

30 October 2023

Subject: Comments on Commission Proposal for a Regulation on detergents and surfactants

CESIO, the European Committee of Organic Surfactants and their Intermediates, which is a sector group of Cefic that represents manufacturers and suppliers of surfactants in the EU, has reviewed the Commission's Proposal for amendment of the Regulation on detergents and surfactants. Whilst CESIO welcomes the proposal for amendments aiming at simplification of existing practices and better alignment with other existing EU regulations CESIO would like to highlight that **surfactants are already well regulated within EU REACH and EU CLP, offering a high degree of safety for humans and the environment**. CESIO recommends that any new rules proposed in the current revision should be both considerate of and consistent with the provisions laid down in other EU regulations already in force, in order to avoid unnecessary duplication and elevated administrative burden for industry both raw material suppliers and downstream users.

Concerning the proposed regulation, CESIO would like to raise remarks on the following issues:

1. Article 2 (11) - A clear and unique definition of 'surfactant' is needed

We question the applicability and usefulness of some of the criteria mentioned in the definition of surfactants:

- "adsorption at water-solid interfaces" cannot be evaluated, when the type of solid is not specified, and does not allow to discriminate between surfactant and non-surfactant (e.g. in case of activated carbon as solid)
- "forming spreading or adsorption monolayers at the water-air interface". The analytical method to study such adsorption layers are surface tension measurements, but surface tension reduction is already one of the criteria.

Therefore, **CESIO suggests using the following definition which is more clear:** *Surfactant means any surface-active organic substance or mixture which consists of one or more hydrophilic and one or more hydrophobic groups of such a nature and size that it is capable of fulfilling both of the following criteria:*

- *forms a clear micellar solution or a translucent microemulsion or stable emulsion without separation of insoluble matter when mixed with water at a concentration of 0.5 wt% and left to stand for one hour at 20°C*
- *reduces the surface tension of water to <45 mN/m (at a concentration of 0.5 wt% at 20 °C)*

2. Title and body of regulation – Unnecessary extension of the proposal to "surfactants"

CESIO would like to underline that surfactants are raw material chemicals used in B2B transactions in the formulation of finished products and are not designated for use in isolation by consumers. Therefore, all of the necessary information to ensure safety and protection of industrial and professional workers and the



environment is already implemented in standard documentation laid down by appropriate parallel legislation (SDS and label according to EU CLP, UFI number for poison centre notification). Consequently, all the information requested by the new proposal is overloaded and not necessary, aside from biodegradability requirements which are already in force in the existing Regulation EU 648/2004 and updated Regulation (EU) No 259/2012. Therefore, **surfactants should continue to be excluded from the title and the main articles of the proposal. They are already covered by other legislation.**

3. Digital Passport & additional information requirements

Because surfactants are B2B molecules, all important information can be found on the standard documentation that is already available through parallel regulation (e.g. SDS and labels according to EU CLP, UFI number for poison centre notification). As a result, CESIO believes that additional information, such as would be required through the Digital Passport including the unique product identifier/unique operator identifier, and additional data sheet and labels for surfactants is not needed as it only serves to increase administrative burden without providing proportionate benefits. If a Digital Passport is planned to be in any case introduced in future according to ESPR (Ecodesign for Sustainable Product Regulation), CESIO asks to keep it as simple as possible and to define exactly which information should be reported. The ingredient data sheet intended to be provided under the Detergents Regulation serves a similar purpose to the information that needs to be provided to poison centers for hazardous mixtures already implemented under the recently added Annex VIII to EU CLP. Hence, it has been said that there is an overlap in the requirements stemming from these pieces of legislation and that there is scope for efficiency improvements if both requirements are consolidated.

CESIO does not support the unique product identifier, linked to an individual batch of production. This scale is simply not workable for the raw material surfactants industry.

4. Label requirements listed in Annex V

Labelling of surfactants is already well regulated by EU CLP, and requirements listed in Annex V of the proposal could create difficulties in application, without providing any significant benefits. This would lead to unnecessary administrative burden especially in the context of B2B, where industrial users are already aware of the type of surfactant that they are purchasing. **Hence, this requirement should not be applicable to surfactants.**

5. Articles 4, and Annex I, Art. 3. (a) and (b) and Annex VII - Biodegradability

Biodegradability requirements for surfactants are already in force in the existing Regulation EU 648/2004 and updated Regulation (EU) No 259/2012, and the related testing methods should be clearly maintained or updated where this makes sense to avoid unnecessary duplication of tests and to reflect the latest science.

- The current detergent regulation EC 648/2004 in paragraph 30 provides the possibility not to perform additional biodegradability tests on surfactants when previous reliable and scientifically robust studies are available. This derogation, which has been removed from the Commission proposal must be maintained. It should clearly be made possible to use tests or to use CESIO data, literature data and Ecolabel DID list data that has been assessed as reliable. This would help to avoid the unnecessary duplication of tests without any benefit.

- The methods listed in Annex I remain the same as those listed previously and should now be updated. CESIO does not understand the scientific rationale as to why the EN ISO 14593 (CO₂ headspace test) that matches the OECD 310 protocol should be the reference method. The appropriate method for ready biodegradability testing depends on the type of substance and its physical properties and characteristics such as solubility, volatility and sorption. There is no scientific reason to use preferably the CO₂ headspace test rather than any other method listed in Annex I, Art. 3. (a) and (b). If the authorities need to control the biodegradability, we recommend choosing among the standard test methods listed in Annex I, Art. 3. (a) and (b) accounting for the substance characteristics.
- The methods listed in Annex VII are no longer used and should be updated. The reference method (confirmatory test) according to the standard EN ISO 11733 is a complicated, long, and expensive method. The methods described in 2. (anionic surfactants) and 3. non-ionic surfactants of Annex VII are nonspecific and use a toxic solvent (chloroform). Titration methods were used in the past when the methods for TOC determination were less to non-existent. Substance specific analysis could be the best alternative in specific cases.

6. Transition period

A sufficiently long transition period is necessary to allow industry to be compliant with the many changes resulting from this revision. The transition period of 30 months is not long enough for industry to adapt to the proposed amendments. Regarding the implementing act for the digital product passport, the start of transitional periods for implementation of the revised Detergents Regulation should commence only following the completion of the Commission's legislative obligations.

Conclusions

- A clear and unique definition of 'surfactant' is needed
- Surfactants are raw material chemicals that are already well regulated and do not need to be treated as detergents
- The Digital Product Passport must be kept as simple as possible and with clear information to be requested. It cannot be linked with every produced batch
- The possibility to use existing and reliable data on biodegradability should be introduced
- Reference method on biodegradability cannot be unique and should rather be linked to the surfactant characteristics
- Annex VII reports obsolete methods that should be removed
- Sufficiently long transition timelines needed for implementation

As a responsible industrial sector, we are committed to the safe and responsible manufacture and use of surfactants which contribute substantially to the EU economy and society as effective ingredients in a range of products. CESIO stands available to provide any further input necessary. Please do not hesitate to contact us for any further input or clarification.