EUROPEAN COMMISSION
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Ecosystems I: Chemicals, Food, Retail
Bioeconomy, Chemicals & Cosmetics

Brussels,
GROW.F.2/

Standing Committee on Cosmetic Products

TUESDAY 1 MARCH 2022

Conference Call - Webex

12:00 – 13.00

DRAFT MINUTES

1. Adoption of the agenda

The Committee approved the agenda of the meeting.

2. Adoption of minutes of the Standing Committee on Cosmetic Products of 12 November 2021

The Committee adopted the minutes of the November 2021 meeting.

3. Targeted revision of the Cosmetic Products Regulation

The Commission explained that it aims for a legislative proposal by the end of 2022. The public consultation will be launched in the third week of March 2022 and it will be available for 12 week. In the context of the public consultation the Commission will organize a Workshop/expert WG meeting to discuss the various options either in May or June 2022. The impact assessment (IA) will be performed by the Commission and it will be based on the IA study conducted by the contractor. The Commission invited all members to actively participate in this impact assessment process, since various options will be assessed in terms of benefits/costs.

PT explained that the current proposal is rather an implementation of the chemicals strategy and not a revision of the CPR. PT asked for extension of the scope of the revision.

ES inquired when the first draft of the revised regulation will be available.

PL asked to include of the question of the minimum durability in the revised draft of the Cosmetic Products Regulation.

AT inquired whether there will be any consequences on the animal testing ban.

BE supported PT's and PL's position.

The Commission agreed to have a meeting on possible additional items that could be included in the revision with Member States, around the time of the workshop on the revision (May/June 2022). In addition, the Commission suggested that any possible other topics for the revision should be submitted by 31 March COB. In addition, the Commission explained that the provisions on animal testing will not be touched in the targeted revision of the CPR.

4. Possible follow up to WG discussion

IE commented that as regards the CBD issue, there is no approach to have THC thresholds/limits at national level.

SE supported the position of IE on thresholds/limits.

The Commission explained that this will be approached carefully since it is not only an issue of human health but an issue for the single market as well.

DK reiterated their concerns about voting on one regulation covering several different substances, in case there is no political mandate to vote in favour for one of the substances covered by the regulation. NL considers such voting also problematic when there is an issue of one of the substances. BE suggested grouping similar substances into different regulations. SE underlined that it is important to have clarity about the transition periods applicable for each regulated substance, in particular for the purpose of market surveillance. AT pointed out that it would be difficult to have a separate regulation for each substance.

The Commission highlighted that it was necessary to make amendments to the Cosmetics Regulation understandable, implementable, and enforceable. If the process of amending the annexes of the Regulation becomes too fragmented, there could be legal uncertainty for economic operators to comply with new restrictions, and the enforcement of the Regulation might become difficult.

5. Any other business

(a) PROPOSAL ABOUT SUN PROTECTION PRODUCTS (ES)

ES recalled the issue of the inter-lab and intra-lab variability of the ISO 24444 method which is an ongoing problem observed and faced not only by the Spanish authority but also by other Member States' competent authorities. Therefore, ES is of the opinion that the variability of the ISO 24444 method is an issue to be tackled since every year consumer associations test sunscreen products on the EU market. If the tests result in SPFs below the one declared in the labelling, competent authorities take corrective measures. Despite non-compliant results obtained from tests conducted by consumer associations, other tests done by companies or even carried out by a third-party independent lab support the SPF claimed on the products. In such cases, due to the variability of the ISO 24444 method, competent authorities have difficulties to take measures.

According to ES this situation creates a legal uncertainly and is in practice a source of conflict among companies, competent authorities, and consumer associations, which contributes to increasing mistrust of consumers in the safety of sun protection products.

Considering the variability of the method´s, ES has proposed to establish a common statistical criterion to interpret the results of additional examinations to be used by all competent authorities of the Member States during market surveillance activities. In case

of additional examinations, it could be acceptable if the SPF declared in the labelling of the product is included in the confidence interval of ± 17% of the measured mean SPF.

IE pointed out that the correctness of SPF labelled on sunscreen products was a very important public health issue and that a harmonised approach by competent authorities to check claimed SPFs was necessary. IE will send written comments on the ES proposal.

The Commission informed the Committee that Cosmetics Europe would publish a recommendation this spring about alternative methods that demonstrate a sufficiently high statistical correlation with the current gold-standard in vivo SPF test method (ISO 24444:2019). The Commission is of the view that recommended alternative methods (in vitro) can complement ISO 24444 but not replace it since they have not been approved yet by ISO.

PT underlined that ISO 24444 is the gold-standard for SPF testing and other methods have not been validated yet. Some consumer associations do not disclose the conditions in which the tests are done which makes it difficult to detect the cause of different SPF results.

ES will await input on their proposal from other Member States. A meeting with interested Member States could be organised specifically on this topic. The Commission reminded members that written comments on the ES proposal can be submitted until the end of March.

(b) NEXT STEPS ON PROSTAGLANDINS AND HYDROXYAPATITE (NANO)

Concerning Prostaglandins and their analogues, the Commission will engage in discussions with the LS on a possible proposal to prohibit their use in cosmetics based on the concerns raised by the SCCS. However, the Commission asked members for their views on this and whether additional time should be given to industry to submit an additional dossier.

SE expressed concerns on the use of these substances in cosmetics products especially in view of their application site (vicinity of the eye) and proposed to proceed with regulatory measures.

DK, BE and PT supported the position of SE and were in favor of regulatory measures based on the concerns raised in the SCCS Opinion.

As regards Hydroxyapatite (nano), the Commission informed the members that it has received a safety dossier specifically addressing the genotoxicity issue. The Commission proposed a re-assessment by the SCCS and delisting Hydroxyapatite (nano) from the current Omnibus proposal.

PT supported this approach.

BE raised the issue of the completeness of info in the PIF and placing a product on the market, as well as on the issue of genotoxicity.

The Commission invited members to share additional information, as well as their views in written by the end of March 2022.

6. Next meeting

The next meeting is tentatively scheduled for 28 June 2022 (to be confirmed).

7. List of participants

• Agency for Health and Food Safety (AGES) • Federal Ministry of Health and Women	AT
• Federal Public Service Health, Food Chain Safety and Environment • Ministry of Health	BE
• Ministry of Health • Ministry of Economy	BG
• Ministry of Health	CY
• National Institute of Public Health	CZ
• Federal Ministry of Food and Agriculture • German Federal Institute for Risk Assessment • Chemisches und Veterinäruntersuchungsamt Karlsruhe	DE
• Ministry of Environment and Food	DK
• Ministry of Social Affairs	EE
• Agencia Española de Medicamentos y Productos Sanitarios (AEMPS)	ES
• Finnish Safety and Chemical Agency	FI
• Ministère des Solidarités et de la Santé • DGCCRF	FR
• Ministry of Health	HR
• The National Institute for Food and Nutrition Science (NIFNS)	HU
• Health Products Regulatory Authority (HPRA) • Department of Health	IE
• Ministry of Economy • Ministry of Health	IT
• Ministry of Health - National Public Health Center	LT
• Ministry of Health	LU
• Health Inspectorate • Department of Public Health	LV
• The Malta Competition and Consumer Affairs Authority (MCCAA)	MT
• Ministry of Health, Welfare and Sport • Rijksinstituut voor Voksgezondheid en Milieu	NL
• Chief Sanitary Inspectorate • Ministry of Development	PL
• National Authority of Medicines – Infarmed	PT
• Institute of Public Health	RO
• Medical Products Agency	SE
• Ministry of Health	SI
• Public Health Authority	SK
• Norwegian Food Safety Authority	NO