

OPSS CALL FOR EVIDENCE ON THE REVIEW OF PRODUCT SAFETY LAW CTPA CONTRIBUTION MAY 2021

Members can access [here](#) the public link to the Office for Product Safety and Standards (OPSS) call for evidence on the review of product safety law.

The below document outlines CTPA responses to the call for evidence, which have been submitted to OPSS on 27 May 2021.

1. How easy is it to understand the current framework of product safety regulation? What areas, if any, could be simplified or made easier to follow?

The current system of sector-specific product safety legislation ensures comprehensive risk management which is tailored to specific sectors and downstream users. One of these pieces of legislation is the UK Cosmetics Regulation, which requires that only safe cosmetic products can be placed on the market of Great Britain and maintains a very high standard of protection for human health.

The below feedback outlines the key challenges faced by the UK cosmetics industry, in particular in relation to understanding roles and responsibilities, applicability of the requirements to products sold online or to industry initiatives (e.g. sustainable initiatives).

Currently, some companies, especially SMEs, are experiencing challenges in:

- understanding the roles and the responsibilities within supply chains, particularly post-Brexit;
- other businesses within the supply chain, such as salons or retailers, may find it difficult to understand their roles and their responsibilities under the UK Cosmetics Regulation, especially when undertaking certain activities (e.g. reselling branded products, decanting professional products for consumer sales, refilling in store, etc.).

A continued program of promoting and explaining the legislation, with the UK Government and trade associations such as CTPA working together, will help to address these challenges. However, the guidance will need to be detailed, providing examples of real-life scenarios and outlining how the UKCR applies to each one of them.

Other areas that could be simplified or further explained through Government guidance are:

- the applicability of the legislation to products sold online (either via online retailers, or direct to consumers);
- how to apply the safety standards and the responsibilities to sustainable initiatives (e.g. diluting products at home, refilling in store) and general industry initiatives (e.g. bespoke products, personalised products in store).

CTPA is always ready to work with the Government on development of such guidance.

Although the cosmetic ingredients management system within the UK Regulation is currently under development, CTPA welcomes the intention to continue with a risk-based safety assessment approach to cosmetic ingredients management which regulates ingredients based on their hazard and exposure. The ingredients annexes to the Cosmetics Regulation provide uncomplicated information on the regulatory status of all ingredients.

Another important area of focus is cosmetic claims. The current framework on cosmetic claims is comprehensive and allows industry to continue to innovate. Cosmetic claims are therefore governed by a flexible framework that is not prescriptive. However, there are some claims areas where further guidance may be required (e.g. environmental claims, free from claims, clean beauty, borderline context for cosmetics/biocides), in order to provide industry with a clearer position.

2. In what areas, if any, should product safety regulation be strengthened or improved?

In summary, regulation should be improved in relation to: control of goods on the market (especially online and counterfeit products; digitalisation of certain labelling information; consumer education and reliable public resources on product safety; regulating as cosmetics certain products which are currently classed as general products; communication within the supply chain; identified gaps to comply with horizontal environmental requirements. It is even more vital nowadays to consider the impact of policy changes to trade. Finally, guidance is needed to support SMEs and ensure compliance for all products on the market.

The UK Cosmetics Regulation has high safety standards and requirements, and it is a solid foundation to ensure consumer safety. The below bullet points describe areas to consider where the regulation can be strengthened or improved. When considering changes to policy, balance between consumer safety and industry feasibility should be taken into account, as well as enforcement. Industry should not be penalised with new regulatory requirements where the gaps can be filled in by strengthening enforcement.

- The approach to enforcement might be one of the areas where regulation can be improved. Further support to enforcement authorities can give clearer indication regarding control of goods on the market, more specifically for products available online (on brands websites, online selling platforms, social media marketplace) and counterfeit products. Support for SMEs and small traders should also be strengthened, in order to increase awareness of their roles and obligations under the UKCR, for them to meet the strict safety and regulatory requirements of the Regulation.
- There is increased interest by consumers and consumer organisations on the provision of information on ingredients and safety, however product labels establish a limit of space in which this information can be given. Furthermore, the space on the label will be even more limited when additional requirements from horizontal legislation currently under work (e.g. environmental legislation) will become applicable. It is also important to consider that products sold in the UK are generally clustered with the EU market, and the label may include a lot of information to comply with all the relevant mandatory labelling information for cosmetic products. It may be therefore worth exploring how consumers could have access to part of the labelling information or additional information digitally, so they can feel more confident that the products which they are buying are safe. Providing labelling information digitally can also allow brand owners to provide more details on the product benefits, on its ingredients, on its environmental impact in more detail; this could further support the consumer purchase of the product, but also help drive a change in the consumer understanding and attitude towards cosmetic products (maintain trust) and their environmental impact (better understanding of how to recycle/dispose/reuse the product). CTPA run consumer focus groups on communication to the consumer: the research demonstrated that short and ambiguous information is not clear to the consumer and the message can be often misunderstood with a completely different meaning. Symbols may be used, but they should be clear and consistent across the industry to avoid consumer misunderstanding their meaning. Digital labelling can therefore also help provide more information that could not fit on pack and also expand on the meaning of such symbols.

- In addition to the option to digitalise part of the labelling information, it may be worth exploring the possibility to develop a comprehensive digitalised database of products on the market (on its own or as an extension to the Submit Cosmetic Products Notifications – SCPN- portal). Digitalise additional labelling information and products features through a centralised system can provide consistency in how businesses provide digital information to consumers, making it also easier for SMEs to implement. Furthermore, such system could improve traceability of products on the market and efficiency of enforcement.
- Increased prevalence of misinformation about product safety, for example on the internet, which perpetuates myths on the safety of cosmetic products and ingredients could also be addressed by the regulator to provide the consumer with a reliable source of information. For example, [articles](#) and [infographics](#) published by the EU Commission’s unit responsible for cosmetics legislation in the EU are helpful resources to educate consumers about regulators and the industry both ensure only safe products are placed on the market. Similar initiatives from OPSS relating to the UK legislation would be welcomed, in order to educate the consumer and reduce the impact of misinformation on product safety. CTPA is very happy to provide support for such as activity.
- As mentioned in question 1, it may also be worth clarifying through guidance how the safety requirements can be effectively applied in relation to products initiatives like refilling, diluting at home, or salons re-selling branded products decanted into other bottles. CTPA has already worked on guidance on this matter, however support of OPSS and TS (as part of the Primary Authority partnership) will be welcome.

For instance, the UK Government policy of Extended Producer Responsibility includes the proposal to set targets for refill and reuse and for fees to be moderated to encourage such models. Additional specific requirements are suggested to ensure the specific safety, manufacturing and labelling requirements are understood and met under the UK Cosmetics Regulation.

- Specific support for SMEs and sole traders is also needed; this was also mentioned in question 1.
- The definition of cosmetic product within the UKCR is comprehensive and broad, however it does not cover some products that may be used in salons (e.g. cosmetic treatments like chemical peels, permanent make-up, cosmetic procedures or injectables) as the extent of the effect of such products is beyond what is allowed for cosmetics. Some of these products used in salons are currently regulated under the General Product Safety Regulation, but classification and regulation as cosmetic would ensure consumer safety.
- Communication within the supply chain and sharing of information is sometimes a challenge for cosmetic products. This should be improved especially for raw materials and packaging composition, as examples. Whilst it is within the right of a company to protect its intellectual property, it is important for manufacturer of cosmetic products and RPs to have access to information from raw material suppliers or packaging suppliers (e.g. composition, origin, sourcing of raw materials or packaging).
- There are many pieces of horizontal environmental legislation being implemented by other departments of the UK Government. These will impact the packaging of cosmetic products, its design (to make them more sustainable), its manufacturing and supply, its labelling and communication to the consumer. Links between sector-specific legislation and horizontal environmental legislation can be improved; for example, communication between the different stakeholders to ensure all impacts and any unforeseen requirements or consequences are taken into account. Another example is ensuring safety of the finished product when the packaging may be made of a specific amount of recycled plastics, as required under the Plastics Packaging Tax. The UKCR currently doesn’t cover cosmetic packaging specifically, however the safety assessor

does need to take into account packaging materials and impurities when assessing the safety of the finished cosmetic product. This review could consider the introduction of specific requirements for cosmetic packaging, linked to traces of prohibited substances, known quality recyclate for more sensitive areas of application or for products that are more likely to absorb such contaminants to ensure product safety, whilst enabling companies to meet all requirements under environmental laws.

- It is essential that all UK Government departments recognise that safe cosmetics and personal care products are an essential part of daily life for every one of us.

For instance, the UK Government proposed Plastics Packaging Tax requires a minimum of 30% recycled plastic material to be included in packaging from April 2022. As discussed previously, there is a requirement under the UK Cosmetics Regulation for each cosmetic product to be the subject of a safety assessment performed by a duly qualified professional before it is placed on the market, includes an evaluation of the relevant characteristics of packaging material, in particular purity and stability and any potential interaction between packaging and product during the proposed life of the product.

Other policies outlined in the UK Government Resources and Waste Strategy are designed to ultimately increase the quantity and quality of recycled plastic material available. However, until this happens, there is insufficient quantity of high quality recycled plastic material available and the sector will be penalised for its safety. This is likely to impact the most vulnerable the hardest as the costs of adherence to the tax will ultimately be passed down the packaging value chain.

Alternatively, less sustainable packaging may be chosen to avoid the tax, either different materials or multi-material compositions that are often unrecyclable.

Whilst not directly linked to what should be strengthened or improved within the UKCR, it is vital for businesses that the UK Government considers the impact of policy changes in relation to other markets and trade (will the changes constitute a barrier to trade for imports/exports?). In particular, the EU is still the main trade partner of the UK, with many cosmetic products clustered and sold to both markets especially between GB and NI. Industry understands that a certain level of divergence between the UK and the EU will be unavoidable at some point in the future; however, it is important for policy makers from both parties to consider impact to trade and the legal obligation for regulatory cooperation stipulated under the UK/EU Trade and Cooperation Agreement.

3. Should regulation be targeted more at the product itself or the manufacturer's systems that produce it? Please explain.

This will depend on the objective of the regulation, but it is likely that both will be required to some degree. The UK Cosmetics Regulation already addresses safety of the product itself and the manufacturer's production system, for example through GMP requirements for manufacturing and safety assessment requirements for the finished product, and introduces the Responsible Person for cosmetic products as the figure responsible for full compliance of the finished products. There are other roles and related responsibilities clearly highlighted in the UKCR, to ensure everyone in the supply chain is covered. However, there should be more support through guidance to promote the understanding of these, especially for SMEs and small traders.

Furthermore, as mentioned in question 2, there is currently no obligation for communication within the cosmetic supply chain and this is causing challenges, the extent of which will be increased with future requirements from horizontal environmental laws.

4. How could the current product safety framework do more to support innovation or the supply of new technologies to consumers? Using examples, how could it better anticipate upcoming changes in manufacture and production?

It is often possible to achieve required outcomes without necessarily following prescriptive methods. A regulatory framework that promotes innovation will benefit consumers and producers alike. Guidance covering important factors to consider when selecting alternative routes to market would help companies. For example, the Cosmetics Regulation does not specify how companies must substantiate product claims, but published guidance looking at specific scenarios and examples, explaining how the legal requirements apply to a specific case study, is very helpful.

If the UK Government is seeking to better support business innovation through product design, manufacture and changes to the value chain, the opportunity to conduct research into this should be explored. This would provide the UK Government with useful insight and guidance on how the UKCR can be applied as industry evolves. Reuse and refill models are examples of business innovation. Recognising the risks this could present, CTPA developed guidance to explain the key considerations to members, particularly around product safety, manufacture, retail and labelling requirements. CTPA is very willing to be involved in updating or creating further guidance and advice on specific case studies.

It is also very important that the Cosmetics Regulation continues to integrate New Approach Methodologies (NAMs) to the safety assessment of cosmetic ingredients, to move away from a reliance on historical animal testing data. For example, in the ingredient reviews conducted by the new UK independent ingredient review advisory group. This will further the progress of moving away from animal testing in all sectors and also promote acceptance and approval of innovative new cosmetic ingredients.

5. What areas of the current regulatory framework could be tailored to create more opportunities for UK innovation and manufacturing?

The UKCR currently allows industry to innovate and be agile, whilst ensuring cosmetic products are safe for the consumer. It is therefore of vital importance to continue with a risk-based safety assessment approach to cosmetic ingredient management, which regulates ingredients based on their hazard and exposure.

Also, the use of new approach methodologies in safety assessments of cosmetic ingredients could be considered for the review of the UK Cosmetics Regulation. This can particularly focus on promoting the use of alternative methods to animal testing, which can be taken as a great example by other countries/regions going forward. The ingredient annexes to the Cosmetics Regulation provide uncomplicated information on the regulatory status of all ingredients.

Furthermore, the current self-regulatory and flexible regime for cosmetic claims shall be maintained to allow industry to explore new consumer benefits, or new methodologies to substantiate claims.

6. How well is the conformity assessment system working? What are your experiences of it and of self-assessment?

The conformity assessment system does not apply to cosmetic products. Each individual cosmetic product must be safety assessed by a qualified safety assessor, who has relevant qualifications and experience, before being placed on the market. This process has been working well for many years and CTPA runs many events to further the training and development of safety assessors. CTPA would be very happy to collaborate with OPSS and the enforcement agency on this work, to promote a very high standard of cosmetic safety assessors and assessments within the UK.

7. Reflecting on the response to the COVID-19 pandemic (as set out in the case study), what changes could be made to help bring safe products to market more quickly?

Many cosmetic products can have secondary antibacterial properties. Some of these are the antibacterial hand gels which have been widely supplied from the beginning of the COVID-19 pandemic. Whilst a disinfecting hand gel is a biocide, it is important to gain recognition and have a clear position that hand gels can also be classed as cosmetic products if they have a primary cosmetic function (cleansing, perfuming, moisturising) with secondary antibacterial properties. This is because classifying and marketing such products as cosmetics certainly allows for faster placing on the market, ensuring that consumer demand is met promptly while still ensuring consumer safety.

8. What role should voluntary standards play in product safety? What are the benefits and drawbacks of linking regulation to voluntary standards?

Voluntary standards allow for flexibility, so that companies can choose the most suitable method for their business arrangements. However, voluntary standards should not form the basis for complying with an acceptable level of product safety and quality. It must be mandatory for all companies to meet this acceptable level to ensure consumer safety and a level playing field.

9. What are the key challenges for regulating product safety in online sales? What has worked well in terms of regulation and where are the opportunities?

In summary, there is uncertainty on how product safety regulation applies to products sold online, including sales of used/second-hand products. Moreover, a lot of individuals and small businesses sell home-made cosmetics online. Enforcement should have greater focus of products sold online.

- There seems to be a lack of understanding of whether existing product safety legislation, the UK Cosmetics Regulation in our case, applies to cosmetics sold online. The same roles and responsibilities identified for physical sales apply to online sales. This is even more important in relation to products sold online from companies based outside of the UK. Online retailers and selling platforms can be identified as online distributors or importers, meaning that they have specific related obligations; however, these are often ignored, causing a lot of non-compliant products being sold in such platforms. This should be made clearer through guidance and promoting the current requirements.
- We see a rise of used/second hand cosmetic products being sold through social media platforms. Used products may have compromised safety, as products may have passed their period after opening, or may have been misused and contaminated. Although this cannot necessarily be addressed through regulation, an awareness campaign jointly issued by the regulator and the industry may be helpful.
- We see a rise in people making their own cosmetic products and then selling them online, via a website or social media platform. There is no awareness by such people that there are specific regulatory and safety requirements that have to be met. Again, an awareness campaign may help to target this.
- Another opportunity is to have a great focus on enforcement of products sold online, including counterfeit products. It is of vital importance to ensure that unsafe products sold online can be easily identified, but also there should be measures in place to prevent their re-appearance on online marketplaces (as it's currently the case).

10. Thinking particularly about new models of distribution and supply (including online sales and the sharing economy), is it always clear where responsibility / liability for product safety lies?

It is clear in the UKCR what the roles and the responsibilities through the supply chain are. However, as previously mentioned, there is a lack of understanding from many companies. This point can have considerations in relation to online marketplaces, and industry initiatives such as refilling in store. Please refer to the question 1 in regard to the need of guidance and support for businesses.

In regard to online marketplaces, they should have an identified stronger share of responsibility for ensuring compliance of products that are made available on their platforms. Effective market surveillance of products sold online should also be reinforced.

In this question, CTPA would like to provide more information on the refill in store scenario. For example, if the refilling initiative is arranged by the Responsible Person (brand owner), it will be responsible for ensuring safety and compliance when carrying out the initiative; the store would maintain its distributor role and follow directions given by the RP. However, if the store decides to implement refilling of products under their own initiative, it would become responsible for ensuring safety and compliance of this procedure; in some instances, the distributor may even become the RP of the refilled product. There is specific advice on this in the CTPA guidance on this specific industry initiative.

11. To what extent are product safety issues arising from consumers producing (e.g., 3D printing) and / or hiring out and selling products to each other?

For cosmetics, homemade cosmetics or used cosmetics sold through second-hand marketplaces can lead to safety concerns as explained in questions 1, 2 and 9.

12. Have you any insights on whether consumers know what to look out for ensure a product is safe when buying online and /or how to raise safety concerns? How could these processes be made easier or clearer?

Cosmetics legislation in the UK ensures that consumers have access to safe products, however there is a lack of awareness of the existing regulations and safety standards, making the consumer concerned about product safety. Also, misinformation is shared online, perpetuating myths about the safety of cosmetic products and ingredients. CTPA recognises that certain elements within the cosmetics industry itself contribute to this problem; for example, by making 'free from' claims that are not linked to consumer life-style choices or a technical benefit but rather can question the safety of safe and legally-permitted ingredients. CTPA is working with the industry to discourage these practices.

In addition, certain certification schemes can be taken by consumers to be legal requirements, when it is not the case; products that do not meet third party certifications may be seen as not safe or not compliant. It is important for the consumer to be educated from reliable sources and to be able to identify misinformation. There could be an opportunity to use the digital world to provide consumers with more reliable information on product safety, or any other relevant information (e.g. environmental information as it is implemented in other horizontal legislation). However, it is important for a digital initiative and its information to be fit for purpose and well understood/easy to use by consumers.

13. What role should voluntary commitments, such as the Product Safety Pledge, play in consumer protection from unsafe products? Can you share any evidence or experiences of the benefits and drawbacks?

Complying with an acceptable level of product safety and quality should never be voluntary. It must be mandatory for all companies to meet this acceptable level to ensure consumer safety and a level playing field.

Voluntary commitments can be a useful tool for a responsible industry to demonstrate that it takes its obligations seriously, however this is not appropriate for product safety. For example, to help tackle plastic litter the cosmetics industry voluntarily committed to removing plastic microbeads from cosmetic products in 2015 where these could reach the marine environment, several years ahead of UK legislation.

14. What might a typical product lifecycle look like in the future as we move towards a circular economy? Can you provide examples, including of connected and second-hand products?

Proposed environmental legislation will impact the packaging of cosmetic products and its design. In addition to the UK Government proposed Plastics Packaging Tax requirement for a minimum of 30% recycled plastic material to be included in packaging, the policy of Extended Producer Responsibility will incentivise sustainable packaging design through fee modulation, and also includes the proposal to set targets for refill and reuse.

The cosmetics industry has already introduced some refillable products at home, or in store. However, there are safety considerations to take into account, including:

- how the packaging is cleaned and sanitised and whether any residue is left;
- how the packaging is re-filled, considering GMP requirements;
- how the product to be refilled is formulated (it may require a higher level of preservatives);
- how the refilled product could interact with any residue from the previous content or the cleaning/sanitising process.

Furthermore, there may be specific labelling information on how to recycle, reuse or dispose of the empty packaging correctly; from horizontal environmental legislation being developed by Defra. Consideration with these horizontal requirements will be needed; or specific product safety requirements could be complementary.

The industry acknowledges that much cosmetic packaging is ultimately unrecyclable owing to its small size or multi-component nature. CTPA is working with key stakeholders to increase the visibility and viability of take-back schemes to collect such items of packaging and ensure its value is maximised.

15. How can we build in flexibility to the regulatory framework to adjust to changes in product lifecycles and technology, including changes in understanding of risk? How do businesses integrate safety considerations with other aspects of product regulation such as environmental considerations?

It is important that the regulatory framework is based on robust, international accepted principles for determining risk; for example, [WHO/IPCS 2010](#). It is possible that changes to societal attitudes to risk acceptability may impact the way risks are managed in the future, but it is important that the management is done in a consistent, transparent and justifiable way. Furthermore, any regulations in this area should allow flexibility without impacting safety, because it is impossible to predict in advance where scientific developments will lead the cosmetics industry in regard to sustainability.

Environmental safety of cosmetic ingredients is managed under horizontal chemical legislation (UK REACH), which is not covered under this consultation.

16. For how long should responsibility for the safety of the product lie with the manufacturer? What responsibilities should apply to software integral to products, second-hand goods or supply of replacement parts?

Responsibilities should lie with the manufacturer of the product as far as the supply chain arrangements are known to him. Should retailers, small traders, salons, or consumers (for secondhand products) take on their own initiatives with such products, the manufacturer shall not be made responsible. The legal entity or individual undertaking such initiatives shall be responsible, as specified under Article 4(8) of the UKCR.

Two clear examples of this are below:

- when a salon resells branded products to consumers by decanting them into a different packaging and the RP doesn't know of this activity, the salon shall be fully responsible of this activity and become the RP of the decanted product;
- when a retailer allows for refilling branded products in store and the RP is not aware of this activity, the retailer shall be responsible of this activity and become the RP of the refilled product.

It is important to consider that in both initiatives there may be a breach of intellectual property of the brand owner.

17. How is enforcement of product safety changing in light of new products (e.g., connected devices, 3D printed) and new ways of distributing products (ecommerce, sharing economy). What are the greatest challenges?

Traceability and enforcement are the main challenges of new product distribution paths. The RP may know its distribution channels, however there can be further distribution paths of which the RP is unaware. This is legally permitted, but can result in more difficult traceability. This could become a challenge also from an enforcement point of view.

When an individual sells a cosmetic product on a social media marketplace, how can cosmetovigilance or enforcement be carried out if the individual is not recognised as having responsibilities? Technically, the individual is responsible for the sale (as assessed in [this](#) ECJ ruling), however there should be a process in place to make this a set rule which can be enforced, and about which individuals shall be aware.

18. How well does the current system for corrective action and recalls system work? How could the regulatory framework better support it?

In principle the enforcement system to take corrective actions or recall products works well, however it could be more widely promoted to businesses. Promotion could provide sectorial case studies to help companies understand how these can apply to them. Providing more resources to Trading Standards may allow for more proactive work, or increased enforcement activities.

19. When it comes to product enforcement, how well does the system deliver transparency and confidence while maintaining confidentiality? Please explain.

When it comes to enforcement, Trading Standards does not have a 'name and shame' approach which allows for efficiency and transparency with the company involved in the inspection or enforcement action, without compromising confidentiality. However, should a serious concern to consumer safety arise, the UK

Product Safety Database alerts the public on any product of concern. This system seems to be working well and it does apply to cosmetic products too.

20. What toolkit of enforcement duties and powers is needed for effective enforcement now and in the future? Do enforcement authorities have the right tools they need, including data availability, to do the job?

It is important that enforcement authorities are fully resourced to be able to carry out enforcement across all the existing channels and be ready to respond to new and emerging threats. With products sold online, they may need tools to carry out monitoring of products sold online and take inspections. They may need clear positions from regulators in regard to product classifications, claims, interpretations of the law and the requirements (this can be relevant for example with safety considerations for industry initiatives, such as refillables, diluted at home, as examples).

21. How could greater use of technology and innovation support more effective, business friendly enforcement and compliance?

We can look at this answer from both perspectives of industry and enforcement authorities.

From the perspective of businesses, digital channels can be used to raise awareness of the requirements of the UKCR and promote compliance; it can also raise visibility of guidance available for any relevant topic and scenario. More collaboration between industry and enforcement authorities should also be promoted. Under the UKCR, companies have the obligation to notify all cosmetic products available on the GB market via the Submit Cosmetic Products Notification (SCPN) portal. The system launched on 1 January 2021 and we have seen in the first months how collaboration between industry and regulators, also via CTPA, has helped improve the functionality of the system and implement new tools to facilitate compliance. This collaboration should continue in the future.

From the perspective of enforcement authorities, Trading Standards can take advantage of websites and social media platforms to carry out faster checks for non-compliance. The possible implementation of the digitalisation of certain labelling information may also increase this activity, as explained in question 2. There are future policy proposals for businesses to undertake due diligence to assess that the 'forest risk' commodities they use have been produced legally. Digital innovation will make this easier, increase transparency and potentially enable this to be commonplace for all materials and ingredients.

22. When it comes to product liability, do consumers have the right tools and information to take action on their own behalf? Please explain.

If a consumer considers a cosmetic product on the market is unsafe or not legally compliant, they can contact Trading Standards. This process seems to work well. Consumers can also directly reach out to the responsible person as, per regulations, the RP is identified on each product.

23. Does the current framework adequately protect all people in society, including vulnerable groups and those with particular needs? And could it be improved?

Both the cosmetic ingredient and safety assessment processes specifically take into account vulnerable populations. In addition, cosmetic products for children under the age of three must undergo an extended safety assessment. The existing processes are robust and ensure safety of cosmetic products for all users. In addition to the rigorous pre-market safety process, cosmetic products are also subject to post-market surveillance. If a consumer experiences an undesirable effect, companies are under a legal obligation to

investigate each effect and in certain cases, report these to OPSS. National Poison Centres also have access to products formulations and ingredients when required to deal with certain emergencies. This system has been working well and it is fit for purpose.

Furthermore, cosmetic products state a full list of ingredients on the label, which include specific common allergens that may be present in natural ingredients, essential oils, or fragrances. The visibility of the ingredients list on pack (or digitally if implemented in the future) allows consumers suffering from specific allergies to easily identify ingredients of concerns and therefore make an informed decision on product use. Dermatologists may advise consumers suffering from allergies to avoid using products containing fragrances, which can also be easily identified on the ingredients list.

24. Are there any examples of, or issues where, the impact of regulation is different for people from different groups in society?

Not from our point of view.

25. How can we ensure the processes for consumer recourse are accessible to all kinds of consumer?

Publicise the contact information for the enforcement agency widely through both digital and more traditional means.