

24th April 2023

Tris notification 2023/63/S

To:

EU Commission

Regarding the Swedish notification 2023/63/S on corrosive products for drain cleaning

The Swedish Cosmetic and Detergent Association, KoHF, is a trade association for companies that import, manufacture or market consumer products such as cosmetics, hygiene products and detergents on the Swedish market. The organization has about 150 member companies.

Some member companies put drain cleaning products on the Swedish market and are to a very large extent affected by the proposed amendments to the regulations.

The proposal violates the principle of free movement of goods within the EU

Within the EU, the basic principle of the free movement of goods and services applies. KoHF believes that this principle should apply to the concerned products. These products are already extensively regulated through the EU regulations (REACH and CLP) regarding content, labelling and marketing. There are no national deviations to justify making drain cleaning products subject to a specific national restriction. Swedish consumers do not have a different approach to chemical products than other consumers within the EU, and there are no significant differences in how sewage systems are designed in Sweden compared to other countries within the EU.

The proposal is disproportionate

It is a very drastic and disproportionate measure to impose such a severe national restriction on this product segment. Even if the proposal is suggesting a restriction, it will in practice mean a ban, prohibiting the placing of corrosive drain cleaners on the market. A complete ban of the products would have a significant impact on the market. As a first step, other regulatory measures should be introduced to evaluate whether they can achieve the desired effects.

The proposal targets faulty behavior and misuse

The proposal is introducing a ban because of misuse and accidents in the handling of a product that is legally put on the market. By this reasoning there are other product categories often involved in misuse and accidents that should be banned, e.g., medicines, batteries or lighter fluids. Legal requirements regarding chemical products are always designed in relation to normal and expected handling of the products, and so it should be in this case as well.

The products are needed and desired by consumers

The products provide an important function for Swedish consumers to be able to clean their drains when blocked. It is not reasonable to believe that consumers would call a plumber every time a blockage occurs that cannot be un-blocked by physical means. It is an expensive and time-consuming measure to engage a professional plumber. There is a substantial risk that consumers will try to mix their own variants of drain cleaners with a possible even higher risk of accidents.

An increasing e-commerce and movement of products within the EU internal market makes it likely that consumers will seek the products through this possibility. This would further worsen the situation as consumers would not have access to correct information and labelling in Swedish. The risk is that such behavior would increase the number of accidents.

There are better alternatives than a ban

The aim of the authorities is to decrease the number of accidents involving drain cleaners. KoHF means that there are several possibilities to decrease the number of accidents that should be investigated further by the Swedish authorities before introducing a national ban.

Additional labelling can be introduced to inform consumers about the correct handling of the product. Positive experience has been shown in Norway where the additional labelling has been introduced in the last two years.

There could also be benefits from local requirements for where and how to place the products in retail. A placement behind the counter or similar could add to the consumer awareness on how to manage the products safely.

It should also be possible to evaluate further whether the concentration limits in the current Swedish regulations can be adjusted so that the risk of accidents in the event of incorrect use of the products is reduced. Today, there are concentration limits for how much acid or base certain products for drain cleaning may contain.

There is also the possibility to completely adapt the already existing Swedish national regulations to the EU regulation. This should by all logical means adapt the number of accidents to the EU levels, which according to the authority is lower in the rest of the EU than in Sweden.

Background information

For many years, Sweden has had national regulations for products used as drain cleaners. These regulations have led to Swedish consumers having a very narrow range of products to choose from when there is a need for drain cleaning. The largest segment of drain cleaning products in the Swedish market are granules of NaOH or KOH. It is likely that these national regulations have contributed to the situation where statistics show a greater number of accidents in Sweden than other countries in the EU. A reasonable first measure would therefore be to adapt the Swedish regulations to the rest of the EU.

It is important for KoHF that as many accidents as possible are avoided when it comes to chemical products, regardless of the type of product or commodity. We believe that it is possible to reduce the number of accidents involving corrosive products for drain cleaning without requiring an authorization from consumers to buy the products.

The Swedish Cosmetic and Detergent Association, KoHF

Anna Melvås
Anna.melvas@ktf.se
+46 (0)708-942946