1. Background

The substance with the chemical name 2-Chloroacetamide, INCI name chloroacetamide (CAS 79-07-2, EC 201-174-2) is listed in Annex V, entry 41 to the Cosmetics Regulation, being authorised as preservative at a maximum concentration of 0.3%. This substance was lastly regulated by Commission Directive 88/233/EEC.

2-chloracetamide is classified as Repr. 2 substance under Regulation (EC) No 1272/2008.

Article 15(2) of Regulation (EC) No 1223/2009 on cosmetic products (the Cosmetics Regulation) foresees that: "The use in cosmetic products of substances classified as CMR substances, of category 2, under Part 3 of Annex VI to Regulation (EC) No 1272/2008 shall be prohibited. However, a substance classified in category 2 may be used in cosmetic products where the substance has been evaluated by the SCCS and found safe for use in cosmetic products. To these ends the Commission shall adopt the necessary measures in accordance with the regulatory procedure with scrutiny referred to in Article 32(3) of this Regulation."

Being an old CMR (i.e. its classification applied before 1 December 2010), the automatic ban under article 15 of the Cosmetics Regulation does not apply to this substance.

The substance has been lastly evaluated by the Scientific Committee on Consumer Safety, who concluded in its opinion SCCS/1360/10 that:

"On the basis of the data available, the SCCS comes to the conclusion that 2-chloroacetamide is not safe for consumers when used under the current use conditions of 0.3% in cosmetic products.

Human data demonstrate that allergic reactions can be elicited at concentrations lower than 0.3% (use conditions in cosmetics products)."

2. Action proposed by the Commission

In the light of the above-mentioned SCCS opinion, the Commission proposes to delete the substance 2-chloroacetamide from Annex V to the Cosmetics Regulation. This will mean a ban of this substance in cosmetic products. In relation to the application of the new measures, the Commission is proposing a time-period of 9 months after the date of publication of the measure, for the placing on the market, and 12 months for the withdrawal from the market.
3. Request

Therefore, in view of the above, the Commission would like to invite any interested parties, including authorities of the Member States, manufacturers of cosmetic products, producers of this substance, relevant industry and consumers associations, to submit their comments on the considered measure and on its possible impact.

With relation to the economic impact the information/comments should refer, *inter alia*, to the following topics:

- competitiveness, markets and trade,
- direct and indirect costs imposed on business, including SME's,
- innovation and research,
- specific regions, sectors or workers,
- third countries and international relations,
- macroeconomic environment.

Any comments and information should be delivered with the reference: "2-chloroacetamide - Public consultation" by mail, fax or e-mail by 15 March 2012 at the latest to:

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