

Comments to the Commission consultation on the revision of the detergent regulation

The Swedish Association of Chemical Products Suppliers, KTF, believes that the proposed new regulation will lead to a massive increase in the administrative burden for companies that manufacture and put detergents on the European market; in contradiction to the aim of the revision. Specifically we would like to point out the aspects of the CE marking, the product passport and the transition time. These elements of the proposed legislation will greatly affect all companies in the detergent industry, and in particular SMEs.

We believe that the Commission's proposal for new legislation should be adjusted as follows in order to maintain a competitive industry within the EU:

1. The requirement for CE marking should be removed from the proposal.
2. The Commission should postpone the introduction of product passport requirements until the EcoDesign Regulation is established.
3. The transition period should be expanded from 30 months to five years.

CE marking

As described in the proposal for new legislation, we consider the introduction of the CE marking to be a disproportionate measure for the product group. The proposal means that CE marking will be introduced on products when the manufacturer assesses that they meet the requirements of the legislation. We do not see how the CE mark on the label will add any value to consumers, customers, enforcement authorities or the environment. Since labelling will be introduced for all products, it is rather just another symbol that will take up space on the packaging. All products must meet the legal requirements in the detergent regulation, even without the introduction of CE marking.

We estimate that there is still a relatively small amount of detergent products that are manufactured outside the EU and that do not comply with European legislation when entering the European market. The fact that a non-existing CE mark would make it easy to identify a non-compliant product does not justify the entire European industry being affected by such a requirement. Companies outside the EU will probably quickly learn that a CE mark is needed on the label in order to sell the product on the European market. A CE mark on the label is not a guarantee that the product complies with the European laws and regulations.

- We propose that the demand for a CE mark is taken out of the proposal altogether.

Product passport

We believe that it is premature to introduce the product passport into the detergent regulation before we have the complete framework for this new element. Product passports are something that will be introduced with the upcoming EcoDesign regulation for many different products. Since the format of product passports has not yet been decided within the EcoDesign regulation, it is a great risk for the companies to introduce demands on product passports in an individual product legislation at this stage.

We estimate that it will be very costly for companies to set up systems for QR codes, technical documentation and databases, etc. to meet the requirements with product passports. It is not justifiable to demand this before we know what the EcoDesign regulation and its requirements for product passports will look like. There is a great risk that companies will devote large resources to meeting the requirements of the detergent regulation and then have to change them shortly afterwards when the EcoDesign regulation comes into place.

In particular, we are very concerned about the product passport being linked to a single batch of a product. We believe that the link to batch level will further increase the administrative burden. This will generate far more product passports than if it had been linked to the product level. It is also very difficult in practice to set up a system that will link all information to a single batch since other documentation systems are linked to the product level. The registration to the ECHA database for poison control is for instance linked to the product level. This database is a good example for information linked to the product level, instead of batch level, while still being sufficient for emergency incidents. This implies that information on product level should be sufficient also for detergents.

- We propose to delay the introduction of product passports until the demands of EcoDesign are established.

The transition period needs to be extended

We believe the proposed 30 months transition period needs to be extended. All detergent products on the market will need a change in the labelling, which will affect both the label

development process as well as the production and packaging processes. Such changes are time consuming and costly. There is also a completely new IT system needed for all companies to be able to fulfill the demands of the product passport and the database for technical documentation. In order to fulfill all the new demands, also among smaller companies, there is a need for an extended transition period.

- We propose an extension of the transition period to 5 years.

Labelling parameters that still need to be clarified

The intention of Annex V, Part A, point 3, to minimize duplication of labelling elements is positive. However, the paragraph still needs clarification regarding the labelling of preservatives when there is a labelling demand from both the detergent regulation as well as CLP. The paragraph states that the INCI name shall be used for preservatives on the label but it does not clarify that this is not needed if the label already includes the preservative name in the labelling according to the CLP regulation. There is a phrase added to avoid duplication of labelling in Part A, point 4 regarding allergenic fragrances. We would like to include the same clarification phrase for preservatives in point 3.

Specific consequences for the Swedish market and Swedish companies

The requirements for CE marking and product passports will affect the Swedish market and Swedish companies to a great extent. There are many national or local manufacturers of detergents for the professional and industrial market in Sweden. These companies are mainly SMEs, which will be greatly affected by the requirements for CE marking and product passports. Since large administrative burdens can more easily be handled by large companies with high-volume products, the Commission's proposal will affect Swedish manufacturing companies in particular.

We believe there is a risk that the new proposed detergent regulation will reduce the possibility for smaller companies to stay in the market. Since detergent products are vital for our society, both in everyday life and in crisis, we see it as extremely important that new legislation does not obstruct domestic production by SME companies.

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KTF is the umbrella body of several industry associations, among others the Swedish Cosmetic and Detergent Association, KoHF, and the Swedish Association for Professional Hygiene & Cleaning, BPHR. These two industry associations handle detergent products for both consumer, professional and industrial use.