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Feedback on the Inception Impact Assessment on the revision of the Cosmetic Products Regulation

ΠΑΝΕΛΛΗΝΙΟΣ ΣΥΝΔΕΣΜΟΣ ΒΙΟΜΗΧΑΝΩΝ & ΑΝΤΙΠΡΟΣΩΠΩΝ ΑΡΩΜΑΤΩΝ & ΚΑΛΛΥΝΤΙΚΩΝ

ΜΕΛΟΣ ΤΟΥ ΕΥΡΩΠΑΪΚΟΥ ΣΥΝΔΕΣΜΟΥ ΚΑΛΛΥΝΤΙΚΩΝ (COSMETICS EUROPE)

THE HELLENIC COSMETIC TOILETRY AND PERFUMERY ASSOCIATION (PSVAK)

MEMBER OF THE EUROPEAN COSMETICS ASSOCIATION (COSMETICS EUROPE)

The Hellenic Cosmetic, Toiletry and Perfumery Association, founded in 1964, is the Greek Association for Cosmetics. Our Association is a member of Cosmetics Europe and has 70 members (manufacturers, producers, and distributors) that are mainly categorized as SMEs.

We would like to thank the Commission for providing us with the opportunity to communicate our comments on the Inception Impact Assessment on the revision of the Cosmetic Products Regulation (CPR).

Our Association fully supports the European Green Deal and the Chemicals Strategy for Sustainability and is committed to working towards a pollution-free Europe and an environment free of toxic substances.

However, we would like to highlight some of our concerns regarding the objectives and policy options of the CPR revision. These concerns stem from the following principles:

- Consumers should be able to use safe and effective products that cover their needs as these are defined by them.
- Companies should be able to function and provide those products.
- European Single Market function.

1. **Extending the generic approach to risk management to ensure that cosmetics do not contain, firstly, chemicals that cause cancers, gene mutations, affect the reproductive or the endocrine system, or are persistent and bio-accumulative; secondly, chemicals affecting the immune, neurological or respiratory systems and chemicals toxic to a specific organ: the impact assessment will analyze various options including the extension of the existing or modified provisions restricting CMRs (Article 15 of CPR) to further hazard classes, review the criteria and processes to decide on exceptions to bring them in line with the essential use concept currently developed under CSS, and introducing provisions to take account of combination effects.**

We welcome the generic approach to risk management for harmful chemicals, but we would like to highlight the significance of the Cosmetics Safety Assessment which already assesses the toxicological profile of the cosmetic ingredients, and it can be extended to include assessment of immunotoxic, neurotoxic, respiratory, and toxic to specific organ properties. The Cosmetic Safety Assessment ensures safe use for consumers and professionals. The extension of article 15 of the CPR is therefore required for the chemicals

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mentioned in the CLP revision. Extension to more classes of substances would cause significant problems to companies, as a reformulation of the entire products portfolio would not be feasible, especially within the strict time margins provisioned for CLP adaptation.

We welcome the review of the criteria and processes to decide on exceptions from the provisions restricting CMRs and other classes of substances. A pragmatic and realistic exemption process is needed; one that considers the safe use of chemicals as demonstrated in a Cosmetic Safety Assessment. The essential use concept could be applied when safe use data is missing and should be based on the non-availability of suitable alternatives. Clear and solid criteria to assess "essentiality" should be applied, e.g., consumer needs, economic, social and health impacts etc. There may be a need to establish a new competent body from various backgrounds to assess the "essentiality" specifically for cosmetic products, which address specific consumer essential needs.

Regarding the notion of "combination effects", further clarification is needed to understand the scientific basis and the methodology in order to avoid unjustified bans of safe ingredients. Combination effects are already dealt with in the Cosmetic Safety Assessment. Further extension of this analysis could result to an unfeasible long time for research and development of new products for the market.

2. **To improve effectiveness, efficiency and coherence of safety assessments across EU legislation as well as to ensure the best use of expertise and resources in the Agencies, in line with the "One Substance, One Assessment" approach, tasks of the SCCS on cosmetic ingredients could be reattributed to ECHA: the impact assessment will examine how the tasks are to be integrated in ECHA, including as a new working group of RAC, or as an independent committee under the auspices of ECHA, or inclusion in the proposal for a founding regulation for ECHA, amongst other options.**

We welcome the implementation of OSOA as the basis for further assessment of the chemicals on a sector specific way.

We are of the opinion that SCCS should maintain its independent role and continue its work issuing the Notes of Guidance which are clear, transparent, internationally recognized and based on solid scientific data. Cosmetics are a diverse group of products with very specific use and exposure risks. The SCCS has gained its expertise over the years and should continue as an independent expert committee regardless of the management body. It should also be noted that the SCCS is the sole scientific body with a clear know-how on alternative methods to animal testing. We are of the opinion that integrating the committee within another body of different tasks could potentially result in a loss of this expertise, which is essential for the CPR concept of animal testing ban.

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3. **Reviewing the definition of nanomaterial to ensure coherent terminology across chemicals legislation: options may include replacing the current definition used in the Cosmetic Products Regulation by the horizontal one laid down in Commission Recommendation 2011/696/EU of 18 October 2011 or with an updated one as announced in the CSS, or modifying it to bring it in line with the new or revised horizontal, broad definition.**

We support a clear definition based on the updated Commission Recommendation 2011/696/EU of 18 October 2011 that will be applied to all sectors in order to ensure the function of the Cosmetics Single Market. Some nanomaterials though, when used in Cosmetic products, do not maintain the nano structure. When this is demonstrated, an exemption process from provisions application could be applied.

4. **Changing the way in which specific product label information is provided: options will include on pack and digital labelling and/or simplifying certain information.**

We support the digital labelling as it will help companies quickly include information and it will favor the reduction of packaging and packaging waste which is a significant environmental request. Cosmetic companies want to provide consumers with reliable and detailed information that support responsible choices. We would like to point that providing more information than necessary would result to less informed consumers as they would reject the details. Furthermore, a risk based and/or an environmental labeling should not be extended to cosmetic products.

As a final remark we would like to draw your attention to one of the major problems that SMEs are faced with; the Cosmetics sector is gradually being Overregulated with SMEs being left practically unable to respond financially to the imposed changes. The revisions of the CPR, CLP and REACH and the immediate adaptation of changes should be taken into consideration in the Impact Assessment.

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