



UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES ENTREPRISES
EUROPÄISCHE UNION DES HANDWERKS UND DER KLEIN- UND MITTELBETRIEBE
EUROPEAN ASSOCIATION OF CRAFT, SMALL AND MEDIUM-SIZED ENTERPRISES
UNIONE EUROPEA DELL' ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE

UEAPME COSMETICS FORUM

UEAPME Position on the Commission Proposal for a Regulation of the European Parliament and the Council on Cosmetic Products COM(2008)49

Position

- UEAPME approves the move from the Cosmetics Directive 76/768/EC to a Regulation in order to avoid differences in national implementation and highly appreciates the introduction of a single Community legislation by presenting a single, clear and coherent text. This simplification and clarification definitely contributes to reduce administrative costs for SMEs.
- **Definition of Producer:**
Apply the terminology that is used by the profession, whilst respecting the objective of the European Commission to clarify the responsibilities.
- **Information File on the Product:**
When subcontracting development and/or production activities, the responsibilities linked to the conservation of the information file might be shared between the person responsible for putting the product on the market and the subcontractors by a written agreement.
- **Report on the Security of Cosmetic Products:**
UEAPME proposes that the person responsible for putting the product on the market may delegate the evaluation of the different risks to various competent persons (like the formulator, the producer, the evaluator for human health,...) who would have every information and competence to judge.
- **Professional Users:**
UEAPME prefers to speak about "users" instead of "consumers" in order to take into account the use of cosmetic products by professional users manipulating these products (beauticians, hairdressers,...) who are not considered as consumers.

Specific remarks:

Market relevance

The European Union is the largest cosmetics market and cosmetics manufacturer in the world with a production value of €35.5 billion. The sector is highly dynamic and innovative with cosmetic companies reformulating or replacing 25% of their products every year. In a market dominated by a large number of international companies, a high number of SMEs are acting in Europe. More than 350.000 people are directly or indirectly (trade, distribution, transport...) employed in the cosmetics industry.

General comments

UEAPME represents more than 12 million enterprises, which employ around 55 million people across Europe. The members of the UEAPME Cosmetics Forum actively contributed to the Commission study on the Cosmetics Directive and the EU Single Market and to the Commission study on the "Evaluation of the impact of simplifying the Cosmetics directive".

UEAPME approves the move from the Cosmetics Directive 76/768/EC to a Regulation in order to avoid differences in national implementation and highly appreciates the introduction of a single Community legislation by presenting a single, clear and coherent text. This simplification and clarification definitely contributes to reduce administrative costs for SMEs.

The UEAPME input was prepared by our French partner association COSMED and finalized after consultation of the members of the UEAPME Cosmetics Forum.

On the specific questions:

Main concerns regarding the new Cosmetics Regulation:

Definition of "producer" (see page 4)

Problem: The definition of "producer" as defined in the proposal, has a completely different meaning in the professional language and is used for a situation other than described. This definition impedes the comprehension of the Regulation and could lead to a misunderstanding of the responsibilities of the involved stakeholders, which opposes the main objectives of the Regulation.

Proposal: Apply the terminology that is used by the profession, whilst respecting the objective of the European Commission to clarify the responsibilities.

Information file on the product (see page 7)

Problem: Quite frequently, the persons responsible for putting the product on the market call upon subcontractors to develop and/or to produce their cosmetic products. In this case, the information file is very often shared between the contractor and his subcontractor for different reasons (updating of the information, confidentiality, labelling of address).

This situation encountered by the cosmetics professionals has never been taken into account or described in the Regulation.

Proposal: When subcontracting development and/or production activities, the responsibilities linked to the conservation of the information file might be shared between the person responsible for putting the product on the market and the subcontractors by a written agreement.

The person responsible for putting the product on the market checks the existence of the requested information and is able to specify and justify to the authorities where this information is held. The information file could mention a reference to other parts of the information held in other places. The subcontractors commit themselves to rapidly transmit the information to the authorities.

Report on the security of cosmetic products (see page 12)

Problem: The Regulation proposes that the evaluator for human health be the sole judge to attest the security of the product. However he is not the most competent to take all the decisions linked to the different risks that may occur to the product. Amongst others he is competent to evaluate the toxicological risk, but he is not necessarily capable of evaluating all the risk criteria that might occur to a product (microbiological risk and its control, stability...)

Proposal: UEAPME proposes that the person responsible for putting the product on the market may delegate the evaluation of the different risks to various competent persons (like the formulator, the producer, the evaluator for human health,...) who would have every information and competence to judge. The conclusions made by these competent persons will help the person responsible for putting the product on the market in his decision to put the product on the market.

Professional users

Problem: The Regulation mainly speaks about "consumers" and mentions the professional use of cosmetics only in the framework of the restrictions defined in the annexes. The professional users moreover are concerned about the effectiveness of

cosmetic preparations, the degree of skin penetration and the regulation of cosmetic ingredients.

Proposal: UEAPME prefers to speak about “users” instead of “consumers” in order to take into account the use of cosmetic products by professional users manipulating these products (beauticians, hairdressers,...) who are not considered as consumers.

More detailed comments are given in the attached document (only in French).

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