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COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

position of the Council on the adoption of a 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

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council (document COM(2023) 217 – 2023/0124 COD):	28 April 2023
Date of the opinion of the European Economic and Social Committee:	12 July 2023
Date of the position of the European Parliament, first reading:	27 February 2024
Date of transmission of the amended proposal:	n/a
Date of adoption of the position of the Council:	8 December 2025

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The Commission proposal aims to simplify and modernise existing rules on detergents and surfactants. Its objectives are to facilitate the free movement of such products within the internal market and ensure a high level of protection for human health and the environment.

3. COMMENTS ON THE POSITION OF THE COUNCIL

The position of the Council adopted at first reading fully reflects the political agreement reached between the European Parliament and the Council on 10 June 2025. The Commission supports this agreement, the main points of which are set out below.

– Phosphorus content limits. The co-legislators agreed that phosphorus is an essential element and that the Commission should not be granted the power to adapt the limits to technical and scientific progress by delegated act. Within two years of the entry into force of the regulation, the Commission is expected to assess the feasibility of: (i) reducing existing limits for consumer laundry detergents and automatic dishwasher detergents and (ii) introducing new limits for other categories of products. If appropriate, the Commission should present a legislative proposal. In addition, the comprehensive review of the regulation, to be conducted by the Commission within seven years of entry into force should assess the possibility of phasing out phosphorus. This is acceptable to the Commission.

– Biodegradability of ingredients. The Commission is expected to lay down, by a delegated act amending Annex I of the regulation, biodegradability criteria for: (i) films used in detergent capsules and polymers within such films, within three years of the entry into force of the regulation, and (ii) other organic substances used in high concentration, within five years. The industry should be required to comply with the new criteria within six years of entry into force for detergent capsules and eight years for organic substances used in high concentration. The review of the regulation should examine the feasibility of introducing rules on the biodegradability of organic substances used in lower concentrations. This comprehensive approach is acceptable to the Commission.

– Detergents containing micro-organisms. The co-legislators agreed to replace some of the strict requirements in the Commission proposal with general safety criteria. The Commission is expected to develop, in a delegated act amending Annex II of the regulation, a risk assessment methodology within 30 months of the entry into force of the regulation, covering all potential risks while excluding animal testing methods. This approach is acceptable to the Commission, as it ensures a more flexible legal framework for innovative products.

– Animal testing. The co-legislators agreed to introduce a general ban on animal testing for proving compliance with the regulation, while allowing the Commission to authorise, by an implementing decision, such testing in exceptional cases. This is acceptable to the Commission.

– Authorised representative. The co-legislators agreed to introduce rules extending the mandate of authorised representatives designated by non-EU manufacturers to cover certain compliance checks. This is acceptable to the Commission, as it enhances market surveillance.

– Administrative burden. The co-legislators agreed to distinguish between surfactants made available to detergent manufacturers and those made available directly to end-users, and to simplify the rules for the former. In addition, digital product passports should be created for product models rather than for every batch of the same model. These changes are acceptable to the Commission, as they significantly reduce the administrative burden for economic operators without compromising the protection of human health or the environment.

– Ingredients data sheets for detergents that are not hazardous to human health. The co-legislators agreed that such data sheets should be communicated to national poison centres before the products are placed on the market, using a format developed by the European Chemicals Agency. The Commission is empowered to set out further details on how the data sheets are to be communicated by a delegated act amending Annex IV of regulation. This is acceptable to the Commission, as it ensures that medical personnel have access to information on detergents in cases of poisoning.

– Deferral of application. The co-legislators agreed to postpone the application of the new regulation for 42 months. This is acceptable to the Commission.

4. CONCLUSION

The Commission supports the outcome of the interinstitutional negotiations and can therefore accept the Council's position at first reading.