

DG GROW Meeting between DG K. Jorna and [REDACTED] President of Cosmetics Europe, [REDACTED]

Brussels, 18 July 2022

The Targeted Revisions of the Cosmetic Products Regulation

BRIEFING NOTE

Scene setter/Context of the meeting:

The Chemicals Strategy for Sustainability (CSS) recognises the need for a targeted revision of the Cosmetic Products Regulation (CPR), alongside other chemicals legislation including the REACH and CLP Regulations, to achieve its objectives by addressing a number of problems that have been identified.

DG GROW/F2 is currently drafting an impact assessment for the targeted revision of the CPR. The open public consultation (OPC) and targeted stakeholders' consultation finished on 21 June 2022 and the contractor of DG GROW is assessing the received input.

Cosmetics Europe (CE) submitted their contribution to the OPC on 21 June 2022 and expressed their main concerns during the stakeholder workshop on the targeted revision of the CPR organized by DG GROW on 28 June 2022.

Objective of the meeting:

CE requested a meeting with DG K. Jorna to discuss the targeted revision of the CPR and in particular the implementation of the CSS into the CPR: limitations, unintended consequences, and concrete impacts.

In the contribution to the OPC CE supported the objectives of the CSS but pointed out that the revision of the CPR needs to consider the cumulative impact of various elements being implemented from the CSS, in particular those having impact on the cosmetics safety assessment:

- Whilst CE accepts the extension of the Generic Risk Management Approach (GRA) to new classifications, CE asks that the derogation mechanism under Article 15 of the CPR is maintained, based on the premise that the derogation

mechanism can only work if certain criteria are fulfilled.

- The cosmetics safety assessment already builds in a very conservative approach through the margin of safety – hence introducing a Mixture Assessment Factor (MAF) becomes less pertinent and would have an important impact on the current ingredients' portfolio (ex. loss of all UV filters, and preservatives). CE asks that an additional safety margin (MAF) for all cosmetics ingredients is not introduced in the CPR, to the benefit of the already existing principles of the cosmetics safety assessment.
- On the specific topic of essential use of a product CE asks that the Commission adopts a broad interpretation that recognizes the social benefit of cosmetics.
- Whilst CE accepts that the Scientific Committee on Consumer Safety (SCCS) would be moved to ECHA to ensure a more efficient and streamlined approach to substance assessment, CE would like to stress the scientific excellence of the current SCCS, both for cosmetics safety assessment and for its long experience with non-animal methods. To maintain this high level of internationally recognised scientific excellence, CE asks that the SCCS is maintained as an independent body in ECHA and that it is not merged into the RAC.

In addition, given the development of digital tools and evolving consumer habits, CE asks that the CPR is “future-proofed” to gradually introduce digital labelling in the future. This could be done through a placeholder in Article 19 of the CPR. It is not about shifting today from on-pack to on-line, but rather, to reflect together with all stakeholders how a shift to digital for certain consumer information could be done.

KEY messages

- We welcome Cosmetics Europe's pro-active involvement in the preparation of the targeted revision of the CPR and count on your active contribution along the way.

- Keeping the EU cosmetics sector competitive in a green and digital world is a key priority for the Commission.
- We acknowledge the long history of a high level of safety of European cosmetics products, and we will continue to prioritise scientific safety-based cosmetics risk assessment.
- We would like to reassure you that we are not planning a major overhaul of the CPR. In any event, the ongoing targeted revision is done in accordance with Better Regulation principles, meaning consultation, transparency and measuring impact, in view of preparing and introducing well-justified and proportionate measures, where needed.
- We will also continue to promote the European cosmetics regulatory model as ‘Gold Standard’ globally and continue our extensive discussions with our international partners.

Line to take

- Following the OPC and the stakeholder workshop of 28 June, DG GROW has been evaluating the comments received and has been drafting an impact assessment for the targeted revision of the CPR. The impact assessment will be supported by a study, analysing and comparing a number of policy options, whose final version is expected by the end of July.
- The final impact assessment for the targeted revision of the CPR is expected to be ready by the end of August and a regulatory proposal is envisaged by the end of this year.
- As regards GRA, it is important to recall that in the context of the revision of the CLP Regulation, legally binding hazard identification and subsequent classification will be established for new categories of most harmful substances, such as endocrine disruptors.
- This new hazard classification can have different consequences on the use of that substance in cosmetics. We are currently analysing several options.

- One option is that the substance is prohibited by default for use in cosmetics, but with a possibility of limited exemptions. These exemptions can be based on the already existing criteria in place for CMRs in the CPR (e.g. the substance has been risk assessed and found to be safe for human health, etc.).
- Another option is to prohibit these substances, but with stricter exemption criteria, such as allowing their use only if essential for health, safety or critical for society (even if safe). An example is the use of UV-filters in sunscreens to protect people from the dangers of the sun.
- Another option, in line with the precautionary principle, could be to prohibit these potentially harmful substances for use in cosmetics with no possibility for any exemption.
- To address the problem of combination effects of chemicals, there are discussions in the context of the REACH revision of applying a Mixture Assessment Factor (MAF) in the risk assessment of chemicals.
- We are assessing two policy options – the first one being if MAF should systematically apply to all hazardous chemicals used in cosmetics substances, or a second option where MAF applies only to the most harmful chemicals used in cosmetics.
- As regards the essentiality concept under the CPR, we support the green transition of the cosmetics industry by minimising and phasing out the most harmful chemicals for non-essential societal use.
- On the proposed move of the SCCS to ECHA, we have identified three policy options: (i) a stand-alone SCCS within ECHA; (ii) SCCS integrated into the RAC (as a sub-committee or working group); or (iii) SCCS absorbed by the RAC (SCCS would be discontinued, and its tasks will be absorbed by the RAC).
- As regards the possible introduction of digital labelling into the CPR, three policy options are being considered: (i) for some of the mandatory product labelling information, depending on the type of information, for all cosmetic products; (ii) only for small

products, with or without alternative ways of providing information to those with no internet access at the point of sale; or (iii) both on-pack and digital labelling for all products.

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