

Detergents and surfactants

2023/0124(COD) - 27/02/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 499 votes to 100, with 23 abstentions, a legislative resolution on the 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.

The Commission proposal seeks to establish 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.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Biodegradability

Members considered that substances used in detergents, other than surfactants should be **inherently biodegradable**. By two years from the date of entry into force of this Regulation, the Commission should adopt delegated acts to supplement Annex I with inherent biodegradability criteria and test methods for constituents other than surfactants. When adopting these delegated acts, the Commission should 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.

By two years from the date of entry into force of the delegated act, **water-soluble film** around detergents should be degradable.

Limitations on the content of phosphates and other phosphorus compounds

The amended text stated that the unintentional presence in surfactants and detergents of phosphates and other phosphorus compounds that stems from impurities of ingredients, from the manufacturing process or storage or from migration from packaging, should be tolerated if that presence is technically unavoidable in good manufacturing practice and, notwithstanding such presence, those surfactants and detergents are safe.

Animal testing

The placing on the market of detergents and surfactants which have been the subject of animal testing in order to meet the requirements of this Regulation should therefore **generally be prohibited** while still ensuring the protection of human health and allowing the use of historic data. The use of the claim 'animal testing free' or similar claims should only be allowed if it is ensured that during the manufacturing and conformity testing no animal testing has occurred.

Obligation of manufacturers

Upon request, manufacturers should **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.

Manufacturers should:

- 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;

- retain the technical documentation, product passport and, where applicable, digital label for a period of 10 years from the date of placing on the market of the last item in a batch or the last model of the detergent or surfactant to which that documentation, product passport or digital label relates.

Labelling

Where detergents are made available on the market directly to an end-user in a **refill format**, the operator should ensure that the label elements are affixed to the packaging. The information on the **digital label** should be presented in a format that addresses the needs of vulnerable groups, including persons with disabilities. The data carrier should 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.

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

Product passport

The passport should:

- correspond to a specific model, that should be updated when changes are made to the list of ingredients, or where appropriate, to a specific batch of the detergent or surfactant;

- be up-to-date, accurate and complete;

- 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.

Product passports should be designed and operated in a user-friendly way.

Penalties

Penalties should give due regard to the following, where applicable: (i) the nature, gravity, and extent of the infringement; (ii) the intentional or negligent character of the infringement; (iii) the damage to human health or the environment caused by the infringement, insofar as it can be determined; (iv) the level of cooperation of the natural or legal person held responsible with the competent authority.