

Cosmetics Europe contribution to the EC roadmap public consultation on the “Revision of Directive 2001/95/EC of the European Parliament and of the Council on general product safety”

Cosmetics Europe represents the cosmetics and personal care industry in Europe. The vast majority of Europe’s 500 million consumers use cosmetic and personal care products on a daily basis to protect their health, enhance their well-being and boost their self-esteem.

Ranging from dermo-cosmetics, antiperspirants, fragrances, make-up and shampoos, to soaps, sunscreens and toothpastes, cosmetics and personal care products play an essential role in all stages of our life. European citizens use cosmetic products as part of their daily lives, serving their essential needs and expectations. These needs and expectations drive our industry as well as delivering innovative products that enhance consumers’ well-being and quality of life and boost their self-esteem.

We welcome the opportunity to engage with the European Commission on the New Consumer Agenda and related files. In regard to the Commission’s roadmap on the **review of the General Product Safety Directive (GPSD)**, Cosmetics Europe considers the following principles are critical elements for the upcoming European Commission policy discussion in this field:

- The GPSD fundamental approach, scope and principles are still very much up to date and valid. The GPSD and its implementing Guidance documents provide a useful general framework, addressing all necessary aspects to address consumer safety across all kinds of consumer products. It also leaves room to more detailed and often further-going requirements in sector-specific legislation that is tailored to specific product categories.
- As a consequence, regarding cosmetics, many of GPSD requirements are not applicable because of more specific requirements under the Cosmetic Products Regulation 1223/2009 (CPR). However, other, mainly horizontal, provisions under the GPSD remain a useful complement to the CPR.
- The cosmetics and personal care industry do agree that the overall GPSD framework does not sufficiently address new technologies and online distribution channels which can impact product safety. Due to their horizontal and universal nature, these aspects are better addressed at horizontal level than in sector specific legislation.
 - Online intermediaries should have an identified stronger share of responsibility for ensuring compliance of products that are made available on their platforms. Voluntary commitments (Safety Pledge) are not sufficient to improve the safety of products purchased online.
 - Effective instruments for online market surveillance should be developed to strengthen Member States enforcement of products sold online. It should be considered, however, whether this should be done under the framework of the GPSD or rather under the recently published Regulation on Market Surveillance and Compliance of Products (Regulation (EU) 2019/1020).

Cosmetics Europe is of the opinion that any policy options must appropriately address this gap, by strengthening the online-sales platform’s Product Safety Pledge and provide more guidance and support for online-market surveillance activities of Member States. Any option should also create

more clarity on the scope of RAPEX. The scope of RAPEX is intended – and presented – as covering products which pose a **'serious risk'** to consumers. However, we observe is a growing tendency of notifications of products that are not necessarily **'non compliant'** but do not pose a serious risk. Presenting such products under RAPEX as posing a serious risk is incorrect and potentially confusing for the consumers, consumer advocates and even competent authorities. There is a risk that the utility of RAPEX may be diluted by such practices. An alternative mechanism to address non-compliant products might be considered, or such product might be clearly annotated accordingly within RAPEX (as non-compliant rather than presenting serious risk), In addition, the GPSD should not go as far as systematically banning products that in one aspect or another are similar to food (e.g. smell, colour, etc.). In line with the GPSD objective, i.e. consumer safety, only such products should be banned that pose a real risk to consumers due to the fact that they imitate food.

Cosmetics Europe looks forward to contributing actively to the future policy discussions on the review of the General Product Safety Directive in the framework of the New Consumer Agenda.