Position Paper

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EuroCommerce Position on the Evaluation of the Cosmetic Products Regulation (CPR)

Introduction

- **Effectiveness**

In general, the Cosmetics Products Regulation (CPR) provides a solid framework for ensuring consumer safety, which is of the utmost priority. Nonetheless, the absence of clearly defined safe threshold limits for such restricted substances may present challenges in ensuring safety and compliance. (For more details look at Section 5 on Enforcement: Thresholds).

- **Efficiency**

In the context of regulatory changes, short or lack of transition periods can present challenges for effective inventory management across complex supply chains, potentially resulting in avoidable product disposal and associated financial impacts. It may be helpful to consider sufficient transition periods for changes not directly related to safety, as frequent regulatory updates can entail significant operational and financial implications, due to reformulations, labelling adaptations, and packaging changes.

While the direct applicability of a Regulation is advantageous in terms of harmonisation across the EU, it remains important that implementation timelines are designed with operational realities in mind, while prioritising health and safety, to support a smooth and proportionate adjustment by all market actors. (For more details look at Section 2 on Labelling & Transition Periods).

- **Relevance**:

While the CPR provides a robust framework for cosmetic product safety and market access, several aspects need updating to better align with current industry needs. To remain relevant, the CPR needs to evolve to better support digital solutions, including digital labelling and documentation, and increase the role of digital labels, while also addressing environmental concerns and providing clearer pathways for sustainable innovation without compromising the high standards of consumer safety. (For more details look at Section 2 and Section 5 on Digital Labelling and Simplification).

- **Coherence**:

Some challenges have been observed with products that fall within borderline categories (e.g., cosmetics with biocidal claims or medical device properties). These cases can give rise to regulatory uncertainty, increased compliance efforts, and potential delays in market access. A more streamlined

and harmonized approach across these regulations would reduce administrative burden while maintaining safety standards.

In addition, economic operators are often confused of the regulatory boundaries between CPR, REACH and CLP, particularly in the areas of hazard communication and notification systems. Additionally, the use of broad substance group definitions in REACH restrictions—without clear identifiers like CAS or INCI numbers—makes it difficult for stakeholders to determine whether cosmetic ingredients are in scope, highlighting the need for better alignment and cross-referencing between databases. (For more details look at Section 4 Interface with REACH, CLP).

- **EU Added Value**:

The Regulation plays an important role in ensuring the consistent implementation of EU legislation across Member States, thereby facilitating the smooth functioning of the internal market for cosmetic products. It helps reduce the risk of divergent interpretations by national authorities, supporting legal certainty and cross-border trade.

At the same time, the Regulation could benefit from further harmonisation of definitions, safety assessment methodologies, and coherence on expectations from market surveillance across Member States, where approaches might differ creating barriers in the internal market. (For more details look at Section 6 on Internal Market Issues).

1. Scope, Definitions, Generic Approach to Risk Management

- **Scope and definitions**

While the CPR provides a robust regulatory framework, the scope and definitions could benefit from further clarification to support consistent interpretation. Examples are the lack of definition for “UV absorber”. Similarly, the CPR could benefit from defining the use in cosmetic products of ingredients that are also used in pharmaceuticals; for example, setting maximum concentration limits for certain ingredients that could classify a cosmetic product as a pharmaceutical.

When there is a usage restriction based on product type, the interpretation of its scope is not always straightforward. Providing clear definitions for certain product categories—such as sprays, propellants, and aerosols—could enhance clarity. The current definition of “nanomaterials” in the CPR may also benefit from alignment with more recent definitions adopted at EU level, such as the Commission Recommendation of 10 June 2022, to ensure coherence across regulatory frameworks.

- **Generic Approach to Risk Management**

From a commercial and regulatory perspective, we recognise that a Generic Risk Management Approach (GRA) can play a valuable role in addressing substances for which there is a potential for unacceptable risk and no specific risk assessment demonstrating safe use.

However, it is important that the GRA is applied judiciously and remains targeted in scope. An incorrect application of the GRA could lead to an unjustified loss of safe ingredients, including natural plant-based substances or fragrances, based on an isolated hazardous property or an inappropriate grouping of substances, and would have a significant impact on the cosmetic industry.

2. Labelling, & Digital Labelling

- **Re-labelling Obligations & Transition Periods**

In the context of regulatory changes, short transition periods can present challenges for effective inventory management across complex supply chains, potentially resulting in avoidable product disposal and associated financial impacts. From a practical perspective, it may be helpful to consider longer transition periods for changes not directly related to safety. Additionally, a more flexible, risk-based approach to re-labelling requirements—one that distinguishes between urgent safety updates and less critical modifications—could support smoother implementation. In some cases, digital tools may offer an effective means to bridge information gaps during transitional periods.

Given that cosmetic products often have relatively low turnover rates and can accumulate significant stock across the supply chain, short transition periods may pose challenges for clearing existing inventory. This has, in several instances, resulted in increased administrative burden and financial costs. Moreover, implementing formulation changes—such as those prompted by ingredient restrictions—typically involves extensive product development cycles, which can take approximately 12 months or more. These timelines should be duly considered when setting transition periods to ensure feasibility and avoid unintended disruptions. This challenge is particularly pronounced for private-label products, which may experience lower market penetration in certain Member States, leading to slower stock movement and a greater risk of non-compliance if transition periods are too limited.

- **Digital Labelling Principles & Benefits**

The digitisation of product information offers significant opportunities to improve communication along the supply chain and enhance traceability. Provided that digital solutions are implemented as a scalable, user-friendly, and cost-effective solution—particularly for SMEs—their integration could streamline compliance and support the free movement of goods across the EU by reducing administrative barriers (e.g. in the case of language requirements). The digital solutions should be based on open, international standards, based on decentralised data systems, and ensure the interoperability of communicating information across different sectors and product types.

In contrast, continued reliance on paper-based information can pose limitations in terms of accessibility, accuracy of information communicated to users, material use and cost-efficiency. Digital solutions can help ensure that relevant product data is consistently available and up to date, reducing the risk of miscommunication or incomplete information for users. Moreover, digital labelling could serve as a valuable complement to traditional labelling, especially for small-format products where space constraints make it difficult to display all information.

This approach could align with modern consumer behaviour while supporting sustainability by reducing packaging size and enabling multilingual information without increasing package size. Digital labelling would also allow for real-time updates and more comprehensive product information while reducing the need for frequent packaging changes.

Also, digital labelling solutions should align with existing legislation, whereas there should be flexibility in the way economic operators provide access to digital information (e.g. via data carriers, weblinks or clickable pictures), while avoiding redundancies like ‘Scan here for more information’ phrases above data carriers. Lastly, digital solutions should be future-proof and flexible enough to adapt to market changes and innovations. They must accommodate diverse stakeholders, products, and sectors, as well as business models.

- **Information on Digital Labels**

We support the necessity to ensure all essential safety-related information remains immediately legible and visible on the product or its packaging. At the same time, there is growing pressure on available label space, particularly in light of the expanding list of mandatory allergen declarations and multilingual requirements across all EU official languages. To address this, it could be beneficial to

distinguish between information that must appear physically on the packaging and information that could be provided digitally while securing health and safety—such as extended usage instructions, sustainability information, and additional claims. In addition, exploring the increased use of pictograms and symbols (in place of words where appropriate) could improve the clarity and accessibility of information across linguistic boundaries. For that reason, we support defining what is essential safety information that must remain on the physical label, supported by an impact assessment on consumer needs and behaviours.

- **Digital Tools**

There is still some uncertainty regarding the practical implementation of certain digital solutions like the Digital Product Passports (DPPs), particularly concerning the level at which they should apply—whether at the model or batch level—and how this level will ultimately be defined. This distinction has important implications for industry, especially when it comes to managing formulation changes. In some cases, it may be necessary to issue a new DPP for each formulation variant, whereas in others, updating an existing DPP might be sufficient.

A key consideration is whether each change to a product's composition—such as a change in an ingredient or material—would require a new DPP, and potentially a new EAN or GTIN. This has direct consequences for traceability, notably in the context of recalls. At the same time, the bigger the granularity the bigger the administrative burden (requiring companies to constantly make new DPPs for the same product e.g. on batch level).

3. Obligations of Economic Operators

The CPR should align closely with GPSR and DSA which impose specific obligations depending on the role played in the supply chain. For example, distributors can ensure factual but not substantive verification, considering their role in the supply chain and the lack of expertise and technical information that lies with the manufacturer.

In addition, there is a growing expectation from authorities that retailers check each cosmetic (and associated) ingredients against the growing list of banned and restricted substances in the CPR. While retailers are committed to supporting product safety and regulatory compliance, it is important that inquiries regarding product composition are directed to the responsible person or the manufacturer—who are best positioned to provide detailed and accurate information as required under the CPR framework.

4. Interface with REACH, CLP & Enforcement

- **Coherence across Cosmetics, REACH and CLP**

In practice, our sector frequently encounters confusion regarding the delineation between the CPR and the CLP Regulation. Although cosmetic products are formally excluded from the scope of CLP, some items—such as perfumes or deodorants—may bear hazard pictograms on their packaging or be accompanied by safety data sheets from upstream suppliers. This can lead to uncertainty within the supply chain about which regulatory framework applies and how hazard-related information should be communicated.

Improved coherence between the CPR and CLP, including clearer guidance on how hazard classification and labelling obligations are handled across regulatory boundaries, would enhance legal certainty, improve consistency in hazard communication, and support both compliance and consumer understanding.

- **Compliance Challenges with REACH Restrictions & the PFAS Issue**

In some cases, substance group restrictions under REACH may create uncertainty due to the difficulty in clearly identifying all individual substances that fall within broadly defined chemical families. This can pose challenges for stakeholders seeking to ensure compliance, particularly when specific identifiers (e.g. CAS numbers or INCI names) are not provided. Including additional identifiers—such as INCI names or CAS numbers in these restrictions—could facilitate implementation. For example, identifying substances that act as formaldehyde releasers would support compliance with the restriction of formaldehyde.

Also, while the ingredient glossary (Commission Decision (EU) 2022/677) is a helpful tool, the absence of CAS numbers (that would facilitate the search for INCIs) and occasional inconsistencies between INCI names in the glossary and those referenced in the CPR may create ambiguity for labelling purposes.

In addition, we note the ongoing proposal under REACH to restrict all per- and polyfluoroalkyl substances (PFASs) and PFAS-related substances with a generic definition based on their atomic structure and composition without a specific list of associated substances. The proposed approach proposes enforcing this restriction based on total organic fluorine. However, most commercially available testing methods can only measure total fluorine without distinguishing between different fluorine compounds (e.g. non-PFAS fluorine compounds). This could lead to false positives in product surveillance, as inorganic fluorine compounds, which are not considered PFAS, may be detected and incorrectly identified as PFAS.

To support clarity and effective implementation, it may be helpful to have a specific list of PFASs in cosmetics for the correct identification of substances that are prohibited, similar to the 14 PFAS already listed in Annex II of the Cosmetics Regulation. This would assist in the development of targeted analytical methods and improve the accuracy of testing protocols.

Additionally, it may be worth exploring whether the CosIng database could be enhanced to indicate when substances are subject to REACH restrictions. This would support transparency and allow stakeholders to more easily identify substances of potential regulatory concern, along with their associated legal basis.

- **Enforcement: Thresholds**

Some uncertainty remains regarding the presence of prohibited substances that may be technically unavoidable in trace amounts. In particular, the absence of clearly defined safe threshold limits for such substances may present challenges. With regard to impurities and traces, it may be worth considering the development of specific criteria to support their safety evaluation. In particular, reliance on the concept of "technically unavoidable" can lead to uncertainty; where feasible, establishing concentration thresholds below which impurities are assessed according to defined criteria could improve clarity and risk management.

5. Simplification

- **Alignment of Regulatory Frameworks & Reporting Platforms**

Greater alignment and interoperability between regulatory frameworks and reporting platforms would be highly beneficial, particularly in terms of notification systems and hazard communication. Currently, cosmetic products must be notified via the Cosmetic Product Notification Portal (CPNP), while detergents, for example, must be notified to ECHA under the CLP Regulation. Creating a harmonised or interoperable notification system, or enabling the information submitted via CPNP to be

automatically shared with other relevant databases—such as ECHA's portal—could streamline administrative processes, reduce duplication of effort, and support more effective verification of compliance with other legislation, such as REACH.

- **Harmonised Framework for Safety Assessments**

To support cosmetic product safety, an enhanced harmonised framework for safety assessment would be beneficial. In this context, it may be helpful to further define the scope and minimum design requirements for skin tolerance and compatibility tests, as well as the minimum documentation that the packaging supplier must provide to ensure product/packaging compatibility.

- **Supply Chain Communication & Fractioned Products**

Furthermore, a more structured approach to cooperation within the supply chain—outlining the minimum safety and compliance-related information that raw material suppliers should share—would support responsible persons in fulfilling their obligations under the Cosmetics Products Regulation.

The safety assessment of fractionated products may also benefit from more detailed guidance, including instructions for use and the specific considerations relevant to their evaluation. Some of these elements could potentially be addressed or clarified further under Decision 2013/674/EU.

6. Internal Market Issues

While the Cosmetics Products Regulation aims to ensure the free movement of cosmetic products across the internal market, some practical challenges remain. For example, differences in the interpretation of borderline products—such as tattoo-related products—can lead to divergent regulatory approaches among Member States.

In addition, certain national practices may result in variations in compliance expectations. For instance, some Member States apply additional requirements beyond those foreseen by the CPR. A Member State, for example, has conducted studies on the concept of technical inevitability in relation to certain prohibited metals, which may influence how market surveillance is carried out. Another Member State has introduced national notification procedures concerning endocrine-disrupting substances, and other countries have implemented stricter or additional notification requirements for nanomaterials beyond those required under the CPNP.

While these measures may be intended to address specific national concerns, they can create inconsistencies in market access and contribute to regulatory fragmentation, potentially affecting the smooth functioning of the internal market.

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