

PUBLISHED REPLACEMENT EU ACT ASSESSMENT OF IMPACT

DSC REF: DSC/07/2026

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**Department: Department of Environment, Agriculture and Rural Affairs
(DAERA)**

Published Replacement EU Act

[Regulation \(EU\) 2026/405 of the European Parliament and of the Council of 11 February 2026 on detergents and surfactants, and repealing Regulation \(EC\) No 648/2004](#)

OJ L, 2026/405, 2.3.2026

[This Regulation replaces Regulation \(EC\) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents](#)

Protocol Annex 2, Heading 23 on Chemicals and related.

Summary of the Act

The EU's Regulatory Fitness and Performance (REFIT) programme aims to simplify and improve existing European Union (EU) laws, including those related to chemicals. As part of this, the European Commission has finalised its new Detergents Regulation following the proposed repeal and replacement of Regulation (EC) No 648/2004 in 2023.

This Regulation maintains the overall aims and objectives of the 2004 Detergents Regulation, and regulatory changes have been made to;

- simplify placement and free movement on the market by streamlining labelling requirements
- more streamlined regulation is also achieved by abolishing the duplicated requirement under EU Classification, Labelling and Packaging (CLP) Regulation and in the 2004 Detergents Regulations to provide an ingredient data sheet for hazardous detergents
- introduce requirements for Digital Product Passports (DPP)
- support digital labelling, reduce packaging clutter and facilitating bulk/refill sales
- ensure only products developed using non-animal testing methods will be allowed in the EU internal market
- introduce new regulatory requirements, for example on microbial cleaning products
- introduce stricter standards of biodegradability of surfactants in detergents (in particular, in films covering capsules)
- introduce the possibility to limit further the phosphorus content or add limitations of phosphorus content on other products categories

This Regulation remains complementary to the general provisions applicable to chemicals, including detergents, notably the EU Classification, Labelling and Packaging (CLP) Regulation, EU Biocidal Products Regulation and the EU REACH Regulation. The 42-month transition period means that businesses will have a significant period of time before changes take effect.

The UK Government's intention is for UK REACH to take regulatory decisions which align with EU decisions unless there are compelling reasons to diverge. This is in line with the UK Government's broader approach to all chemicals regulatory regimes and in recognising the value of a single UK-wide label for chemicals products, in line with the UK Government's commitment to protect the UK internal market and ensure continued UK-EU market access.

Changes since the Act was first proposed

The transition period has been extended to 42 months. The Regulation will enter into force on 22 March 2026. Its provisions will apply from 23 September 2029, allowing manufacturers and authorities more time to adjust.

The final text also introduces several refinements –

- Clarification that Digital Product Passports (DPPs) apply per model, not per batch. This should significantly reduce operational burden and lessens the impact which was anticipated at proposal stage.
- Additional testing and risk-management requirements beyond what was contained in the proposal. This will slightly increase expected compliance activity; however, costs remain within expected industry norms.
- The final Regulation expressly requires non-EU manufacturers to appoint an EU-established authorised representative. Stakeholder evidence suggests >90% of UK industry already complies. This text tightens obligations but does not materially change initial impact expectations for NI.

Department(s) Responsible

The Department for the Environment, Food and Rural Affairs is the competent authority for the Detergents Regulation in Great Britain. The regulation of Detergents is a reserved matter. It is covered by the provisional Common Framework for Chemicals and Pesticides.

The Department of Agriculture, Environment and Rural Affairs (DAERA) is the competent authority in NI with enforcement of the regulations undertaken by the local councils.

Assessment of Impact

Does it appear likely that the application of the replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

It appears unlikely that the application of this new Detergents Regulation will have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist. Given that this is a reserved policy area our determination of impact links to the UK Government's Explanatory Memorandum. This states that changes as a result of this proposal are expected to benefit businesses and consumers through improved communication of information and simplified compliance for labelling detergents.

It is the UK Government's intention that UK REACH will align with the EU unless there are compelling reasons to diverge. This commitment also affirms the UK Government's determination to protect people and the environment, and to reduce the business complexity and trade barriers that have emerged following EU exit as a result of UK REACH operating much more slowly than EU REACH. Overall, the changes are anticipated to enhance environmental and public health protections without disrupting business continuity or market access.

Conversely, new requirements on businesses may impact on costs, such as testing requirements for microbial cleaning products. However, it is anticipated that manufactures will build these costs into their business operations, whilst also being able to take advantage of cost savings linked to other simplifications (see the UK Government Explanatory Memorandum for more detail, particularly paragraphs 34 and 35). Evidence gathered by the EU through SME interviews, indicates that the testing costs would not negatively impact the manufacturers and that these costs are within the acceptable range. There are benefits to setting standardised criteria and clarifying requirements for microbial cleaning products that ensure the safety of products on the market but allow for innovation and market growth.

Does it appear likely that not applying the replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

Not applying the replacement EU act would not have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist. However, non-application would mean that Northern Ireland would not benefit from the positive impacts outlined above.

Stakeholder comments on impact

Both The London Oil Refining Company Ltd (LORC) and SC Johnson provided consultation responses to the Democratic Scrutiny Committee with regard to the proposal text, focussing primarily on market access, product availability, and consumer choice, rather than environmental or public health issues.

Both companies emphasise that NI's small market size increases the likelihood of supply adjustments and Stock Keeping Units (SKU) divergence. They argue there would not be persistent negative impacts if the Act is not applied.

The UK Government's Explanatory Memorandum notes on these points, in para 44, that its *intention is for UK REACH to take regulatory decisions which align with EU decisions unless there are compelling reasons to diverge. Furthermore, as set out in para 45, "The UK Government intends to apply this approach to all chemicals regulatory regimes, in line with the Government's commitment to protect the UK internal market. Doing so would ensure that there is a single regulatory approach across the whole of the UK. This would mean that there would be no disincentives for Great Britain-based businesses to stop selling into NI or impact on the supply of relevant goods to NI. In taking this approach the Government will take any steps necessary to protect the UK internal market in line with the Government's manifesto commitment and the provisions of section 46 of the UK Internal Market Act 2020."*

UK Government Explanatory Memorandum

Following publication of the new EU Detergents Regulations, Emma Hardy MP has signed the final version of the UK Government Explanatory Memorandum (EM) (included as separate document 'Annex A').

In summary, the introduction of the new Detergents Regulation under the EU's REFIT programme is expected to streamline and modernise the regulatory framework for detergents, addressing previously identified shortcomings while adapting to evolving market needs. For the UK, and particularly Northern Ireland, continued alignment with EU detergent regulations ensures ongoing access to both the UK Internal Market and EU Single Market, supporting trade and consumer choice. Overall, the changes are anticipated to enhance environmental and public health protections without disrupting business continuity or market access. There was ongoing engagement between Departments during this process, with DAERA officials requesting further analysis to better understand the potential impact on the NI sector.

Analysis by the European Commission on its Impact Assessment

The Commission conducted an impact assessment on the revision of the Detergents Regulation, receiving a positive opinion from the Regulatory Scrutiny Board on 16 September 2022.

The assessment identifies two main problems:

- new market developments not being accounted for, and
- inefficient information requirements.

To address these, two policy options were proposed for each problem:

Policy Option 1a ensures consumers receive necessary information when buying refilled detergents and includes microbial cleaning products under the Detergents Regulation with minimum information requirements.

Policy Option 1b builds on 1a by introducing digital labelling for refilled detergents and risk management requirements for microbial cleaning products.

Policy Option 2a suggests abolishing the ingredient data sheet for both hazardous and non-hazardous detergents, streamlining labelling requirements, and introducing digital labelling.

Policy Option 2b proposes abolishing the ingredient data sheet only for hazardous detergents and maintaining it for non-hazardous detergents, with similar labelling requirements as 2a.

The preferred combination of policy options is Policy Option 1b and Policy Option 2b, which scored better overall across various criteria, including economic, social, environmental, and health impacts.

These options are expected to bring benefits such as burden reduction, cost savings for the industry, improved readability of detergent labels, and reduced regulatory overlaps. They also support sustainable practices, innovation, and Small and Medium sized Enterprises (SME) access to value chains, contributing to the achievement of several United Nations Sustainable Development Goals.

[COM 2023217 proposal regulation detergents and surfactants - European Commission](#)

Departmental Engagement

DAERA officials have attended meetings with Defra since June 2023. Email exchanges included reviewing the draft UK Explanatory Memorandum. Engagement between Departments was ongoing during this process with DAERA officials requesting further analysis to better understand the potential impact on the NI sector. Defra recently confirmed the new Detergent Regulations were published and the EM had been signed.