

IMPLEMENTATION OF ARTICLE 19 OF THE GENERAL PRODUCT SAFETY REGULATION ON MANDATORY PRODUCT INFORMATION IN DISTANCE SALES, AS APPLYING TO COSMETIC PRODUCTS

GUIDANCE DOCUMENT

Disclaimer: These Guidelines have been drafted by Cosmetics Europe with the view of clarifying the application of Article 19 of the GPSR to cosmetic products and are for information purposes only.

28/11/2023

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1. INTRODUCTION

General Product Safety Regulation (GPSR)

The General Product Safety Regulation¹ (GPSR), which repeals the former General Product Safety Directive², lays down essential rules on the safety of consumer products placed or made available on the market. Its objective is to improve the functioning of the internal market while providing for a high level of consumer protection.³

The GPSR is already in force and will directly apply in all Member States as of 13 December 2024.

Interface between the General Product Safety Regulation (GPSR) and the Cosmetic Products Regulation (CPR)

Not all the provisions of the GPSR apply to cosmetic products. Indeed, as cosmetic products are regulated under the Cosmetic Products Regulation⁴ (CPR) which imposes specific safety requirements, the GPSR applies only to those aspects and risks or categories of risks which are not covered by those requirements. In that respect, Article 19 of the GPSR, related to information to be provided in the case of online / distance sales, does apply to cosmetic products and is complementary to the requirements of the CPR and in particular of its Article 19 which establishes the on-pack labelling rules for cosmetics.

Purpose of this document

This guidance document is aimed to provide an overview of the requirements of Article 19 of the GPSR and an understanding of these requirements, as applying to cosmetic products.

2. REGULATIONS APPLICABLE TO COSMETIC PRODUCTS SOLD ONLINE / IN DISTANCE SALES

2.1 CPR

Economic operators selling cosmetic products online or through other means of distance sales, whether established within or outside the EU, and directly targeting EU consumers must follow all the relevant legal requirements of the CPR.

Indeed, the CPR establishes the rules to be complied with by any cosmetic product made available on the market, in order to provide a high level of protection of human health, whilst ensuring the functioning of the internal market⁵.

¹ REGULATION (EU) 2023/988 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC, *OJ*, L 135, 23.05.2023, p. 1.

² DIRECTIVE 2001/95/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 3 December 2001 on general product safety, *OJ*, L 11, 15.01.2002, p. 4.

³ Article 1, GPSR.

⁴ REGULATION (EC) No 1223/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 November 2009 on cosmetic products, *OJ*, L 342, 22.12.2009, p. 59.

⁵ Article 1, CPR.



Establishing the central concept of a responsible person for each cosmetic product placed on the EU market⁶, the CPR also allocates responsibilities to the various actors along the supply chain.⁷

2.2 GPSR, Article 19

In addition to the requirements imposed by the CPR, economic operators willing to make cosmetic products available on the EU market via online / distance sales, have to comply with the obligations set out in Article 19 of the GPSR.

Article 19 of the GPSR requires that *where economic operators make products available on the market online or through other means of distance sales, the offer of those products shall clearly and visibly indicate at least the following information:*

- (a) name, registered trade name or registered trademark of the manufacturer, as well as the postal and electronic address at which they can be contacted;*
- (b) where the manufacturer is not established in the Union, the name, postal and electronic address of the responsible person within the meaning of Article 16(1) of this Regulation or Article 4(1) of Regulation (EU) 2019/1020;*
- (c) information allowing the identification of the product, including a picture of it, its type and any other product identifier; and*
- (d) any warning or safety information to be affixed to the product or to the packaging or included in an accompanying document in accordance with this Regulation or the applicable Union harmonisation legislation in a language which can be easily understood by consumers, as determined by the Member State in which the product is made available on the market.*

Section 3 of this document further details the requirements imposed by Article 19, GPSR.

2.3 Other EU and national applicable regulations

Furthermore, it should also be given consideration to any other European (e.g. the Digital Services Act, the Unfair Commercial Practices Directive, the Consumer Rights Directive, etc.) or national legislation applicable to online/distance sales.

3. INTERPRETATION OF THE REQUIREMENTS IN THE GENERAL PRODUCT SAFETY REGULATION, ARTICLE 19, IN RELATION TO COSMETIC PRODUCTS

3.1 What information should be indicated at online/distance points of sales of cosmetic products?

Article 19, GPSR identifies four types of information, listed from a) to d), to be clearly and visibly indicated at online / distance points of sales.

For each of these four types of information, we have provided an interpretation of what we believe these mean for cosmetic products, in light of the labelling requirements of the CPR, Article 19, in order to ensure a consistent communication towards consumers.⁸

⁶ Article 4.1, CPR.

⁷ For the delineation of these responsibilities, see CE's guide 'Roles and Responsibilities along the Supply Chain, a Practical Guide', <https://cosmeticseurope.eu/library/>

⁸ It is important to note that these provisions of the GPSR do not affect the on-pack labelling of cosmetic products which are offered at online / distance points of sales. As cosmetic products are explicitly excluded from the

(a) name, registered trade name or registered trademark of the manufacturer, as well as the postal and electronic address at which they can be contacted;

- **Manufacturer:** for cosmetic products, the manufacturer is understood as the “responsible person”. Indeed, according to the CPR, Article 4.3, “for a cosmetic product manufactured within the Community, and not subsequently exported and imported back into the Community, the manufacturer established within the Community shall be the responsible person”.
- **Postal address:** according to the CPR, Art. 19.1.a, the postal address can be abbreviated in so far as it makes it possible to identify the ‘responsible person’ and their address. For consistency towards the consumer, as well as consistency of RP data⁹, the abbreviation option allowed by the CPR should also apply to the information required under the GPSR, Art. 19.1(a).¹⁰
- **Electronic address:** this is understood as either an email address or a website address

Note: the above information is not required if it is legible in the picture of the product sold (see point (c) below).

(b) where the manufacturer is not established in the Union, the name, postal and electronic address of the responsible person within the meaning of Article 16(1) of this Regulation or Article 4(1) of Regulation (EU) 2019/1020;

- **Responsible person:** the CPR requires that for imported cosmetic products, each importer shall be the ‘responsible person’ for the specific products that he/she places on the market;
- **Postal and electronic address:** same as in paragraph (a) above.

Note: this information is not required if it is legible in the picture of the product sold (see point (c) below).

(c) information allowing the identification of the product, including a picture of it, its type and any other product identifier;

- **Picture:** a legible picture that identifies the product; for product ranges (e.g. a lipstick in several colours/shades) one picture should be sufficient if the various colours/shades are mentioned in the proximity of the picture, i.e. on the same webpage; similarly, in case of a product sold in different sizes, one picture should be sufficient if the various sizes are mentioned in the proximity of the picture, i.e. on the same webpage.
- **Type:** this is understood as corresponding to the function of the cosmetic product, as required by the CPR (unless it is clear from its presentation). This information is not required if it is legible in the description or picture of the product sold.
- **Any other product identifier:** other product identifiers that may be provided by companies (where relevant) are the product name including the trademark/brand, the product line/range and the specific name of the product as they appear on the product. This information is not required if it is legible in the picture of the product sold.

Note: the batch number is not required as it is not relevant to the actual product that the consumer will purchase because it is a dynamic code; furthermore, it is always printed on-pack.

requirements of Chapter III, Section 1, of which Art. 16 is a part, they in particular do not have to be labelled with an electronic address.

⁹ To avoid storing two different versions of the same data in two different places

¹⁰ However, the possibility to abbreviate the address shall be evaluated on a case-by-case basis in the country where the address is located, with the goal of ensuring that the consumer can identify the Responsible Person’s name and address.

(d) any warning or safety information to be affixed to the product or to the packaging or included in an accompanying document in accordance with this Regulation or the applicable Union harmonisation legislation in a language which can be easily understood by consumers, as determined by the Member State in which the product is made available on the market

- Any warning or safety information: the CPR, Article 19.1(d), requires the labelling of “particular precautions to be observed in use”; where required by the CPR, these are listed in its Annexes III to VI; in addition to these, other precautionary statements and warnings recommended by the product’s safety assessor, as per Annex I, Part B.2 of the CPR, may be printed on the label under the responsibility of the responsible person. The information elements mentioned above correspond to the information required under the GPSR, Article 19.1(d). It is recommended to transmit to retailers all such information, regardless of the medium on which it is printed (on-pack label, leaflet, insert, etc.). This information is not required if it is legible in the picture of the product sold.

Note: Instructions for use that are not linked to the product’s safe use are not required.

3.2 Who is responsible¹¹ for what?

When the economic operator selling cosmetic products online is not the ‘responsible person’ in the sense of the CPR (e.g. when the economic operator is a retailer), the responsibility for compliance with Article 19 of the GPSR is shared between the ‘responsible person’ for the cosmetic product, designated in accordance with the CPR, and the online/distance sale retailer. The ‘responsible person’ is responsible for providing the required information and for maintaining it up to date. The retailer is responsible for indicating/displaying it at the online or distance point of sale. The responsible person may want to consider establishing these shared responsibilities via a contractual agreement with the retailer.

3.3 How should the required information be provided by cosmetics companies to online/distance sales retailers?

Data sharing

The ‘responsible person’ in the sense of the CPR should determine the way – i.e. the process, support and timing - in which the information should be provided to the retailer. The responsible person may want to consider establishing these elements via a contractual agreement with the retailer.

Languages¹²

Companies making cosmetic products available on the market via online or other means of distance sales should ensure that consumers have access to the required information in the language(s) determined by the law of the Member State under CPR Article 19.5..

However, the information required under paragraphs (a) and (b) of GPSR Art. 19.1 is not required to be translated, except where different alphabets are used.

¹¹ See Cosmetics Europe’s guide ‘Roles and Responsibilities along the Supply Chain, a Practical Guide’, <https://cosmeticseurope.eu/library/>

¹² Same as [11] above