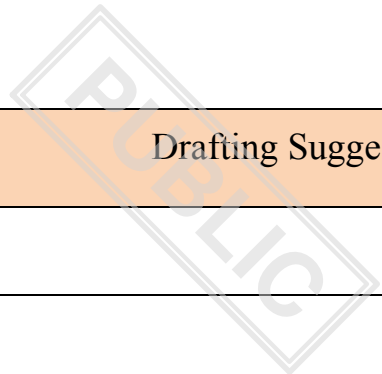
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	determinate the specific and technical requirements related to the product passport for detergents and surfactants.
<i>Article 19</i>	
<b>Technical design and operation of the <del>product passport</del><u>digital product passport</u></b>	
The technical design and operation of the <del>product passport</del> <u>digital product passport</u> shall comply with the following requirements:	
(a) <del>product passport</del> <u>digital product passports</u> created under this Regulation shall be fully interoperable with <del>product passport</del> <u>digital product passports</u> required by other Union legislation in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer;	

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<p>(b) all information included in the <del>product passport</del> <b><u>digital product passport</u></b> shall be based on open standards developed with an interoperable format and shall be, <b><u>as appropriate</u></b>, machine readable, structured and searchable <del>and</del>; <b><u>transferable through an open interoperable data exchange network without vendor lock-in;</u></b></p>	
<p>(c) end-users, economic operators and other relevant actors shall have <b><u>free of charge and easy access</u></b> access to the <del>product passport</del> <b><u>digital product passport based on their respective access rights set out in the applicable implementing act referred to in Article 18(9);</u></b></p>	
<p>(d) the <del>data included in the</del> <b><u>digital</u></b> product passport shall be stored by the economic operator responsible for its creation or by <b><u>economic operators authorised to act on their behalf</u></b> <del>or by certified independent third party</del> <b><u>digital product passport service providers authorised to act on their behalf;</u></b></p>	

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<p>(e) if the data included in the product passport is stored or otherwise processed by <b><u>certified independent third-party product passport service providers or by economic operators</u></b> authorised to act on behalf of economic operators placing the detergent or surfactant on the market, <b><u>those certified independent third-party product passport service providers</u></b> 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 <b><u>unless specifically agreed with the economic operator placing the detergent or surfactant on the market</u></b>;</p>	<p>DE <b>(Drafting Suggestions):</b></p> <p>(e) if the data included in the product passport is stored or otherwise processed by 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 <del>certified</del> independent third-party product passport service providers 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 unless specifically agreed with the economic operator placing the detergent or surfactant on the market;</p> <p>DE <b>(Comments):</b></p> <p>As discussed at the meeting of the working party on May 15, 2024, the word “certified” should be deleted.</p>
<p>(f) economic operators may not track, analyse or use any usage</p>	<p>LV</p>

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information for purposes other than what is absolutely necessary for providing the information on the product passport online;	(Comments): <i>use 'digital product passport' in that point</i>
<b><u>(g) data authentication, reliability and integrity shall be ensured;</u></b>	
<b><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></b>	LV (Comments): <i>use 'digital product passport' in that point</i>
<b><u>Article 19a</u></b>	
<b><u>Title missing</u></b>	
<b><u>The commission shall guarantee Stakeholders can compare for the</u></b>	DK

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<p><b><u>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></b></p>	<p>(Comments): DK supports the proposal RO (Comments): What is the purpose and the added value of this article? If the text is kept, its necessity and purpose should be explained in a recital.</p>
<p>Article 20</p>	
<p><b>Product passport registry</b></p>	<p>LV (Comments): <i>use 'digital product passport' in that point</i></p>
<p>1. Before placing a detergent or surfactant on the market, economic operators shall upload, in the registry established under Article 12(1) of Regulation (EU) .../... on Ecodesign for Sustainable Products <b><u>“the registry”</u></b> the unique product identifier and the unique operator identifier</p>	<p>LV (Comments): <i>Clarification of the reference to Article 13(1) of the Ecodesign proposal.</i></p>

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<p>for the detergent or surfactant. <b><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></b></p>	
<p><b><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 this Regulation or other Union legal acts.</u></b></p>	<p>LV  <b>(Comments):</b>  <i>We believe that it would be necessary to use the same separate terms in all market surveillance regulations, i.e. in the proposal for a regulation on toys, the word "information" is used instead of the word "data" and "Union legal acts" instead of "Union law".</i></p>
<p><b><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</u></b></p>	<p>PT  <b>(Drafting Suggestions):</b>                      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</p>

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<p><b><u>with the examination procedure referred to in Article 50(3).</u></b></p>	<p>unique registration identifier referred to in this paragraph. This implementing act shall be adopted in accordance with the examination procedure referred to in Article <del>50(3)</del><b>28(2)</b>.</p> <p>SE  <b>(Comments):</b>                      Editorial: There is no article 50(3) in this regulation. It is probably meant to refer to another legislation? ESPR?</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>	

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<p><i>Article 21</i></p>	<p>DK  <b>(Comments):</b>                      DK suggests that the wording regarding the customs control of the digital product passport is streamlined with the wording in the Toys safety regulation as far as possible.</p>
<p><b>Customs controls relating to the product passport</b></p>	<p>LV  <b>(Comments):</b>  <i>use 'digital product passport' in that point</i></p>
<p>1. Detergents and surfactants entering the Union market shall be subject to <b>the</b> verifications and other measures laid down in this Article.  <u><b>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.</b></u></p>	<p>LV  <b>(Comments):</b>  <i>The second sentence of paragraph 1 of Proposal 21 should, in our view, be a separate paragraph in Article 21. Such a sentence creates confusion and interpretation when read in conjunction with the first sentence.</i>   <i>We believe that it would be necessary to use the same separate terms in all market surveillance regulations, i.e. in the proposal for a regulation</i></p>

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	<i>on toys, "Union legal acts" instead of "Union law".</i>
<p>2. <b><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></b></p> <p><del>Declarants as defined in Article 5, point (15), of Regulation (EU) 952/2013 shall include the unique product identifier in the customs declaration for release for free circulation of any detergent or surfactant.</del></p>	<p>DE <b>(Drafting Suggestions):</b></p> <p>2. 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). <b><u>This paragraph shall apply from the moment the registry is operational.</u></b></p> <p>DE <b>(Comments):</b></p> <p>As already mentioned at the meeting of the working party on May 15, 2024, paragraph 2 should be adapted to the ESPR (see addition of the last sentence).</p> <p>DK <b>(Drafting Suggestions):</b></p> <p>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</p>

Presidency compromise	Drafting Suggestions and Comments
	<p>surfactant referred to in Article 20(1a). <b>It shall apply as from the moment the registry is operational.</b></p> <p>DK (Comments):</p> <p>We suggest to add the phrase <i>“it shall apply as from the moment the registry is operational”</i> in order to underline that this provision should not apply before the registry is operational.</p> <p>The purpose of this adjustment is also to create alignment to similar provisions in other product regulations such as the regulation on the safety of toys.</p> <p>LV (Comments):</p> <p><i>In Latvia’s view, the approach from the Toys Regulation should be used.</i></p>
<p>3. <b><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</u></b></p>	<p>LV (Comments):</p> <p><i>We believe that it would be necessary to use the same separate terms in all market surveillance regulations, i.e. in the proposal for a regulation</i></p>

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<p><b><u>registry. The release for free circulation shall not be deemed to be proof of compliance with this regulation or any other Union law.</u></b></p>	<p><i>on toys, the word "information" is used instead of the word "data".</i></p>
<p><b><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 the serial number for Regulation (EU) .../... on Ecodesign for Sustainable Products]. It shall apply as from the moment that interconnection is operational.</u></b></p>	<p>DE  <b>(Drafting Suggestions):</b>                      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 <del>13</del><b>15</b> of [PO please insert the serial number for Regulation (EU) .../... on Ecodesign for Sustainable Products]. It shall apply as from the moment that interconnection is operational.</p> <p>DE  <b>(Comments):</b>                      Adaptation to the applicable article in the final version of the ESPR (see comment above).</p> <p>LV  <b>(Comments):</b>  <i>Clarification of the reference to Article 15(3) of the Ecodesign proposal.</i></p>

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<p><del>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).</del></p>	
<p>4. <b><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></b> <del>In addition to the verification referred to in paragraph 3, 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).</del></p>	<p>LV (Comments): <i>Paragraph 1 of the proposal states that detergents and surfactants entering the Union market shall be subject to the verifications and other measures laid down in this Article. 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.</i> <i>At the same time, paragraph 4 provides that the customs authorities and the Commission may retrieve and use the information included in the digital 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</i></p>

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	<p><i>Regulation (EU) No 952/2013.</i></p> <p><i>On the basis of the above, we invite you to remove inconsistencies in the draft wording of Article 21 or to clarify the need for such wording.</i></p> <p><i>2) use 'digital product passport' in that point</i></p> <p><i>We believe that it would be necessary to use the same separate terms in all market surveillance regulations, i.e. in the proposal for a regulation on toys, the word "information" is used instead of the word "data" and "Union legal acts" instead of "Union law".</i></p>
<p>5. <b><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></b> <del>The verifications referred to in paragraph 3 and 4 shall take place electronically and automatically before the release for free circulation.</del></p>	<p>DE <b>(Comments):</b> As already mentioned at the meeting of the working party on May 15, 2024, the scope of application should be set out directly in an annex of the regulation, like in the proposal of the toy regulation.</p> <p>LV <b>(Comments):</b> <i>We disagree with this paragraph as it is general and does not add value</i></p>

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	<p><i>to the article as it stands. It should therefore be deleted.</i></p> <p><i>We also believe that the reference in the Article to the entire list of the Combined Nomenclature is incorrect and creates an additional administrative burden for customs officials.</i></p> <p><i>In view of the above, Latvia proposes to draft this paragraph in a similar way as in Article 20(8) of document ST 9740 2024 REV1 (Proposal for a Regulation on the safety of toys) of 15 May, i.e. if an annex with the CN codes of the identified products is attached to the draft.</i></p>
<p>6. — <del>For the purpose of paragraphs 3 to 5, the interconnection between the registry referred to in Article 20(1) and the EU Customs Single Window Certificates Exchange System referred to in [Article 13 of Regulation (EU) .../... on Ecodesign for Sustainable Products] shall be used.</del></p>	
<p>7. — <del>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</del></p>	

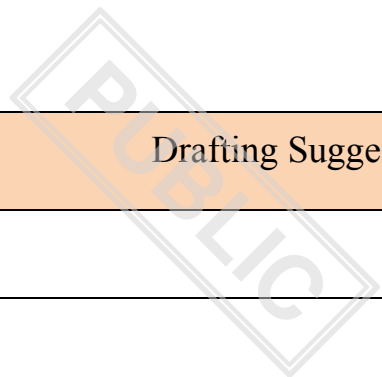
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<del>(EU) .../... on Ecodesign for Sustainable Products] becomes operational.</del>	
The Commission shall publish a notice in the Official Journal of the European Union to that effect indicating the date when the interconnection becomes operational.	
8. — Customs authorities may retrieve and use the information included in the product passport and the registry referred to in Article 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.	
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.	

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<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>	

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<b>CHAPTER VI</b>	
<b>MARKET SURVEILLANCE</b>	
<p><i>Article 22</i></p> <p><b>Procedure at national level for <u>market surveillance of dealing with detergents and surfactants presenting a risk</u></b></p>	<p>IE <b>(Comments):</b></p> <p><b>IE:</b> We support the amendments to cover all market surveillance controls.</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 <del>the</del> detergent or surfactant concerned covering all relevant requirements laid down in this Regulation, <del>t</del>. The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.</p>	<p>FI <b>(Comments):</b></p> <p>The use of terms "control" and "evaluation" are not coherent between the paragraphs.</p> <p>SE <b>(Comments):</b></p>

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	Sweden strongly supports the changes in this requirement. The proposed changes are important for us.
<p>2. <del>Where the market 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</del> <b>may</b> perform controls to verify the compliance of the detergent or surfactant with this Regulation in accordance with the reference methods set out in <b>the</b> Annexes I, II and VII. <del>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.</del></p>	<p>SE (Comments): Sweden strongly supports the changes in this requirement. The proposed changes are important for us.</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 shall without delay require the relevant economic operators to take all appropriate corrective action to bring the detergent or</p>	

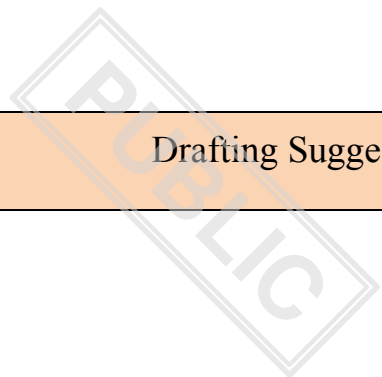
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<p>surfactant into compliance with those requirements, to withdraw it from the market, or to recall it within a reasonable period which is commensurate with the nature of the risk referred to in paragraph 1.</p>	
<p>4. Where the market surveillance 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 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</p>	

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<p style="text-align: center;"><b>Presidency compromise</b></p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>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 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</p>	

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<p>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 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>	

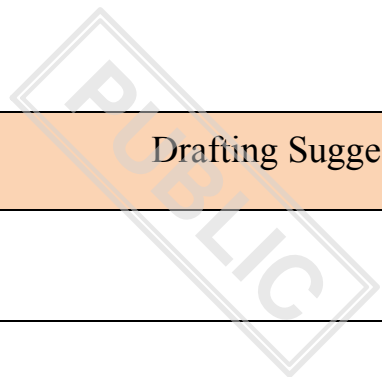
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<p>10. Where, for the purposes of paragraphs 4, 6, 7 and 8, information is communicated to the Commission or other market surveillance authorities that information shall be communicated through the information and communication system referred to in Article 34(1) of Regulation (EU) 2019/1020.</p>	
<p><i>Article 23</i> <b>Union safeguard procedure</b></p>	
<p>1. Where, on completion of the procedure set out in Article 22(3), (4), <del>and (5)</del> <b>and (6)</b>, 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</p>	

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<p style="text-align: center;"><b>Presidency compromise</b></p>	<p style="text-align: center;">Drafting Suggestions and Comments</p>
<p>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>	
<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>	

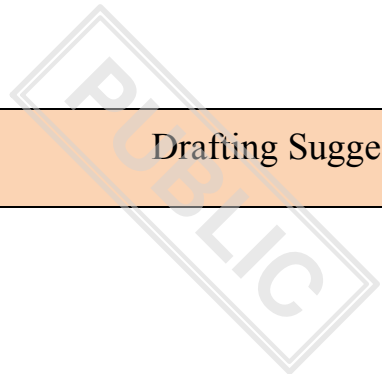
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<p><i>Article 24</i></p> <p><b>Compliant detergents and surfactants which present a risk to health or to the environment</b></p>	
<p>1. Where, having carried out an evaluation under Article 22(1), a market surveillance authority finds that although a detergent or surfactant is in compliance with this Regulation, it presents a risk to health or to the environment, 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>	

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<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 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>	

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<p><i>Article 25</i> <b>Formal non-compliance</b></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>SE (Comments): If there will be a requirement to submit an ingredient datasheet in accordance with Article 7(6), should this also be included here?</p>
<p>(a) <del>the CE marking has been <b>used</b> affixed in violation of Article 14 or <b>is not included in the product passport</b> not affixed at all;</del></p>	<p>EL (Comments): We support the deletion.</p> <p>LT (Drafting suggestions): (a) the CE marking has been <b>used</b> affixed in violation of Article 14 or <b>is not included in the product passport</b> not affixed at all;</p> <p>LT (Comments):</p>

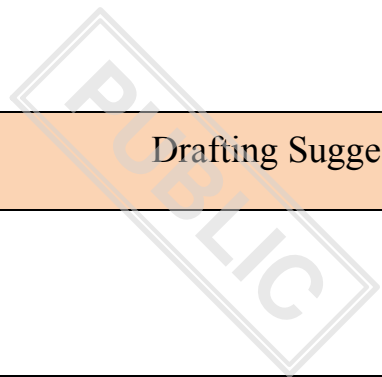
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	See LT comment on Art 14.  SE (Comments): Sweden supports that the requirements for CE marking are deleted.
(b) the product passport has not been drawn up in accordance with Articles 18 and 19;	
(c) the technical documentation referred to in Article 7(2) is either not available or incomplete;	
(d) the data carrier through which the 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;	

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<p>(e) the label has not been provided-, <b><u>or the label has not been provided in accordance with Articles 16 and 17,</u></b> or the labelling information referred to in Articles 15 and Annex V is false or incomplete;</p>	
<p>2. <b><u>a</u></b>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>	

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<b>CHAPTER VII</b>	
<b>DELEGATED POWERS AND COMMITTEE PROCEDURE</b>	
<p><i>Article 26</i>  <b>Delegated powers</b></p>	<p>MT  <b>(Comments):</b>                      MT would prefer the adoption of an implementing act to amend Annexes I to VII.</p> <p>Furthermore, MT notes that Article 26(1) does not correlate with the text presented in Article 18(9) with respect to the information to be provided in the product passport. Article 26(1) makes reference to the Commission being empowered to adopt delegated acts to amend Annex VI while Article 18(9) makes reference to adopting implementing acts to amend the same Annex. In view of this, MT suggests keeping consistency between these articles by moving for the adoption of implementing acts to</p>

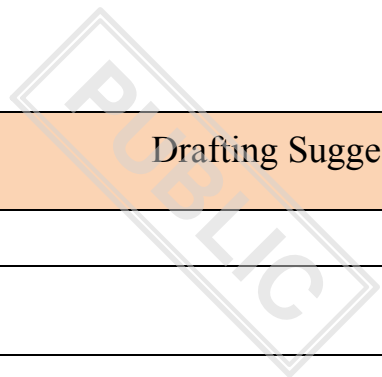
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	<p>amend Annex VI.</p> <p>Similarly, Article 26(2) makes reference to the Commission being empowered to adopt delegated acts to amend the Product Passport Registry (and ultimately Annex VI) while Article 20(1) makes reference to the adoption of implementing acts. Once again, MT suggests keeping consistency between the articles by adopting implementing acts to amend Annex VI.</p>
<p><b><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></b></p>	
<p><b><u>1a</u></b> . The Commission is empowered to adopt delegated acts in accordance with Article 27 amending Annex VI, as regards the information to be provided in the <b><u>digital</u></b> product passport, for the purposes of adapting it to technical and scientific progress and to the level of digital readiness of</p>	

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market surveillance authorities and of end-users.	
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.	
When adopting the delegated acts in accordance with the first subparagraph, the Commission shall take into account the following criteria:	
(a) coherence with other relevant Union acts where relevant;	
(b) the need to allow for the verification of the authenticity of the product passport;	

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(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 <b>and authorities</b> .	
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) <del>that is to be controlled by customs authorities.</del>	DK (Comments): DK supports the proposal
4. <del>The Commission is empowered to adopt delegated acts in accordance with Article 27 amending this Regulation by adding 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</del>	

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<p>detergents and surfactants and by updating such Annex.</p>	
<p>5. <del>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></del></p>	
<p>6. <del>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 encapsulate</u> <del>and</del> detergents 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.</del></p>	<p>DE (Drafting Suggestions):</p> <p>6. <b><u>By ... [2 years from the date of entry into force of this Regulation],</u></b> <del>The Commission is empowered to</del> <b><u>shall</u></b> adopt delegated acts in accordance with Article 27 to <b><u>add biodegradability requirements to</u></b> introduce biodegradability requirements for surfactants and other detergent ingredients, <b><u>organic polymers contained in detergents,</u></b> including polymers used to encapsulate detergents <del>amending Annex I to lay down biodegradability criteria for those ingredients and <u>appropriate standard assays in Annex I(B)</u></del> test methods to verify compliance with them.</p>

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	<p>DE  <b>(Comments):</b>                      As already stated in the meeting of the working party on May 15, 2024, it is very important for us with regard to the regulations on the biodegradability of organic ingredients that are not surfactants that <b>specific dates for the adoption of delegated acts</b> to introduce biodegradability requirements are included in Article 26.</p> <p>SE  <b>(Comments):</b>                      Regarding the comment from the Commission at the WP meeting on 15 May, we don't find it sufficient to only have a mandate to the Commission to amend Annex II in Article 26. To ensure that any initiatives are taken, we believe that a review clause with a clear time limit is necessary (e.g. in article 32).</p>
	<p>DE  <b>(Drafting Suggestions):</b>  <u><b>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 other organic</b></u></p>

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	<p><b><u>detergent compound and appropriate standard assays in Annex I(C).</u></b></p> <p>DE (Comments): See comment above.</p>
<p>When adopting delegated acts in accordance with the first subparagraph, the Commission shall take into account <del>the current</del> manufacturing practices, the availability of technically and economically feasible alternatives and the impacts to small and medium-sized enterprises.</p>	<p>DE (Drafting Suggestions): When adopting delegated acts in accordance with the first <b><u>and the second</u></b> subparagraph, the Commission shall take into account manufacturing practices, the availability of technically and economically feasible alternatives and the impacts to small and medium-sized enterprises <b><u>and the impact on health and the environment.</u></b></p> <p>DE (Comments): The impact on health and the environment needs to be added (see paragraph 6(a) subparagraph 2)</p>
<p><b><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</u></b></p>	<p>DE (Drafting Suggestions): 6a. When duly justified, the Commission is empowered to adopt</p>

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<p><u>comply with the biodegradability <del>criteria</del> requirements established in accordance with article 4 and Annex I.</u></p>	<p>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 requirements established in accordance with article 4 and Annex I <b>(B) and (C)</b>.</p> <p>DE <b>(Comments):</b></p> <p>We do not see any reason to include an empowerment for the Commission to derogate from Annex I as a whole. The empowerment has to be limited to Annex I (B) and (C), as there is no reason to grant derogations for surfactants (Annex I(A)).</p> <p>If the Commission considers granting a derogation to Annex I (B) and (C), the conditions laid down in Article 6 of the current Detergents Regulation (EC) No 648/2004 should be taken into account. These conditions would be an appropriate basis for the Commission's decision.</p> <p>DK <b>(Drafting Suggestions):</b></p> <p>6a. When duly justified <del>necessary</del>, 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</p>

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Presidency compromise	Drafting Suggestions and Comments
	<p>the biodegradability <del>criteria</del> requirements established in accordance with article 4 and Annex I, <b>part B and C</b>.</p> <p>DK (Comments): Exemptions should not be possible for surfactants, but solely for polymers and other organic ingredients.</p>
<p><b><u>When adopting delegated acts in accordance with the first <del>previous</del> 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></b></p>	
<p><b><u>6b. The Commission is empowered to adopt delegated acts in accordance with Article 27 amending Annex II in order to add <del>at</del> the risk assessment methodology for detergents containing micro-organisms and to adapt this Annex to technical and scientific</u></b></p>	

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<u>progress for the purpose of ensuring a high level of protection of health and the 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 Council<sup>1</sup>, the Commission shall adopt delegated acts in accordance with Article 27 amending Annex V in order to adapt the limit of the <b>fragrance</b> allergens<del>ie fragrances</del> listed in Annex III to that Regulation accordingly.</p>	<p>DK (Drafting Suggestions):</p> <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 Council<sup>2</sup>, the Commission shall adopt delegated acts in accordance with Article 27 amending Annex V in order to adapt the limit of the <b>fragrance</b> allergens<del>ie fragrances</del> listed in Annex <b>II and</b> III to that Regulation accordingly.</p> <p>DK (Comments):</p> <p>It is not clear what the difference is between Art. 26(7) and 26(7)(a)</p>

<sup>1</sup> 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).

<sup>2</sup> 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).

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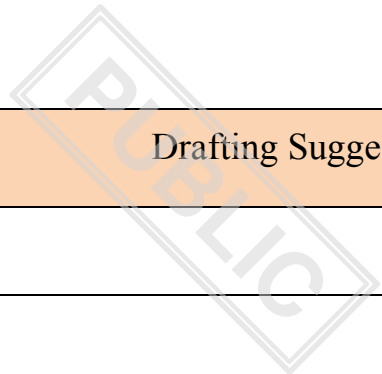
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	<p>except the reference to annex II in the cosmetics regulation. What is the reasoning behind this?</p> <p>If an allergenic fragrance is banned in the cosmetics regulation and placed in annex II to that regulation, it should also be added to Annex V in the detergents regulation (and thus be labelled).</p>
<p><b><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 Council<sup>1</sup>, the Commission shall 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></b></p>	<p>LV (Comments): LV supports PRES proposal.</p> <p>AT (Comments): AT welcomes the Presidency’s proposal</p> <p>IT (Comments): This <b><u>Regulation (EC) No 1223/2009 should be added in art 1</u></b></p>

<sup>1</sup>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).

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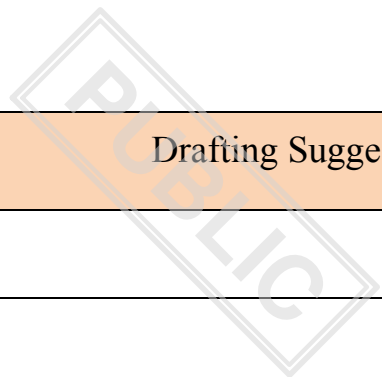
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<p>8. By [OP please insert the date = the first day of the month following <del>24</del>30 months after the date of entry into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 27 to supplement this Regulation, 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>	
<p><b><u>(aa) the need for the digital labelling not to compromise the safety of the end-users and the environment;</u></b></p>	

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(a) coherence with other relevant Union acts where relevant;	
(b) the need to encourage innovation;	
(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;	
(d) <del>the need for the digital labelling not to compromise the safety of the end users and the environment.</del>	
(e) the level of digital readiness among all population groups in the Union <b><u>as well as the readiness of the necessary wireless and other technological infrastructure allowing unrestricted access to the information on detergents and surfactants.</u></b>	

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<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>DE  <b>(Drafting Suggestions):</b>  <del>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.</del></p> <p>DE  <b>(Comments):</b>                      As noted on Article 16, the empowerment should be deleted in order to ensure that labelling of ingredients/content information referred to in Part A of Annex V should always be provided on the physical label.</p>
	<p>LT  <b>(Drafting suggestions):</b>  <u><b>10. The Commission is empowered to adopt implementing acts in</b></u></p>

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	<p><u>accordance with Article 27 to amend Table A and B of Annex IIIa, while taking into account the conditions set out in point 3 and 4 of that annex, in order to permit a certain use of a substance or mixture that is prohibited under point 1 or 2 of that annex, or to limit a certain use that has been permitted, in detergents or surfactants.</u></p> <p>LT (Comments): Lithuania supports proposition made by Denmark in non-paper, presented at the council working group meeting.</p>
<p><u>4. The Commission is empowered to adopt delegated acts in accordance with Article 27 amending this Regulation by adding<del>providing</del> 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>DE (Comments): See comment to Article 21(5).</p>

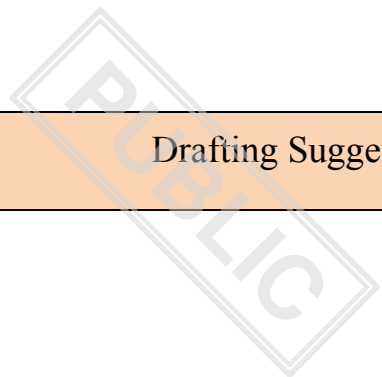
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<p><i>Article 27</i></p> <p><b>Exercise of the delegation</b></p>	
<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p>	
<p>2. The power to adopt delegated acts referred to in Article 26 shall be conferred on the Commission for <del>an indeterminate period of time</del> <b><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. 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></b></p>	
<p>3. The delegation of power referred to in Article 26 may be revoked</p>	

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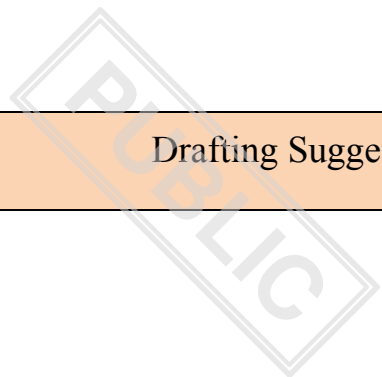
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<p>at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official 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 Agreement of 13 April 2016 on Better Law-Making.</p>	
<p>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>	
<p>6. A delegated act adopted pursuant to Article 26 shall enter into force only if no objection has been expressed either by the European</p>	

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<p>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.</p>	
<p><i>Article 28</i> <b>Committee procedure</b></p>	
<p>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.</p>	
<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	

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Presidency compromise	Drafting Suggestions and Comments
<b>CHAPTER VIII</b>	
<b>TRANSITIONAL AND FINAL PROVISIONS</b>	
<i>Article 29</i> <b>Penalties</b>	
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.	

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<i>Article 30</i>	SE <b>(Drafting suggestions):</b> Article 30  SE <b>(Comments):</b> Sweden disagrees with the assessment that this Article is redundant and believes that in order to ensure legal certainty it is necessary to amend Regulation (EU) 2019/1020, in accordance with recital 54.
<b>Amendment of Regulation (EU) 2019/1020</b>	SE <b>(Drafting suggestions):</b> <b>Amendment of Regulation (EU) 2019/1020</b>
In Annex I of Regulation (EU) 2019/1020, point 15 is replaced by the following:	SE <b>(Drafting suggestions):</b> In Annex I of Regulation (EU) 2019/1020, point 15 is replaced by the following:

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<p>‘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 ...)’.</p>	<p>SE  <b>(Drafting suggestions):</b>                      ‘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 ...)’.</p>
<p><i>Article 31</i>  <b>Report</b></p>	
<p>[<i>OP: please insert the date = 5 years from the date of application of this Regulation</i>], 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 achieving its objectives, <del>including an assessment on the impact on small and medium-sized enterprises.</del></p>	

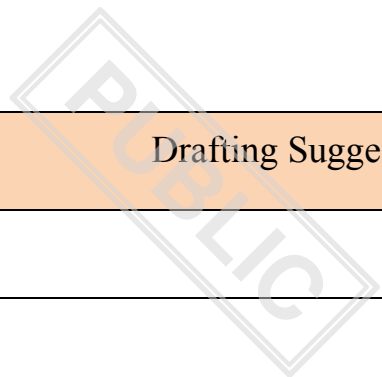
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Presidency compromise	Drafting Suggestions and Comments
<p><i>Article 32</i></p>	<p>MT  <b>(Comments):</b>                      MT does not see the benefit of introducing the review clause in Article 32(iii) to assess the developments of relevance to detergents in other pieces of legislation. Given that discussions on the review of the REACH Regulation are imminent, MT does not see the benefit of including such provisions here, especially considering that the inclusion of these provisions might then prejudice discussions on the REACH Regulation. In light of the fact that the REACH Regulation constitutes the main legal framework for chemicals in the EU, MT would prefer to wait until discussions on the revision of the REACH Regulation have started. Furthermore, given that the conditions and criteria for restrictions of chemicals and the criteria for labelling are dictated by the REACH Regulation and by the CLP Regulation respectively, it would be easier to consolidate the Detergents Regulation with that of REACH and CLP rather than the other way round.</p>
<p><del>Micro-organisms</del> Review</p>	

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<p>By [OP: please insert the date = 3 years from the date of application of this Regulation], the Commission shall assess the effectiveness and relevance of the requirements of this Regulation <del>1.</del> 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. <b><u>for the following:</u></b></p>	
<p><b><u>i. For detergents containing micro-organisms: the list possibility to include new of micro-organisms or strains of micro-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></b></p>	<p>DK  <b>(Comments):</b>                      DK supports the proposal</p>
<p><b><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</u></b></p>	<p>DE  <b>(Drafting Suggestions):</b>  <del>ii. For the biodegradability: based on an impact assessment of</del></p>

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<p><u>eventual need to ban certain ingredients and to strengthen the biodegradability requirements shall also be assessed.</u></p>	<p>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.</p> <p>DE (Comments): The review clause can be deleted on the basis of our proposed amendments to Article 26.</p> <p>DK (Comments): DK supports the proposal</p> <p>SE (Drafting suggestions): 2ii. <u>By ... [2 years from the date of entry 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).</u></p> <p>iii <u>By... [5 years from the date of entry into force of this</u></p>

Presidency compromise	Drafting Suggestions and Comments
	<p><b><u>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).</u></b></p> <p><b>iv</b> 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.</p> <p>SE <b>(Comments):</b></p> <p>Sweden supports the ambition to have biodegradability requirements for water soluble films to avoid the spread of microplastics in the environment. We would prefer to add this requirement to the regulation. However, as a compromise we can support the PCY proposal to add these requirements in a delegated act 2 years after entry into force of the regulation. The previous (and now deleted) proposals for articles 4.(3) and 4(4) could be inserted here in article 32.</p>

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	<p>As a response to a comment from the Commission at the WP meeting on 15 May, we don't find it sufficient to only have a mandate to the Commission in Article 26 to amend Annex II. To ensure that any initiatives are taken, we believe that a review clause with a clear time limit is necessary.</p>
<p><b><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></b></p>	<p>DK  <b>(Drafting Suggestions):</b>                      iii. For the protection of health and the environment from the most harmful substances <b><u>and biocidal active substances</u></b>, in articulation with other relevant regulations and their achievement, assess the need to include or adapt provisions in this regulation for <b><u>the presence of</u></b> these substances <b><u>in detergents and surfactants. These provisions do not apply to biocidal active substances listed on Annex I of Reg. (CE) No 528/2012.</u></b></p> <p>DK  <b>(Comments):</b>                      DK supports the new review requirement. However, we would like to add</p>

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	<p>biocidal active substances, as these are not necessarily ‘most harmful substances’ but still very relevant to include in a review, due to the ‘grey zone’-challenge they pose, as mentioned in the Danish non-paper.</p> <p>EL  <b>(Comments):</b>                      We support the provision.</p> <p>IE  <b>(Comments):</b>  <b>IE:</b> Based on our previous position indicating the need for an impact assessment for harmful substances (regarding the DK Non-paper - WK 5228 2024 INIT), we can support the addition of the review clause in Article 32 (iii) as proposed by the Commission.</p> <p>SE  <b>(Drafting suggestions):</b>  <b>iiiv.</b> For the protection of health and the environment from the most harmful substances <b>and biocidal active substances</b>, in articulation with other relevant regulations and their achievement, assess the need to include or adapt provisions in this regulation <b>the presence of</b> for these</p>

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	<p>substances <u>in detergents and surfactants</u>.</p> <p>SE (Comments):</p> <p>Sweden supports the addition of this review clause. We also propose to add biocidal active substances to this review clause.</p>
<p><del><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 Ifot.</u></del></p>	
<p><del><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</u></del></p>	<p>FI (Drafting Suggestions):</p> <p>For the phosphorus requirements in detergents containing phosphates and</p>

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<p><del>content on others product categories to Annex III.</del></p>	<p>other phosphorus compounds: the possibility to limit further the phosphorus content of product categories in Annex III</p> <p>FI  <b>(Comments):</b>                      This might not be the perfect drafting suggestion, but as a compromise we could support having some text that would ensure that the existing phosphorus limits will be looked at at some point of time. If this will be handled in article 32, it might be necessary to do some redrafting to highlight that the impacts of lowering the limits should be assessed before a decision on it can be made.</p> <p>LT  <b>(Drafting suggestions):</b>  <u><b>iv. For the phosphorus requirements in consumer laundry and consumer automatic dishwashing detergents containing phosphates and other phosphorus compounds: the possibility to limit further the phosphorus content under Annex III.</b></u></p> <p>LT  <b>(Comments):</b>                      Now, the current limits of phosphorus content, as proposed by the</p>

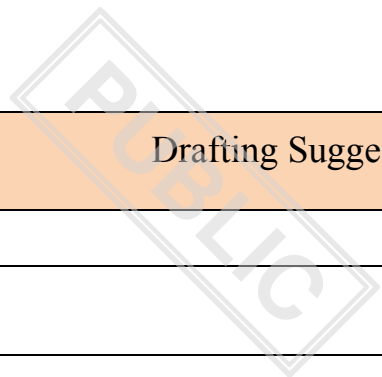
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	<p>Commission and supported by their Impact Analysis, are sufficient.</p> <p>It is important to take into account technical and qualitative developments and to follow the state of the art, taking into consideration their effect for the environment and human health.</p> <p>SE  <b>(Drafting suggestions):</b>  <u><b>iii. 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.</b></u></p> <p>SE  <b>(Comments):</b>                      Sweden find it important to at least have a review clause regarding the possibility to add further limitations on phosphorus content. An appropriate place for the review clause could be Article 32.</p>

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<p><i>Article 33</i>  <b>Repeal of Regulation (EC) No 648/2004</b></p>	
<p>Regulation (EC) No 648/2004 is repealed.</p>	
<p>References to the repealed Regulation shall be construed as references to this Regulation and read in accordance with the correlation table in Annex VIII.</p>	

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Presidency compromise	Drafting Suggestions and Comments
<i>Article 34</i>	
<b>Transitional provisions</b>	
<p>1. Member States shall not impede the making available on the market of detergents and surfactants which are placed on the market before [OP: please insert the date = 30 months from the date of entry into force of this Regulation] in conformity with Regulation (EC) No 648/2004 as applicable on ... [OP: please insert the date = one day before 30 months from the date of entry into force of this Regulation].</p>	
<p>2. Detergents and surfactants which, are placed on the market after [OP: please insert the date of application = one day before 30 months from the date of entry into force of this Regulation] and which at the moment of their placing on the market comply with Regulation (EC) No 648/2004 as applicable on [OP: please insert the date of application =</p>	

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Presidency compromise	Drafting Suggestions and Comments
<p><i>one day before 30 months from the date of entry into force of this Regulation], may be made available on the market until [OP: please insert the date = 36 months from the date of entry into force of this Regulation].</i></p>	
<p>3. <b><u>By way of derogation from paragraphs 1 and 2, provisions of Articles 18 to 21 shall apply by [OP: please insert the date = 30 months from the date of entry into force 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></b></p>	<p>DE (Comments): We have considerable doubts as to whether the transitional provision in its current form is practicable and fulfills its intended purpose: What happens, for example, if the implementing acts are (or can only be) adopted shortly before the new Detergents Regulation comes into force (i.E. after 30+ month)? By when should the digital product passports have to be drawn up in that case? Has the DPP to be drawn up according to the basic requirements of Article 18(2) or is it still necessary to wait for the implementing acts? In the former case, Industry would need to adapt to a system which is later revised by the requirements of the implementing acts. In the latter case, there may be a considerable time gap until the information for consumers is available after the Detergents Regulation applies.</p>

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Presidency compromise	Drafting Suggestions and Comments
	<p>To strike a balance, the transitional provision should therefore be designed in such a way that</p> <ul style="list-style-type: none"> <li>- the implementing acts shall be adopted well before the Detergents Regulation applies and</li> <li>- the companies concerned are given sufficient time to implement the digital product passport according to the requirements of the implementing acts and the Detergents Regulation (Article 18, Annex VI).</li> </ul> <p>EL  <b>(Comments):</b>            A sufficient transition period should be given for the industry to implement the digital product passport (DPP) and its registration into the central registry. Implementing new IT systems and changing all artworks needs time and the proposed 12 months transition period seems short for the companies to be compliant in time.</p> <p>PT</p>

Presidency compromise	Drafting Suggestions and Comments
	<p><b>(Drafting Suggestions):</b></p> <p>By way of derogation from paragraphs 1 and 2, provisions of Articles 18 to 21 shall apply, <b>whichever occurs later</b>, by [<i>OP: please insert the date = 30 months from the date of entry into force of this Regulation</i>] or <del>no later than 12</del> <b>24</b> 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.</p> <p>PT <b>(Comments):</b></p> <p>From our understanding, with the current proposal, it would be possible to initiate the application of this regulation in less than 12 months after the entry into force of the Commission's implementing acts. We should avoid this, as the industry needs time to prepare for the new rules adopted by the implementing acts.</p> <p>Also, we consider the 12-month transition period too short to allow companies to implement the new rules.</p>

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Presidency compromise	Drafting Suggestions and Comments
	<p>IE  <b>(Comments):</b></p> <p><b>IE:</b> We can support the transition period of 30 months as proposed in Art. 34(3).</p> <p>SE  <b>(Comments):</b></p> <p>Sweden supports the proposal to align the transitional periods with the ESPR regulation.</p> <p>We are flexible about the transitional period, but would not support shorter times than those now proposed.</p> <p>RO  <b>(Comments):</b></p> <p>The text refers to all the provisions of art.18-21. This implies that the implementing act referred to in art. 18 (9) is also subject of derogation?</p> <p>In the same time RO considers that</p> <ul style="list-style-type: none"> <li>the date for application of art. 18-21 should be based also on the data of entry into force of the implementing act referred to in article 18 (9)</li> </ul>

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Presidency compromise	Drafting Suggestions and Comments
	<ul style="list-style-type: none"> <li>the period of 30 months should be repaced by 48 months</li> </ul> <p>Justification: Sufficient transition times should be given to companies to implement the Digital Product Passport and its registration into the central registry</p> <p>SK <b>(Comments):</b> For transitional provisions SK CA is of the opinion for extension date of application and sufficient time to implement provisions in Article 18 to 21 for the digital product passport. 30 months from the date of entry into force 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 is in real implementation such new and extensive change for detergents (e.g. implementing new IT system) not enough.</p>

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Presidency compromise	Drafting Suggestions and Comments
<i>Article 35</i>	
<b>Entry into force and application</b>	
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> .	
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>LT  <b>(Drafting suggestions):</b>                      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>].  <b><u>However, point 1 of Annex IIIa shall apply from [<i>OP: please insert the date = 60 months from the date of entry into force of this Regulation</i>].</u></b></p> <p>LT  <b>(Comments):</b></p>

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Presidency compromise	Drafting Suggestions and Comments
	Lithuania supports proposition made by Denmark in non-paper, presented at the council working group meeting.
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 the Council</i>
<i>The President</i>	<i>The President</i>
<b><u>ANNEX I</u></b>	

From: DE, DK, EL, FI, LV, MT, PT, SI, AT, ES, IE, IT, LT, SE, RO, SK

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Presidency compromise	Drafting Suggestions and Comments
<b>BIODEGRADABILITY REQUIREMENTS REFERRED TO IN ARTICLE 4</b>	
<p><b><u>ULTIMATE BIODEGRADABILITY CRITERIA AND TEST METHODS FOR DETERGENTS AND SURFACTANTS, 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></b></p>	<p>ES (Drafting suggestions):</p> <p><b><u>ULTIMATE BIODEGRADABILITY CRITERIA AND TEST METHODS FOR DETERGENTS AND SURFACTANTS, 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></b></p> <p>ES (Comments):</p> <p>ES proposal is to remove adjective “ultimate” in order to avoid any ambiguity.</p>

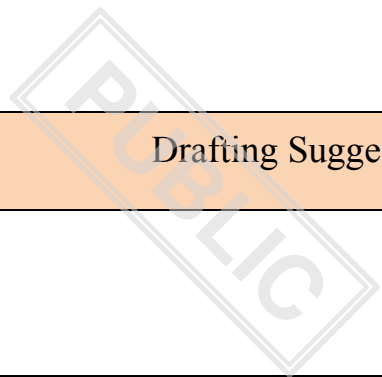
From: DE, DK, EL, FI, LV, MT, PT, SI, AT, ES, IE, IT, LT, SE, RO, SK

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Presidency compromise	Drafting Suggestions and Comments
<p><b><u>A: Ultimate Biodegradability of for surfactants and surfactants contained in detergents</u></b></p>	<p>ES  <b>(Drafting suggestions):</b>  <b><u>A: Ultimate Biodegradability of for surfactants and surfactants contained in detergents</u></b></p> <p>ES  <b>(Comments):</b>                      ES proposal is to remove adjective “ultimate” in order to avoid any ambiguity.</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 (CO<sub>2</sub> 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>	

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Presidency compromise	Drafting Suggestions and 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 (CO<sub>2</sub> headspace test);</p>	

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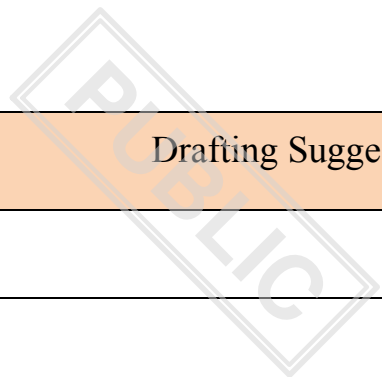
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Presidency compromise	Drafting Suggestions and Comments
(ii) method C.4.-C Carbon dioxide (CO <sub>2</sub> ) Evolution Test (Modified Sturm Test), described in Part C, Part IV, of the Annex to Commission Regulation (EC) No 440/2008 <sup>1</sup> ;	
(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;	

<sup>1</sup> 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).

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Presidency compromise	Drafting Suggestions and Comments
(vi) ISO 10708: 1997 — Water quality — Evaluation in an aqueous medium of the 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.	

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Presidency compromise	Drafting Suggestions and Comments
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) .	
41. The tests referred to in point 3 shall be conducted by laboratories meeting any of the following conditions:	
(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 Council <sup>1</sup> 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.	

<sup>1</sup> 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).

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Presidency compromise	Drafting Suggestions and Comments
<p><b><u>B . Ultimate Biodegradabilty requirements of organic polymers and of other organic ingredients for soluble film and other soluble polymer</u></b></p>	<p>DE (Drafting Suggestions): B . Ultimate Biodegradabilty requirements for soluble film and other soluble <u>organic</u> polymers <b><u>contained in detergents, including polymers used to encapsulate detergents</u></b></p> <p>DE (Comments): Consequential amendment ot Article 4.</p> <p>SK (Comments): SK CA has noticed that is missing detailed requirements in point B or state the information that requirements will be specified later in the delegated act.</p>
<p><b><u>C. Ultimate biodegradability requirements for other organic compounds</u></b></p>	<p>DE (Drafting Suggestions): C. Ultimate <del>b</del><b>i</b>odegradability requirements for other organic compounds</p>

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Presidency compromise	Drafting Suggestions and Comments
	<p>DE (Comments): Consequential amendment of Article 4.</p> <p>SK (Comments): SK CA has noticed that is missing detailed requirements in point C or state the information that requirements will be specified later in the delegated act.</p>
<u><b>ANNEX II</b></u>	
<b>REQUIREMENTS FOR DETERGENTS CONTAINING MICRO-ORGANISMS REFERRED TO IN ARTICLE 5</b>	
<p>1. Micro-organisms intentionally added to detergents shall comply with the following conditions:</p>	<p>DE (Drafting Suggestions):</p> <p>1. Micro-organisms intentionally added to detergents shall comply</p>

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Presidency compromise	Drafting Suggestions and Comments
	with the following conditions: DE (Comments): See justification for the amendment in Annex IV, Module A (2.2)(e)(ii).
(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 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;	

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Presidency compromise	Drafting Suggestions and Comments
<p>(ii) The Qualified Presumption of Safety (QPS) list issued by the European Food Safety Authority (EFSA), <b><u>excluding micro-organisms listed for production purpose only., according to the qualifications foreseen in this list for the micro-organisms concerned.</u></b></p>	<p>EL (Comments): We support the proposal.</p> <p>IT (Comments): IT agrees with this proposal</p>
<p><del>This point shall not apply to micro-organisms intentionally added to detergents placed on the market for research and development purposes.</del></p>	
<p>2. The following pathogenic micro-organisms shall not be present in any of the strains included in the finished product when screened using the indicated test methods or equivalent:</p>	
<p>(a) <i>E. coli</i>, test method ISO 16649-3: <del>2005</del> <b><u>2015</u></b>;</p>	

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(b) <i>Streptococcus (Enterococcus)</i> , test method ISO 21528-1: <del>2004</del> <u>2017</u> ;	FI (Comments): Wrong test method here, please check.
(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.	
<b><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></b>	FI (Comments): If necessary, “significant amount” can be defined. According to our expert, “significant amount” could be e.g. > one in 100 000.

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<p>3. Intentionally added micro-organisms shall not be genetically modified micro_organisms.</p>	<p>DE (Drafting Suggestions): 3. Intentionally a<u>Added</u> micro-organisms shall not be genetically modified micro-organisms.</p> <p>DE (Comments): See justification for the amendment in Annex IV, Module A (2.2)(e)(ii).</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>DE (Drafting Suggestions): 4. Intentionally a<u>Added</u> 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>DE</p>

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Presidency compromise	Drafting Suggestions and Comments
	<p>(Comments): See justification for the amendment in Annex IV, Module A (2.2)(e)(ii).</p>
<p>5. When placed on the market, detergents containing micro-organisms shall have a standard plate count equal to or greater than <math>1 \times 10^5</math> 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>SE (Drafting suggestions): 5. — <u>Detergents containing micro-organisms destined for use by consumers, shall not be placed on the market in a spray format.</u> <del>When placed on the market, detergents containing micro-organisms shall have a standard plate count equal to or greater than <math>1 \times 10^5</math> 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.</del></p> <p>SE (Comments): Sweden does not find that it would appropriate to allow spray products for consumers due to the potential inhalation sensitization and that consumers cannot be expected to use PPE. We prefer the previous compromise proposal where detergents containing</p>

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Presidency compromise	Drafting Suggestions and Comments
	<p>microorganisms are not allowed to be placed on the market in spray format if the products are destined for use by consumers.</p> <p>Furthermore, we do not support that the now proposed requirement is reintroduced. Our preferred option is to not use a test method that requires animal testing. It is also questionable if the method is relevant for the intended purpose with the new provisions for detergents that contains microorganisms.</p>
<p>6. <del>The minimum shelf life of a detergent containing microorganisms 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.</del> <b><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 1x10<sup>4</sup> colony-forming units (CFUs) per ml in accordance with ISO 4833-1:2014, or corresponding method, at the end of the shelf-life.</u></b></p>	

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<p>7. <del>Micro-organisms contained in detergents 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.</del></p>	
<p><b><u>Detergents containing micro-organisms destined for use by consumers, shall not be placed on the market in a spray format.</u></b></p>	<p>DE (Drafting Suggestions): <b><u>Detergents containing micro-organisms destined for use by consumers, shall not be placed on the market in a spray format.</u></b></p> <p>DE (Comments): We do not see any need for detergents in spray form that contain micro-organisms. This product form should be avoided in order to prevent animal testing. According to the criteria of the eco-label (see Commission Decision (EU) 2017/1217), no product containing micro-organisms may be used in trigger sprays. Furthermore, it can be assumed that spray applications pose additional risks, especially for untrained consumers.</p> <p>DK</p>

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Presidency compromise	Drafting Suggestions and Comments
	<p>(Drafting Suggestions):</p> <p><b><u>Detergents containing micro-organisms destined for use by consumers, shall not be placed on the market in a spray format.</u></b></p> <p>DK</p> <p>(Comments):</p> <p>DK does not support sale of detergents containing microorganisms in spray format to consumers.</p>
<p><b><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></b></p>	<p>DE</p> <p>(Drafting Suggestions):</p> <p><del>Detergents containing micro-organisms may be placed on the market in a spray format if:</del></p> <p>SE</p> <p>(Comments):</p> <p>Sweden does not support this proposal as it would not be appropriate to allow spray products for consumers due to the potential inhalation sensitization and that consumers cannot be expected to use PPE.</p> <p>We prefer the previous compromise proposal for paragraph 5 in this annex.</p>

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<p><b><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></b></p>	<p>DE  <b>(Drafting Suggestions):</b>                      (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;</p> <p>IT  <b>(Comments):</b>                      IT agree with this proposal</p>
<p><b><u>and</u></b></p>	<p>DE  <b>(Drafting Suggestions):</b>                      and</p>
<p><b><u>(b) in addition to the requirements laid down in Annex V, their label meets the following conditions:</u></b></p>	<p>DE  <b>(Drafting Suggestions):</b>                      (b) — in addition to the requirements laid down in Annex V, their label</p>

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<p><u>(a) — The label contains a warning that the product may cause respiratory sensitisation; and</u></p>	<p>DE  <b>(Drafting Suggestions):</b>                      contains a warning that the product may cause respiratory sensitisation and</p> <p>PT  <b>(Drafting Suggestions):</b>                      Delete</p> <p>PT  <b>(Comments):</b>                      It seems that if the product has passed the risk assessment including assessed to be safe with regards to respiratory sensitisation, this sentence would not be required.</p> <p>SE  <b>(Comments):</b>                      If products containing microorganisms in spray format are allowed to sell to consumers we find it very important to keep the proposed labelling requirement.</p> <p>RO</p>

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Presidency compromise	Drafting Suggestions and Comments
	<p><b>(Drafting suggestions):</b> contains a warning that the product may cause respiratory sensitisation; and RO <b>(Comments):</b> RO suggests the elimination of this sentence because if the products have passed the risk assessment including being assessed as safe with regards to respiratory sensitisation, this provision should not be required</p>
<p><b><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></b></p>	<p>DE <b>(Drafting Suggestions):</b> <del>instructions for use ensuring the safety of the users, if necessary by protective equipment, of the other individuals potentially exposed and of their environment.</del>  IT <b>(Drafting suggestions):</b> <b><u>(b) — The label contains instructions for use ensuring the safety of the users and of the other individuals potentially exposed and of their environment.</u></b></p>

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Presidency compromise	Drafting Suggestions and Comments
	<p><b><u>If protective equipment are necessary to guarantee the safe use, the detergent should be destined only for use in the industrial and institutional sector,</u></b></p> <p>SE                      (Comments):                      If products containing microorganisms in spray format are allowed to sell to consumers we find it very important to keep the proposed labelling requirement. Consumers cannot be expected to use PPE.</p>
<p>8. Detergents containing micro-organisms shall not be placed on the market in a refill format.</p>	
<p><del>9. All claims made by the manufacturer regarding the actions of the micro-organisms contained in the product shall be supported by third-party testing.</del></p>	
<p>10. It is prohibited to claim or suggest on the label or by any other</p>	

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Presidency compromise	Drafting Suggestions and Comments
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, <b>4, 5, and 6</b> , <del>7 and 9</del> shall be conducted by laboratories meeting any of the following conditions:	
(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 Council <sup>1</sup> 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.	

<sup>1</sup> 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

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Presidency compromise	Drafting Suggestions and Comments
<u>ANNEX III</u>	
<b>LIMITATIONS ON THE CONTENT OF PHOSPHATES AND OTHER PHOSPHORUS COMPOUNDS REFERRED TO IN ARTICLE 6</b>	
Detergent	Limitations
Consumer laundry detergents <del>Shall not be placed on the market if the</del> <b>The</b> total content of phosphorus <del>is is equal to or greater</del> <b>lower</b> 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:	LV <b>(Comments):</b> LV invites to evaluate the economic validity of phosphates limitations, the impact on the national economy that could be caused.
– for ‘normally soiled’ fabrics in the case of heavy-duty detergents,	

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<p>– for ‘lightly soiled’ fabrics in the case of detergents for delicate fabrics.</p>	
<p><b><u>By the 1/1/2021-2028 is lower than 0,3 grams in the same recommended quantity of the detergents.</u></b></p>	<p>FI  <b>(Drafting Suggestions):</b>                      delete</p> <p>FI  <b>(Comments):</b>                      We suggest carrying out an impact assessment before deciding on tightening the limit.</p> <p>PT  <b>(Drafting Suggestions):</b>                      Delete.</p> <p>PT  <b>(Comments):</b>                      PT does not agree with this sentence.</p> <p>ES</p>

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	<p><b>(Drafting suggestions):</b>                      By the 1/1/20218 2028 is lower than 0,3 grams in the same recommended quantity of the detergents.</p> <p>ES  <b>(Comments):</b>                      ES considers that lower values of phosphorus should be assessed in the impact assessment. We support the original commission proposal.</p> <p>LT  <b>(Comments):</b>                      This provision is unclear, as it does not set a clear upper limit. This limit is also too low for consumer laundry detergents to remain efficient. Reducing phosphorus may reduce the sustainability of the products, as the compounds would need to be replaced by other chemicals.</p> <p>RO  <b>(Comments):</b>                      We are reluctant to the additional limit-from 2028- for the content of phosphorus.</p> <p>Justification:                      It is not known how the new limit has been determined and there is no</p>

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	impact assessment on the efficacy and sustainability of the products
<p>Consumer automatic dishwasher detergents <del>Shall not be placed on the market if the</del><b>The</b> total content of phosphorus is <del>equal to or greater</del><b>lower</b> than <del>0,33-2</del> grams in the standard dosage as defined in Part B of Annex V.</p>	
<p><b><u>By the 1/1/2021-2028 is lower than 0,2 grams in the same recommended quantity of the detergents.</u></b></p>	<p>DE <b>(Comments):</b> DEU welcomes and supports the Presidency's proposals to make the existing phosphorus limits in household laundry detergents and automatic dishwashing detergents more ambitious.</p> <p>FI <b>(Drafting Suggestions):</b> delete</p> <p>FI <b>(Comments):</b> We suggest carrying out an impact assessment before deciding on tightening the limit.</p> <p>PT</p>

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Presidency compromise	Drafting Suggestions and Comments
	<p>(Drafting Suggestions):</p> <p>Delete.</p> <p>PT</p> <p>(Comments):</p> <p>PT does not agree with this sentence.</p> <p>ES</p> <p>(Drafting suggestions):</p> <p>By the 1/1/20218 2028 is lower than 0,2 grams in the same recommended quantity of the detergents.</p> <p>ES</p> <p>(Comments):</p> <p>ES considers that lower values of phosphorus should be assessed in the impact assessment. We support the original commission proposal.</p> <p>LT</p> <p>(Comments):</p> <p>This provision is unclear, as it does not set a clear upper limit. This limit is also too low for consumer laundry detergents to remain efficient. Reducing phosphorus may reduce the sustainability of the products, as the compounds would need to be replaced by other chemicals</p> <p>RO</p>

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Presidency compromise	Drafting Suggestions and Comments
	<p>(Comments):</p> <p>We are reluctant to the additional limit-from 2028- for the content of phosphorus.</p> <p>Justification:</p> <p>It is not known how the new limit has been determined and there is no impact assessment on the efficacy and sustainability of the products</p>
<p><u>Industrial and institutional laundry detergents — By the 1/1/2018 the total content of phosphorus is lower than 0,6g/ liter of washing solution.</u></p>	<p>DE</p> <p>(Drafting Suggestions):</p> <p><b><u>Industrial and institutional laundry detergents</u></b></p> <p><b><u>By the 1/1/2028 the total content of phosphorus is lower than 0,6g/ liter of washing solution.</u></b></p> <p>DE</p> <p>(Comments):</p> <p>As already explained at the meeting of the working group on May 15, 2024, we are opposed to the removal of the limit on the content of phosphates and other phosphorus compounds in industrial and institutional laundry detergents and automatic dishwasher detergents recently proposed by the Presidency. The companies are able to meet the</p>

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	<p>thresholds.</p> <p>P-Limits in industrial and institutional laundry detergents and automatic dishwasher detergents would make a significant contribution to achieving the objectives of the HELCOM Baltic Sea Action Plan and reducing the eutrophication of inland waters.</p> <p>These proposals would also be in line with the EP opinion of February 27.</p> <p>IT (Drafting suggestions):</p> <p><b><u>Industrial and institutional laundry detergents</u></b></p> <p>By the 1/1/2018 the total content of phosphorus is lower than 0,6g/ liter of washing solution.</p> <p>IT (Comments):</p> <p>There is no impact evaluation on this propose; the enviromental protection is one of the maid scope of this regulation, also because for enviromenta protection it is necessary to prevent pollution.</p> <p>Take into consideration the JRC technical evaluation.</p> <p>SE</p>

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	<p><b>(Comments):</b></p> <p>We would prefer to add restrictions on the phosphorus content in industrial and institutional products.</p> <p>If this is deleted, we find it important to at least have a review clause regarding the possibility to add further limitations on phosphorus content. An appropriate place for the review clause could be Article 32.</p> <p>It is also important to comply with the commitments in the Helcom Baltic Sea Action Plan to contribute to a reduction of the eutrophication in the Baltic Sea.</p>
<p><u><b>Industrial and institutional dishwasher detergents — By the 1/1/2018 the total content of phosphorus is lower than 0,64g / liter of washing solution.</b></u></p>	<p>DE</p> <p><b>(Drafting Suggestions):</b></p> <p><u><b>Industrial and institutional dishwasher detergents</b></u></p> <p><u><b>By the 1/1/2028 the total content of phosphorus is lower than 0,64g / liter of washing solution.</b></u></p> <p>DE</p>

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Presidency compromise	Drafting Suggestions and Comments
	<p>(Comments): See comments above.</p> <p>IT</p> <p>(Drafting suggestions): <b><u>Industrial and institutional dishwasher detergents</u></b> By the 1/1/2018 the total content of phosphorus is lower than 0,64g / liter of washing solution.</p> <p>SE</p> <p>(Comments): We would prefer to add restrictions on the phosphorus content in industrial and institutional products. If this is deleted, we find it important to at least have a review clause regarding the possibility to add further limitations on phosphorus content. An appropriate place for the review clause could be Article 32.</p> <p>It is also important to comply with the commitments in the Helcom Baltic Sea Action Plan to contribute to a reduction of the eutrophication in the Baltic Sea.</p>

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Presidency compromise	Drafting Suggestions and Comments
	<p>LT  (Drafting suggestions):</p> <p><b><u>ANNEX IIIa</u></b></p> <p><b><u>SUBSTANCES AND MIXTURES PROHIBITED IN DETERGENTS AND SURFACTANTS</u></b></p> <p><b><u>1. The presence of substances that are considered active substances under Regulation (EU) No 528/2012 is prohibited in detergents and surfactants. However, this shall not apply to:</u></b></p> <p><b><u>(a) substances in detergents or surfactants approved as biocidal products in accordance with chapter VI of Regulation (EU) No 528/2012</u></b></p> <p><b><u>(b) active substances listed in Annex I of Regulation (EU) No 528/2012</u></b></p> <p><b><u>(c) active substances approved for use as a preservative for products during storage (product type 6) in accordance with Regulation (EU) No 528/2012 for use in detergents or surfactants</u></b></p> <p><b><u>(d) active substances included in the review programme as set out in the Commission Delegated Regulation (EU) No 1062/2014, when the substance is used as a preservative in a detergent or surfactant.</u></b></p>

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	<p><b><u>2. For detergents and surfactants, other than industrial and institutional detergents, the presence of substances or mixtures in the form classified under Regulation (EC) No 1272/2008 in any of the following categories is prohibited:</u></b></p> <p><b><u>(a) carcinogenicity, germ cell mutagenicity or reproductive toxicity (CMR) category 2;</u></b></p> <p><b><u>(b) endocrine disruption category 1 or 2;</u></b></p> <p><b><u>(c) specific target organ toxicity category 1, either in single exposure or in repeated exposure;</u></b></p> <p><b><u>(d) respiratory sensitisation category 1. (e) persistent, bioaccumulative and toxic (PBT) and very persistent and very bioaccumulative (vPvB) assessment</u></b></p> <p><b><u>3. By way of derogation from point 1, active substances prohibited under that point may be used in detergents or surfactants if they are listed in Table A and used in accordance with the conditions set out therein, provided that</u></b></p> <p><b><u>a) It has been found safe by ECHA, and</u></b></p> <p><b><u>b) There are no suitable alternative substances or mixtures available for its intended use in the detergent or surfactant, such as a solvent</u></b></p>

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	<p><u>or surfactant, as established by ECHA based on an analysis of alternatives.</u></p> <p><u>4. By way of derogation from point 2 substances or mixtures prohibited under that point may be used in detergents or surfactants if they are listed in Table B and used in accordance with the conditions set out therein, provided that</u></p> <p><u>a. It has been found safe by ECHA when used by non-professionals taking into account the exposure from other sources.</u></p> <p><u>b. There are no suitable substances or mixtures available, as established by ECHA based on an analysis of alternatives.</u></p> <p><u>c. The substance or mixture is not prohibited for use in consumer articles under Regulation (EC) No 1907/2006.</u></p> <p><u>5. By way of derogation from point 2, enzymes and proteins prohibited under point 2(d) may be used in detergents and surfactants provided that the derived exposure level does not exceed 15 ng/m<sup>3</sup>.</u></p> <p><u>6. The non-intended presence of a substance or mixture referred to in point 2 that stems from impurities of natural or synthetic ingredients, or from the manufacturing process and that is technically</u></p>

Presidency compromise	Drafting Suggestions and Comments																				
	<p><b><u>unavoidable in good manufacturing practice, shall be permitted provided that the individual concentration limit of [100] mg/kg is not exceeded.</u></b></p> <p><b><u>TABLE A - Permitted uses of active substances subject to the prohibition under point 1 of this Annex</u></b></p> <p><b><u>TABLE A – Permitted uses of active substances subject to the prohibition under point 1 of this Annex</u></b></p> <table border="1" data-bbox="1126 738 1722 1019"> <thead> <tr> <th>Substance</th> <th>Classification</th> <th>Permitted use</th> <th>Maximum concentration</th> </tr> </thead> <tbody> <tr> <td>E.g. Isopropyl</td> <td></td> <td></td> <td></td> </tr> <tr> <td>E.g. Acetic Acid</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p><b><u>TABLE B - Permitted uses of substances subject to generic prohibitions under point 2 of this Annex</u></b></p> <table border="1" data-bbox="1126 1189 1722 1345"> <thead> <tr> <th>Substance</th> <th>Classification</th> <th>Permitted use</th> <th>Maximum concentration</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Substance	Classification	Permitted use	Maximum concentration	E.g. Isopropyl				E.g. Acetic Acid				Substance	Classification	Permitted use	Maximum concentration				
Substance	Classification	Permitted use	Maximum concentration																		
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	LT (Comments): Lithuania supports proposition made by Denmark in non-paper, presented at the council working group meeting.
<u>ANNEX IV</u>	
<b>CONFORMITY ASSESSMENT PROCEDURE REFERRED TO IN ARTICLE 7(2)</b>	MT (Comments): Whilst agreeing with the notion that an assessment according to Annex IV is to be carried out to ensure that the detergent is safe for use, MT does not support that the term “Conformity Assessment Procedure” is used as the notions of conformity assessment and CE marking are linked with the general principles laid out in Article 30 of Regulation (EC) 765/2008 and as such would present a different meaning to consumers if such notions were to be also included in the Detergents Regulation. In this regard, MT

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	is proposing to change the title of Annex IV to “ <i>Assessment Procedure</i> ”.
<b>Module A - Internal production protocol</b>	
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	

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<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>	
<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 <b><u>and the risk assessment of detergents containing intentionally added micro-organisms;</u></b></p>	<p>DE  <b>(Drafting Suggestions):</b>                      (b) the test reports demonstrating the compliance with Annex I and,</p>

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	where applicable, with Annexes II and III and the risk assessment of detergents containing intentionally added micro-organisms;  DE (Comments): See justification for the amendment in Annex IV, Module A (2.2)(e)(ii).
(c) a list of test methods used to demonstrate compliance with the requirements of this Regulation ;	
(d) results of calculations made and examinations carried out;	
(e) an ingredients data sheet which <u>contains</u> meets the following requirements:	SK (Comments):  SK support the opinion that information shall be communicated to Member States appointed bodies before the placing on the market of a product, but the format will remain as currently used format.

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Presidency compromise	Drafting Suggestions and Comments
<p>(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></p>	
<p><u>(ii) the lists of all intentionally added contained</u>intentionally added substances; <u>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 Regulation (EC) No 1272/2008, Regulation (EU) No 528/2012 or point 3 or 4 of Part A(3) of Annex V;</u></p>	<p>DE  <b>(Drafting Suggestions):</b>                      (ii) the lists of all intentionally added substances; for this purpose, a perfume, an essential oil or a colouring agent shall be considered to be a single component, however preservatives and fragrance allergens shall also 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> <p>DE  <b>(Comments):</b>                      The word "intentionally" should be deleted as any addition of an ingredient should be included regardless of the actor in the supply chain that added the component. This is essential to avoid any unclearities and</p>

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	<p>to have a uniform labelling requirement for all ingredients.</p> <p>DK (Drafting Suggestions):</p> <p>(ii) the lists of all <del>intentionally added contained</del>intentionally added substances;; for this purpose, a perfume, an essential oil or a colouring agent shall be considered to be a single component, however <del>except impurities; the and</del> preservatives and fragrance allergens shall also <del>only</del> be listed if they must be referred to in labelled in accordance with Regulation (EC) No 1272/2008, Regulation (EU) No 528/2012 or point 3 or 4 of Part A(3) of Annex V;</p> <p>DK (Comments):</p> <p>The proposed text will exclude preservatives that are not yet listed in the cosmetics glossary and this will limit safety information to PCN. DK does not understand the reasoning behind such a “derogation”.</p> <p>DK finds it important that all contained substances are included.</p> <p>EL (Comments):</p>

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	<p>The term “intentionally added” is not defined in the Regulation and does not give precise information on the substances contained in the detergent. We support the term “contained”.</p> <p>There is the possibility that two added substances, for example an acid and a base (a case very often found in detergents), may react to form a new substance (salt) which is contained in the final product but will not be listed in the ingredients data sheet, if it contains only the intentionally added substances..</p> <p>Moreover, the intention of adding a substance cannot be proven, so the term "intentionally" will cause problems in the enforcement of the legislation.</p> <p>IT  <b>(Drafting suggestions):</b>  <b><u>(ii) the lists of all intentionally added contained</u></b><del>intentionally added</del>  <b>substances;; for this purpose, a perfume, an essential oil or a</b>  <b><u>colouring agent shall be considered to be a single component,</u></b>  <b><u>however except impurities; the</u></b> and preservatives <b><u>and fragrance</u></b>  <b><u>allergens shall also only be listed if they must be</u></b> referred to in <b><u>labelled</u></b>  <b><u>in accordance with Regulation (EC) No 1272/2008, Regulation (EU)</u></b></p>

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	<p><u>No 528/2012 or point 3 or 4 of Part A(3)</u> of Annex V;</p> <p>SE (Comments):</p> <p>Sweden supports that “intentionally added” replaces “contained” as we find this information more appropriate.</p>
<p>(iii) ___ the common chemical name or IUPAC name and, where available, the INCI name, <b>the EC number, and</b> the CAS number, <del>and the European Pharmacopoeia name,</del> is <b>provided for each substance</b> given for each ingredient;</p>	
<p>(iv) all substances are listed in order of decreasing abundance by weight, and the list is sub-divided into the following weight percentage ranges:</p>	
<p>(1) 10 % or more,</p>	

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(2) 1 % or over, but less than 10 %,	
(3) 0,1 % or over, but less than 1 %,	
(4) less than 0,1 %.	
<p>(iii) the list of all intentionally added micro-organisms <b><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></b></p>	<p>DE  <b>(Drafting Suggestions):</b>                      (iii) the list of all <del>intentionally</del> added micro-organisms 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).                      DE</p>

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	<p><b>(Comments):</b> See justification for the amendment in Annex IV, Module A (2.2)(e)(ii).</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>	
<p>3. Manufacturing</p>	
<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><b><u>ANNEX V</u></b></p>	

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Presidency compromise	Drafting Suggestions and Comments
<b>LABELLING REQUIREMENTS</b>	
<b>PART A – LABELLING OF CONTENTS</b>	
The information to be included on the labels of detergents and surfactants made available on the market	
<p>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 <del>added</del><u>contained</u><del>added</del> in a concentration above 0,2 % by weight:</p>	<p>DK  <b>(Drafting Suggestions):</b>                      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 <del>added</del><u>contained</u><del>added</del> in a concentration above 0,2 % by weight:</p> <p>DK  <b>(Comments):</b></p>

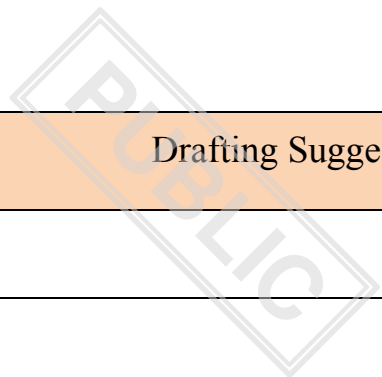
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	<p>DK finds it important that all contained substances are included.</p> <p>EL (Comments): See the comment above.</p> <p>SE (Comments): Sweden supports that “added” replaces “contained” as we find this information more appropriate.</p>
(a) phosphates,	
(b) phosphonates,	
(c) anionic surfactants,	

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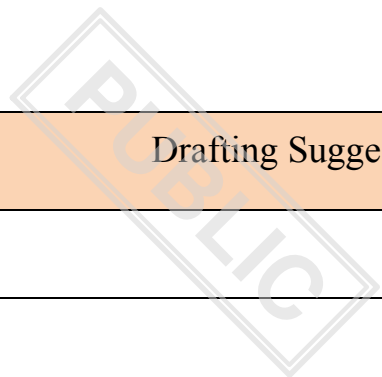
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Presidency compromise	Drafting Suggestions and Comments
(d) cationic surfactants,	
(e) amphoteric surfactants,	
(f) non-ionic surfactants,	
(g) oxygen-based bleaching agents,	
(h) chlorine-based bleaching agents,	
(i) EDTA and salts thereof,	

From: DE, DK, EL, FI, LV, MT, PT, SI, AT, ES, IE, IT, LT, SE, RO, SK

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Presidency compromise	Drafting Suggestions and Comments
(j) NTA (nitrilotriacetic acid) and salts thereof,	
(k) phenols and halogenated phenols,	
(l) paradichlorobenzene,	
(m) aromatic hydrocarbons,	
(n) aliphatic hydrocarbons,	
(o) halogenated hydrocarbons,	

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(p) soap,	
(q) zeolites,	
(r) polycarboxylates.	
<p>2. The following classes of constituents, if <del>added</del><u>contained</u> added, shall be listed irrespective of their concentration:</p>	<p>DK  (Drafting Suggestions):  2. The following classes of constituents, if <del>added</del><u>contained</u> added, shall be listed irrespective of their concentration:</p> <p>DK  (Comments):  DK finds it important that all contained substances are included.</p> <p>SE  (Comments):</p>

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Presidency compromise	Drafting Suggestions and Comments
	<p>Sweden supports that “added” replaces “contained” as we find this information more appropriate.</p> <p>SK                      (Comments):                      SK CA in general support replacement the word “contained” by “added” in the labelling chapter.</p>
(a) enzymes,	
(b) micro-organisms,	
(c) optical brighteners,	
(d) perfumes.	

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<p>3. <b><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></b>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 <b><u>one of</u></b> the following conditions:</p>	<p>DK <b>(Comments):</b> DK supports the proposal</p> <p>IE <b>(Comments):</b> <b>IE:</b> We support the proposal and revisions to text regarding avoidance of double-labelling.</p> <p>SK <b>(Comments):</b> SK CA supports avoiding double labelling, if the labelling of preservatives in accordance to CLP or biocides regulations, detergents regulation shall not apply.</p>
<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;</p>	

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<p>(b) are labelled on a constituent of the detergent.</p>	<p>DE                      (Drafting Suggestions):                      (b) are <b>have to be</b> labelled on a constituent of the detergent.</p> <p>DE                      (Comments):                      The condition must be linked to the fact that a labelling obligation exists and shall not depend on whether the constituent has been correctly labelled or not.</p> <p>DK                      (Drafting Suggestions):                      (b) are <b>have to be</b> labelled on a constituent of the detergent.</p> <p>DK                      (Comments):                      The condition must be linked to the fact that a labelling obligation exists and shall not depend on whether the constituent has been correctly labelled or not.</p> <p>IT</p>

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	<p><b>(Drafting suggestions):</b></p> <p>(b) <del>are</del> have to be labelled on a constituent of the detergent.</p> <p>IT</p> <p><b>(Comments):</b></p> <p>Then the labelling obligation exists, it should be applied.</p>
<p><del>The condition listed in point (b) of the first subparagraph does not have to be met where preservatives do not exceed the elicitation thresholds referred to in point 3.4.3.3. / table 3.4.6., <b>including Note 1</b>, 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.</del></p>	<p>DK</p> <p><b>(Drafting Suggestions):</b></p> <p>The condition listed in point (b) of the first subparagraph does not have to be met where preservatives do not exceed <del>a the elicitation thresholds of</del> <b>1,5 mg/kg</b>.referred to in point 3.4.3.3. / table 3.4.6. 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>DK</p> <p><b>(Comments):</b></p> <p>A large number of EU citizens are negatively affected by allergenic substances, and preservatives are known to be able to cause allergenic reactions. If a general obligation to label all carry over preservatives is not possible, it should be specified that specific groups of substances used</p>

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	<p>as preservatives, that are known for triggering allergic reactions at significantly lower thresholds than the elicitation threshold in CLP (eg. isothiazolinones and formaldehyde releasers). We therefore propose a threshold for labelling of preservatives of 1,5 mg/kg as concentration of some preservatives above 1,5 mg/kg can cause allergic reactions. Such a labelling requirement will make it possible for a sensitized person to make an informed choice and to avoid detergents containing preservatives that can cause an allergic reaction.</p> <p>PT  <b>(Drafting Suggestions):</b>                      The condition listed in point (b) of the first subparagraph does not have to be met where preservatives do not exceed the elicitation thresholds referred to in point 3.4.3.3. / table 3.4.6., <b>including Note 1</b>, 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>PT  <b>(Comments):</b>                      PT does not agree with this amendment.</p>

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	<p>IT  <b>(Drafting suggestions):</b>                      The condition listed in point (b) of the first subparagraph does not have to be met where preservatives do not exceed <del>a the elicitation</del> <b>thresholds of 1,5 mg/kg.</b> <del>referred to in point 3.4.3.3. / table 3.4.6. 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.</del></p> <p>IT  <b>(Comments):</b>                      Preservatives are known to be able to cause allergic reactions in a large number of EU citizens.                      To put on the label all carry-over preservatives could be difficult, consequently it should be specified that specific groups of substances used as preservatives, are known for triggering allergic reactions at significantly lower thresholds than the elicitation threshold in CLP (eg. isothiazolinones and formaldehyde releasers).                      We therefore propose a threshold for labelling of preservatives of <b>1,5 mg/kg</b> as concentration. Such a labelling requirement will make it possible for a sensitized person to make an informed choice and to avoid detergents containing preservatives that can cause an allergic reaction.</p> <p>SE  <b>(Drafting suggestions):</b>  <u><b>Preferred option:</b></u></p>

Presidency compromise	Drafting Suggestions and Comments
	<p>The condition listed in point (b) of the first subparagraph does not have to be met where preservatives do not exceed the elicitation thresholds referred to in point 3.4.3.3. / table-3.4.6., <b><u>including Note 1</u></b>, of Annex I to Regulation (EC) No 1272/2008 <del>or they no longer have a preservation function in the final product even in synergies with other preservatives.</del></p> <p><b><u>Where labelling of treated article containing a certain preservative is required in accordance with Regulation (EU) No 528/2012, those requirements shall prevail other requirements in this paragraph.</u></b></p> <p><b><u>Alternative option:</u></b></p> <p>The condition listed in point (b) of the first subparagraph does not have to be met where preservatives do not exceed the elicitation thresholds referred to in point 3.4.3.3. / table-3.4.6., <b><u>including Note 1</u></b>, of Annex I to Regulation (EC) No 1272/2008 <del>or they no longer have a preservation function in the final product even in synergies with other preservatives.</del></p> <p>SE (Comments):</p> <p>It should be clarified that for those detergents where the labelling requirements for treated articles in the Biocidal Products Regulation (EU)</p>

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	<p>No 528/2012 (BPR) will be applicable, they should be labelled in accordance with BPR</p> <p>This could be achieved by keeping the COM proposal, but adding the following at the end of the last paragraph:</p> <p>“Where labelling of treated article containing a certain preservative is required in accordance with Regulation (EU) No 528/2012, those requirements shall prevail other requirements in this paragraph.”</p> <p>The manufacturer of a detergent only needs to look at is raw materials information to ensure that this requirement is fulfilled.</p>
<p>4. If <b>contained</b> added at concentrations exceeding 0,01 % by weight, <del>the</del><b>fragrance</b> allergenic fragrances that are listed in entries 45, <del>46, 67 to-92, 109, 114, 122, 124, 131, 133, 154, 157, 175, 196, 324 and 327 to 371</del> and [X] to [X] of Annex III to Regulation (EC) No 1223/2009 <del>or have been included in its Annex II, or in entries 1380, 1381, 1382 and 1666 of Annex II to the same Regulation,</del> shall be labelled using the system referred to in Article 33 of that Regulation. The first sentence shall not apply to <b>fragrance</b> allergenic fragrances that <b>are already labelled on</b></p>	<p>DK</p> <p><b>(Drafting Suggestions):</b></p> <p>4. If <b>contained</b> added at concentrations exceeding 0,001 % by weight, fragrance allergens 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-of Annex III to Regulation (EC) No 1223/2009 <del>or in entries</del> <b>18, 178, 356, 425-427, 432, 433, 435-440, 444, 447, 449, 450, 1134-1136,</b> 1380, 1381, 1382 and 1666 of Annex II to the same Regulation, shall be labelled</p>

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<p><u>the product in accordance with</u> <del>meet the labelling thresholds under</del> Regulation (EC) No 1272/2008.</p>	<p>using the system referred to in Article 33 of that Regulation. The first sentence shall not apply to fragrance allergens that are already labelled on the product in accordance with Regulation (EC) No 1272/2008.</p> <p>DK (Comments): In order to protect EU citizens against allergenic reactions to fragrances, the threshold should be identical with the threshold for leave on products in the cosmetics regulation, which is 0,001 % by weight. Not all users of detergents rinse their hands after using detergents, and the exposure (skin as well as respiratory) to fragrances in laundry textiles lasts throughout the day via the textiles they wear.</p> <p>We support the proposal from the presidency to include a reference also to Annex II of Regulation (EC) No 1223/2009, but the reference should include all fragrances listed in Annex II of that regulation that are classified as skin sensitization in category 1, 1A or 1B under the CLP, this has been updated in the proposed text.</p> <p>EL (Comments):</p>

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	<p>We support the term “contained”.</p> <p>We propose that the reference to fragrance allergens should be made by the chemical name (IUPAC) of the allergen, the CAS number and the INCI name and not by the number of the corresponding entry in Annexes II and III of the Cosmetics Regulation. Because this provides clarity for consumers and is easier for the market surveillance authorities. Also, if the numbering in the Cosmetics Regulation is changed, a corresponding change should be made in the Detergents Regulation.</p> <p>The list of fragrance allergens could be introduced as an Annex to the Regulation which would be updated by the Commission through delegated acts.</p> <p>FI  <b>(Comments):</b></p> <p>We are of the opinion that allergenic fragrances banned for their sensitising properties in cosmetic products should also be banned in detergents in order to be consistent with the protection of human health in all consumer products in all sectors.</p> <p>ES</p>

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	<p><b>(Drafting suggestions):</b></p> <p>4. If <del>contained</del> <b>added</b> at concentrations exceeding 0,01 % by weight, fragrance allergens 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 of Annex III to Regulation (EC) No 1223/2009 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 allergen that are already labelled on the product in accordance with Regulation (EC) No 1272/2008.</p> <p>ES</p> <p><b>(Comments):</b></p> <p>Regarding allergenic fragrances banned for their sensitising properties in cosmetic products and the question of the Presidency, Spain prefers <b>Option A</b>: No labelling nor ban in detergents i.e. the initial proposal of the Commission.</p> <p>IE</p> <p><b>(Comments):</b></p> <p><b>IE:</b> We can support the replacement of “added” with “contained” as proposed.</p>

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	<p><b>IE:</b> We can support the revised text regarding labelling for allergenic fragrances.</p> <p>SE  <b>(Comments):</b>                      Sweden supports this proposal as it becomes clearer for the enforcement bodies and the companies, including clear information on transitional periods when new substances are added.</p> <p>SK  <b>(Comments):</b>                      SK CA in general support replacement the word “contained” by “added” in the labelling chapter, with the exception of fragrance allergens.</p> <p>SK CA supports the labelling of fragrance allergens, which are banned in cosmetics. However, we are in favor of retaining the original cross reference with the Cosmetic Regulation No. 1223/2009. The proposed changes is an overly complicated procedure with expected delay in updating such substances in the Detergent Regulation.</p>

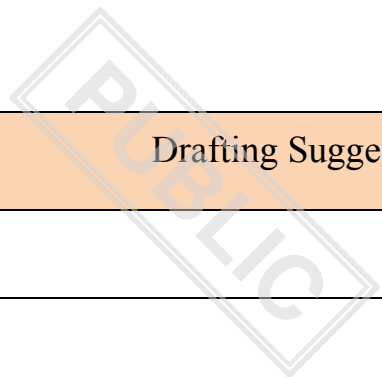
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<p>5. The requirements referred to in points 1 to 4 shall not apply to <del>professional</del> <b><u>industrial and institutional</u></b> detergents and surfactants, provided that the equivalent information to that required in those points is provided 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 <b><u>food nor</u></b> surfaces in contact with food, <b><u>except if the product as been found safe for such applications on the basis of a risk assessment made available in the technical documentation;</u></b></p>	<p>DK  <b>(Comments):</b>                      DK supports the proposal</p>

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(b) an indication of the shelf life of the product;	
(c) use instructions or special precautions, where relevant.	
<b>PART B – LABELLING OF DOSAGE INFORMATION</b>	
The information to be included on the label of consumer laundry detergents, <del>and</del> consumer automatic dishwasher detergents <b>and</b> <b><u>consumer detergents for surface cleaning.</u></b>	DK <b>(Comments):</b> DK supports the proposal
1. The label of consumer laundry detergents shall contain the following information:	
(a) the recommended quantities and/or dosage instructions expressed	

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<p>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 CaCO<sub>3</sub>/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 standard washing machine load for soft, medium and hard water hardness levels,</p>	
<p>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</p>	

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<p>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.</p>	
<p>3. The label of consumer automatic dishwasher detergents shall indicate the standard dosage expressed in grams or millilitres or number of tablets <b>or capsules</b> 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.</p>	<p>DK  <b>(Comments):</b>                      DK supports the proposal</p> <p>IT  <b>(Drafting suggestions):</b>  <u><b>Appropriate risk mitigation measures, similar to those included in Part 3 of Annex II to Regulation (EC) No 1272/2008 section 3.3, should also be identified for dishwasher capsules; the Regulation (EC) No 1272/2008 shall be updated appropriately.</b></u></p>
<p><b><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</u></b></p>	<p>DK  <b>(Comments):</b>                      DK supports the proposal</p>

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<p><u>used in excess.</u></p>	<p>SE                      (Drafting suggestions):</p> <p>4. The label of <b>concentrated</b> 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.</p> <p>SE                      (Comments):</p> <p>The proposal is unclear. It could be clarified that this requirement is meant only for concentrated products which require dilution. Our suggestion is aimed to clarify it.</p>
<p><b>PART C – DIGITAL LABELLING</b></p>	<p>DE                      (Drafting Suggestions):</p> <p><b>PART C – DIGITAL LABELLING</b></p> <p>DE                      (Comments):</p> <p>All ingredients/content information referred to in part A shall always be indicated on the physical label as well and therefore may not be available</p>

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	only digitally (see comment on Article 16 and amendment on Article 26(9)). PART C should therefore be deleted completely.
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:	DE (Drafting Suggestions): 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:
(a) anionic surfactants;	DE (Drafting Suggestions): (a) — anionic surfactants;
(b) cationic surfactants;	DE (Drafting Suggestions): (b) — cationic surfactants;

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(c) amphoteric surfactants;	DE (Drafting Suggestions): (c) — amphoteric surfactants;
(d) non-ionic surfactants;	DE (Drafting Suggestions): (d) — non-ionic surfactants;
(e) phosphates;	DE (Drafting Suggestions): (e) — phosphates;
(f) phosphonates;	DE (Drafting Suggestions): (f) — phosphonates;
(g) soap.	DE

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	(Drafting Suggestions): (g) — soap.
<b>PART D – SIMPLIFIED DOSAGE INFORMATION FOR CONSUMER LAUNDRY DETERGENTS</b>	
The simplified dosage grid shall contain the following information:	
(a) basic instructions for use, where relevant;	
(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.	

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<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 manufacturer’s authorised representative, as well the manufacturer’s unique operator identifier;	<p>RO  <u>(Comments):</u>                      Is is not clear why the importer is included. We consider that the content of DPP is the responsibility of the manufacturer. In this context we suggest to introduce a new text (similar to the Toys Regulation) according</p>

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	<p>to which the passport is issued under the sole responsibility of the manufacturer.</p> <p>In addition, RO supports BG proposal, namely to include the following text: the reference of the product digital passport service provider hosting the backup of the product digital passport.</p>
<p>(c) the identification of detergent or surfactant allowing traceability, including <b><u>its trade name and</u></b> a colour image <b><u>of the packaging of the detergent or surfactant</u></b> of sufficient clarity to enable <del>its</del>the identification of the detergent or surfactant;</p>	
<p>(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<sup>1</sup>;</p>	

<sup>1</sup> 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).

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(e) references to Union legal acts that the detergent or surfactant complies with;	
<del>(ea) the CE marking;</del>	<p>LT (Drafting suggestions): <del>(ea) the CE marking;</del></p> <p>LT (Comments): Lithuania does not support this change. See comments made to Art 14.</p> <p>SE (Comments): We support this deletion.</p>
(f) a full list of substances intentionally added <del>contained</del> 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	<p>DE (Drafting Suggestions):</p> <p>(f) a full list of substances intentionally added in the detergent or surfactant, using the common chemical name or International Union of</p>

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<p><del>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 (IUPAC) name</del> <b><u>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;</u></b></p>	<p>Pure and Applied Chemists (IUPAC) 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> <p>DE (Comments): See justification for the amendment in Annex IV, Module A (2.2)(e)(ii).</p> <p>DK (Drafting Suggestions): (f) a full list of substances <del>intentionally added</del> <b><u>contained</u></b> in the detergent or surfactant-the common chemical name or International Union of Pure and Applied Chemists (IUPAC) 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> <p>DK (Comments):</p>

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	<p>DK finds it important that all contained substances are included.</p> <p>SE (Comments):</p> <p>Sweden supports that “added” replaces “contained” as we find this information more appropriate.</p> <p>RO (Drafting suggestions):</p> <p>a full list of substances intentional contained in the detergent or surfactant , the common chemical name or International Union of Pure and Applied Chemists (IUPAC) name and, where available, the INCI name and the CAS number.</p> <p>RO (Comments):</p> <p>Justification: CAS numbers are included in the technical documentation (foreseen in Annex IV) and during ECHA PCN notifications. In this way, CAS numbers are already communicated to the authorities. CAS numbers are used by professionals – their communication to general public is irrelevant.</p>

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<p><b><u>(fa) a full list of all intentionally added micro-organism providing their taxonomic classification (genus, species, strain).</u></b></p>	<p>DE  <b>(Drafting Suggestions):</b>                      (fa) a full list of all <del>intentionally</del> added micro-organism providing their taxonomic classification (genus, species, strain).</p> <p>DE  <b>(Comments):</b>                      See justification for the amendment in Annex IV, Module A (2.2)(e)(ii).</p>
<p>The obligation referred to in point (f) shall not apply to <del>professional</del> <b><u>industrial and institutional</u></b> detergents, or to surfactants for <del>professional</del> <b><u>industrial and institutional</u></b> detergents, for which a safety data sheet referred to in Article 31 of Regulation (EC) No 1907/2006 is available.</p>	
<p><b><u>ANNEX VII</u></b></p>	<p>DE  <b>(Drafting Suggestions):</b>  <b><u>ANNEX VII</u></b></p> <p>DE</p>

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	<p><b>(Comments):</b></p> <p>As already proposed at the meeting of the working group on May 15, 2024, it should be examined whether Annex VII should be deleted, as the test procedure does not appear to be of any use to surveillance authorities. Furthermore, it only appears to be suitable for testing primary biodegradability and is also complex and expensive to use.</p>
<b>TEST METHODS REFERRED TO IN ARTICLE 22(2)</b>	
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	

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<p>treatment. Improved state-of-the-art operating conditions can be applied to this test method as described in EN ISO 11733.</p>	
<p>1.2. Equipment needed for measurement</p>	
<p>The method of measurement employs the small-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</p>	

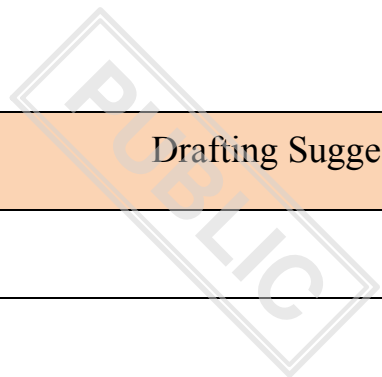
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1.3. Synthetic sewage	
A synthetic sewage is employed for the test. Dissolve in each litre of tap water:	
– 160 mg peptone;	
– 110 mg meat extract;	
– 30 mg urea, CO(NH <sub>2</sub> ) <sub>2</sub> ;	

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– 7 mg sodium chloride, NaCl;	
– 4 mg calcium chloride, CaCl <sub>2</sub> .2H <sub>2</sub> O;	
– 2 mg magnesium sulphate, MgSO <sub>4</sub> .7H <sub>2</sub> O;	
– 28 mg of di-potassium hydrogen phosphate, K <sub>2</sub> HPO <sub>4</sub> ;	
– and 10 ± 1 mg of the surfactant.	
The synthetic sewage is freshly prepared daily.	

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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 set the aerator G, air-lift E and dosing device B in operation. The synthetic sewage must pass through the	

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<p>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 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.</p>	
<p>The effluent from the settling vessel D is accumulated in vessel F for twenty-four hours, following which a sample is taken after thorough</p>	

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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 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	

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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.	
The degradation test is performed at room temperature; this should be steady and kept between 19-24 ° C.	
1.7. Calculation of biodegradability	

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<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 event the duration of the running-in period should not exceed six weeks.</p>	
<p>The daily degradation values are calculated to the nearest 0,1 % but the final result is given to the nearest whole number.</p>	

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<p>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.</p>	
<p>2. Determination of anionic surfactants in biodegradability tests</p>	
<p>2.1. Principle</p>	
<p>The method is based on the fact that the cationic dye methylene blue forms blue salts with anionic surfactants (MBAS), which can be 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>	

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Presidency compromise	Drafting Suggestions and Comments
2.2. Reagents and equipment	
2.2.1. Buffer solution pH 10	
Dissolve 24 g sodium bicarbonate, NaHCO <sub>3</sub> AR, and 27 g anhydrous sodium carbonate (Na <sub>2</sub> CO <sub>3</sub> ) AR in deionised water and dilute to 1000 ml.	
2.2.2. Neutral methylene blue solution	
Dissolve 0,35 g methylene blue AR in deionised water and dilute to 1000 ml. 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.	

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2.2.3. Acidic methylene blue solution	
Dissolve 0,35 g methylene blue AR in 500 ml deionised water and mix with 6,5 ml H <sub>2</sub> SO <sub>4</sub> (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.	
2.2.4. Chloroform (trichloromethane) AR freshly distilled	
2.2.5. Dodecyl benzene sulphonic acid methyl ester	
2.2.6. Ethanolic potassium hydroxide solution, KOH 0,1 M	

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2.2.7. Ethanol pure, C <sub>2</sub> H <sub>5</sub> OH	
2.2.8. sulphuric acid, H <sub>2</sub> SO <sub>4</sub> 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	

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2.2.12. Graduated flask, 50 ml	
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	

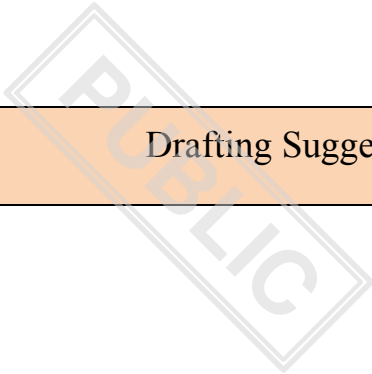
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2.2.18. Qualitative grade filter paper	
2.3. Procedure	
The samples for analysis must not be taken through a layer of foam.	
After thorough cleaning with water, the equipment used for the analysis must be thoroughly rinsed with methanolic hydrochloric acid (point 2.2.10) and then with deionised water before using.	
Filter the activated sludge plant influent and effluent to be examined immediately on sampling. Discard the first 100 ml of the filtrates.	

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<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 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</p>	

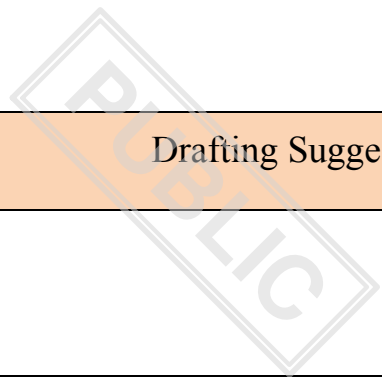
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a photometer at 650 nm in 1 to 5 cm cells against chloroform. Run a blank determination through the whole procedure.	
2.4. Calibration curve	
Prepare a calibration solution from the standard substance dodecylbenzene sulphonic acid methyl ester (tetrapropylene 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 washings to the contents of the flask. Titrate the solution with sulphuric acid against	

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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.	
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.	
This standard solution contains:	
$\frac{E \times 1,023 \text{ mg MBAS per ml}}{20\,000}$	
where E is the sample weight in mg.	

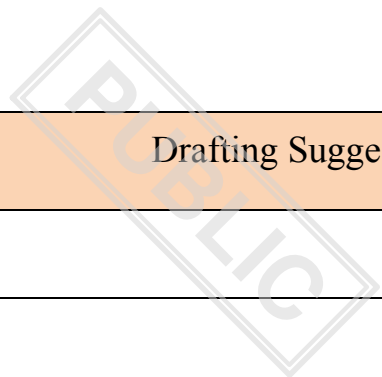
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<p>To establish the calibration curve, withdraw 1, 2, 4, 6, 8 ml portions of the standard solution and dilute each to 100 ml with deionised water. Then proceed as stated under point 2.3 including a blank determination.</p>	
<p>2.5. Calculation of results</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>	
$\frac{\text{mg MBAS} \times 1000}{V} = \text{MBAS mg/l}$	

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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	

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<p>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.</p>	
<p>The stripped surfactant is dissolved in ethyl acetate.</p>	
<p>After phase separation and evaporation of the solvent, the non-ionic surfactant is precipitated in aqueous solution with modified Dragendorff reagent (<math>\text{KBiI}_4 + \text{BaCl}_2 + \text{glacial acetic acid}</math>).</p>	
<p>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.</p>	

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<p>The titration result is multiplied by the empirical factor of 54 for conversion to the reference substance nonylphenol condensed with 10 mols ethylene oxide (NP 10).</p>	
<p>3.2. Reagents and Equipment</p>	
<p>Reagents are to be made up in deionised water.</p>	
<p>3.2.1. Pure ethyl acetate, freshly distilled.</p>	
<p>3.2.2. Sodium bicarbonate, NaHCO<sub>3</sub> AR.</p>	

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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.	
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 <sub>3</sub> .H <sub>2</sub> O AR, in 20 ml glacial acetic	

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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 <sub>2</sub> .2H <sub>2</sub> O AR, in 1000 ml of water.	
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).	

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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.	
3.2.11. Pyrrolidinedithiocarbamate solution (known as 'carbate solution'): dissolve 103 mg sodium pyrrolidinedithiocarbamate, C <sub>5</sub> H <sub>8</sub> NNaS <sub>2</sub> .2H <sub>2</sub> O, in about 500 ml water, add 10 ml of n-amyl alcohol AR and 0,5 g NaHCO <sub>3</sub> AR, and make up to 1000 ml with water.	
3.2.12. Copper sulphate solution (for standardisation of point 3.2.11).	

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STOCK SOLUTION	
Mix 1,249 g copper sulphate, $\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$ 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 $\text{H}_2\text{SO}_4$ and make up to 1000 ml with water.	
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.	

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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.	

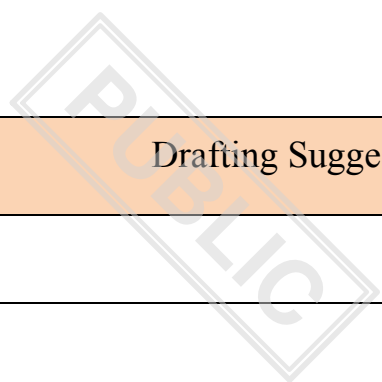
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3.2.20. Recording potentiometer fitted with a bright platinum indicator electrode and a calomel or silver/silver chloride reference electrode with a 250 mV range, with automatic burette of 20-25 ml capacity, or alternative manual equipment.	
3.3. Method	
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.	

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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.	

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Fill the wash-bottle in the gas-line (nitrogen or air) two-thirds full with ethyl acetate.	
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.	
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.	
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	

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ml — to the stripping apparatus. Filter the ethyl acetate phase through a dry qualitative 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	

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Dissolve the dry residue from 3.3.1 in 5 ml methanol, add 40 ml water and 0,5 ml dilute 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.	

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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.	

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3.3.4. The titration	
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.	

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Presidency compromise	Drafting Suggestions and Comments
<p>It will be observed occasionally that the inflection in the potential curve becomes flattened; this can be eliminated by carefully cleaning the platinum electrode (by polishing with emery paper).</p>	
<p>3.3.5. Blank determinations</p>	
<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>	
<p>3.3.6. Control of the factor of the ‘carbate solution’</p>	

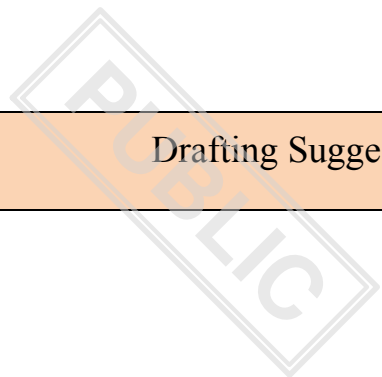
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Presidency compromise	Drafting Suggestions and Comments
<p>Determine the factor for the carbate solution on the day of use. To do this, titrate 10 ml of the copper sulphate solution (point 3.2.12) with ‘carbate solution’ after the addition of 100 ml 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>	

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Presidency compromise	Drafting Suggestions and Comments
<p>Every non-ionic surfactant has its own factor, depending on its composition, particularly on the length of the alkene oxide 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><math>(b - c) \times 0,054 = \text{mg non-ionic surfactant as NP 10}</math></p>	
<p>where:</p>	
<p>b = volume of 'carbate solution' used by the sample (ml),</p>	

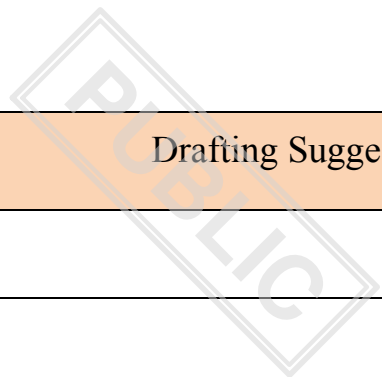
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Presidency compromise	Drafting Suggestions and Comments
c = volume of 'carbate solution' used by the blank (ml),	
f = factor of the 'carbate solution'.	
3.5. Expression of results	
Express the results in mg/l as NP 10 to the nearest 0,1.	
<i>Figure 1 Activated sludge plant: overviews</i>	

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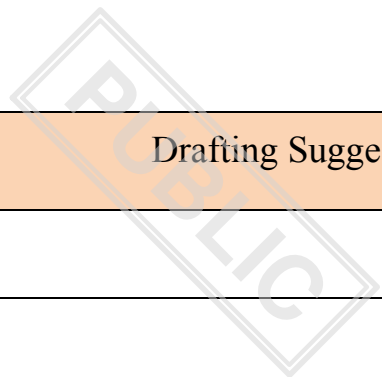
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Presidency compromise	Drafting Suggestions and Comments
A Storage vessel	
B Dosing device	
C Aeration chamber (three litres capacity)	
D Settling vessel	
E Air-lift pump	
F Collector	

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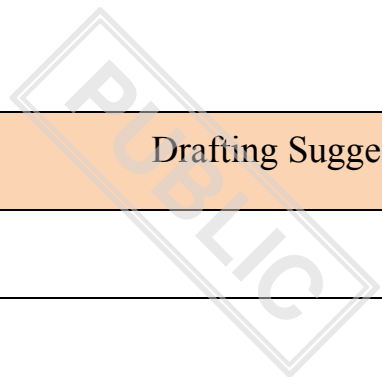
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Presidency compromise	Drafting Suggestions and Comments
G Sintered aerator	
H Air-flow meter	
I Air	
<i>Figure 2 Activated sludge plant: detail (dimensions in millimetres)</i>	

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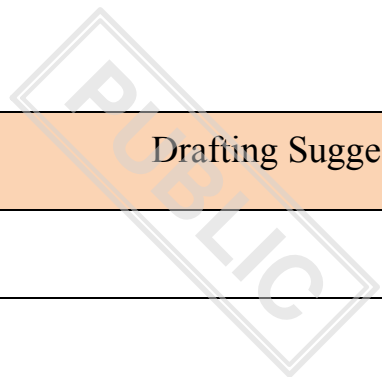
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Presidency compromise	Drafting Suggestions and Comments
A Liquid level	
B Hard PVC	
C Glass or waterproof plastic (hard PVC)	
<i>Figure 3 Calculation of biodegradability - Confirmatory test</i>	

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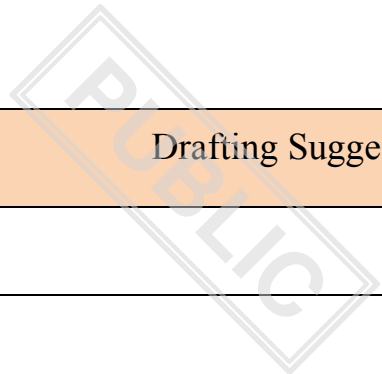
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Presidency compromise	Drafting Suggestions and Comments
A Running-in period	
B Period used for calculation (twenty-one days)	
C Readily biodegradable surfactant	
D Surfactant not readily biodegradable	
E Biodegradation ( %)	
F Time (days)	

**From: DE, DK, EL, FI, LV, MT, PT, SI, AT, ES, IE, IT, LT, SE, RO, SK**

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<b>Presidency compromise</b>	<b>Drafting Suggestions and Comments</b>