

## Urgent Concerns in the Trilogues on Detergents

### A. Urgent Points

#### 1. Article 10 (6): Distributors' Obligations on Demonstrating Conformity

The proposed provision **should clarify that distributors should only be expected to provide the information that has been explicitly made available to them by the manufacturer, importer, or authorised representative**. In practice, distributors do not have access to confidential technical documentation—such as full formulation details—which is often protected under intellectual property (IP) rights and retained by the manufacturer.

Requiring distributors to provide documentation they do not possess could result in unrealistic expectations and unjust enforcement, **where authorities may mistakenly penalise distributors for non-compliance they cannot control or verify**. The provision should therefore be clarified to reflect that distributors' obligation is limited to forwarding the information made available to them by upstream actors.

Lastly, **the obligation to provide to authorities the documentation in electronic format only should suffice** and is in line with the EU simplification ambitions, and in specifically removing inefficient requirements for paper formats<sup>1</sup>.

**Our suggestions in green:**

#### Article 10 (6) – Obligations of Distributors

Article 10 (6): Distributors shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation **made available to them by the manufacturer, importer or authorized representative**, in electronic format **and, on request, in paper format**, 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, **on a level proportionate to their role in the supply chain**.

#### 2. Article 11: Cases in which obligations of manufacturers apply to importers and distributors

**We strongly oppose the introduction of this article** and we support the existing wording of the [Detergents Regulation that is in force](#), Article 2(10). It is impossible for distributors to act as manufacturers and be liable for compliance, since they do not have access to critical information which proves conformity. Private label owners cannot act as manufacturers in the case of products which contain substances or mixtures. As opposed to

<sup>1</sup> [A simpler and faster Europe: Communication on implementation and simplification 2024-2029](#), page 6.

other products, detergents have formulations which are protected by the manufacturers' IP rights, and it is impossible for retailers and wholesalers to get access to that information.

### 3. Article 18(3): Digital Product Passport

**The current definition of "data carrier" does not include weblinks, which creates a practical issue for distance sales.** Consumers shopping online would be required to scan a data carrier (like a QR code) using a second device—an unrealistic expectation. To ensure practical and user-friendly access, it should be clarified that the Digital Product Passport can be displayed as a clickable weblink in distance sales environments, allowing consumers to access the content directly from their device.

While Article 18(3) requires that the data carrier be visible to consumers before purchase, **it does not specify that the data carrier must be affixed to the physical product.** This creates a paradox: consumers may have access to the DPP before buying the product but lose access after purchase. It also raises the risk that retailers would be expected to print and affix a data carrier manually for each product upon consumer request, which is impractical and burdensome. To avoid confusion and ensure consistent access to information, the text should clearly state that the data carrier linking to the DPP must be affixed to every product.

### 4. Article 9(7): Obligations of Importers

**Position:** We support the **Council position on sample testing based on risk instead of performance**, as is currently agreed.

**Justification:** Performance metrics may not directly address safety risks associated with detergents or surfactants (which are the priority), and requiring unnecessary performance analysis would create additional burdens on importers without clear benefits. It should also be clarified that importers must deem it appropriate to carry out sample testing.

### 5. Annex V, Part A: Format for Percentages Labelling

The fact that the weight percentage will be indicated by ranges '**less than 5 %**', '**5 % or over but less than 15 %**', '**15 % or over but less than 30 %**', '**30 % and more**', '**equal to**', implies having to carry out translations for products sold internationally.

**We propose to indicate use:** <5%, 5% ≥ x < 15%, 15% ≥ x < 30%, ≥ 30%.

## B. Additional Points

### 1. Articles 34 & 35: Transitional Provisions

We support the **Council position** regarding the transitional provisions and support the provision allowing the **exhaustion of stock**. Sufficient transitional arrangements provide essential legal certainty and operational continuity for economic operators, and the time needed to adapt complex supply chains, adjust labelling and implement new compliance systems without disrupting product availability. This is particularly important for SMEs. Moreover, sufficient sell-through periods reduce the risk of premature product disposal, supporting both economic resilience and the EU's sustainability goals by avoiding unnecessary waste. The opposite would be counterproductive, potentially leading to the destruction of safe, compliant products that were legally placed on the market under the previous regime.

### 2. Article 10(2): Distributors' Obligation to Verify

**We agree with the new wording of Article 10(2)**, which requires distributors to verify that detergents are accompanied by the necessary documentation, rather than ensuring manufacturer compliance. **Distributors are only in a position to verify the existence of documentation and not to assess the correctness or completeness**

**of the information provided to them**, as they lack the technical expertise and access to confidential formulation data needed to assess the substance of the information provided.

### 3. Article 7a, Obligations of manufacturers

**We support new Article 7a** on the obligation of manufacturers to keep other economic operators in the supply chain informed about cases of non-compliance.

**Justification:** downstream economic operators lack the technical expertise and access to confidential formulation data needed to assess compliance independently. It is therefore essential that manufacturers, who hold the relevant knowledge, are responsible for informing others in the supply chain about cases of non-compliance.

### 4. Article 7(6), Notifications for Hazardous & Non-Hazardous Detergents

**We support companies doing a PCN declaration for both hazardous and non-hazardous detergents.**

**Justification:** This can avoid maintaining two separate compliance processes (i.e. PCN submissions for hazardous detergents and ingredient datasheets for non-hazardous ones). For classified detergents, the ingredient data sheet requirement in Annex IV, Module A, 2.2. (e), is redundant because the same information is already included in the PCN declaration submitted via IUCLID under the CLP Regulation.

### 5. Article 15(5): Language requirements

We **support the Commission's and Parliament's** position. Language must be determined by the Member State, as reflected by the Commission and Parliament wording.

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