

Independent Retail Europe - Position for trilogues on Proposal on the Detergents and Surfactants Regulation

Independent Retail Europe supports the objective of the [Commission's proposal on the Detergents and Surfactants Regulation](#) to ensure that detergents and surfactants on the market fulfil the requirements for a high level of protection of health and the environment.

We recognise that the Council and the European Parliament's positions significantly improved the original text. Nevertheless, some further modifications are needed to ensure that the law is practicable for the economic operators.

1. The product passport should be linked to the model, not to the batch number. Indication of the batch number in the product passport is impractical and hinders online sales.

Article 18, paragraph 2, point a) of the Commission proposal - and the Parliament's text - results in an obligation for retailers to provide individual batch numbers of detergents at the moment of the online offer for the sale of detergents. If the product passport is linked to the batch number online sale of the product becomes impossible for retailers as outlined below. **Therefore, we fully support the Council's position** regarding the Digital Product Passport (DPP), which appropriately ties the requirement to the product model rather than the batch.

First of all, it is important not to confuse the concepts of *model* and *batch*. Consumers purchase a model of a detergent product, such as "Dixan Gel Lavender 750ml". While a model may be produced in multiple batches over time and across different factories, it remains the same product for the consumer. The batch/batch number of a product serves no purpose for the consumer at the time of sale, no consumer looks at the batch number of a product when he/she buys a product.

Offline retailers are not obliged to indicate the batch or serial number of the product in the store. When buying from a physical store, consumers have access to such identification numbers only at the moment when they physically purchase/collect the product they bought, i.e. at the pick-up point of the store.

The complexity of the supply chain makes it practically impossible to display a product passport with a specific batch number that will be the same as the batch number on the product that the retailer will deliver. Online retailers have limited stocks. A product offered for sale on a retailers' website does not always match stocks available at the warehouses/shops of the retailers. It is unlikely that manufacturers of detergents would be able to provide the precise batch/serial number of each individual product at the moment the retailer orders such a product. Additionally, in the case of drop-shipping, the detergent is directly dispatched by the manufacturer to the consumer. Hence, **in those cases, the retailer does not have access to the batch (or other identification number).**

Furthermore, **the indication of batch or serial numbers is technically burdensome.** For online stores, indicating the batch (or a link to a digital passport that refers to an individual batch number) would

require a new offer to be placed online every time a new batch is made available, leading to extremely confusing online offers as requiring a separate pop-up window for every batch number.. Additionally, the trader cannot determine from which batch the product bought by the consumer will originate before shipping the sale. Moreover, **distance sales catalogues would need to cite all available batch/serial numbers of every detergent product, which would lead to extremely extensive and confusing brochures.** The cost entailed would be disproportionately high particularly for small and medium-sized retailers.

Finally, **such an obligation will be impossible to implement for groups of independent retailers, as every single member retailer of the group is an independent entrepreneur and hence manages his/her own inventory.**

Our recommendation for Article 18(2), a):

→ **Keep the Council's text** that establishes that the digital product passport shall correspond to a specific model of detergent or surfactant. This will contribute to a harmonisation of rules for products regardless of the sales channel through which they reach the consumer.

The same issue was explicitly recognised by the co-legislators when revising the General Product Safety Regulation (leading to the disappearance of the obligation to provide individual batch numbers in online offers). It was also recognised by the European Commission in its recent proposal for the revision of the Toy Safety Regulation (requesting the DPP to refer to the toy model, and not to the individual batch). Thus, for reasons of practicability, proportionality and consistency, **we call on the co-legislators to keep the Council's text on Article 18(2), a).**

2. Refill stations raise health, safety and economic concerns: a physical label is needed at refill stations, but they shall not be encouraged and remain voluntary

It is crucial to ensure that manufacturers and retailers can adequately address the hygiene, safety, convenience, sustainability, and economic aspects of unpackaged products. **Refill stations for detergents present major health and safety risks for consumers.** Customers may accidentally or intentionally mislabel products (to obtain a lower price), which can lead to confusion regarding contents (including harmful chemical ingredients in the case of detergents) or potential allergens, thus posing a risk to consumer safety and health. Improper storage of certain detergents (e.g., dishwashing or cleaning products) in non-childproof containers presents an additional serious safety hazard. For retailers, refill stations for detergents therefore present major health and safety challenges but also economical challenges since, **in practice, consumers rarely use refill stations, making them loss-making activities for most retailers.**

For the same considerations, EU policymakers already agreed that the PPWR should not make refill stations obligatory either. To address consumer information concerns, we do support the Council and European Parliament's positions to maintain a physical copy of the label at the refill station.

Our recommendations:

→ Given the **major health, safety and economic challenges posed by refill stations, they should remain voluntary. The regulation should not encourage their deployment.**

➔ **When deployed (voluntarily) a physical label should be visible at the refill station to ensure consumer information.**

3. Article 10(3) and 10(5) of distributors' obligations should be consistently harmonised on the model provided by the General Product Safety Regulation

Retailers have thousands of products on their shelves, for which separate product legislation may apply. To minimise risks of errors, it is of utmost importance that the obligations of distributors be legally consistent across the entire product safety acquis. **The (recently revised) General Product Safety Regulation (GPSR) provides a clear model for distributors' obligations that should be consistently replicated in the Detergents and Surfactants Regulation.**

In particular, Article 10(3) and Article 10(5) of the proposed Regulation on Detergents and Surfactants refer to the expression "*have reason to believe*", whilst imposing on distributors an obligation not to make available detergents or surfactants in the market if having doubts about conformity with the Regulation.

The scope of this formulation is unclear, as retailers can only rely on information provided by the product manufacturers (since they did not produce the detergent or surfactant). The expression "*have reason to believe*" therefore needs to be clarified as under Article 12 of the GPSR, by adding the words "*on the basis of the information in the distributor's possession*".

Our recommendation:

➔ **Clarify the expression "have reason to believe" under Article 10(3) and Article 10(5) by adding the words "*on the basis of the information in the distributor's possession*".** Such clarification mirrors Article 12 of the GPSR.

Amendment proposals:

Article 10(3) should be rephrased as follows: "*Where distributors consider, or have reason to believe, on the basis of the information in their possession, that a detergent or a surfactant (...)*", in order to mirror the wording of the GPSR proposal.

Article 10(5) "*Distributors that consider or have reason to believe, on the basis of the information in their possession, that a detergent or a surfactant (...).*"

*Established in 1963, **Independent Retail Europe** (formerly UGAL – the Union of groups of independent retailers of Europe) is the European association that acts as an umbrella organisation for groups of independent retailers in the food and non-food sectors.*

Independent Retail Europe represents retail groups characterised by the provision of a support network to independent SME retail entrepreneurs; joint purchasing of goods and services to attain efficiencies and economies of scale, as well as respect for the independent character of the individual retailer. Our members are groups of independent retailers, associations representing them as well as wider service organizations built to support independent retailers.

Independent Retail Europe represents 24 groups and their over 501.000 independent retailers, who manage more than 764.000 sales outlets, with a combined retail turnover of more than 1.411 billion euros and generating a combined wholesale turnover of 621 billion euros. This represents a total employment of more than 6.400.000 persons.

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