

## **Cosmetics Europe contribution to the EC roadmap public consultation on “Consumer policy – the EU’s new ‘consumer agenda”**

**Cosmetics Europe** represents the cosmetics and personal care industry in Europe. From dermo-cosmetics, fragrances, make-up and shampoos, to soaps, sunscreens and toothpastes, cosmetics and personal care products play an essential role in consumers every-day lives.

We welcome the opportunity to engage on the New Consumer Agenda (NCA). We consider that a primary objective of the NCA should be to enhance consumer empowerment and trust in an evolving digital environment and that the following elements merit specific attention:

### **Consumer information**

- We acknowledge the Commission’s goal to empower consumers to make informed healthy and environmentally sustainable choices. Digital provision of information has the potential to communicate more efficiently and in a personalized way, information to consumers, but also for example, reducing packaging waste. In the context of future initiatives, the Commission should consider digital as an efficient tool to meet mandatory consumer information requirements.
- Ensuring consumers can make an informed choice, ahead of any purchase off/on-line is essential to build consumer trust and enable consumer empowerment in the green and digital transitions. While digital tools may be effective and user-friendly tools to inform consumers, it remains essential to ensure non-mandatory consumer information provided by any operator off-/on-line abide by principles such as accuracy, transparency, reliability (including from a science perspective) and fairness. The NCA and other related upcoming Commission initiatives should consider these elements for all consumer product information provided through any means, including third parties, but also taking account of the products’ fundamental nature. For example, mobile applications (Apps) have recently been increasingly developed with the exclusive purpose to inform and help consumers choose a product. Apps often may be operated by third party providers. Though these service providers typically do not sell the products they assess, they should be subject to the same obligations as manufacturers/distributors such as substantiating claims. For example, when rating a cosmetic product based on the presence/absence of an ingredient evaluated by a European Scientific Committee and approved for use under the Cosmetic Products Regulation (CPR)<sup>1</sup>, such digital services providers should accurately inform the consumer about the ingredients’ regulatory status.

### **Online Sales, Single Market & Market Surveillance**

Consumers need to be able to trust that products they buy are safe for human use and for the environment. Placing on the market of safe products is provided by horizontal legislation such as the General Product Safety Directive (GPSD)<sup>2</sup> or sectorial such as the CPR.<sup>1</sup> Ensuring consumer protection rules are equally enforced off-/on-line is essential. According to recent national authorities market surveillance activity reports a non-negligible number of non-compliant cosmetic products could be found online for sale on the EU market, notably on platforms and e-commerce websites registered

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<sup>1</sup> Regulation EC 1223/2009

<sup>2</sup> Directive 2001/95/EC

outside the EU<sup>3</sup>. Rules and enforcement mechanisms should be reinforced to guarantee consumer safety and the same level of trust for products sold on-/off-line.

- National initiatives, for example in the environmental field, also divergent interpretation and enforcement of existing EU legislation can undermine the Single Market, which can lead to adverse consequences for consumers and industry. Maintaining Single Market integrity through uniform enforcement of existing legislation, taking into consideration national level resources to ensure a consistent market surveillance for all distribution channels and preventing national measures distorting free flow of goods are important objectives for the NCA.

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<sup>3</sup> 3 e.g. DGCCRF 2019 activity report,  
[www.economie.gouv.fr/files/files/directions\\_services/dgccrf/dgccrf/rapports\\_activite/2019/resultats-dgccrf-2019.pdf](http://www.economie.gouv.fr/files/files/directions_services/dgccrf/dgccrf/rapports_activite/2019/resultats-dgccrf-2019.pdf)