

Procedure file

Basic information			
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation		Awaiting Council's 1st reading position	
Detergents and surfactants			
Repealing Regulation 2004/648 2002/0216(COD) Amending Regulation 2019/1020 2017/0353(COD)			
Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.40.01 Chemical industry, fertilizers, plastics 3.70.04 Water control and management, pollution of waterways, water pollution 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport) 4.60.02 Consumer information, advertising, labelling 4.60.08 Safety of products and services, product liability 6.20.02 Export/import control, trade defence, trade barriers			
Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<div>ENVI</div> Environment, Public Health and Food Safety		14/06/2023
		<div></div> RIPA Manuela	
		Shadow rapporteur	
		<div></div> PEPPUCCI Francesca	
		<div></div> ARENA Maria	
		<div></div> HOJSÍK Martin	
		<div></div> LANCINI Danilo Oscar	
		<div></div> VONDRA Alexandr	
		<div></div> HAZEKAMP Anja	
	Committee for opinion	Rapporteur for opinion	Appointed
	<div>ITRE</div> Industry, Research and Energy	The committee decided not to give an opinion.	
	<div>IMCO</div> Internal Market and Consumer Protection (Associated committee)		05/09/2023
		<div></div> CARVALHO Maria da Graça	

Key events

28/04/2023	Legislative proposal published	COM(2023)0217	Summary
01/06/2023	Committee referral announced in Parliament, 1st reading		
05/10/2023	Referral to associated committees announced in Parliament		
14/02/2024	Vote in committee, 1st reading		
16/02/2024	Committee report tabled for plenary, 1st reading	A9-0039/2024	
26/02/2024	Debate in Parliament		
27/02/2024	Decision by Parliament, 1st reading	T9-0091/2024	Summary

Technical information

Procedure reference	2023/0124(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation 2004/648 2002/0216(COD) Amending Regulation 2019/1020 2017/0353(COD)
Legal basis	Rules of Procedure EP 57; Treaty on the Functioning of the EU TFEU 114
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Awaiting Council's 1st reading position
Committee dossier	ENVI/9/11890

Documentation gateway

Legislative proposal		COM(2023)0217	28/04/2023	EC	Summary
Document attached to the procedure		SEC(2023)0170	28/04/2023	EC	
Document attached to the procedure		SWD(2023)0113	28/04/2023	EC	
Document attached to the procedure		SWD(2023)0114	28/04/2023	EC	
Document attached to the procedure		SWD(2023)0115	28/04/2023	EC	
Economic and Social Committee: opinion, report		CES2272/2023	13/07/2023	ESC	
Committee draft report		PE753.691	02/10/2023	EP	

Amendments tabled in committee		PE756.060	13/11/2023	EP	
Amendments tabled in committee		PE756.096	13/11/2023	EP	
Committee opinion	IMCO	PE754.921	25/01/2024	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0039/2024	16/02/2024	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0091/2024	27/02/2024	EP	Summary

Detergents and surfactants

PURPOSE: to update the rules on detergents, strengthening enforcement so that more compliant detergents and surfactants enter the EU's market.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: 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 on detergents.

In 2019, the Commission Evaluation of the Regulation concluded that overall that Regulation has achieved its objectives to a large extent. However, the evaluation also identified a number of weaknesses and areas for further improvement. In recent years, the regulatory framework for chemicals has changed radically creating a lack of coherence and duplications in the rules applicable to detergents and notably their information requirements. There is therefore a need to ensure consistency and to eliminate the duplicated information requirements.

In addition, 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. 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 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.

This initiative updates the existing rules in line with the objectives of the European Green Deal, the Chemicals Strategy for Sustainability and the recently adopted Commission Communication on the long-term competitiveness of the EU.

CONTENT: this Commission proposal seeks to guarantee the functioning of the internal market while ensuring that detergents and surfactants on the market fulfil the requirements providing for a high level of protection of health and the environment. The revised rules cover new innovative products like detergents containing micro-organisms and sustainable new practices like the refill sale of detergents. The new rules also introduce a digital labelling and a product passport for detergents and surfactants.

More specifically, the proposal will:

- simplify market rules by abolishing several requirements that have now become unnecessary or redundant: among those, such as: i) the obligation to provide an ingredient data sheet for hazardous detergents; ii) the obligatory intervention of approved laboratories that had to perform the tests under the Regulation; iii) the possibility to request a derogation for surfactants that do not meet the criterion of ultimate biodegradability; and iv) the obligation for manufacturers of detergents and surfactants to be established within the Union. Additionally, labels will also be simplified and streamlined to reduce the administrative burden for the detergents' industry and, at the same time, increase the understandability of labels by end-users;
- introduce voluntary digital labelling: the proposal differentiates between pre-packaged products and products sold in a refill format. For pre-packaged products, economic operators may choose to move certain mandatory labelling information to a digital label, in combination with a physical one. And for products sold in a refill format, the possibility to provide all labelling information, except for dosage instructions for consumer laundry detergents, only digitally. The introduction of digital labelling will reduce burden and costs for industry and will provide further ease of use and awareness for consumers and professional users;
- facilitate the sales of innovative safe products: the detergents sector has recently developed new innovative cleaning products that work on the action of micro-organisms. As these micro-organisms may present promising alternatives to harmful chemicals, the revised Regulation will introduce safety requirements for micro-organisms in detergents and the obligation for manufacturers to label the presence of micro-organisms in the detergents so that consumers are better informed. This will not only allow these products to move freely in the Single Market but also contribute to protecting health and the environment;
- increase sustainability and safety through clear rules for refilled detergents: the proposal ensures that consumers receive the necessary information when buying refilled detergents. The proposal clarifies that refilled detergents are subject to the same rules as pre-packaged detergents. The proposal also introduces voluntary digital labelling for refilled detergents as a means of further facilitating this sustainable practice, which reduces the amount of packaging and packaging waste;
- strengthen enforcement: this proposal replaces the EU declaration of conformity with the obligation for detergents and surfactants to have a product passport demonstrating compliance with the requirements of this Regulation. The product passport will be connected through a data carrier to a unique product identifier and meet the same technical requirements for a product passport under the eco-design for sustainable products regulation. The reference to the product passport will need to be included in a Commission central registry and declared at customs when detergents and surfactants are presented at the EU borders. National inspectors will continue to be responsible for carrying out checks on products, although a new IT system will screen all digital product passports at the external borders.

Detergents and surfactants

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.

Transparency				
RIPA Manuela	Rapporteur	ENVI	08/03/2024	Association Internationale de la Savonnerie, de la Détergence et des Produits d'Entretien
RIPA Manuela	Rapporteur	ENVI	20/02/2024	Association Internationale de la Savonnerie, de la Détergence et des Produits d'Entretien
HOJSIK Martin	Shadow rapporteur	ENVI	13/02/2024	European Chemical Industry Council (Cefic)
RIPA Manuela	Rapporteur	ENVI	30/01/2024	International Fragrance Association
HOJSIK Martin	Shadow rapporteur	ENVI	11/01/2024	Association Internationale de la Savonnerie, de la Détergence et des Produits d'Entretien (A.I.S.E.)
RIPA Manuela	Rapporteur	ENVI	19/12/2023	Association Internationale de la Savonnerie, de la Détergence et des Produits d'Entretien
RIPA Manuela	Rapporteur	ENVI	13/12/2023	Unilever
RIPA Manuela	Rapporteur	ENVI	12/12/2023	Association Internationale de la Savonnerie, de la Détergence et des Produits d'Entretien
RIPA Manuela	Rapporteur	ENVI	11/12/2023	Umweltbundesamt (UBA)
RIPA Manuela	Rapporteur	ENVI	06/12/2023	ALTERTOX
LIESE Peter	Member	06/11/2023	Henkel AG & Co. KGaA	
POULSEN Erik	Member	02/11/2023	Novozymes A/S	
KELLEHER Billy	Member	13/09/2023	SC Johnson	