
Request for some questions from the MS questionnaire with reference to the consumer information:

General Question:

Question: One of the key objectives of the Detergents Regulation is to ensure a high degree of protection of human health and the environment. To what extent has the Detergents Regulation been successful in achieving these aims? In your view, are there human health/environment issues that are not currently addressed by the regulation (and, if so, how could these be addressed)?

Answer:

The requirements of the Detergents Regulation for surfactants to meet the criteria of ultimate aerobic biodegradation as well as the P-limitation for consumer laundry detergents and consumer automatic dishwasher detergents are an important achievement for the protection of human health and environment. In order to harmonize the regulation of surfactants across different regulations, it would be preferable that surfactants used in cosmetic are covered by the detergent regulation, i.e. that they also meet the criteria of ultimate aerobic biodegradation as there are no such requirements in the cosmetic regulation.

Moreover, the information on allergenic fragrances on the packaging of detergents sold to the general public is an important measure for health protection. Furthermore, if a risk for the safety or health of humans or of animals or a risk to the environment is indicated for a specific detergent, the safeguard clause allows for its immediate withdrawal from the market by the authorities.

According to Article 16 (2) of the Detergents Regulation in the version of 31 March 2004 the Commission’s task was to carry out an evaluation and where justified, present proposals for legislative measures regarding the anaerobic biodegradation of surfactants and the biodegradation of main non-surfactant organic ingredients. From our point of view, this evaluation has not been carried out intensively enough. In particular, the Commission should reconsider to include the biodegradation of non-surfactant organic ingredients into the regulation to reduce the emission of persistent micro pollutants into water bodies.

A high level of protection of human health and the environment are key objectives of the Detergents Regulation. An essential prerequisite to achieve this aim is the identification of those detergent ingredients that pose a risk to the environment. For this purpose, an extensive knowledge of the detergents market and on the formulations used in the products marketed is necessary. For this reason, the information on the ingredient datasheet, as stipulated in Annex VII C, should not exclusively be used by medical professionals to respond to medical emergencies, but also made available to environment authorities in order to establish more targeted water monitoring programmes, which might result in the identification of certain potentially problematic ingredients and their restricted use. Extending this idea to other product types that are also frequently discharged via wastewater effluents, like cosmetic ingredients, the Commission might consider to establish a European-wide product database that lists the ingredients of all industrial and consumer “down the drain”-products. Please note that a similar database exists from the US Department of Health and Human Services under this link: https://hpd.nlm.nih.gov/cgi-bin/household/list?tbl=TblBrands&alpha=A
**Safeguard clause:**

Question: Article 15 of the Detergents Regulation outlines the safeguard clause. It states that where a Member State has justifiable grounds for believing that a specific detergent, although complying with the requirements of the Detergents Regulation, constitutes a risk to the safety or health of humans or of animals or a risk to the environment, it may take all appropriate provisional measures, commensurate with the nature of the risk, in order to ensure that the detergent concerned no longer presents that risk, is withdrawn from the market or recalled within a reasonable period or its availability is otherwise restricted. It is understood that to date the safeguard clause has not been used. In your view, are there any instances where the safeguard clause should have been used? In your view does the safeguard clause have a role to be used in the future?

Answer:

Please note that the German Environment Agency very well applied the safeguard clause in 2009 to withdraw the product “POR CÖZ” from the German market. We believe the safeguard clause is in fact a crucial element of the Detergent Regulation to withdraw specific detergents from a national market, if a risk to the safety or health of humans or of animals or a risk to the environment is identified, irrespective of its compliance with the requirements of the Regulation. A disadvantage is however that only one specific detergent can be withdrawn from a national market and not all products with the identified harmful ingredient in the whole EU internal market.

The interpretation by the Commission that a detergent has to be in compliance with the requirements of the Detergents Regulation before being withdrawn from the market based on the safeguard clause is not reasonable. If a risk of a detergent is indicated based on its ingredients, it makes no sense to request the manufacturer to first bring it in compliance and then to still withdraw it afterwards when it is still a risk (relate to a product containing nitric acid in other member states). Furthermore, the Commission’s Decision on the prohibition of placing a product on the market is only temporary and does not consider the temporal demand of the risk management procedures in accordance with REACH and CLP.

Finally, we believe that the safeguard clause is an important element of the Detergents Regulation, which even be improved.
Labelling:

Question: Article 11(3) of the Detergents Regulation specifies that “the packaging of detergents shall indicate ... instructions for use and special precautions, if required”. The Detergents Regulation does not provide specific guidance on what instructions of use or precautions should be mentioned and how they should be included on the label. Is this an issue in your view? Has this been clarified in national legislation, and/or have any guidance documents on this been provided in your country? Does greater clarity need to be provided in the Detergents Regulation (or through another method, e.g. EU guidance)?

Answer:

Safety and use instructions listed in Article 11 (3) should generally enable the safe use of a detergent. However, we believe it would be beneficial if the packaging contains also information on the scope of application or purpose of use, as well as the compatibility with the materials cleaned or washed as well as the designated use.

Moreover, the revised regulation should require the labeling of the security advice “keep out of reach of children” distinctly and visibly on the packaging. In the dosing instructions according to Annex VII B, the cross reference to outdated criteria of the ecolabel should be replace by precise guidelines in this regulation.

Question: Do you consider the labelling/packaging requirements of the Detergents Regulation to be clear? Are these sufficient to inform downstream users and consumers about the ingredients and instructions regarding detergent use (i.e. to ensure safe use)?

Answer:

See also the answer before.

Article 11 (1) has to be adjusted according to the CLP regulation.

For clarification, the request to put a link to a corresponding website on the packaging according to Annex VII D should be added to article 11.

The labeling of certain ingredients according to Annex VII A is based on Directive 76/768/EWG need an update, as cosmetics are now covered by Regulation (EC) 1223/2009. The dosing instructions are an important aspect of the user information. However, it is unclear how the user is interpreting the classification “lightly-soiled“, „normally-soiled“ and „heavily soiled“. We believe that “Lightly-soiled“-fabrics are the “normal” case today, potentially resulting in a general overdosing.

Moreover, the dosing measures provided by industry are often not viable, because the marks are often barely visible or do not correspond to the specifications on the packaging. The website link given on the packaging should directly link to the list of ingredients. This is not always the case. The information on a general manufacturer website is often not sufficient. Especially the navigation on foreign-language websites is not user friendly.

Generally we believe that all ingredient of detergents should be labeled, as it is required by the Cosmetic Regulation (EC) No 1223/2009. In order to lower the labeling burden and save space for more important information, it should be considered whether the labeling of ingredients is done in a standardized way (e.g. the INCI code), and not in several languages.
Refill sale:

In order to reduce the amount of waste associated with detergent packaging, some shops have started allowing consumers to refill containers. There is concern that this could result in a lack of control of labelling and the use of unsuitable containers. Do you consider this to be an issue? Could there be adverse impacts for human health and/or the environment? Should the Detergents Regulation be amended to account for this refill approach?

Answer:

The detergent regulation should better consider this form of sale. We are for example not sure who is responsible for the correct labelling of products which have been re-filled by consumers and whether the retailer can be held liable on the basis of the detergent regulation.

We believe the wording “...on the packaging in which the detergents are put up for sale to the consumer....” in Article 11 (2) should be adopted to ensure that not only the bulk container is properly labeled but also the product that the customer leaves the store with.