

Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents (Text with EEA relevance)

*Article 10*

**Control measures**

1 [F1The competent authority] may apply, as appropriate, all necessary control measures to detergents placed on the market which ensure the compliance of the product with the provisions of this Regulation. The reference method shall be the test and analytical methods referred to in Annex VIII. These control measures shall not oblige manufacturers to repeat tests made by laboratories fulfilling the conditions indicated in Article 8(2), or to pay for any repeat or additional test, provided the initial test has shown compliance of detergents, or surfactants used as ingredients in detergents, with this Regulation.

2 In cases of concern that a test carried out in accordance with the methods listed in Annex II, III, IV or VIII has produced false positive results, [F2the competent authority must make a decision as to whether or not the test concerned produced a false positive result. The competent authority must:

- make a decision within 90 days of it becoming aware of a concern that the relevant test may have produced a false positive result;
- take appropriate expert advice and take that advice into account when coming to a decision;
- after taking a decision, promptly communicate it to the manufacturer concerned together with an explanation of the appeal process set out below.]

[F3 If the competent authority decides that a test produced false positive results:  
— those results must be disregarded for the purpose of ensuring compliance with the provisions of this Regulation;  
— the manufacturer may, within 14 days of having that decision communicated to it by the competent authority, appeal to the court against the decision.

4 On appeal, the court may:  
— allow the appeal and rule that the tests did not produce false positive results, or  
— dismiss the appeal.  
(Article 18A makes further provision concerning appeals).]

**Textual Amendments**

- F1** Words in Art. 10(1) substituted (31.12.2020) by [The Detergents \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/672\)](#), regs. 1, **13(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Words in Art. 10(2) substituted (31.12.2020) by [The Detergents \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/672\)](#), regs. 1, **13(3)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Art. 10(3)(4) inserted (31.12.2020) by [The Detergents \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/672\)](#), regs. 1, **13(4)**; 2020 c. 1, **Sch. 5 para. 1(1)**

**Changes to legislation:**

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