



Brussels, 27 September 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF DETERGENTS

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that unless a ratified withdrawal agreement¹ establishes another date or the period is extended by the European Council in accordance with Article 50(3) of the Treaty on European Union, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date'). The United Kingdom will then become a 'third country'.²

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, economic operators in the field of detergents are reminded of the legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, the EU rules in the field of detergents, in particular Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents³ no longer apply to the United Kingdom. This has in particular the following consequences for detergents placed on the EU market as of the withdrawal date:⁴

¹ Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement.

² A third country is a country not member of the EU.

³ OJ L 104, 8.4.2004, p. 1.

⁴ In the context of the negotiations of the EU-UK withdrawal agreement, the EU is trying to agree solutions with the United Kingdom concerning goods placed on the EU market *before* the end of the transition period. See, in particular, the latest text of the draft withdrawal agreement agreed at negotiator's level, which is available here: https://ec.europa.eu/commission/sites/beta-political/files/draft_agreement_coloured.pdf.

1. RESPONSIBILITIES FOR IMPORTERS

According to Article 2(10) of Regulation (EC) No 648/2004, a manufacturer is the person responsible for placing a detergent or a surfactant for a detergent on the EU market. The notion covers not only a producer, but also an importer.

According to Article 3(2) of Regulation (EC) No 648/2004, manufacturers of detergents or surfactants for detergents shall be established in the Union, and take responsibility for the conformity of detergents or surfactants for detergents with that Regulation.

As of the withdrawal date, a manufacturer established in the United Kingdom will no longer be an economic operator established in the EU. As a consequence, an economic operator established in the EU-27 and placing detergents or surfactants for detergents coming from the United Kingdom on the EU-27 market, until then considered as a distributor, will become an EU importer in relation to such products. This operator will have to comply with the obligations for manufacturers.

2. LABELLING

According to Article 11(2)(b) of Regulation (EC) No 648/2004, detergents must be labelled with the name or trademark of the party responsible for placing the product on the market.

If, prior to the withdrawal date, the manufacturer was established in the United Kingdom, the marking of the manufacturer on the packages, labels and accompanying documents has to be changed accordingly.

3. APPROVED LABORATORIES

Based on Articles 3 and 4, as well as Annexes II, III, IV and VIII to Regulation (EC) No 648/2004 the following tests are required:

- Primary biodegradability tests for surfactants in detergents;
- Ultimate biodegradability (mineralisation) tests for surfactants in detergents;
- Complementary risk assessment for surfactants in detergents.

According to Article 8(2) of Regulation (EC) No 648/2004, these tests have to be carried out by laboratories approved by a Member State.⁵ Compliance with this requirement is controlled on products placed on the market.⁶

For detergents placed on the market as of the withdrawal date, tests supporting the safety of detergents according to Regulation (EC) No 648/2004 have to have been carried out by a laboratory approved by an EU-27 Member State.

The website of the Commission on Chemical Legislation (https://ec.europa.eu/growth/sectors/chemicals/legislation_en) provides for general

⁵ The list of approved laboratories is published here: http://ec.europa.eu/growth/sectors/chemicals/legislation_en

⁶ Article 10 of Regulation (EC) No 648/2004.

information concerning detergents. These pages will be updated with further information, where necessary.

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