



Windsor Framework Democratic Scrutiny Committee

OFFICIAL REPORT (Hansard)

COM/2023/217 Proposal for a Regulation on Detergents and
Surfactants Amending Regulation (EU) 2019/1020 and
Repealing Regulation (EC) No 648/2004:
Department of Agriculture, Environment and Rural Affairs

1 May 2025

NORTHERN IRELAND ASSEMBLY

Windsor Framework Democratic Scrutiny Committee

COM/2023/217 Proposal for a Regulation on Detergents and Surfactants Amending Regulation (EU) 2019/1020 and Repealing Regulation (EC) No 648/2004:
Department of Agriculture, Environment and Rural Affairs

1 May 2025

Members present for all or part of the proceedings:

Mrs Ciara Ferguson (Chairperson)
Mr David Brooks (Deputy Chairperson)
Dr Steve Aiken
Mr Jonathan Buckley
Mr Declan Kearney
Mr Peter Martin
Ms Emma Sheerin

Witnesses:

Ms Caroline Barry

Department of Agriculture, Environment and Rural Affairs

The Chairperson (Ms Ferguson): I thank Caroline Barry for coming to the Committee today. We really appreciate your attendance. When you are ready, please brief the Committee.

Ms Caroline Barry (Department of Agriculture, Environment and Rural Affairs): Good morning, Chairperson and members of the Committee. Thank you for the opportunity to brief you today on the European Commission's proposal for a new regulation on detergents and surfactants and its potential implications for Northern Ireland.

EU Regulation 648/2004 laid down the rules that detergents need to comply with in order to be placed and move freely in the market across the European Union. Those rules are aimed at ensuring the safe use of detergents and the high environmental performance of detergents and surfactants. An assessment of the regulation that was carried out in 2019 identified weaknesses that have emerged since its adoption. In particular, it highlighted the complexity of the regulatory framework for chemicals and the room for simplification in the communication of information on overcrowded labels to product users. The updated EU industrial strategy from 2021 further emphasised the importance of a coherent and stable regulatory framework to accelerate the twin transitions for ecology and digitalisation, and the Commission's 2022 work programme listed the revision of the detergents regulation as a regulatory fitness and performance programme initiative (REFIT).

The draft law would update the rules on detergents, strengthening enforcement so that more compliant detergents and surfactants enter the EU market. It takes account of the latest market developments and addresses the lack of efficiency in information requirements for detergents.

The Department of Environment, Food and Rural Affairs (DEFRA) is the competent authority for detergents regulation in Great Britain. The regulation of detergents is a reserved matter in the UK. It is

covered by the UK common framework for chemicals and pesticides, which is a provisional framework. DAERA is the competent authority for detergents in Northern Ireland, with local councils carrying out enforcement. Any enforcement action is reactive, with intelligence coming from complaints, health and safety inspections and businesses asking for support. No enforcement has been taken in Northern Ireland as a result of the detergents legislation.

The proposal will repeal and replace EC Regulation 64/2004 on detergents and amend Regulation 2019/1020 on market surveillance. The objective is to modernise, simplify and strengthen the regulatory framework governing detergents and surfactants across the European Union, reflecting market and technological developments since the original regulation was adopted. The proposed changes include the simplification of labelling requirements; the abolition of the ingredient data sheet for hazardous detergents; the introduction of a digital product passport for surveillance and customs purposes; the encouragement of refill sales to reduce plastic waste; and new risk management and testing requirements for microbial cleaners, which is an emerging market sector.

The UK Government's initial assessment and that of DAERA is that the changes are likely to benefit businesses and consumers by improving the communication of information and simplifying compliance processes. However, there are potential new burdens for industry, notably through the introduction of mandatory testing for microbial cleaning products. Those requirements could lead to increased costs for businesses that supply those products.

While the regulation aims to simplify compliance, it will introduce some new costs, particularly for businesses that produce microbial cleaning products. The UK estimates suggest that familiarisation with the new regulation will cost each business approximately £90. However, across the broader detergents market, the EU's impact assessment forecasts annual savings of around £8.5 million due to reduced administrative burdens and labelling simplification.

The regulation is not expected to have a significant direct or persistent impact on everyday life for communities in Northern Ireland. However, it may lead to regulatory divergence between the rules that apply in Northern Ireland and those that apply in Great Britain. At present, we do not hold precise data on the number of businesses that are engaged specifically in the production of detergents and surfactants in Northern Ireland, although that is likely to be a small single figure. Likewise, figures on the volume and value of trade in detergents and surfactants between Great Britain and Northern Ireland are not available. The Department recognises that that information is important for fully understanding the potential impacts, so we will work with industry and relevant Departments to improve our evidence base.

We have not yet undertaken a detailed analysis of companies that operate in the microbial cleaner sector to confirm the extent of that activity in Northern Ireland. However, the market for microbial cleaners is growing across the UK, and businesses in that sector could be impacted by the new testing and risk management requirements. Enforcement responsibilities may also be affected. The introduction of the digital product passport and changes to labelling may increase enforcement demands. To date, no formal assessment of the additional resourcing and cost implications for enforcement bodies has been completed. However, it is recognised that the burden could grow. DAERA and DEFRA will work with partners to understand what additional capacity may be needed. The proposed regulation is likely to increase demands on market surveillance authorities, including councils. However, no detailed assessment of additional enforcement costs or research requirements has yet been undertaken. That work will proceed as more clarity emerges on the practical application of the regulation in Northern Ireland.

DEFRA now holds monthly stakeholder engagements covering chemical issues more generally, but detergent-specific discussions have not yet been prioritised. DAERA and DEFRA will work together to find the most effective way and forum through which to engage with external stakeholders. Consequently, while ongoing engagement is happening at UK Government level, the scale of direct engagement with affected businesses in Northern Ireland has been limited. We will seek to address that as the regulation progresses.

The Committee should note that DAERA, DEFRA and Health and Safety Executive Northern Ireland (HSENI) officials are scoping setting up a new Northern Ireland chemical stakeholder forum. While that is still at the development stage, it will, once established, provide a mechanism to engage with key Northern Ireland stakeholders, sharing information regarding upcoming changes in legislation and seeking their feedback on potential impacts to their businesses and customers.

The post-implementation review of the UK Detergents Regulations 2010 did not recommend any regulatory changes, and the UK Government do not intend to conduct an in-depth review of the main detergent regulations at this time. The UK Government are working to improve the UK's trade and investment relationship with the EU across a range of areas, which could include changes to regulation to minimise barriers to trade and regulatory burdens on businesses in the future.

Where timelines are concerned, the European Parliament and the Council of the EU agreed their positions during the previous legislative mandate. Trilogue negotiations between institutions commenced in January 2025 and are ongoing. It is anticipated that the final text will be agreed later this year. Once adopted, the regulation proposes a 30-month or two-and-a-half-year transition period before the new rules take effect. That would mean that the regulation would apply fully from around mid to late 2027.

The UK Government have indicated that they do not intend to undertake a midterm review of their domestic detergent regulation but will be informed by the development of the UK's chemical strategy, which is being considered as part of the environmental improvement plan (EIP) revision. A rapid review of the plan was completed earlier this year, and a revised version that may include reference to chemicals regulation reform is expected later in 2025.

We are closely monitoring developments on amendments to the EU proposal during the legislative process, but, at present, it is not possible to determine the final shape of the regulation or the precise impacts on Northern Ireland until the text is finalised.

In summary, the proposed regulation modernises and simplifies the current EU framework. Its application in Northern Ireland is required under the Windsor framework. Direct impacts on Northern Ireland's businesses and enforcement bodies are expected to be modest but will need to be carefully managed. There is the possibility of regulatory divergence between GB and NI. Evidence gathering and stakeholder engagement will continue as the regulation is finalised, and a 30-month transition period will follow the formal adoption of the regulation, which is likely to bring full implementation into the latter part of 2027 or early 2028.

The Department remains fully committed to keeping the Committee updated as the work progresses and further information becomes available. Thank you, and I am happy to take any questions.

The Chairperson (Ms Ferguson): Thank you, Caroline. We appreciate the update and the ongoing work between DAERA, DEFRA and HSENI on monitoring the process and the ongoing data collection. Every member would appreciate having you back when there is further clarity on the text and further information becomes available.

I will open the meeting to members.

Mr Buckley: Thank you, Caroline for your presentation. I appreciate that you are trying to be as open and candid as possible. That often means that you cannot answer some of the questions that are put to you. That is totally acceptable and understandable. However, I am at a bit of a loss as to how DAERA can come to the conclusion that this is likely not to have significant impact in Northern Ireland. To nine of the 11 questions, the Department answers, "We do not hold"; "We do not have"; "We do not have"; "We have not"; "Not yet finalised"; "We do not have sufficient detailed information"; "There are no set time frames"; "No assessment"; "Currently scoping NI forms"; and "Not possible to determine". Therefore, from my perspective, we cannot make an assessment of whether the regulation will have a significant impact that is likely to continue.

It is quite easy to identify. Your answer to question 1 says that the number of businesses in Northern Ireland that engage in the production of detergents is maybe only in double figures. I imagine that it is easy for DAERA to access information about the impact on that group. The worrying thing about that is the scale of businesses that supply Northern Ireland via GB. That is the nub of my questions. You cannot give me that information right now; I accept that.

Your paper talks about how:

"DAERA and DEFRA are working closely to engage with stakeholders to identify the scale of trade and any potential issues".

I remember that coming up with another regulation that the Committee discussed, and a forum for stakeholders was mentioned. Some of the information in your paper, such as correspondence about potential issues, goes back two years. Correspondence with the House of Lords goes back over a year. How long does it take? Can we find out what the engagement with DEFRA on those issues looks like so that we and DAERA can get adequate information in order to provide an accurate assessment?

Ms Barry: There are mechanisms. We engage with our DEFRA counterparts as policy leads. We also have the UK common framework for chemicals and pesticides, which was set up to facilitate ongoing engagement and deal with issues as they arise, and there is a dispute resolution mechanism that is to be used as needed. There are UK-wide groups, including the UK chemical stakeholder forum, through which DEFRA, as the reserved lead and the competent UK-wide authority, has been engaging with key stakeholders. That group has not met recently due to the new UK Government's taking over, but DEFRA has monthly engagements with key UK chemical stakeholders, so there are opportunities through that mechanism. As I said, there is also a UK chemical policy and communication forum that industry stakeholders at a UK level can attend to engage directly with DEFRA.

At a Northern Ireland level, in 2021, the Environment Agency set up a chemicals and pesticides regulators forum to discuss and engage with the regulators the key changes that will potentially come through European legislation and to make stakeholders aware of and prepare them for what is happening. The Northern Ireland chemical stakeholder forum that we hope to set up has been under discussion for a while. The delay is due to limited resources in DAERA, the Department for the Economy and HSENI and to other ongoing work priorities. Limited resources have meant that we have not progressed that as fast as we had hoped, but, as recently as only yesterday, we had a meeting with HSENI and DFE to progress it. There have been discussions in recent weeks.

Mr Buckley: OK. That is like the previous regulation that we discussed. My concern is that, when we have early sight of something like this, the obvious question — the flashing red light — is this: what do the stakeholders, which means those who are involved in the industry, feel about it? We are not getting satisfactory information from our GB counterparts, whether they be DEFRA or other stakeholders, to inform us when we make decisions. What is your view of DAERA's relationship with DEFRA in answering questions about, for example, what its stakeholders feel about regulations such as this one?

Ms Barry: First, we have a good relationship with DEFRA. We work closely with it through regular engagement on this issue and a range of chemicals issues. When it comes to the stakeholders — apologies, I have lost my train of thought.

Mr Buckley: My question was about how engaged DAERA and DEFRA are with stakeholders in GB to ascertain issues that could have an impact on Northern Ireland consumers.

Ms Barry: We have, for example, the chemical stakeholder forum. We are observers on that. We have a close relationship with DEFRA, and any stakeholder information is fed back. Ongoing intelligence on enforcement activity, for example, comes through complaints, through the Health and Safety Executive's inspections or by businesses raising concerns. To date, we have had no enforcement activity on the current regulations. There is obviously a certain level of awareness in the industry through the trade bodies and whatnot, because that has been ongoing for a while.

We have not received any feedback directly from stakeholders. Studies have been carried out. A couple of years ago, my branch, which is the chemicals and industrial pollution policy branch, carried out a chemical stakeholder scoping study to get feedback on the wider marketing use of chemicals in Northern Ireland.

There have been difficulties, although part of that was a desktop study that gave us overarching figures for the chemicals sector in Northern Ireland. There was a reluctance from stakeholders to engage. DFE also found that that was the case in some of its engagement, particularly on the classification, labelling and packaging (CLP) legislation. There is, therefore, a reluctance from stakeholders to engage, but whether that means that there are no issues or concerns we just do not know.

Mr Buckley: That previous regulation is always what comes back to me. I am concerned — I hope that you can take this back — that DEFRA is not being open or treating those issues with the urgency that they require. I hope that DAERA is pushing that to the limit in terms of the information that we can get.

Going back to that labelling classification, only through interrogation here at the Committee did we find out that there was an HSE stakeholders forum that discussed that very regulation. The HSE would not provide the Committee with the feedback. That is of huge concern.

There are bodies out there that are engaging with the industry, and they have the ability to ask the direct questions that would be fruitful to the Committee, but we do not get the information until the very last moment. This is the opportunity, because it has not been published yet, to get that information so that the concerns that the Committee may have can be satisfied but, more importantly, so that those that our consumers may have in the future can be satisfied. If you could take that back, it would be appreciated.

Mr Martin: Caroline, thanks very much for coming in and giving evidence. I am afraid that I will go along a similar route to my colleague and quote a bit of your evidence back to you along a slightly different track. There is a lot of use of phrases such as, "Work is ongoing", "seek to gather ... evidence", "work together" and "continuing to assess". Would it not have been better if DAERA's position were to say, "We are going to wait until we have some of the stuff in place, know the results or have detailed analysis before coming to an opinion on this regulation"?

Ms Barry: To be honest, the opinion is partly because of the position that the UK Government and DEFRA have taken on some of their wider analysis that has been coming through. It has come through their initial interpretation.

The Department has some knowledge of the sector and knows that it is very small. To give you an example, in the chemical scoping study that we carried out, we found that, in Northern Ireland, only something like 85 businesses were involved in the manufacture of chemicals. Out of those 85 businesses, there were 2,700 employees, and they contributed £293 million gross value added (GVA) to the Northern Ireland economy. It is made up of mostly SMEs, but we already know that it is a small sector. That has been part of our assumption about its wider impact.

I will just say that the main purpose of the changes to the legislation is to simplify and reduce burden. Obviously, because that is the purpose, we do not foresee that there will be other major changes to the legislation. We continue to monitor that just in case anything else comes through before the regulation is finalised. However, at the minute, from what we see, it is more about simplification and removing some of the overlap with other European legislation, such as reducing the need for hazard sheets for hazardous substances, because that is already covered by other legislation.

Mr Martin: I will not take you through all of it, because I do not want to hold the Committee back. I will give you one example to respond to. In answer A1 in your paper, you stated:

"Work is ongoing to better understand the sector and the potential impact of the proposed Regulation."

The phrase "Work is ongoing" is replicated a few times in your evidence. Does DAERA have any sense of when that work might be completed? To be honest, a lot of the evidence is vague on completion or review dates and when you might have the figures or evidence to give to us so that we can make a more informed decision about the regulation. Does DAERA have any sense of when the work on those things will be completed?

Ms Barry: To be honest, at the minute, I do not believe that it does. We are just working towards that and trying to gather as much information as we can, so I cannot give you a dedicated timescale.

Mr Martin: That is fine, Caroline. I fully accept that, and it is not our job to pin you down on things. It is our job to gather all the requisite evidence so that we can make really good decisions about this. I want to highlight the fact that that is made more challenging by not having all the facts and figures in front of us. Thank you very much for your time.

Ms Barry: It is a priority for the Department to gather that information and get as much understanding as possible of the likely impacts on Northern Ireland businesses and, in particular, trade between us and GB.

Mr Brooks: My colleagues have dealt with much of the matter, so I hope not to extend this too long. In the Committee, we hear a lot, not just from DAERA, about the virtue of almost everything that the EU

does, for example, with the intention of one measure being to simplify and the intention of another measure being to make things easier. I understand that, but it is largely about making things simpler and easier for the 27 EU member states without the EU necessarily having Northern Ireland in mind or the businesses in GB that sell into Northern Ireland, which are our main market. Sometimes the virtue of what the EU does for itself does not necessarily apply. It is not necessarily always the case that what is good for it is good for us, and we should nail that idea slightly.

I will build on what Peter asked. You have probably answered the question to some degree by saying that you largely look at what the UK Government say. I hope that they are informed more by stakeholders in this country rather than our having to rely on the UK Government, because we sometimes feel that the explanatory memoranda (EM) and other things that come forward are mostly from a desktop exercise. With that in mind, when the Department comes forward with a view, albeit that it is presented as tentative, that a measure is not likely to have a "significant impact" that is "liable to persist" on the "everyday life of communities" in Northern Ireland, what is its understanding of the parameters for that? Will the impact on consumer choice, business costs and so on be considered as part of that decision?

Ms Barry: Yes, it definitely will, and, if it appears that, when regulations are finalised, there is a disproportionate cost impact on Northern Ireland businesses, we will pursue that with the UK Government and look at whether there is potential to mitigate it.

Mr Brooks: That is reassuring. As we know, in recent times, the UK Government have not necessarily taken that view, so I am reassured that our local Departments are representing the interests of businesses here.

More generally, is the Department cognisant of the timeline associated with the Committee's need for information — I realise that our Committee is not the one directly attached to the Department — in its efforts to get that information from DEFRA and in the processes for that that my colleague spoke about? I realise that that is not always an easy job for the Department, so I am not putting it all on you, but does the Department have that in mind when it works on these issues?

Ms Barry: Absolutely. It certainly does. As I said, gathering information is one of our priorities, and we are committed to keeping the Committee informed about both the further information on the nature of the changes that are coming through in the regulation and the available information that we have been able to gather.

Mr Brooks: Thank you. As I said, my colleagues dealt with most of the substantive issues, so I will hand back to the Chair.

The Chairperson (Ms Ferguson): Thank you, members. Once again, thank you, Caroline. It is great to hear that the regulation is a priority in the Department. It is difficult, when you will not have the final text until later in the year, so we appreciate that. You have heard the concerns of some members about ensuring that we are informed and educated about exactly what the impact may be etc. That has been heard loud and clear.

We really appreciate your being open and honest. It was a really good presentation, which means that we know exactly what ongoing work and engagement you are doing. I am sure that we will have you back to Committee in due course when the Department has finalised the required information. Thank you very much.