

Response to G/TBT/N/EU/924 - Draft Commission Regulation (EU) amending Regulation (EC) No 1223/2009 of the European Parliament and of the Council as regards labelling of fragrance allergens in cosmetic products.

Representing all types of companies involved in making, supplying and selling cosmetic and personal care products, the Cosmetic, Toiletry and Perfumery Association Limited (CTPA) acts as the voice of the UK industry. CTPA represents, at any given time, around 200 member companies of diverse sizes and types, from SMEs through to multinationals. This collectively represents between 85-90% of a UK market valued at £8.5 billion in 2021 (at retail sales price).

Following the departure of the UK from the European Union, the Northern Ireland Protocol to the Withdrawal Agreement requires that cosmetic products placed on the market in Northern Ireland follow the EU Cosmetic Products Regulation 1223/2009. UK-based companies placing products on the market wishing to guarantee consumer access to their products across the entirety of the UK are bound too by the amendments proposed to the labelling of cosmetic products as notified to the World Trade Organization (WTO).

CTPA and the UK cosmetics industry would like to recognise the effort of the EU Commission in finding a practical solution to the increased number of allergens present on a cosmetic product label through the grouping of substances under a common name. This will ensure companies are able to meet the legal requirements and provide further reassurance to consumers in identifying those substances they may need to avoid.

The provided transition period of three years allows companies sufficient time to adapt the labelling to provide the new information. However, CTPA would like to express concern over the inclusion of a definitive deadline of five years for the withdrawal of products which do not comply with the proposed amendments from the EU and UK markets.

Market withdrawals are an effective tool to ensure consumers are protected from unsafe or misleading products, and responsible companies will ensure that withdrawal actions are taken when appropriate. However, it must be recognised that products not labelled with the additional allergens are still safe, the new labelling serves to provide additional information to consumers with a diagnosed allergy. Market withdrawals can pose a significant challenge to businesses in the form of time and direct economic investment in replacing products throughout the supply chain or to ensure the destruction of the withdrawn products, but also have the same implications across the supply chain, including distributors and retailers. Destruction of safe products is unnecessary, undesirable from an environmental perspective, and in some cases may even be regulated.

The proposed measures, therefore, could have implications not just at the level of the European Union, but also through the relationship between the UK and EU where companies will have to take account of the proposed measures. The imposition of a deadline after which products should be withdrawn from the market in the EU and Northern Ireland threatens to force companies to make decisions on the restriction of trade flows and supply chains with no additional benefit for consumers.

Therefore, CTPA would like to politely request the EU Commission introduce the additional fragrance allergen labelling requirements, to be implemented within three years of the entry into force, but without a final date for making products further available in the market.