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NOTE

From:	Presidency
To:	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals)
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 - Presentation by the Presidency for the WP on 11 July 2024



PUBLIC



DETERGENTS & SURFACTANTS

WORKING PARTY ON TECHNICAL HARMONISATION

11 JULY 2024, THURSDAY

OVERARCHING PRIORITIES

PUBLIC



- preserving the global competitiveness of EU companies;
- reducing administrative burden caused by legislation with special regards to the interests of SMEs;
- strengthening the internal market for safe products by keeping the alignment with the new legislative framework;
- improving the quality of life of EU citizens;
- establishing the right to a sustainable and safe environment;
- guaranteeing affordable mobility.

THE TECH HARM TEAM IN BRUSSELS



- **Ms. Lilla OCSOVAI**

- Lilla.Ocsovai@mfa.gov.hu
- +32499515185

Chair: Toy Safety
Detergents
Motor Vehicles



- **Mr. Gábor OSVÁTH**

- Gabor.Osvath@mfa.gov.hu
- +32495914552

Co-chair: Toy Safety
Detergents

- **Ms. Ágnes BÉRES**

- Agnes.Beres@mfa.gov.hu
- +32495297389

Chair: Standardisation
MID



- **Ms. Alexandra ILYÉS**

- Comp.BEU@mfa.gov.hu
- +32492731682

Secretariat

COLLEAGUES FROM THE CAPITAL

DANGEROUS SUBSTANCES CHEMICALS – Detergents

- **Ms. Gabriella SZENDERÁK**

gabriella.szenderak@em.gov.hu

Ministry of Energy

Department of Environmental Technology and Remediation



- **Dr. Veronika Zsófia TÓTH**

zsofia.veronika.toth@em.gov.hu

Ministry of Energy

Department of Environmental Technology and Remediation



PUBLIC

COMPCRO + TECHNICAL HARMONISATION ATTACHÉ TRIP BUDAPEST AND SURROUNDINGS 30 SEPTEMBER – 2 OCTOBER



DANGEROUS SUBSTANCES – CHEMICALS DETERGENTS AND SURFACTANTS

- **11 July**
- 13 September
- 24 October
- 04 November
- 18 November
- 12 December



EP'S LEGISLATIVE RESOLUTION



Document:

P9_TA(2024)0091

Plenary vote:

27 February

544 in favour, 6 against, 78 abstentions

150 amendments

Rapporteur:

**ENVI – Manuela RIPA (Greens/EFA, DE) –
political group changed to EPP, to be confirmed**

Associated committee's rapporteur :

**IMCO – ~~Maria da Garça CARVALHO (EPP, PT)~~ –
change of rapporteur**

PUBLIC

MAJOR DIFFERENCES BETWEEN THE POSITIONS OF THE CO-LEGISLATORS



Among others, we will pay special attention to the most important topics such as:

- I. phosphorus content;
- II. ingredients data sheet;
- III. biodegradability requirements;
- IV. microorganisms;
- V. animal testing;
- VI. obligations of manufacturers and authorised representative;
- VII. labelling requirements;
- VIII. digital product passport;
- IX. penalties;
- X. report and review
- XI. transitional provisions

→ lunch ☺

RESTRICTIONS ON THE CONTENT OF PHOSPHATES AND OTHER PHOSPHOROUS COMPOUNDS – ANNEX III TABLE (AM 132)

The EP introduces new restrictions on the content of phosphates and other phosphorus compounds in certain detergent categories. After 4-7 years transitional period,

- **consumer laundry detergents** [4 years];
- **consumer automatic dishwasher detergents** [4 years];
- **consumer hard surface cleaners**
 - all-purpose cleaners and window cleaners [4 years]
 - kitchen cleaners and sanitary cleaners [4-7 years]
- **industrial and institutional laundry detergents** [4 years];
- **industrial and institutional dishwasher detergents** [7 years].

may not contain phosphates and other phosphorus compounds.

RESTRICTIONS ON THE CONTENT OF PHOSPHATES AND OTHER PHOSPHOROUS COMPOUNDS – ANNEX III TABLE (AM 132)

EP

Consumer laundry detergents

*1. Shall not be placed on the market if the total content of phosphorus is **equal to or greater** 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:*

- for ‘normally soiled’ fabrics in the case of heavy-duty detergents,
- for ‘lightly soiled’ fabrics in the case of detergents for delicate fabrics.

The total content of phosphorus is *lower* than 0,5 grams in the recommended quantity of the detergent to be used in the main cycle of the washing process for a standard washing machine load as defined in Part B of Annex V for hard water:

- for ‘normally soiled’ fabrics in the case of heavy-duty detergents,
- for ‘lightly soiled’ fabrics in the case of detergents for delicate fabrics

COUNCIL



2. *Shall not contain phosphate.*

3. *Shall not be placed on the market if by[4 years from entry into force of this Regulation] the total content of phosphorus is equal to or greater than*

- *0, 1g for 'lightly soiled' fabrics in the case of light-duty detergents,*
- *0, 25g for 'normally soiled' fabrics in the case of heavy-duty detergents,*
- *0, 045 g for stain-removers used as in-wash,*
- *0, 023 g for stain removers used as pre-treatment,*

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.

RESTRICTIONS ON THE CONTENT OF PHOSPHATES AND OTHER PHOSPHOROUS COMPOUNDS

ANNEX III TABLE (AM 132)

(CONSUMER LAUNDRY DETERGENTS)

RESTRICTIONS ON THE CONTENT OF PHOSPHATES AND OTHER PHOSPHOROUS COMPOUNDS – ANNEX III TABLE (AM 132)

EP

Consumer automatic dishwasher detergents

1. Shall not be placed on the market if the total content of phosphorus is equal to or greater than 0,3 grams in the standard dosage as defined in Part B of Annex V.

2. Shall not contain phosphohate.

3. Shall not be placed on the market if by [4 years from entry into force of this Regulation] the total content of phosphorus is equal to or greater than

- 0, 2 g/wash in dishwasher detergents,*
- 0, 03g/wash in rinse aids.*

The total content of phosphorus is *lower* than 0,3 grams in the standard dosage as defined in Part B of Annex V

COUNCIL

Consumer hard surface cleaners

- 1. Shall not contain phosphate.*
- 2. All-purpose cleaners and window cleaners shall not contain phosphorus content by [4 years from entry into force of this Regulation].*
- 3. Kitchen cleaners and sanitary cleaners shall not be placed on the market if the total content of phosphorus is equal to or greater than:
2 g/l of cleaning solution by [4 years from entry into force of this Regulation] and
1 g/l of cleaning solution by [7 years from entry into force of this Regulation].*

**RESTRICTIONS ON THE CONTENT
OF PHOSPHATES AND OTHER
PHOSPHOROUS COMPOUNDS****ANNEX III TABLE (AM 132)**

Industrial and institutional laundry detergents

*Shall not be placed on the market if by [4 years from entry into force of this Regulation] the total content of phosphorus is equal to or greater than 0, 5 g/kg of laundry for light soil;
1 g/kg of laundry for medium soil;
1, 5 g/kg of laundry for heavy soil.*

**RESTRICTIONS ON THE CONTENT
OF PHOSPHATES AND OTHER
PHOSPHOROUS COMPOUNDS**

ANNEX III TABLE (AM 132)

Industrial and institutional dishwasher detergents

Shall not be placed on the market if by [7 years from entry into force of this Regulation] the total phosphorus content is equal to or greater than

- for dishwasher detergents and multi-component systems:

-- 0,3 g/l of washing solution for soft water;

-- 0,4 g/l of washing solution for medium water;

-- 0,75 g/l of washing solution for hard water.

- for pre-soaks 1 g/l of washing solution;

- for rinse aids 0,02 g/l of washing solution.

RESTRICTIONS ON THE CONTENT OF PHOSPHATES AND OTHER PHOSPHOROUS COMPOUNDS

ANNEX III TABLE (AM 132)

INGREDIENTS DATA SHEET

ARTICLE 7 PARA 6 SUBPARA 2 POINT A (AM 57)

EP

**Article 7 – paragraph 6 –
subparagraph 2 – point a**

*at the time of placing a detergent on
the market;*

*upon request from the Member States’
appointed bodies;*

COUNCIL

The Parliament requires to submit the ingredient data sheet when **placing the detergent on the market**, while the Council mandate requires that manufacturers provide it upon **request from the appointed bodies of Member States**.

ARTICLE 7 PARA 6 SUBPARA 4

This is without prejudice to the **right of a Member State** to request that such a data sheet be made available to an appointed body to which the Member State has assigned the task of providing this information to medical personnel.

COUNCIL

BIODEGRABILITY – ART. 4 PARA 2A (AM 50) EP'S NEW PROVISIONS – „INHERENT” BIODEGRADABILITY

EP

*By... [4 years from the entry into force of the delegated act adopted in accordance with the second subparagraph] organic ingredients of detergents other than surfactants shall be **inherently biodegradable**.*

*By... [two years from the date of entry into force of this Regulation], the Commission shall adopt **delegated acts** in accordance with Article 27 to supplement **Annex I with inherent biodegradability criteria and test methods** for constituents other than surfactants.*

Where necessary, the Commission is empowered to adopt delegated acts in accordance with Article 27 to allow for the use of substances in detergents that do not comply with the biodegradability criteria established in accordance with Annex I.

When adopting delegated acts in accordance with the second and third subparagraphs, the Commission shall take into account manufacturing practices, the availability of technically and economically feasible alternatives, the impact on small and medium-sized enterprises and the impact on health and environment.

In the **Council mandate** (Art 26.6), the delegated acts, which the Commission shall adopt, concern not only **Annex I** but also **Art 4**.

BIODEGRABILITY – EP'S NEW PROVISIONS

ART. 4 PARA 2B (AM 51)

EP

By... [two years from the entry into force of the delegated act adopted in accordance with the second subparagraph], water-soluble film around detergents shall be degradable.

By... [18 months from the date of entry into force of this Regulation], the Commission shall adopt delegated acts in accordance with Article 27 supplementing Annex I with criteria and test methods for the degradability of water-soluble film around detergents.

The **Council mandate** permits the use of substances not meeting the biodegradability criteria of Annex I in detergents in a limited way (Art 26.6c). The EP text does not mention this exception.

MICROORGANISM – DELEGATED POWERS

ART. 26 PARA 6B (AM 116)

EP

The Commission is empowered to adopt delegated acts in accordance with Article 27 *to amend* Annex II *by updating the standards applicable for the enumeration of micro-organisms to take into account scientific and technical progress.*

The Commission is empowered to adopt delegated acts in accordance with Article 27 *amending* Annex II *in order to add a risk assessment methodology for detergents containing micro-organisms and to adapt this Annex to technical and scientific progress for the purpose of ensuring a high level of protection of health and the environment during the whole lifecycle of the product.*

COUNCIL

MICROORGANISM – LIST OF PATHOGENIC MICRO-ORGANISMS

ART. 32 PARA 1A (AM 122)

EP

By ... [OP: please insert the date = 3 years from the date of application of this Regulation] and every 3 years thereafter, the Commission shall review the list of pathogenic micro-organisms provided for in point 2 of Annex II and, where necessary, adopt delegated acts in accordance with Article 27 to amend Annex II in order to take into account scientific and technical progress.

MICROORGANISM – MINIMUM SHELF LIFE

ANNEX II POINT 6 (AM 129)

EP

The minimum shelf life of a detergent containing micro-organisms shall not be *lower* than *24* months and *the microbial count shall not decrease by more than 10 % every 12 months* in accordance with *ISO 21149* or ISO 4833-1:2014.

The minimum shelf life of a detergent containing micro-organisms shall not be *shorter* than *18* months and *shall have a standard plate count equal to or greater than 1×10^4 colony-forming units (CFUs) per ml* in accordance with ISO 4833-1:2014, *or corresponding method, at the end of the shelf life.*

COUNCIL

EP

Detergents containing micro-organisms shall be allowed to be placed on the market in a spray format after appropriate non-animal approaches to testing the respiratory sensitisation properties of micro-organisms have been established in accordance with Article 26(6a).

*(see related **am 115** at ANIMAL TESTING)*

MICROORGANISMS IN SPRAY FORMAT

ANNEX II POINT 7 (AM 130)

(DELETED IN COUNCIL MANDATE)

2. *Without prejudice to the general obligations pursuant to Article 1(1), the following shall be prohibited:*

(a) *the placing on the market of detergents and surfactants where the final formulation or ingredients or combinations of ingredients have been the object of animal testing with a view to meeting the requirements of this Regulation;*

(b) *the performance within the Union of animal testing of finished detergents and surfactants or ingredients or combinations of ingredients with a view to meeting the requirements of this Regulation.*

ANIMAL TESTING – PROHIBITION

PART OF ART. 6A (AM 54)

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

ANIMAL TESTING – LABELLING PART OF ART. 15 PARA 5A (AM 85)

Where Commission Regulation (EC) 440/2008^{1a} provides for non-animal approaches for testing the respiratory sensitisation properties of micro-organisms, the Commission shall, without undue delay, adopt delegated acts in accordance with Article 27 to amend Annex II to this Regulation by determining the requirements for placing on the market detergents containing micro-organisms in a spray format. (1^a 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).

ANIMAL TESTING – DELEGATED ACTS ON SPRAY FORMAT DETERGENTS CONTAINING MICROORGANISMS

PART OF ART. 26 PARA 6A (AM 115)

(see previous *am 130* at MICROORGANISMS)

7a. Manufacturers shall, upon request, share relevant information in a timely manner with relevant economic operators, including distributors, importers and authorised representatives, in the supply chain concerned on any conformity issue or risk to health or the environment that they have identified in relation to their product, and of any consequent corrective action, recall or withdrawal.

OBLIGATIONS OF MANUFACTURERS — SHARING RELEVANT INFORMATION ON

- **CONFORMITY ISSUE,**
- **HEALTH,**
- **ENVIRONMENTAL RISK**

PART OF ART. 7 PARA 7A (AM 60)

OBLIGATIONS OF MANUFACTURERS – DEMONSTRATING THE CONFORMITY – ART. 7 PARA 8 (AM 61)

EP

8. Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation, *in electronic format and, on request, in paper format*, necessary to demonstrate the conformity of the detergent or surfactant with this Regulation, in a language which can be easily understood by that authority. *The relevant information and documentation shall be provided within 20 working days of receipt of the request.* 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.

8. Manufacturers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation, *in paper or electronic form*, necessary to demonstrate the conformity of the detergent or surfactant with this Regulation, in a language which can be easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by a detergent or surfactant which they have placed on the market.

COUNCIL

EP

8a. Manufacturers shall make their communication channels, such as a telephone number, an email address or a dedicated section of their website, publicly available on their website, taking into account the accessibility needs of persons with disabilities and enabling end-users to submit complaints or concerns about potential non-conformity of products or safety issues

OBLIGATIONS OF MANUFACTURERS

- COMMUNICATION CHANNELS FOR COMPLAINTS**

- NEEDS OF PERSONS WITH DISABILITIES**

PART OF ART. 7 PARA 8A (AM 62)

AUTHORISED REPRESENTATIVE – MANUFACTURERS FROM THIRD COUNTRIES – ART. 8 PARA 1-2A (AM 63-64)

EP

1. Manufacturers may, by a written mandate, appoint an authorised representative. The authorised representative's mandate shall be valid only when accepted in writing by the authorised representative.

1. Manufacturers established outside the Union placing detergents or surfactants on the market without an importer shall, by a written mandate, appoint an authorised representative who shall accept in writing. The authorised representative shall provide a copy of the mandate to the competent authority, upon request.

2a. Manufacturers that are not established in the Union, shall inform the national competent authorities of the postal address and e-mail address of their authorised representative.

COUNCIL

AUTHORISED REPRESENTATIVE – THE MANDATE

ART. 8 PARA 3 (AM 65)

EP

Amendment 65

Article 8 – paragraph 3 – subparagraph 1

An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. *The authorised representative shall have the appropriate means to perform the tasks specified in the mandate. The authorised representative shall provide a copy of the mandate to the competent authority, upon request*

The authorised representative shall perform the tasks specified in the mandate received from the manufacturer. *The mandate shall require, and the manufacturer shall enable, the authorised representative to do at least the following:*

COUNCIL



AUTHORISED REPRESENTATIVE – EXTENDED DUTIES BY THE COUNCIL

ART. 8 PARA 3

(a) verify that the **digital** product passport has been created in accordance with Article 7(2), point (a), **that the relevant information on the digital product passport has been included in the registry referred to in Article 20(1),** 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);

(aa) verify that the information and technical documentation provided by the manufacturer in accordance with Article 7(6a) demonstrate *prima facie* conformity with the requirements laid down in this Regulation;

(ab) provide the ingredients data sheet under the conditions set out in Article 7(6);

(ac) ensure that detergents and surfactants that they are appointed for comply with the labelling requirements laid down in Articles 15, 16 and 17.

COUNCIL



AUTHORISED REPRESENTATIVE – EXTENDED DUTIES BY THE COUNCIL

ART. 8 PARA 3

COUNCIL

(b) keep the **digital** product passport and technical documentation at the disposal of national market surveillance authorities for 10 years after the detergent or surfactant covered by those documents has been placed on the market;

(c) further to a ~~reasoned~~ request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of the detergent or surfactant with the requirements laid down in this Regulation;

(ca) when having reason to believe that a detergent or surfactant covered by the authorised representative's mandate presents a risk, inform the manufacturer and the market surveillance authorities thereof;

AUTHORISED REPRESENTATIVE – DEADLINE AND LANGUAGE

ART. 8 PARA 3 SUBPARA 2 POINT C (AM 66)

EP

(c) further to a **reasoned** request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of the detergent or surfactant with the requirements laid down in this Regulation, *within 20 working days of the receipt of the request and in a language that can be easily understood by that authority;*

(c) further to a 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;

COUNCIL

AUTHORISED REPRESENTATIVE – DEADLINE AND LANGUAGE

ART. 8 PARA 3 SUBPARA 2 POINT E (AM 67)

EP

(e) terminate the mandate if the manufacturer does not comply with the obligations of the manufacturer under this Regulation *and inform, within 20 working days , the market surveillance authority of the Member State in which the manufacturer is established of the termination of the mandate.*

(e) terminate the mandate *and inform the competent national authorities thereof* if the manufacturer does not comply with the obligations of the manufacturer under this Regulation *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.*

COUNCIL

LABELLING – REFILL FORMAT

ART. 15 PARA 2 (AM 81) & ART. 16 PARA 2 (AM 88)

EP

2. An economic operator making a detergent available on the market directly to an end-user in a refill format shall provide the physical label *and the data carrier through which the digital label is accessible* to the end-user.

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.*

COUNCIL

ART. 15

2. *Where detergents are made available on the market directly to an end-user in a refill format, the operator shall ensure that the label elements set out in Article 15(2), (3) and (4) are affixed to the packaging.*

2. *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.*

ART. 16

LABELLING – NEEDS OF VULNERABLE GROUPS

ART. 17 PARA 1 POINT E (AM 90) & REC. (31A) (AM 16)

EP

(e) the information on the digital label shall be presented in a *format* that addresses the needs of vulnerable groups, *including persons with disabilities*, and supports, as relevant, the necessary adaptations to facilitate access to the information by those groups;

(e) the information on the digital label shall be presented in a *way* that *also* addresses the needs of vulnerable groups and supports, as relevant, the necessary adaptations to facilitate access to the information by those groups;

COUNCIL

ART. 17

REC 31A

(31a) Digital labelling could increase readability, ease of use and comprehension of labels for consumers, including vulnerable and visually impaired consumers.

LABELLING – FROM DIGITAL LABEL TO DIGITAL DEVICES

ART. 17 PARA 2 (AM 92)

EP

2. The data carrier shall be physically, *indelibly, visibly and legibly* present on the detergent or surfactant, *their packaging* or the documentation accompanying them, *in a way that allows it to be processed automatically by digital devices.*

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. *It shall be clearly visible and indelible*

COUNCIL

LABELLING – STATEMENT ON DATA CARRIER – ART. 17 PARA 3 (AM 93)**EP**

3. Where economic operators provide a digital label, the data carrier shall be accompanied by the statement '*Please scan for* more comprehensive information on the product' or by a similar statement.

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.

COUNCIL

LABELLING – PROFESSIONAL USE

ART. 15 PARA 3 POINT E

(e) instructions for use and special precautions, where necessary and relevant.

Industrial and institutional detergents shall bear a statement indicating that the product is only for professional use and may not be sold to consumers;

COUNCIL

LABELLING – CARRY-OVER PRESERVATIVES

ANNEX V PART A PARA 3 POINT B

(b) they are labelled on a constituent of the detergent or surfactant, unless the concentration of the preservative in the detergent or surfactant does not exceed the thresholds of 0.00015 % (w/w).

COUNCIL

DPP – AVAILABILITY START DATE – ART. 8 PARA 3 (AM 56) & REC. (15A) (AM 6)

EP

ART. 8

(3) Manufacturers shall keep *and, where necessary, update* the technical documentation and the product passport for 10 years after the detergent or the surfactant **covered by that documentation or product passport** has been placed on the market.

(3) Manufacturers shall keep the technical documentation and the *digital* product passport *at the disposal of national market surveillance authorities* for 10 years after the detergent or the surfactant has been placed on the market.

COUNCIL

REC 15A

(15a) Manufacturers should keep the technical documentation, the product passport and, where applicable, the digital label for a period of 10 years following the date on which the last item of a batch or model of a detergent or the surfactant covered by that documentation, product passport or digital label has been placed on the market.

DPP – ACCESSIBILITY – ART. 18 PARA 2 POINT F (AM 99)

EP

(f) it shall be *easily* accessible to *customers*, end-users, *manufacturers*, *importers*, *distributors*, *competent national authorities*, market surveillance authorities, customs authorities, the Commission, other economic operators *and other relevant stakeholders, such as civil society organisations and researchers*;

(f) be accessible to *consumers or other* end-users, market surveillance authorities, customs authorities, the Commission *and* other economic operators;

COUNCIL

DPP – PERIOD – ART. 18 PARA 9 SUBPARA 1 (AM 103)

[+ ADJECTIVE „DIGITAL,,]

EP

By ... [12 months from the entry into force of this Regulation], the Commission shall adopt an implementing act determining the specific and technical requirements related to the product passport for detergents and surfactants. Those requirements shall set out at least the following:

The Commission shall adopt an implementing act determining the specific and technical requirements related to the *digital* product passport for detergents and surfactants. Those requirements shall set out at least the following:

COUNCIL

The Parliament amended Art 18.9.1 the following way; by **12 months** from the entry into force of this Regulation, the Commission shall adopt an implementing act determining the specific and technical requirements related to the product passport (Art 18.9.1, [am 103]. The Council mandate doesn't set up a **time limit**.

EP

This obligation shall apply 18 months from the entry into force of the implementing act adopted in accordance with paragraph 9.

DPP – APPLICATION – ART. 18 PARA 1 SUBPARA 1A (AM 96)**ENTRY INTO FORCE (0 M) - IA (12 M) – DPP (12+18 M)**

DPP – INCLUDED INFORMATION ANNEX VI PARA 1 POINT F (AM 146)**EP****Amendment 146 (Annex VI para 1 point f)**

a full list of substances *intentionally* added in the detergent or surfactant *and of preservatives*, using the International Nomenclature of Cosmetic Ingredients, or where it is not available, the common chemical name or International Union of Pure and Applied Chemists name.

a full list of substances added in the detergent or surfactant, *ordered by the following weight percentage ranges: 'less than 5 %', '5 % or over but less than 15 %', '15 % or over but less than 30 %', '30 % and more'*, using 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 Article 18(3), point b, of Regulation (EC) No 1272/2008, Article 58 of Regulation (EU) No 528/2012 or point 3 or 4 of Part A of Annex V;*

COUNCIL

DPP – INCLUDED INFORMATION ANNEX VI PARA 1 POINT FA-FB (AM 147-148)**EP**

(fa) the technical documentation and results of the conformity assessment procedure referred to in Article 7(2);

(fa) a full list of all added micro-organisms providing their taxonomic classification (genus, species, strain).

COUNCIL**EP**

(fb) where applicable, the results of the test carried out by the manufacturer in accordance with point 9 of Annex II and the third party verification statement of those tests;

PENALTIES – ART. 29 PARA 1A (AM 119)

EP

Member States shall ensure that the penalties established pursuant to this Article give due regard to the following, where applicable:

- (a) the nature, gravity, and extent of the infringement;*
- (b) the intentional or negligent character of the infringement;*
- (c) the damage to human health or the environment caused by the infringement, insofar as it can be determined;*
- (d) the level of cooperation of the natural or legal person held responsible with the competent authority.*

The Parliament's text goes into more detail regarding the possible penalties.

- It specifies that in the case of penalties, due regard shall be paid to
- the nature, gravity and extent of the infringement;
- the intentional or negligent nature of the infringement;
- the damage caused by the infringement to human health or the environment, where this can be established;
- the willingness of the natural or legal person held liable to cooperate with the competent authority

REPORT AND REVIEW – ART. 31 PARA 1 (AM 120)

EP

By [OP: please insert the date = **5 years** from the date of application of this Regulation], the Commission shall submit to the European Parliament and to the Council a report on the application of this Regulation. The report shall contain an assessment of:

By [OP: please insert the date = **7 years** from the date of entry into force of this Regulation], the Commission *shall assess the effectiveness and relevance of the requirements of this Regulation and 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 and shall include at least the following elements:***

COUNCIL





REPORT AND REVIEW – ART. 21 PARA 1 (AM 120)

EP

- a. how this Regulation is achieving its objectives, including an assessment on the impact on small and medium-sized enterprises;*
- b. the risk of the generation of anti-microbial resistance associated with the use of detergents or surfactants with biocidal properties;*
- c. the occurrence of unsubstantiated marketing claims, advertisements and packaging designs which mislead or have the potential to mislead consumers by giving the impression of healthier or environmentally friendlier detergents or surfactants;*
- d. physical and digital labelling requirements of detergents, taking into account the safety of end-users and the environment and the level of digital readiness among all population groups in the Union.*
- e. the feasibility and environmental and socio-economic costs and benefits of a phase out of phosphorus in consumer detergents and of a reduction and where possible phase-out of phosphorus in detergents for industrial & institutional use in line with the commitments under the Baltic Sea Action Plan;*
- f. the environmental, health and socio-economic costs and benefits of extending the generic approach to risk management to detergents and surfactants and of phasing out substances of concern, including those that cause cancers, gene mutations, affect the reproductive or the endocrine system, are persistent and bioaccumulative, affect the immune, neurological or respiratory systems or are toxic to a specific organ, taking into account combination effects, in order to achieve a non-toxic environment.*

The report shall be accompanied, where appropriate, by a legislative proposal.

REPORT AND REVIEW – ON RENEWABLE RAW MATERIALS

ART. 32A (AM 123)

EP

Renewable feedstock content review

By ... [OP: please insert date – 3 years from the date of application of this Regulation], the Commission shall submit a report to the European Parliament and to the Council assessing the necessity, feasibility, technical consequences and benefits for health and the environment of the introduction of mandatory targets for renewable raw materials and recycled content in detergents and surfactants. In that report, the Commission shall specifically take into account socio-economic impacts, competitiveness of economic operators in the Union, sustainable sourcing as well as the global warming potential, the potential for using food waste in detergents and the potential land use change associated with alternative feedstock and food security in the Union. The report shall be accompanied, where appropriate, by a legislative proposal.

TRANSITIONAL PROVISIONS – ART. 34

COUNCIL

1. Detergents and surfactants which are placed on the market before [~~30~~ **42** months from the date of entry into force of this Regulation] in conformity with Regulation (EC) No 648/2004 as applicable on ... [~~one day before 30~~ **42** months from the date of entry into force of this Regulation] **may continue to be made available on the market indefinitely.**
2. Detergents and surfactants which, are placed on the market after [~~one day before 30~~ **42** months from the date of entry into force of this Regulation] **and before [54 months from the entry into force of this Regulation]** and which **are in conformity with** Regulation (EC) No 648/2004 as applicable on [~~one day before 30~~ **42** months from the date of entry into force of this Regulation], may be made available on the market until **54**~~36~~ months from the date of entry into force of this Regulation].

ENTRY INTO FORCE AND APPLICATION – ART. 35

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation, **with the exception of points (3) and (4) of Article 4**, shall apply **from ...** as of [~~30~~ **42** months from the date of entry into force of this Regulation].

OTHER AMENDMENTS – MOST HARMFUL SUBSTANCES – ART. 32 POINT III COUNCIL

- iii. As regards the protection of health and the environment from the most harmful substances and biocidal active substances, an assessment of the need to include or adapt provisions in this Regulation in respect of the presence of these substances in detergents and surfactants; this assessment shall take into account the interaction of this Regulation with other relevant Union law, and shall exclude biocidal active substances listed in Annex I of Regulation (CE) No 528/2012; and

OTHER AMENDMENTS – FRAGRANCE ALERGENS

An **Appendix** with the extended list of fragrance allergens has been added to Annex.

The limit of concentrations exceeding **0,01 %** by weight of fragrance allergens in the detergent is kept for **mandatory labelling** of such substances.

NEXT STEPS



WRITTEN COMMENTS

on your flexibilities and red lines until

7 August (Wednesday)

