ICADA e. V. | Ritterstr. 45 | 40213 Düsseldorf

Have your say by ICADA

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ICADA e.V. represents small and medium-sized companies in the German-speaking cosmetics industry. The EU Cosmetics Regulation (EC) 1223/2009 in its current form represents a successful, harmonized legislation at the EU level. Nevertheless, based on the experience of the last 16 years of application, there are some points showing room for improvement.

Article 2(1) a) defines cosmetic products. It would be good to include the parts of the ears that are considered external in order to avoid boderline issues.

ICADA members support the Commission's initiatives to edit the CPNP portal (Article 13) to prevent suspicious registrations under SAAS. The CPNP portal could also be opened to consumers so that they can check whether or not the cosmetic product is registered in the portal. This could be used to monitor online trade.

With regard to the application of Article 15 (CMR substances) to natural complex substances (NCS), ICADA e.V. is of the opinion that the harmonized classification of individual substances under REACH should not automatically be transferred to an NCS. In this respect, a harmonized classification of an individual substance should not trigger the prohibition under Article 15 of the CPR of the use of all natural complex substances containing that substance. If the content of the identified CMR substance in a NCS is very high and there are concerns for human health safety, the Commission may request an opinion from the SCCS. If an NCS contains a substance in relation to Article 15(2) for which cumulative conditions are to be met, ICADA supports the approach that food safety should be considered to be in compliance with Article 15(2) a) if the substance is present in a single or a few foods worldwide. When analysing the alternatives, it should be considered to be in compliance for NCS. If individual criteria are established, economic factors should always be taken into account in order to accommodate SMEs. ICADA also advocates for binding guidelines for the application of Article 15 with an extended timeline, since the proportion of substances classified as CMR occurring in cosmetic products has increased dramatically in recent years.

With regard to endocrine disruptors, ICADA e.V. is of the opinion that the presence of substances that cause an established endocrine disruption in humans (class EDHH1) should be subject to a risk assessment by the SCCS in every case. This does not require an automatic ban as in Article 15 for CMR substances. In particular, it is not needed for substances that are only suspected of having an endocrine effect. Substances that are classified as EDHH1 via REACH and are used in cosmetics are, on the one hand, evaluated via the safety assessments and can also be submitted by the Commission via Article 31 for an evaluation by the SCCS. The Commission has

already evaluated many cosmetics-related substances in this way in the past. Not to include such substances in a similar Article 15 procedure has the advantage that the evaluation dossiers and any additional necessary studies do not have to be carried out under immense time pressure and moreover the burden on industry to cover all criteria, ED and CMR, is difficult to meet.

ICADA member companies agree with a harmonized nano definition (Article 16), so that the definition of nanomaterials in the EU Cosmetics Regulation should be aligned with the Commission Recommendation of 2022. The member companies of ICADA believe that there should definitely be a guidance document on the method to be used for determining nanomaterials in cosmetic products. This is necessary because there are a many different forms of cosmetic products, such as oil-in-water emulsions, water-in-oil emulsions, gels, sprays, powders, oils and waxes, making analysis considerably more difficult. The guideline methods should also include sample preparation, since it is possible that the sample preparation changes the structure of particles/aggregates/agglomerates. This inevitably leads to different results and interpretations. Furthermore, the quantitative determination should be limited to one measurement method (SEM/TEM/SP-ICP-MS etc) for one form of cosmetic product, as otherwise the determination of nanoparticles in cosmetic products could lead to significant costs for small and medium-sized companies.

With regard to the labelling of cosmetic products (article 19) ICADA e.V. would like to point out that the warning “for professional use only” is ineffective. Rather, the imprint tends to tempt the normal consumer to buy the product on the assumption that professional products are of a better quality and more effective than “normal” consumer products. The products are placed in stores alongside “normal” products and no attention is paid to this when they are sold. This also applies to the online market and especially to nail products, where small and medium-sized companies that do pay attention by selling are disadvantaged. Therefore it would be more effective to add to the warning “for professional use only” a sentence like “sales only to business costumers allowed”.

ICADA is also in favour of standardizing internationally the disposal instructions on the packaging in the CPR so that the idea of harmonized labelling of cosmetic products is not undermined by other national regulations. Here, SMEs are also at a great disadvantage when it comes to gathering and obtaining the relevant information in the first place.

The members of IDADA would like to see the common ingredient labelling move to a modern, future-proof platform and away from a glossary according to Article 33. The glossary is already outdated by the time of revision and publication. As an alternative to the glossary, the Cosing database should be used here, which should also include restrictions on substances in the environmental area via REACH (ED ENV1 or 2 or vPvB). The database should be designed in such a way that it can be incorporated into industry databases.

The preamble to Annexes II to VI should define what is meant by a ready-to-use preparation. For example, bath salts should be mentioned here, which are only ready for use when diluted in bath water.

The tables in the Annexes to the regulation should include the Annex number as a header, to make it easier to navigate through the regulation. In particular, if a substance appears in more than one Annex, the regulation is very confusing. Here, too, a database format should be considered as a future solution.

Thank you for taking our comments into consideration.