Scope and definitions

Comments received in AHWG1/written form	JRC Dir. B response
To include MOUTHRINSE products as part of oral care hygiene. These products are included in Nordic Swan.	**ACCEPTED** The reason to prioritize only some of the categories was to include only the categories for which evidence exists that it would be feasible to be included in the scope (by comparison to other schemes, similarity to other products that are already included in the scope,…) and to comply with the current proposal criteria. Considering that the EU Ecolabel aim is to cover the 10-20% of products in the market with the best environmental profile, thresholds that are feasible to be accomplished need to be proposed. Finally, the scope has been further extended to align as much as possible with Nordic Swan and mouthwashes have been included in the new scope.
Denmark support the presented scope and would also like to see it extended even more. Even if the environmental benefit or the marked potential might be small, we do not see the need to limiting the scope. Often retailer aim at labelling a whole series of products which might not be possible with the scope presented in the draft. Example toothpaste is included but mouthwash is not.	
By concept, a mouthwash is a leave on product. However, it should take into account that in some cases a mouthwash product can also be considered as rinse off. Thereof, we would like to propose to include both categories in the document	**ACCEPTED** We have made the change in the Technical Report. Moreover, we have inserted a clarifying sentence in the general assessment and verification, stating that "Label and/or instructions information accompanying the product shall be used to categorize the product. Where a cosmetic product is marketed for different uses, the category for which stricter criteria applies shall be assigned to the product."
We support broadening of the scope. However, the JRC proposal is limited to some cosmetics only, while it would be easier to apply to all cosmetics (except biocides). At least decorative cosmetics are in the scope of both The Nordic Swan and Bra Miljöval. *Apply to all cosmetics. At least include decorative cosmetics. Since decorative cosmetics are being washed of in the sink, most of the product will end up in the wastewater, just as rinse-off products. The conclusion that there is a low risk of being released into water is probably wrong.*	**ACCEPTED** Decorative cosmetics have been proposed to be included in the new scope.
Hair styling and treatment products are proposed to be excluded from the scope, since the formulations differs largely from products included in the existing scope. This is a strange reasoning. By setting criteria for a broad spectrum of product types, although challenging for certain product categories, the EU ecolabel will give incentives for innovative companies.	**ACCEPTED** All products that have been awarded with the Nordic Swan Ecolabel have been proposed to be included in the new scope: Hair styling and treatment products, deodorants and antiperspirants, decorative cosmetics, nail enamel

Why is there a need to limit the scope to only certain categories? Why not all? The priority is given on environment, but considerations should also cover health. *Health is also a reason to include all types of cosmetics. The reasoning on rinse of vs leave on is also somewhat misleading. A certain amount of leave on is also rinsed off, just x hours later. Unless you assume an unlikely 100% skin absorption. Most likely some of the leave-on cosmetics will be transferred to the clothes, from which it will be washed off an end in the aquatic environment.* *The Nordic swan has a licensed a range of leave on cosmetic products including for instance:* - *Deodorants* - *Lotions* - *Decorative cosmetics* - *Sun care* - *Lip care* - *Hair care* - *Hair styling* - *Baby care* *They also include* - *Toothpaste* - *Mouth wash* *This means that there is a wide interest for a broader scope.* *Include all categories of cosmetics excluding biocides.* *If not possible, at least include hair treatment/ styling products. These will to a great degree also reach aquatic environment when rinsed off. Also consider if relevant baby products are in the scope. There is a high demand for ecolabel on these products (e.g. baby oils, ointments etc.).* *All cosmetic products are included in Nordic Swan except biocides.* *We support the exclusion of biocides (e.g. antibacterial soaps) as studies show that the they have the same efficacy on cleaning the hand (and eliminating the germs) than normal soaps but can contribute for the bacterial resistance.*	removers and wet wipes. Mouthwashes have also been proposed to be included in the new scope. On the other hand, health (or safety) is well covered by Cosmetic Regulation 1223/2009, as all cosmetic products (Ecolabel awarded or not) in the market must comply with this regulation, hence a risk assessment has to be performed.

Overall, we welcome aligning the definitions used for the ecolabel criteria with the relevant EU legislation. With regard to the scope of the ecolabel, from a chemicals point of view we cannot see the benefit of limiting the extension of the scope to certain product types as it is the case in the current proposal. This is as it appears that the same chemicals related criteria would likely be applicable and as while there is a difference of the share and timing of the release to water of the different product types, it is difficult to exclude the possibility of the release.	
We do not support the inclusion of sunscreen products in the scope. UV filters represent a large part of sunscreen products formula, and they are not biodegradable. Thus, we consider that including those products in the scope could discredit the reputation of the EU Ecolabel.	**REJECTED** The probability of sunscreen to finish into the water is higher than other not rinse-off products. The aim to include the sunscreen products in the scope is to award the sunscreens with the lowest environmental impact, therefore to motivate companies to formulate environmental-friendly products. Moreover, sunscreens are included in the scope of the Nordic Swan: 68 products are certified under the Nordic Swan ecolabel, enabling the certification of sunscreens under the EU Ecolabel.
Sunscreens contained UV filter that are not biodegradable at a high level of incorporation (more than 10%). *For us EU ECOLABEL certification is incompatible with formulas that contain a big amount of non biodegradable raw materials.* *We consider that including those products in the scope could discredit the reputation of the EU Ecolabel.*	
It will be difficult for sunscreens to fill the criteria of biodegradability; this product should be excluded from the scope	
Deletion of sunscreen products	
Regarding the broad inclusion of skin care product, their end-of life impact should be analysed: most of the product is likely to stay on the skin, but some may also be found in the water. Criteria related to the CDV and biodegradability should be adapted if they are included in the scope (the thresholds for rinse-off products may not be adequate).	**ACCEPTED** CDV and biodegradability thresholds of skin care products have been aligned with Nordic Swan Ecolabel. There are licences for skin care products in Nordic Swan.
We wonder if solid shampoos and solid toothpastes are included in the proposed scope for the revision and we would support their inclusion as they represent a growing part of the market.	**CLARIFIED** Solid shampoos and solid toothpastes are included in the scope. A sentence has been included in the definition section in order to clarify the inclusion of the solid shampoos (in accordance with the other type of soaps).

Is it possible to include deodorant in the new scope? *Indeed, we generally use deodorants at least once a day and after shower, there should be residues in water.* *Moreover, there is a lot of concern about substances included in these products like aluminium salt.* *So, I think we should reconsider the idea to include deodorants and antiperspirants in the new scope*	**ACCEPTED** Deodorants have been proposed to be included in the new scope.
Is it correctly understood that the preservatives added to the raw materials are also covered? Since additives such as preservatives and stabilizers are added to the raw materials, they can remain the in the product. It is important to ensure that they are also covered by the criteria. *Add "including preservatives etc. used in raw materials".* *The Nordic Swan Ecolabel specifies this in the definition of "ingoing substances": all substances in the Nordic Swan Ecolabelled cosmetic product, including additives (e.g. preservatives and stabilisers) in the raw materials.*	**ACCEPTED** The definition of ingoing substance has been aligned with Nordic Swan: "all substances in the Nordic Swan Ecolabelled cosmetic product, including additives (e.g. preservatives and stabilisers) in the raw materials. Substances known to be released from ingoing substances (e.g. formaldehyde, arylamine, in situgenerated preservatives) are also regarded as ingoing substances"
We understand that the official definition of substances in REACH has been used. Although in this definition solvents are excluded, we assume that they are covered in the EU Ecolabel. However, we recommend clarifying whether solvents present in the product are included. It would be acceptable excluding (process) substances that are not present in the final product, but not if they remain.	
In Table 2, for skin products we miss a reference for the hand creams, which have a high risk of going to the water (being washed out).	**REJECTED** Hand creams, as other skin care products, are not intended to be removed with water after their application. However considering that the scope has been extended to skin care products, hand creams are included in the scope for this revised version of the proposal.
With regards to the inclusion of animal care products, the newly proposed name might need to be revisited to avoid confusion, as these products are not covered under the Cosmetic Products Regulation. In line with the comment on the extension of the scope, the inclusion of animal care products under this Ecolabel product group could be beneficial to encourage companies to adapt their products to become eligible for the EU Ecolabel.	**ACCEPTED** The animal care products are proposed to be covered by a separate annex only applicable to this subcategory.
We also support to include animal care products, even they are not covered by the Cosmetic directive. But the products are similar to products included, hence we can offer a better environmental choice for the ones who are washing their animal. Another benefit is that the EU Ecolabel requires a total list of ingredients, which is not mandatory for such products, which gives more information to the users and the possibility to use the most gentle products.	

Italy is in favour of including pet's products only if the name is changed accordingly. Meaning that if the name stays with referment to COSMETIC than the Scope has to be consistent with the Cosmetics Regulation.	
We support the inclusion of animal care products. However, since the Cosmetics regulation does not cover animal products, legal restrictions that are missing for animal products must be included in the criteria document.	
Please take into account that animal care products are out of the scope of the cosmetic product regulation.	
That's a good thing to put in the scope animal rinse off product. Just take into account these products are not covered by Cosmetic regulation.	
We support the inclusion of animal care products in the scope. However, French industrials have concerns regarding the inclusion of those products in the scope, as they are not covered by the Regulation on cosmetic products.	
Please take into consideration that animal care products are not cosmetics according to the cosmetics regulation 1223/2009.	
Recommend that animal care products are not included in the scope as they do not fall under the Cosmetics Regulation. Another scheme should be developed.	**PARTIALLY ACCEPTED** The animal care products are proposed to be covered by a separate annex (Annex II) only applicable to this subcategory.
Animal care products are out of scope of the EU Cosmetic Regulation where products are intended for humans under Art 2(1)(a). *Therefore, such products should not be covered by this Regulation attributed to the EU Ecolabel. Other EU Ecolabel criteria may be applicable but not cosmetics.*	
Animal products are outside the scope of the definition of a cosmetic product under EU legislation.	
Animal products should not be included as not included in Cosmetic Regulation	**REJECTED** Although animal care products are not covered by the Cosmetic Regulation, their formulation is very similar to the one of human shampoos and their impacts on the environment are expected to be similar to the ones caused by products manufactured for human use. Therefore, it is important that consumers can have the possibility to choose for an environmentally better product. To take into account the need for specific legal restrictions (compared to cosmetic products), the animal care products are proposed to be covered by a separate annex only applicable to this subcategory.
We are not in favour of the inclusion of animal care products because animal care products are not subjected to the same regulation.	
Animal products are not under the Cosmetics Regulation and should be out of the scope of this EU Ecolabel. A specific one could be created.	
We are in favour of having a scope as broad as possible. But we are not in favour of including animal products into the scope. They don't have to fulfil the cosmetic regulation so they do not have to fulfil the same safety level as cosmetics.	
Cosmetic products are only for human use, and so animal care products are outside of scope. *The scope of the EU Ecolabel should be remain aligned to the EU Cosmetic Regulation.*	
Below part to be excluded as animal care products are not in the scope of Cosmetic Regulation. *'Animal care products include rinse-off products intended to be in contact with animal hair to clean them or to improve the condition of it, such as shampoos and conditioners for animals.'*	

Please take into consideration that hand sanitizer products are not always cosmetics.	**ACKNOWLEDGED** Only the hand sanitizers covered by the cosmetic regulation are in the scope (considering the definition of the product group).
Please take into consideration that intimate gels or lubricants are not cosmetics according to the cosmetics regulation 1223/2009.	**ACKNOWLEDGED** Only intimate products covered by the Cosmetics Regulation are included in the proposed scope.
Yes, provided that the wording is clear enough that cosmetic products are for external use only (intended to wash feminine intimate parts, such as intimate cleansers) *For instance reference below in Table 1 is made to "INTIMATE GELS/LUBRICANTS PRODUCTS: Intimate products with formulations similar to products covered by the Cosmetics Regulation such as lubricants, anal creams and orgasm gels."* *Please the cosmetic Borderline Manual (https://ec.europa.eu/docsroom/documents/32897) in case of uncertainty when it comes to what is considered in and out of scope with regards to the definition of a cosmetic product*	**ACKNOWLEDGED** The product feminine hygiene cosmetic is included in the group of shower, bath and other body cleanser preparations. Iintimate gels or lubricant products are not covered in the scope of the Commission Decision as they are not covered by the Cosmetics Regulation.
Intimate products are not cosmetic products by the legal definition of Cosmetic Regulation.	
We are not in favour to expand the product group and would prefer to spend the resources of JRC and us in other product groups. *It might be a specifical situation in German-speaking countries, because in Austria and as far as I know also in Germany labels different from the EU Ecolabel have been established years ago and are quite successful and highly demanded, e.g. BDIH, EcoCert, and others. Therefore, we don't expect many license holders who would justify the upcoming discussions and work on several (new) issues.* *We welcome that at least no decorative cosmetics and hair dyes are included and are sceptical that feminine hygiene cosmetic products shall be included and are even explicitly mentioned as those products are not very welcomed by gynaecologists.*	**REJECTED** Labels such as BDIH or EcoCert are more focused on the origin of the ingredients than on the general environmental impact of the product. For example, in the BDIH packaging and environmental requirements are only recommendations, they are not mandatory. Other schemes like Nordic Swan and Blue Angel revealed high number of licences for a number of cosmetics categories. There is a general agreement on the scope extension for this product group.
According to the cosmetic definition of the cosmetic regulation 1223/2009: *'cosmetic product' means any substance or mixture intended to be placed in contact with the external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours.*	**CLARIFIED** The definition included in the Annex I is specific for the product group Cosmetic Products of the EU Ecolabel. In general, the EU Ecolabel Commission Decision has to specify the products covered. A list of the specific products included has been included in the text of the Commission Decision and examples will be included in the User Manual.

The definition of a cosmetic product is already determined in Art.2(1)(a) of Regulation (EC) No. 1223/2009 cf.: *'cosmetic product' means any substance or mixture intended to be placed in contact with the external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours.* *There is no legal basis or practical reason to change this definition.*	
The group name is Cosmetics products but not all cosmetics products are concerned	
Maybe the words "under this legislation" could be added to be more precise about the scope of the EU Ecolabel in this case.	
The definition for "Cosmetic products" should be clearer and technically correct. We recommend to following the definition for cosmetics of EC Regulation No 1223/2009 on cosmetic products: *'cosmetic product' means any substance or mixture intended to be placed in contact with the external parts of the human body epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours*	**PARTIALLY ACCEPTED** The definition has been modified in order to make it clearer.

Assessment and verification

Comments received in AHWG1/written form	JRC Dir. B response
Measurement threshold *Denmark agree that requirements shall be for all intentional added substances regardless of concentration – and if deviating from this it should be mentioned in the relevant criterion. However we do not find the definition of "Substance" in the draft to be sufficient. We suggest using the definitions made by the Nordic Swan Ecolabel since this is accepted by both CB´s and applicants. Note that listing the concentration limits are important when implementing the requirements.* *Ingoing substances: all substances in the Nordic Swan Ecolabelled cosmetic product, including additives (e.g. preservatives and stabilisers) in the raw materials. Substances known to be released from ingoing substances (e.g. formaldehyde, arylamine, in situ-generated preservatives) are also regarded as ingoing substances.* *Impurities: residuals, pollutants, contaminants etc. from production, incl. production of raw materials that remain in the raw material/ingredient and/or in the in the Nordic Swan Ecolabelled product in concentrations less than 100 ppm (0.0100 w-%, 100 mg/kg) in the Nordic Swan Ecolabelled rinse off product and less than 10 ppm (0.0010 w-%, 10.0 mg/kg) in the Nordic Swan Ecolabelled leave on product.* *Impurities in the raw materials ≥ 1000 ppm (≥ 0.1000 w-% ≥ 1000 mg/kg) are always regarded as ingoing substances, regardless of the concentration in the Nordic Swan Ecolabelled product. Examples of impurities are residues of the following: residues or reagents incl. residues of monomers, catalysts, by-products, scavengers, and detergents for production equipment and carry-over from other or previous production lines.*	**ACCEPTED** We have aligned the definition of ingoing substances and impurities to Nordic Swan in the new version of the TR.
Already a requirement under Article 16 of the EU cosmetic regulation. *If compliance as a cosmetic product is a prerequisite for the EU EcoLabel criteria applicable to cosmetics, then there is no explicit need to redefine compliance requirements*	**PARTIALLY ACCEPTED** The new proposal is to establish criteria in separated Annexes: one specific for products included in the cosmetic regulation and one specific for animal care products. The sentence is proposed to be maintained only for those products not covered by the Cosmetic Regulation.
"As a prerequisite, the product shall meet all applicable legal requirements of the country or countries in which the product is intended to be placed on the market. The applicant shall declare the product's compliance with this requirement." *Does this point have relevancy when the application of the EU EcoLabel is in the single market?*	**CLARIFIED** This sentence is horizontal across all EU Ecolabel products. This sentence is included in all the EU Ecolabel product groups recently revised.EU Ecolabel products are marketed in EU but could be produced in a country outside EU.
Point of clarification only, as under Art19(1)(g) of the EU Cosmetic Regulation: *"For the purpose of this Article, an ingredient means any substance or mixture intentionally used in the cosmetic product during the process of manufacturing:* *(i) impurities in the raw materials used; (ii) subsidiary technical materials used in the mixture but not present in the final product."* *The ingredients (as recorded on-pack by law) are the intentionally added substances.*	**ACKNOWLEDGED**
finished product instead of final product to link to the EU Cosmetic Regulation wording	**REJECTED** Wording used in all the EU Ecolabel product groups has been kept.
It would be a good idea to maintain this measurement thresholds. A lot of natural ingredients are used in cosmetics and they contain different substances in very low concentrations. Often the toxicity data and data about biodegradability of those ingredients are unknown.	**ACCEPTED**

General comments

Comments received in AHWG1/written form	JRC Dir. B response
The use of Life Cycle Assessment should be done comparatively between two products with the same function, with regards to a functional unit, i.e. washing of hair. For instance, it is mentioned on page 11 that the use phase of shampoo causes 90% of the CO2 emissions because of heat of water during use. And that makes the shampoo itself seem irrelevant. In the criteria development it is not relevant to look at shampoo as one product, the comparison should rather be between two shampoos. Which difference does shampoo 1 make to shampoo 2 regarding environment and health? Also keep in mind that the LCA does not consider the direct effects of chemicals to humans, including for instance endocrine disrupting effects and allergy. This also means that widening the scope to more types of cosmetics has a higher relevance that the performed LCA indicates.	**PARTIALLY ACCEPTED/CLARIFIED** The revised functional unit defined to quantify the environmental performance of the products is "***A daily use of a cosmetic product with the main objective of providing hygienic results and/or aesthetic improvements***". While we agree with the comment on the comparative nature of LCA, a comparison between shampoo 1 and shampoo 2 was not possible to perform due to lack of data. It has been clarified in the TR2 that "the intention was not to compare across different products. The scope of the LCA was to identify main environmental hotspots of each product investigated with the goal of setting criteria in those areas, wherever relevant and feasible."
In general, we support the evolutions proposed between the first technical report and the second for the following criteria: *3(c) – Substances of very high concern (SVHCs)* *3(e) – Preservatives* *7 – Information appearing on the EU Ecolabel* *Finally, we wish to emphasise that we would like to add a criterion stating clearly that the EU Ecolabel products should not be tested on animals (see COSMOS and Nature et Progrès referentials). Indeed, as per an NGO (https://animaltesting.fr/4170-guide-cosmetiques-cruelty-free) : "First of all, [the 2013 law on cosmetics] does not concern products tested and marketed before 2013, which are still on the market. Moreover, this prohibition does not apply to so-called "multi-use" products, that is to say which are not used only in cosmetics, but also in the agri-food, pharmacology or even in the building, like some perfumes, solvents or preservatives. Finally, the ban also does not apply to substances which may affect the safety of workers exposed to them during the manufacturing process." The current Regulation on cosmetic products forbids animal testing on finished products, but not on each substance contained in the product. Thus, we recommend adding a criterion based on Nature et Progrès referential:* *"Animal testing is prohibited. This prohibition covers:* *Ingredients used in cosmetic products;* *The development of cosmetic specialities;* *Tests on finished product."*	**PARTIALLY ACCEPTED** The EU Ecolabel is based on the Regulation (EC) No 66/2010, which includes the following general requirements for EU Ecolabel criteria in the Article 6: EU Ecolabel criteria shall be determined on a scientific basis considering the whole life cycle of products. In determining such criteria, the following shall be considered: (g) as far as possible the principle of reducing animal testing. According to the Cosmetics Regulation, marketing of cosmetics or its ingredients that have been tested on animals is banned unless the testing was done in order to meet the requirements under REACH Regulation No further restriction is considered for the EU Ecolabel
The user manual shall be available at the same time as the decision.	**ACKNOWLEDGED**
We need to have clarifications and examples in the user manual, in particular for pouches.	**ACKNOWLEDGED**

Usually liquid soaps and shampoos have the highest amount of water in formulation compared to conditioner, body lotion or solid soap. *Moreover it is surprising that conditioners that include silicones have a better impact on the environment, as they are known to be poorly or not biodegradable.*	**CLARIFIED** The results presented in TR1 were presented considering the FU "A common day washing action of a part of the body with the main objective of providing hygienic results and/or aesthetic improvements." The estimated daily amount applied of hair conditioners is lower than for the other products (cfr Table 9 in the Preliminary Report), and this was reflected by a lower environmental impact.
We appreciate the use of REACH and CLP data as the basis information source for the analysis of the hazard profile for the most common ingredients in the selected cosmetic products to be included (toothpaste and skin care products) in the extended scope of the EU Ecolabel.	**ACKNOWLEDGED**
not all the Sun care product have titanium dioxide as UV-filter	**CLARIFIED** In the absence of more specific data, and since 35% of the products analysed in the preliminary report contains titanium dioxide as UV filter (see section 3.3.3. of Preliminary Report), the environmental assessment of sunscreens has been done considering that the formulation of the product includes titanium dioxide.
We suggest to clarify the pharagraph, thus it seems that titanium is the responsible of generating the 70% of climate change.	**ACCEPTED** The sentence has been deleted
We suggest to take care with this kind of sentence given that this will be a public report: "the highest environmental impact across all impact categories are solid soap, sun care products and liquid soap, all of them in the same order of magnitude."	**ACCEPTED** The sentence has been deleted, and a new sentence has been added: "[…] the intention was not to compare across different products. The scope of the LCA was to identify main environmental hotspots of each product investigated with the goal of setting criteria in those areas, wherever relevant and feasible."
It's very important when the new Decision will be adopted to have a correct transition period leadtime to have all the certification renewals. In this aim, it's mandatory to have all the tools (user manual, calculation sheets, decalarations to fill etc...) meantime to the decision or only begin the transition period only after all the tools will be available. *We had in France for the last update (on cosmetic products and detergent product category) bad experiences for the renewal period that was too short to renew all the products regarding the big amount of products to renew and the too late transmission of user manual and tools that were mandatory to ask for the new criteria requests.*	**ACKNOWLEDGED**
It would have been relevant to have an idea of the existing number of rinse-off product that have the EU Ecolabel. On the EU Ecolabel, you have not the number for all EU Member States as it is voluntary. So some figures miss and it should have been good to have the number by category of products.	**CLARIFIED** The number of EU Ecolabels for rinse-off products is 2270.

No reference to the current situation of rinse-off products with the Eu Ecolabel. How many products are concerned (if you take the number published on the Ecolabel website plus the number on the French market, the EU Ecolabel has been granted for 563 products in EU	More information about market data can be consulted in the preliminary report. All the information regarding current licences of Rinse-off products is included in the Section 2.2.
What kind of respondents you refer to? Cosmetics industry? Public authorities? NGOs?	**CLARIFIED** The stakeholders that provided feedbacks belong to industries, public authorities and NGOs. More information about the respondents and the responses of the questionnaire can be consulted in Section 1.7 of the preliminary report.
Deletion of other preparations from the animal care products	**CLARIFIED** This category has been modified: other washing preparations.

Criterion 1. Toxicity to aquatic organisms: Critical Dilution Volume (CDV)

Comments received in AHWG1/written form	JRC Dir. B response
It is good that we are lowering the CDV for the rinse off products such as shampoo and soap. Request is to align on the value from the Nordic Swan for diverses reasons. *It will allow to maintain a certain amount of the fragance, which is still very important to the customers. The fragrances are specifically designed for Nordic Swan and EU Ecolabel but the value in the did list remains the same, meaning that even if the fragrance is improved, the CDV is unchanged and restricted.* *When a product is certified under both certifications, the alignment on the value will facilitate the handling of the certifications under both schemes.*	**PARTIALLY ACCEPTED** While the use of fragrances is partly limited with the reduction of the threshold value, it is still possible to maintain a certain amount of fragrance in the product. The revised limit for solid soap is proposed to be 2200. Nordic Swan will be revised in the near future. To keep alignment in both schemes is difficult due to the different revisions timelines.
According to the existing ecolabel product calculation, the proposed threshold puts limits on the fragrance's use. *Put the limits to 2500 for solid soaps.*	
We support the lowered CDV values. However, as shown in Table 5 the value for shampoo, shower preparations and liquid soaps could be even stricter. We suggest setting a value a slightly higher than the average, i.e. 8000.	**REJECTED** If 8000 value is proposed for these products, the following percentage of licenced products will not comply with the requirements and will be out of the UE Ecolabel: - 30% of liquid soaps - 58% of shampoos - 70% of shower preparations The threshold for shampoo, shower preparations and liquid soaps has been proposed to 11000l/g AC
We are in favour of aligning the CDV value for solid soap to the Nordic Swan (as suggested in the proposal).	**ACKNOWLEDGED**
We welcome the proposed reduction of CDV limits in this revision and the stated aim to align the EU Ecolabel with other regional ecolabels. *Since the average CDV value of Ecolabelled shampoos is 7063, there is potential for setting a stricter value than 11000. As the Nordic Swan will be revised it is possible that the thresholds will be lowered further, and this possibility should be further investigated.* *We see no reason to have a higher CDV for shaving products (i.e. 20000). The requirements should be aligned with the Nordic Swan Ecolabel, which has approved several shaving foams complying with a limit of 12000.* *The requirements should be aligned with the Nordic Swan, considering as far as possible the upcoming revision of the Nordic label. We strongly recommend investigating the CDV values achieved by cosmetics certified with the Nordic Swan and consider them for setting the values of the EU Ecolabel.* *Reduce the shaving foam limit from 20.000 to 12.000 (page 22), as suggested during the Ad Hoc Working Group by the JRC.* *The document report states "that there is no data available for shaving foams; therefore the current CDV threshold of 20000 l/g AC remains valid". Please correct and add a reference to existing shaving foams certified by the Nordic Swan which can comply with the limit of 12000.*	**PARTIALLY ACCEPTED** If 8000 value were to be proposed for shampoos, the following percentage of licenced products will not comply with the requirements and will be out of the UE Ecolabel: - 30% of liquid soaps - 58% of shampoos - 70% of shower preparations The threshold for shampoo has thus been proposed to 11000l/g AC. In Nordic Swan, the CDV limit for products rinsed off with water immediately after use (which include shaving creams) is 12000, which is the limit proposed in the TR2. Please note that there was a mistake in the first Technical Report and the CDV limit for shaving products was set at 12000 l/g AC. Data on CDV values of shaving products will be welcomed and used to define the threshold value for these products.

The data collected from French industrials support the decision of the JRC to lower CDV thresholds. Indeed, the following data has been collected: *- Average CDV for liquid soaps: 5558 l/g AC* *- Average CDV for shampoos: 10409 l/g AC* *- Average CDV for shower preparations: 9234 l/g AC* *Thus, we support the revision of CDV thresholds.*	**ACKNOWLEDGED**
The current threshold for solid soaps seems too restrictive, as not any is labelled EU Ecolabel in France. As the use of solid soap is increasing, we suggest requesting from the Nordic Swan the number of solid soaps labelled and the market share they represent to determine if the current threshold is appropriate.	**ACCEPTED** The threshold value has been relaxed in order to include all the products currently certified under this product category. The new threshold is 2200 l/g AC. Please note that the CDV limit for solid soap in Nordic Swan is 2000 l/g AC and there are 7 licenced products that can comply with this requirement.
Are you sure that there are solid soaps certified according Nordic Swan with this strict threshold (2.000)? How much? What percentage of certified NS cosmetics does it represent? *It's important to have this information in order to determine if these requirements are attainable. Indeed, you considered to promote solid soaps during the first meeting but the threshold for this kind of products seems to be too restrictive.*	
The number needs to be increased for solid soap.	
Several applicants and license holders told us that the farmer threshold (3.300) was already unattainable, so we are surprised of this proposal.	
Regarding the newly integrated products, we also suggest requesting from the Nordic Swan the number of products labelled and the market share they represent to determine if the proposed thresholds are appropriate.	**ACCEPTED** Information about the number of products certified with the Nordic Swan has been included in Table 1 of the TR2.0, while market share is shown in Figure 1.
We strongly recommend reviewing the calculation methodology of the CDV. With the current calculation methodology, the CDV of each substance is linked to the share of other substances. Therefore, industrials are incentivized to add substances in the product formulation in order to decrease the CDV that is the antithesis of ecological practice and therefore goes against the fundamental principles of the European Ecolabel. To avoid this bias, we strongly advise to use a calculation method similar to the one used for detergents and express the toxicity per gram or litre of product instead of litre of active content.	**REJECTED** CDV is simple to apply since only two parameters are required per substance; furthermore, the DID-list facilitate the calculation of such parameters. The use of alternative methods, USEtox for instance, requires the use of a high number of parameters is needed. Moreover, other method would make the verification method more complex and costlier and it is not possible to do it in the revision timeline as longer time for assessment of a new method would be needed. For this reason, the introduction a new methodology to assess the toxicity of the products is not proposed in this revision. The CDV is calculated based on the active content because the dose cannot be always determined. Only for the products with dispenser, the dosage can be controlled. Nevertheless, the consumer behaviour cannot be controlled, and the dose used in each application is not easy to estimate. Moreover, determining standard doses for shampoos and hair conditioners would not be straightforward e.g. the dosage is dependent to the length of the hair washed.
It's really important to review the calculation method of the CDV. *With the actual calculation, due to the AC taking into account, if you have a too high CDV value, you just need to add a need raw material to lower the CDV result that is not in correlation with the ecological point of view.* *Whereas the detergent EU ECOLABEL decision where we take into account a "reference dose". More you add substances, more the CDV is high that is logical.* *The CDV calculation must be linked to the amount of product and not only the AC.* *If the method calculation is modified, the CDV thresholds should also be modified.*	

What is the meaning of "intentionally added"? *In the case of a mixture which is intentionally added, are the different substances included in this mixture to be considered?* *In particular, how shall we deal with by-products which exceed 0,01% by weight in the final formulation?*	**CLARIFIED** "Intentionally added substances" are now referred to in the TR as "ingoing substances", in alignment with Nordic Swan. The definition is included in the section "Complementary definitions". By-products which exceed 0,01% by weight in the final formulation shall be regarded as ingoing substances, as clarified in the section "Complementary definitions".
What is considered as the final product? Is there a minimum concentration to consider a substance as an "intentionally added substance" or not?	**CLARIFIED** The final product is the product certified under the EU Ecolabel. "Intentionally added substances" are now referred to in the TR as "ingoing substances", in alignment with Nordic Swan. The definition is included in the section "Complementary definitions". There is no minimum concentration for considering a substance an "ingoing substance".
Can you confirm that rubbing/abrasive agents are not included in the calculation of CDV toxicity because the calculation of CDV is connected to the calculation of AC?	**ACCEPTED** Under the definition of 'active content' it is now clearly mentioned that rubbing/abrasive agents are not included in the calculation of the active content.
How shall we deal with a mixture with a chemical substance diluted in a solvent? Shall we report in the calculation sheet the part of solvent (except if the solvent is water)? *If not, it is a problem because any solvent (except water) has an impact on the user and/or the environment*	**CLARIFIED** The definition of intentionally added substance has been changed to 'ingoing substance', according to Nordic Swan. Solvents should be reported in the calculation sheet.
It is essential to change the definition of "weight". *Because:* *1) it is more complicated to deal with CDV depending on CA and* *2) it is not environmentally friendly to add substances to reduce the ratio of CDV/CA. This practise goes against principles of the European Ecolabel.* *We propose to define thresholds as in detergents products (in l/g).* *If our proposal is accepted, it will be necessary to review thresholds but if necessary, we can send our values with the methodology used in detergents.*	**REJECTED** The method used in detergent products cannot be used as the dose of the products used by consumers is often not defined in the packaging, and not necessarily followed by consumers that may have different body/hair needs.
Normalized the CDV for 1g of active content implies in most cases that the more substances are added, the lower the CDV, aNBO and anNBO are, which does not make sense. *A product with less Active Content should be more ecological and have less impact on aquatic ecosystems than a high surfactant concentrated product.* *The calculation method should be based on the same method of EU Ecolabel Detergent.*	
We suggest pondering the result of the CDV by the expected use of the cosmetic product.	

OK with the new threshold because our average for: *- liquid soaps: it is 7.785* *- shampoos it is 10.410* *- shower preparations is 9.230*	**ACKNOWLEDGED**
Also on the CDV, particularly the TF (toxicity factor) calculation, we consider it problematic that the applied Safety factors differ by a factor of 1000 solely based on the number of tested trophic levels instead of considering the toxicity of a given substance. Thus, one and the same L(E)C50 or NOEC/EC10 value would result in completely different TFs that feed into the calculation of the CDV for the product, thus providing a distorted picture. We therefore recommend to base the toxicity factor on the actual toxicity endpoint of the substances tested rather than the number of available tests.	**REJECTED** The toxicity factor calculation of the DID-list is out of the scope of this revision. The CB responsible of the DID-list is Ecolabelling Norway.
The use of the DID list (Detergents Ingredients Database) is laid down in (EC) 66/2010, however, we would like to comment on the CDV (Critical Dilution Volume) approach used in this list and, in particular, the calculation of the chronic toxicity factor (TFchronic). It is stated that the median should be used within each trophic level from validated test results without specifying the test conditions or considerations on differences in species sensitivity further. Under CLP the median value is used for several studies within a trophic level provided certain conditions are met, such as at minimum 4 data points, similar test conditions (pH, DOC level, etc.). It is recommended to reconsider this aspect in the revision of the technical report and to take into account a potential alignment with the standards as outlined in the CLP Regulation (also reflecting on Article 6(6) provisions of (EC) 66/2010).	
Worst case approach – please note that the rationale for the chosen threshold is contradicting Article 6(6) of (EC) 66/2010 - at present it would be the same value as for classification as Aquatic Acute 1. It is therefore proposed to set the acute toxicity value to > 1 mg/L.	**CLARIFIED** Article 6 (6) is addressed by criterion 3 which is mandatory for all cosmetics under the scope. The use of an alternative methodology to assess the aquatic toxicity would not be possible in the revision timeline, as longer time for assessment of a new method would be needed. Classification as hazardous to the aquatic environment according to CLP will not be permitted according to criterion 3.
We note that the Swedish Ecolabel uses aquatic toxicity cut-offs for Criterion 1 (Aquatic toxicity), comparable to cut-off values used in CLP for environmental hazard classification, whereas other ecolabelling schemes, including the EU Ecolabel, use the aquatic toxicity CDV, which defines the maximum volume of the product that is expected to not harm the aquatic environment. Please take note that in a random check of Part A of the DID list several listed toxicity endpoints (L(E)C50 and NOEC values) would result in classification as hazardous to the aquatic environment according to CLP. It is not clear how this complies with the provisions set out in Article 6(6) of (EC) 66/2010. We suggest to discuss the possibility of considering other methods than the CDV to assess Criterion 1.	

We can support the listed values with the following comments: *- Requirements are harmonized to a large degree with the Nordic Swan requirements version 3 this will ensure stringent requirements.* *- The Nordic Swan have more that 2000 licensed products hence the stated limits are feasible, also for products containing fragrance.* *- The Nordic Swan label requirements will be updated in 2021 with more stringent values.*	**ACKNOWLEDGED**
We welcome the clarification at the meeting that the calculation is done on all ingoing substances regardless of concentration – as it is done today.	**ACKNOWLEDGED**
We welcome the lower cdv limits.	**ACKNOWLEDGED**
As feminine hygiene cosmetic products are similar too Shampoo, shower preparations and liquid soaps the same cdv tox limit should be used	**REJECTED** CDV vales have ben decreased to 10000 for Shampoo, shower preparations and liquid soaps. There is no evidence to support the decreasing of the CDV value for feminine hygiene cosmetics. An alignment with Nordic Swan threshold has been proposed for feminine hygiene cosmetics (12000 l/g AC).
We suggest to include the units of all parameters, i.e. TF (mg/L)	**ACCEPTED**
We saw you add for the new subcategory the CVDtox limits of the Nordic Swan existing limits. *Did you ensure that these limits are reachable for our product in European market?*	**CLARIFIED** While we have no data available to make sure that products marketed in the Nordic countries can have an uptake in the rest of Europe, we welcome substantial evidence of it. Please keep in mind that the EU Ecolabel is a label of excellence and consumer perception is key in this sense.
It would be better to differentiate the CDV limits for the different products as they vary from 6000 to 11000	**REJECTED** With the new information gathered from current products certified the threshold it is suggested to keep a single value for shampoos, shower preparations and liquid soaps. More information can be found in the rationale for criterion 1.
Italy agrees that solid soaps are better for the environment, but we think that the problem is the market itself and that even if promoted somehow by the Ecolabel, they would stay a small part of the market.	**ACKNOWLEDGED**
Shampoo category should be differentiated between liquid and solid shampoos	**ACCEPTED** Solid shampoo has been included in the category with solid soap.
It must be kept in mind that solid and liquid form of rinse-off products are made with different kind of surfactants with different performances and so CDV can't be the same.	**ACKNOWLEDGED**
We welcome to reduce the CDV-values as in our experience the existing thresholds are not very demanding.	**ACKNOWLEDGED**

Criterion 2. Biodegradability

Comments received in AHWG1/written form	JRC Dir. B response
Nordic Swan includes the following exemptions on criterion on biodegradability of surfactants: *"The following are exempt from the requirement on anaerobic degradability:* *- Emulsifiers* *- Surfactants in toothpaste"* *Proposal to maintain these exemptions for toothpaste.*	**PARTIALLY ACCEPTED** The following exemption has been added to the criterion text: "Surfactants with cleaning and/or foaming function in toothpastes"
We do not support to exempt any surfactants from the requirement on anaerobic degradability. Such an exemption is simply not necessary since there are suitable surfactants being both aerobically and anaerobically degradable which are used in toothpaste. *The exemption for emulsifiers with regard to anaerobic degradability is justified.*	**REJECTED** The objective to exempt surfactants with cleaning and/or foaming function in toothpastes on criterion 2 is to facilitate the formulation of these products as Sodium Lauryl Sulphate (a very used surfactant in non- Ecolabel products) is banned in EU Ecolabel according to criterion 3 (b).
The aNBO and anNBO limits should be lowered and aligned with the Nordic Swan limits for shampoo, shower preparations and liquid soaps, as well as solid soaps. *For several of these product types there are a relatively many products being labelled with the Nordic Swan, demonstrating that these limits are achievable.* *In addition, as shown in Table 7 of TR1.0, 15 (aNBO) is above the 50 percentile value for products currently certified with EU Ecolabel.* *Proposal for modification:* *Shampoo, shower preparations and liquid soaps:* *aNBO (mg/g AC): 15* *annNBO (mg/g AC):15* *Solid soap:* *aNBO (mg/g AC): 5* *annNBO (mg/g AC):5*	**PARTIALLY ACCEPTED** If a complete alignment with Nordic Swan were to be defined, a large percentage of licensed products would not comply with the requirements and would be out of the scope of EU Ecolabel. However, the aNBO and anNBO thresholds have been lowered for shampoos and hair conditioners. For more information see the rationale of criterion 2 in the TR2.0.
The requirements should be aligned with the Nordic Swan Ecolabel.	
The criteria stipulate that data from structurally related compounds can be used for extrapolation, for example to demonstrate that a surfactant is anaerobically degradable. However, it should be clarified that the same applies the other way around too. *Proposal for modification:* *Where anaerobic biodegradability has been confirmed for a surfactant by use of an appropriate test method, it can be assumed that a similar type of surfactant is also anaerobically biodegradable, and vice-versa if a structurally similar surfactant has been shown not to be anaerobically degradable.*	**ACCEPTED** The text of criterion 2 has been modified according to this comment.
We support the decision to keep requirements on anaerobic degradability. The fact that it is not mandatory to generate such data according to the REACH regulation must not be used as an excuse to not include requirements in the EU ecolabel criteria. On the opposite, to give incentives for generating data is a very important aspect of independent ecolabels.	**ACKNOWELEDGED**

In response to the question to Stakeholders, "please note that one possibility in those cases where suppliers of raw materials do not want to share the results of biodegradability tests" would be the use of (Q)SAR calculations which would allow an improved verification of criterion 2 (Biodegradability). However, it is not clear on which basis suppliers would not provide the relevant test results. We note that the registrants need to include all relevant hazard information in the registration dossiers and ECHA disseminates information on registered substances on its websites according to the provisions set out in REACH Article 119(e) which encompasses the publication of results of each toxicological and ecotoxicological study reported in the registration dossiers.	**ACCEPTED** (Q)SAR calculations have been proposed as a possible methodology to predict biodegradability when results are not available.
Surfactants not classified for the environment (i.e. not H400, H410, H411, H412 or H413) should be exempted from the requirement of anaerobic biodegradation, since they do not pose any risk to the aquatic environment. *It is the same that happens with EU Ecolabel schemes for detergents.*	**ACCEPTED** Criterion 2 has been modified in TR2.0 including this exemption.
We think this criterion shall be fulfilled by impurities as proposed in criterion 3. So, we suggest to add : "For the purpose of criterion 2, impurities stated in the SDS, whose presence in the final product equals or exceeds 0,01% shall comply with the same requirements as the intentionally added substances."	**ACCEPTED** The new definition of "ingoing substances" included in the list of complementary definitions states no limit (regardless of the concentration, instrument detection limit valid only) for all substances added to the formulation. By-products and impurities equal or above 0,01% w/w for rinse-off or 0,001% w/w for leave-on in the final formulation have to comply with the requirement.
What is the meaning of "intentionally added" ? *If it is a mixture which is intentionally added, are the different substances included in the mixture to consider?* *In particular, how shall we deal with by-products which exceed 0,01% by weight in the final formulation?*	
Are there leave-on skin care products certified according to Nordic Swan (NS)? How much? What percentage of certified NS cosmetics does it represent? *It's important to have this information in order to determine if these requirements are attainable.*	**CLARIFIED** Leave-on cosmetic products represent a 33% of total cosmetic products in the Nordic Swan Ecolabel. For more information on Nordic Swan licenses see the rationale of criterion 2.

Biodegradability of organic ingoing substances *We support the JRC proposal regarding biodegradability thresholds.* *However, currently liquid soaps, shower gels and shampoos are subjected to the same aNBO and anNBO thresholds (25 mg/ g AC). Data collected from French industrials show that liquid soaps, shampoo and shower formulas show very diverse biodegradability values:* *aNBO:* *Average biodegradability of liquid soaps: 11 aNBO (mg/g AC)* *Average biodegradability of shampoos: 25 aNBO (mg/g AC)* *Average biodegradability of shower preparations: 6 aNBO (mg/g AC)* *annNBO:* *Average biodegradability of liquid soaps: 18 annNBO (mg/g AC)* *Average biodegradability of shampoos: 25 annNBO (mg/g AC)* *Average biodegradability of shower preparations: 6 annNBO (mg/g AC)* *Thus, we would recommend defining specific thresholds for each type of product. For 3-in-1 products, the less restrictive threshold should apply.* *We do not have comments regarding the biodegradability thresholds for leave-on products but agree that they should be specific of this product family.* *Regarding sunscreen products, UV filters represent a large part of their formula, and they are not biodegradable. More especially, sunscreen products contain TiO2, a molecule having a strong negative impact on aquatic environment. Thus, sunscreen products cannot meet this criterion and we consider that including them in the scope could discredit the reputation of the EU Ecolabel.*	**PARTIALLY ACCEPTED** If a complete alignment with Nordic Swan is defined, a large percentage of licensed products would not comply with the requirements and would be out of the scope of EU Ecolabel. However, the aNBO and annNBO thresholds have been lowered for shampoos and hair conditioners. The category "shampoo, shower preparations and liquid soaps" has been divided in "shampoo and liquid soaps" and "shower preparations". For more information see the rationale of criterion 2 in the TR2.0 The aim to include the sunscreen products in the scope is to promote the sunscreens with the lowest environmental impact, motivating companies to formulate more environmental-friendly products. Sunscreens may contain a high concentration of not biodegradable UV filters. In line with Nordic Swan, UV filters are proposed to be exempted from compliance with criterion 2, but all other ingredients added to sunscreens have to comply it. Sunscreens are still obliged to comply with other criteria such as, particularly relevant in this case, criterion 1 (toxicity to aquatic organisms) and criterion 3 (excluded or limited substances and mixtures) and specifically 3(g). Moreover, sunscreens are included in the scope of the Nordic Swan and 68 products are certified, enabling the certification of sunscreens under the EU Ecolabel.
According to the information provided by Competent Bodies (Table 7 in TR1.0), all provided products include surfactants in their formulation. Regarding the aerobic non-biodegradability of the products currently certified as EU Ecolabel, the maximum threshold is 25,0 mg/g AC. The 75th percentile is 24,6 mg/g AC, this means that the 75% of the products considered are at or below that value. *For the anaerobic non-biodegradability, the situation is similar to that for aerobic non-biodegradability. The maximum biodegradability and the 75th percentile values are the same as for the aerobically non-biodegradability (Table 8 in TR1.0). Nevertheless, the average of anaerobic non-biodegradable ingredients is higher than the average of aerobic non-biodegradable ingredients, indicating that the products have more ingredients with higher values of anaerobic non-biodegradability.* *Nordic Swan includes stricter restrictions than EU Ecolabel for the different products. Nevertheless, according to the information provided by CBs of current licences only the threshold value for hair conditioners could be lowered.* *We communicated our values and we think it's necessary to divide this category :* *- liquid soaps : the average is 12mg/g of AC for aNBO and annNBO* *- shower preparations : the average is 6 mg/g of AC for aNBO and annNBO* *- shampoos : values of 25 for aNBO and annNBO must be kept.* *Nevertheless, if the product is intended for different functions (for example shampoo and shower), the highest threshold (less restrictive) shall be considered (for example 25 for a product shampoo and shower).*	
All values should be harmonized with the Nordic Swan for the following reasons: *The Nordic Swan have more than 2000 licensed products hence the stated limits are feasible, also for products containing fragrance* *The Nordic Swan label requirements will be updated in 2021 with more stringent values.*	

Is it a mistake to only indicate "ingoing substances" (word in the farmer decision which you proposed to replace)?	**CLARIFIED** The wording proposed in the TR2 is "ingoing substances", in accordance with Nordic Swan. Please see the definition in the "Complemetnary definition" section.
Can you indicate what kind of tests shall be provided to prove the substance is non-bioaccumulating?	**ACCEPTED** Test methods for bioaccumulation have been proposed. For more information see rationale of criterion 2.
Animal care products: Category not within scope of the definition of a cosmetic product	**PARTIALLY ACCEPTED** The animal care products have been proposed to be covered by a separate annex (Annex II).
Modify final for finished	**REJECTED** Wording used in all the EU Ecolabel product groups has been kept.
In the table 2 of criterion 2, for the new category of products, it would be relevant to have indication about if these thresholds can be applied to them and maybe they should not be aligned with the thresholds for rinse-off products	**PARTIALLY ACCEPTED** Criterion 2 has been divided into two sub-requirements: criterion 2(b)(i) applying to rinse-off products and criterion 2(b)(ii) to leave-on products.
A same molecule can't be excluded if called surfactant and approved if called emulsifier. No derogation should be applied.	**ACCEPTED** In general terms, a surfactant (short-term for surface-active-agent) is a substance which exhibits some superficial or interfacial activity providing different properties such as surface tension lowering, soap, detergent, emulsifier, wetting agent, dispersant, etc. Surfactants are often named after their use. Cleaning products (shampoos, shower preparations, toothpastes…) include mainly surfactants with cleaning function in their formulations. However, other surfactants with different functions can be found in these products, usually in lower concentrations. Emulsions are the most common type of formulations used in cosmetics, usually for skin care products (creams, lotions, serums…). In this kind of formulations micro- or nano-droplets of oil are dispersed in water (O/W emulsions) or vice-versa (W/O emulsions). Since oil and water are immiscible fluids, emulsifiers allow a kinetically stable system. No exemption is considered for surfactants with emulsifying functions.

Criterion 3. Excluded or limited substances and mixtures

Comments received in AHWG1/written form	JRC Dir. B response
For the purpose of criterion 3 impurities stated in the SDS, whose presence in the final product equals or exceeds 0.010%, shall comply with the same requirements as the intentionally added substances. *In SDS impurities are not always mentioned and difficult to identify. Propose to remove reference /criterion for impurities.*	**CLARIFIED** In criterion 3, the REACH definition of substance apply, as existing criteria in force. Under REACH, 'substance' means a chemical element and its compounds in the natural state or obtained by any production process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition. Thresholds in criterion 3 have been specified for each sub-requirement. While some requirements apply to substances above certain concentration in final product, other sub-requirements apply to all substances disregards its concentration in final product. According to this, "any impurity deriving from the process used" is considered a substance.
For the purpose of criterion 3 impurities stated in the SDS, whose presence in the final product equals or exceeds 0.010%, shall comply with the same requirements as the intentionally added substances. *The criterion should apply to all impurities exceeding 0.010% by weight in the final product, regardless if they are stated in the SDS or not.*	
For the purpose of criterion 3 impurities stated in the SDS, whose presence in the final product equals or exceeds 0.010%, shall comply with the same requirements as the intentionally added substances *According to Art19(1)(g) of Regulation EC 1223/2009:* *For the purpose of this Article, an ingredient means any substance or mixture intentionally used in the cosmetic product during the process of manufacturing. The following shall not, however, be regarded as ingredients: (i) impurities in the raw materials used; (ii) subsidiary technical materials use* The described approach treats impurities as ingredients when according to the EU Cosmetic Regulation they are not in terms of their requirement for labelling. For assessment of this conformity criterion, however, it is understood that a threshold limit has been set previously.	
New knowledge from SCCS opinions should be taken into consideration, so that the approval of products is up to date with new assessments. *Nordic swan requirements: Recommendations from the EU's Scientific Committee on Consumer Safety, SCCS Opinions, must be complied with where there is an unambiguous conclusion from SCCS. In cases where there is a direct conflict with other requirements in this criteria document, it is always the most restrictive requirement that applies.*	**ACCEPTED.** This sentence is proposed to be included in the User Manual.
It is very unclear if the substances are prohibited, or if they are allowed for use up to 0,01%. There are wordings that indicate both. It is odd allowing the use of CMR if used below 0.01%. It would be ok with 0,01% impurities/contamination, but not intentionally added. Also, for leave on cosmetics the threshold of 0.001% is more relevant.	**ACCEPTED** Thresholds for rinse-off products and leave-on cosmetics have been set and adjusted. The text in the criterion has been amended as to clearly state that CMR substances shall not be present in the product. Moreover, a table of thresholds has been included in the "General assessment and verification" section, clarifying what criterion applies to what substances and in what concentration.
What is the meaning of "intentionally added"? *In the case of a mixture which is intentionally added, are the different substances included in this mixture to be considered?*	**CLARIFIED**

In particular, how shall we deal with by-products which exceed 0,01% by weight in the final formulation?	Definitions in the TR2 have been changed. The definition of "ingoing substances" applies to criterion 3, but with different thresholds for each sub-requirement . A table of thresholds has been produced and is included in the "General assessment and verification" section, clarifying what criterion applies to what substances and in what concentration.
If the aim of the Ecolabel scheme is to provide a risk based scheme and not just a hazard based approach then rather than align with Nordic Swan just because it is the most stringent of the Ecolabel schemes it would be more scientific to align limits to REACH restrictions, CLP cut-off limits for classification (where deciding if a substance should be considered as part of the calculation process) and the Cosmetics regulation. *For example, for specific hazards look to have limits of 10% of the CLP classification limit rather than a flat limit of 0.01%.* *This would work as 10% of an SVHC that is a CMR or ED material but in the case of many of the other hazards listed is much more stringent.*	**REJECTED** The approach used in EU Ecolabel is a horizontal one, applied across all product groups (with some product specific differences) and based on exclusions of substances due to their hazard classification.
Allow microorganisms in rinse-off cosmetics, analogue to the EU Ecolabel criteria for hard surface cleaning products. As mentioned in the preliminary report there is the trend of using probiotics in cosmetics. "Hair care products include new formats avoiding plastic bottles, including probiotics and vegetables as new ingredients, or hair care specialized products."	**ACCEPTED** Microorganisms are not excluded per se. They are allowed as soon as they comply with the criteria set.
In analogy with the Detergent groups it would be useful to specify the measurement threshold for each criterion (for example like the table 1, Dec 2017/1217)	**ACCEPTED.** Definitions and thresholds have been further clarified in the text. A table of thresholds has been produced and is included in the "General assessment and verification" section, clarifying what criterion applies to what substances and in what concentration.
Cosmetics regulation are not familiar with the use of "hazardous substances" as under the Regulation 1223/2009 only forbidden substances or restricted substances are mentioned. The wording use there is not in link with the approach on cosmetics regulation based on the risk assessment. The previous wording is more accurate.	**PARTIALLY ACCEPTED** The EU Ecolabel Regulation requires that the EU Ecolabel may not be awarded to goods containing substances or preparations/mixtures meeting the criteria for classification as toxic, hazardous to the environment, carcinogenic, mutagenic or toxic for reproduction (CMR), in accordance with Regulation (EC) No 1272/2008, nor to goods containing substances referred to in Article 57 of Regulation (EC) No 1907/2006 (REACH). Criterion 3 makes reference to the CLP Regulation which defines the hazard classes of substances/mixtures. Nevertheless, the wording has been changed to "Restrictions on substances/mixtures classified under the Classification, Labelling and Packaging (CLP) Regulation".
"An analysis of other ecolabels…" *Cosmetics products are regulated by a specific regulation/sectorial regulation to take into account of the specificity of the products; It's not the case for all the other products that could receive the EU Ecolabel. The wording and the philosophy under the Cosmetics regulation should be kept. Hazard substances is not mentioned in the Cosmetics regulation as this regulation is based on a risk assessment approach.*	
"Aligning the wording of the requirement to the latest voted EU Ecolabel products."	**CLARIFIED.**

The wording should not be aligned with the other EU Ecolabel products already voted as it is a specific products with a sectorial legislation.	We try to align the wording with the one on the latest voted EU Ecolabel products for common, relevant criteria which do not depend on the chemical nature of the product. There are some specific criteria which won't be aligned with other EU Ecolabel schemes.
"This criterion shall be fulfilled by each intentionally added substance present at or above the concentration of 0,010 % weight by weight in the final product." Some of these hazard classes are already excluded in the cosmetics regulation - for example, CMR-substances 1A and 1B and with some possibilities to get derogations also of cat. 2. As there have been some discussions on how to interpret the first clause, we ask to fix the exclusion of CMR substances of each category (1A, 1B, 2) without any derogation.	**ACCEPTED.** The new criterion states that CMR substances or mixtures shall not be added in the final product or its ingredients, regardless of their concentration.
"This criterion shall be fulfilled by each intentionally added substance present at or above the concentration of 0,010 % weight by weight in the final product." The threshold should be fixed to 0,01% for rinse-off and 0,001% for leave-on cosmetics.	**ACCEPTED** Thresholds for rinse-off products and leave-on cosmetics have been set and adjusted. These thresholds are aligned to the ones which were set by Nordic Swan.
This criterion shall be fulfilled by each intentionally added substance present at or above the concentration of 0,010 % weight by weight in the final product. The criterion should apply to all intentionally added substances, not only to those that exceed 0.010% by weight in the final product.	**CLARIFIED** The wording on the thresholds has been clarified in each sub-criterion.
"This criterion corresponds to the existing criterion 3 (b) Hazardous substances and mixtures, currently in force. It is directly linked to the requirements given in the EU Ecolabel Regulation (EC) No 66/2010 in Article 6(6) which states: "the EU Ecolabel may not be awarded to goods containing substances or preparations/mixtures meeting the criteria for classification as toxic, hazardous to the environment, carcinogenic, mutagenic or toxic for reproduction in accordance with Regulation (EC) No 1272/2008"." General remark (observation) on Regulation (EC) 66/2010 on the EU Ecolabel, Article 6(6): Reference is made to substances classified as 'toxic' under the CLP Regulation. Note that this term is not used in CLP, nor do the hazard classes listed in Table 3 of the Commission decision on EU Ecolabel criteria for rinse-off cosmetic products correspond with the former categories of danger as T (toxic) and T+ (very toxic) and their corresponding classifications as Acute Toxicity categories 1 to 3, Specific Target Organ Toxicity, Single and Repeated Exposure category 1, respectively, of the previous legislation under DSD (Dangerous Substance Directive 67/548/EEC). In general, we recommend to consistently align the terminology with the legislations currently in force, for example the use of the term hazardous instead of dangerous substances.	**ACCEPTED** The term "classified as toxic" has been replaced by "fulfilling the classification criteria for Acute Toxicity, Specific Target Organ Toxicity Single Exposure and / or Specific Target Organ Toxicity Repeated Exposure".
We think that it would be better to lower the threshold for some hazard statements (like the carcinogenic H)	**ACCEPTED** The revised criterion states that CMR substances or mixtures shall not be added in the final product or its ingredients, regardless of their concentration.

The final product shall not be classified in accordance with any of the hazard statements included in Table 3. *Change to "Finished product" instead of "final product".*	**REJECTED** Difference between final product and finished product is not clear. In the Regulation EC 1223/2009 both terms are indistinctly used. Therefore, it is preferred not to modify it in the proposal criteria, as this term is used also in other EU Ecolabel product groups.
This title must be changed for "substances and mixtures" *Indeed, for each "intentionally added" mixture, we need to check the classification of all the substances AND the classification of the mixture because it's essential to evaluate the cumulative effect in the product which is intended to apply on skin's humans or animals (high hazardousness level).* *However, there should be a derogation to not consider the classification of mixture for H314 and H317 classifications because having an allergic reaction with substance A does not necessarily cause an allergic reaction with substance B: there is not a cumulative effect for these specific classifications.*	**ACCEPTED** Mixtures are also taken into consideration under this criterion.
For particularly hazardous compounds criterion 3 (a) (ii) "Substances" it is not protective enough. *CMR substances as well as some highly sensitizing substances should not be intentionally added to an EU ecolabelled product, regardless of concentration.* *Hence, we propose to remove them and introduce a more restrictive criterion, 3 (a) (iii) Severely hazardous substances"*	**PARTIALLY ACCEPTED** The new criterion states that CMR substances or mixtures shall not be added in the final product or its ingredients, regardless of their concentration.
Substances that meet the criteria for classification with the hazard statements listed in Table 3 shall not be intentionally added in the final product. *Substances must have the official hazardous classification in CLP ANNEX VI.* *Proposed hazardous classification not included in CLP ANNEX VI will not be taken into account.*	**REJECTED** In case a substance does not have a harmonized classification according to Annex VI of Regulation EC 1272/2008, classifications from the REACH submitted dossier (in case of absence of REACH registration dossier, the one with the highest number of notifications in the C&L Inventory) have been considered in order to evaluate the specific exclusions included in criterion 3 (c)
The final product shall not be classified in accordance with any of the hazard statements included in Table 3. *Editorial: 3(a)(i) – modify sentence to "[…] not to be classifiable for any hazard categories included in Table 3."*	**REJECTED** This subcriterion has been removed considering that Regulation EC 1272/2008 (CLP Regulation) only impacts chemical substances/mixtures that are used to manufacture cosmetic products. Final cosmetic products are exempt from this Regulation. Instead, the formula used in Blue Angel scheme is proposed.
Substances that meet the criteria for classification with the hazard statements listed in Table 3 shall not be intentionally added in the final product. *It is understood that the approach of the EU EcoLabel is pre-selective to exclude certain substances although the principle here is in direct conflict with the EU Cosmetic Regulation assessment of risk.*	**CLARIFIED** Regulation EC 1223/2009, Regulation EC 1272/2008 and Regulation EC 1907/2006 must be fulfilled by the products under consideration in this EU Ecolabel scheme. When a proposed criterion is stricter than what is mentioned in any of these 3 Regulations, the EU Ecolabel Regulation prevails.
Derogated substances. *Surfactants: The derogation for surfactants classified with H412 is justified. However, it should only apply to surfactants that are both aerobically and anaerobically degradable.* *With regard to H413, it is an unnecessary exemption and should be removed.*	**REJECTED** As no derogation request was received, this substance was not derogated.

A derogation for classification with H301 is necessary for sodium fluoride in toothpaste (since it has a harmonized classification with H301).	**REJECTED** As no derogation request was received, this substance was not derogated. Further research on benzoic acid can be found in the TR 2.0.
Fragrances: The derogation for fragrances classified with H412 may only be kept if a maximum limit for fragrances in the final product is introduced, in order to limit environmental effects. *With regard to H413, it is an unnecessary exemption and should be removed.*	**CLARIFIED** Fragrances are not derogated as no derogation request have been received.
Derogated substances. *Preservatives: The derogations for preservatives classified with H411, H412 and H413 should be removed, since better (less environmentally hazardous) alternatives are available.*	**CLARIFIED** Preservatives have not been derogated as derogations requests have not been received. Data on alternative preservatives are welcome.
One of the better alternatives for preservation (No H4XX-classification), benzoic acid has a harmonized classification with H372 (lungs) (inhalation). We suggest a specific derogation for benzoic acid when used in products where inhalation is not a relevant route of exposure.	**REJECTED** As no derogation request was received, this substance was not derogated. Further research on benzoic acid can be found in the TR 2.0.
Surfactants classified as H412 should be exempted, provided that they are biodegradable under aerobic and anaerobic conditions	**REJECTED** As no derogation request was received, this substance was not derogated. Further research can be found in the TR 2.0.
Fragrances classified as H317 and H334 (sensitizers) should be derogated from the requirement above.	**REJECTED** As no derogation request was received, this substance was not derogated. Further research can be found in the TR 2.0.
The content of the below table will be filled in as a result of the evaluation of justified derogation requests substantiated with technical rationale for the need of derogation, provided by the stakeholders to the project team - *The H412 derogation for surfactants needs to be kept. Near all the anionic surfactants are H412. They have a major role in rinse off cleaning cosmetics products* *.* - *Regarding the H412 derogation for fragrances, we suggest keeping it. It's difficult to propose a fragrance that doesn't contain H412 substances with a good smelling. The fragrance part on a cosmetic product is not very high in the whole product, the part of H412 substances could be quite low. if you would to keep a H412 restriction for fragrance, perhaps we can allow until 0.2% on the complete product* *.*	**REJECTED** As no derogation request was received, this substance was not derogated. Further research can be found in the TR 2.0. The derogations will be considered when the derogation requests are received by JRC.
Our company has developed a chemical substance named Ethyl Lauroyl Arginate HCl (LAE) which is included in Annex V of Commission Regulation (EU) No 1223/2009 as a preservative for cosmetic products. *Its harmonized classification is Eye Dam.1 H318 and Aquatic Acute 1 H400 and self-classification Aquatic Chronic 2 H412.*	**REJECTED** As no derogation request was received, this substance was not derogated. Further research can be found in the TR 2.0.

It's also included in some formulations which are already certified by ECOCERT, COSMOS and NATRUE. *Regarding that in COMMISSION DECISION of 9 December 2014 establishing the ecological criteria for the award of the EU Ecolabel for rinse-off cosmetic products, some exemptions are established for substances classified as Aquatic Chronic 1, Aquatic Chronic 2, Aquatic Chronic 3 and also Aquatic Acute 1 (H400, for example Zinc Pyrithione), we would like this working group to consider the possibility to include the Ethyl Lauroyl Arginate HCl (LAE) as a permitted substance for rinse-off cosmetic products.* *On the other hand, surfactants, classified as H400 and H412, are derogated substances according to different Commission Decisions establishing the EU Ecolabel criteria for detergents. Ethyl Lauroyl Arginate HCl (LAE) has also surfactant properties besides antimicrobial activity.* *Finally, other regulations such as Commission Decision of 28 May 2014 establishing the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes also indicates exemptions for preservatives with these hazard classifications for the environment.*	
Surfactants (in total concentrations < 20 % in the final product) *We have reservation on the availability of main surfactants used in cosmetics that are not classified H412 after CLP reassessment. Please provide a list for review.*	**REJECTED** As no derogation request was received, this substance was not derogated. Further research can be found in the TR 2.0
Specified excluded ingoing substances and mixtures *In application of the precaution principal, we support the removal of all derogations unless industrials provide evidenced request of derogations for specific substances or substance groups. However, we wish to point out that French industrials are concerned about the possibility to find alternatives for substances classified with H412 and H413. We wish to receive feedback from the JRC on which alternatives industrials could use.*	**ACCEPTED** See section "further research and main changes" in TR2 under criterion 3 (a). Industry input is needed in order to find out if alternatives are available. For the moment, no derogations have been granted as derogations requests have not been provided.
The proposal to remove the derogation for Zinc pyrithione (ZnPT) considering the recently adopted harmonised classification as Reprotoxic category 1B substance is further supported by its high toxicity to aquatic organisms which is reflected in the harmonised classification as hazardous to the aquatic environment and in particular the high M-factors (acute M=1000, chronic M=10) assigned to the classification which in our view this should not be dismissed.	**ACKNOWLEDGED**
We support the removal of the derogation of zinc pyrithione (ZnPT), with reference both to environmental and human health concerns.	**ACKNOWLEDGED**
Concerning the ZPT derogation, French industrials point out that it might be a challenge to find alternative substances for anti-dandruff shampoo. We wish to have the JRC feedback on which alternative of ZnPT could be used for this type of product.	**REJECTED** Following further analysis, the following alternatives for ZnPT on anti-dandruff shampoos were found: - Selinium sulphide. - Salicylic acid. - Coal-tar solution. - Dandrilys®.

	Out of these alternatives, selenium sulphide and Dandrilys® are the ones which could fit under EU Ecolabel criteria. Salicylic acid is excluded due to H361d and Coal-tar is excluded due to H350. Further analysis can be found in the TR.
"…Removing the derogation on Zinc pyrithione (ZnPT) used in anti-dandruff shampoos…" *There should be a coherent approach between the different services of the European Commission as this substance is under scrutiny by the Cosmetics unit.*	**CLARIFIED** https://echa.europa.eu/es/registry-of-clh-intentions-until-outcome/-/dislist/details/0b0236e181221490 22/01/2020: the proposed harmonized classification for ZnPT (CAS nº 13463-41-7) has been adopted, but it has not been included in Annex VI through an ATP amendment and it is not known the publication date of this ATP yet.
There is a clear overlap in the criteria 3(a), (b) and (c) and we recommend careful consideration in the decision under which conditions specified (groups of) substances should be listed under criterion 3(b) and whether these are not also covered under criterion 3(a) and/or 3(c). In this context we would like to stress the need for clarity whether the requirements of the criteria refer to: *Harmonised entries listed in Annex VI to CLP; or* *PBT/vPvB substances included in the Candidate list set out in accordance with 59 of REACH; or* *Endocrine disruptors contained in the Candidate list set out in accordance with 59 of REACH or being confirmed under Regulation EC 1107/2009 or Regulation (EU) 528/2012.* *In relation to the above, it is proposed to insert a link to the ECHA website which provides regular updates of the lists of harmonised classifications in the Classification and Labelling Inventory as well as identified SVHCs listed in the Candidate list for eventual inclusion in Annex XIV to REACH.*	**ACCEPTED** Harmonised entries which are listed in Annex VI of CLP are taken into account for the evaluation of the restricted substances under criterion 3, but it is not the only source to look for the CLP classification of a substance under evaluation. Regarding SVHC and ED, the link to the dynamic table of the Candidate List of SVHC for Authorization was already included in the 1st proposal and it is kept in the 2nd one.
Criterion 3b specified excluded substances *Denmark supports that the limit should be "intentionally added", please refer to our comments on definitions. Having agreed on this limit also mean that some of the arguments from the technical report shall be reconsidered, reference page 45 – 51 in the technical report. Some substances are not on the list since they should already be regulated by requirements 3c SVHC, 3d Fragrance or 3e Preservatives. But these 3 requirements have another "limit" which is 0,010%. We suggest that these substances (example D4, D5 and D6) are added to the list again - this will also make the requirements more transparent for applicants.*	**PARTIALLY ACCEPTED** The criterion has been clarified and now the CMR, SHVCs and specific list of substances in 3 (b) shall not be included in the final product (regardless of their concentration). Substances meeting the CLP hazard classifications in 3 (a) (i) shall not be included in the final product, at or above the concentration of 0.010 % weight by weight for rinse-off products and 0.001% weight by weight for leave-on cosmetics. Octamethylcyclotetrasiloxane (D4) was added to Annex II of Cosmetics Regulation and therefore excluded to be used in cosmetics. For this reason, it was removed in TR1.0. In addition, D4, D5 and D6, are included in REACH SVHC Candidate List, being classified as vPvB substances. Therefore, they are restricted by revised sub-criterion 3(c) on SHVCs.

We support the inclusion of new compounds in the list of specified excluded substances. In particular, butylated hydroxyanisole (BHA), cocamide DEA and the phthalates di-n-octyl-phthalate (DNOP) and diethyl phthalate (DEP). *In addition to the problematic properties of these chemicals described in the proposal text, both butylated hydroxyanisole (BHA) and Cocamide DEA are classified by the International Agency for Research on Cancer as "Possibly carcinogenic to humans". BHA, DNOP and DEP are also identified as endocrine disruptors and listed on the SIN list (established by the International Chemical Secretariat).*	**ACKNOWLEDGED**
Per- and polyfluorinated compounds are a group of extremely stable compounds and are excluded in cosmetics ecolabelled with the Nordic Swan Ecolabel as well as Bra Miljöval. *Many of them are bioaccumulative.* *The proposal text describes the negative effects of PFOA and PFOS, which have rendered them classifications prohibiting them from being used in the EU Ecolabel. However, PFAS is a huge group of chemicals, now comprising 4700 compounds. Hence, it is probable that many other per- and polyfluorinated compounds may possess the same hazardous properties as PFOA and PFOS, although not yet being enough studied.* *The EU Ecolabel should therefore introduce a ban on the group as such (i.e all per- and polyfluorinated compounds).* *It is crucial that an ecolabel prevents the substitution of hazardous chemicals to structurally similar alternatives with a high risk of being just as problematic.* *In Sweden, major pharmacy companies (Apoteket AB, Apoteket Hjärat, Apotea), grocery stores (Willys) and cosmetics brands (e.g. L'Oréal, H&M , Lumene) are phasing out the whole group of per- and polyfluorinated compounds. The EU ecolabel should not be less restrictive than those voluntary initiatives. In addition, unless a ban on the whole group is introduced, the EU Ecolabel cannot be used as a verification of products allowed to be sold in these stores.*	**ACCEPTED**. Due to the high persistence, global distribution, bioaccumulation potential, and toxicity, this group of chemicals is proposed to be banned in criterion 3 (b).
The cyclic siloxanes octamethylcyclotetrasiloxane (D4), decamethylcyclopentasiloxane (D5) and dodecamethylcyclohexasiloxane (D6) have all been identified as substances of very high concern (SVHC). Consequently, they are prohibited according to criterion 3 (c). Other cyclic siloxanes that may occur in cosmetic products, such as hexamethylcyclotrisiloxane (D3), will most likely possess similar problematic properties. *EU Ecolabel should therefore exclude the group as such (i.e all cyclic siloxanes) in the criteria.* *It is crucial that an ecolabel prevents the substitution of hazardous chemicals to other alternatives with high risk of being just as problematic.*	**REJECTED** There is not enough evidence to prohibit all cyclic siloxanes due to the same reason as the ones behind the restriction on D4, D5 and D6. D4, D5 and D6 are included in the Candidate List of SVHC, because it is confirmed that they meet the criteria to be classified as PBT (Article 57d) and vPvB (Article 57e) according to REACH regulation. According to the REACH registration submission dossier for D3: "This substance and its hydrolysis product (dimethylsilanediol) do not meet the criteria for PBT or vPvB. But a degradation product meets the P criterion". It should be kept in mind that the substances not listed in criterion 3 (b) have to fulfil criteria 1 and 2. Therefore, their persistence and negative effect on the aquatic environment should be limited already.

Substances meeting the criteria for PBT or vPvB, but which have not yet been investigated with regard to inclusion in the Candidate list should also be banned, since they possess the same hazardous properties	**REJECTED** Substances which have not been identified as PBT or vPvB were not proposed to be included in criterion 3(b) as the assessment of whether a substance is suspected to be PBT or vPvB or not may be subjective and therefore difficult and costly for the CBs.
Contrary to what you state in page 49 (53), "Phosphates" are not mentioned as excluded substance in this revised criterion 3(b). *Therefore, it is proposed that these substances are included in the revised criterion 3 (b) as excluded substances in EU Ecolabel products.* *As mentioned in page 39 (43), "Phosphates" are missing in the revised criterion 3(b).*	**ACCEPTED** There was a mistake in the TR1. Phosphates have been added to the list.
As described in the background report perfluorinated compounds are used in cosmetics (p.49). While the most common PFAS (PFOS, PFOA, PFNA and PFSOA) have a harmonised classification under CLP Regulation and are therefore restricted through criterion 3 (a), many other PFAS not covered by this requirement are being used in cosmetics. *The Nordic Swan Ecolabel has therefore set a general ban of Perfluorinated and polyfluorinated substances, which would be more relevant for the EU Ecolabel vs only restricting the substances listed in page 49,* *In Danish cosmetics these fluorinated substances have been found in cosmetics:* *C9-15 fluoroalcohol phosphate* *Polyperfluoromethylisopropyl ether* *Ptfe* *Perfluorooctylethyl triethoxysilane* *Perfluorooctyl triethoxysilane* *Perfluorodecalin* *Acetyl trifluoromethylphenyl valylglycine* *Perfluorononylethyl carboxydecyl peg-10 dimethicone* *Tetradecyl aminobutyroylvalylaminobutyric urea trifluoroacetate* *(others may also be used, but not yet encountered)* *Fluorinated substances pose a threat to both the environment as well as health. Researchers appeal to phase out all non-essential use:* *Madrid Statement:* *https://ehp.niehs.nih.gov/doi/10.1289/ehp.1509934* *Zürich Statement:* *https://ehp.niehs.nih.gov/doi/10.1289/EHP4158* *Background links* *Danish Consumer Council survey on which PFAS are used in cosmetics* *https://kemi.taenk.dk/bliv-groennere/fluorinated-substances-found-lotion-mascaras-and-shaving-foam*	**ACCEPTED**. Due to the high persistence, global distribution, bioaccumulation potential, and toxicity, this group of chemicals are proposed to be banned in criterion 3 (b).

Danish EPA work on PFAS in cosmetics. The report shows impurities of PFOA in ptfe, and a possible risk. *(please note that the risk assessment was performed before EFSA reduced the TDI by almost 2000* *times. https://www2.mst.dk/Udgiv/publications/2018/10/978-87-93710-94-8.pdf*	
Replace "Their use" by "The use of D5 and D6".	**ACCEPTED** It has been implemented in the rationale text.
Given the existing concerns on potential hazardous properties of nanomaterials and methodology gaps to assess them, and based on the precautionary principle, the EU Ecolabel should exclude nanomaterials. Specific nanomaterials could be accepted based on conclusions from the SCCS. *The EU Ecolabel could be aligned with the Nordic Swan Ecolabel. The Swan excludes* *nanomaterials/particles as defined in the Cosmetics Regulation. An exception is made to this requirement for:* *a) hydrated silica, which is used as an abrasive in toothpaste.* *b) TiO2 approved in SCCS opinion SCCS/1516/13. I.e. TiO2 must not be photocatalytic, coating must be stable and TiO2 may not be included in spray products.* *Article 7 of Regulation2018/848 on organic production and labelling of organic products sets principles applying to the processing of organic feed. One of the principles implies the exclusion of food containing, or consisting of, engineered nanomaterials. This is a precedent that could be used for excluding nanomaterials in the EU Ecolabel for cosmetics and other product groups.*	**ACCEPTED** Nanomaterials were proposed to be excluded in EU Ecolabel unless an EU regulatory authority has evaluated the use of the nanomaterial and found that it is safe from health and environmental perspective
Criterion 3 (b) "Specified excluded substances" (vii). The criterion should include all nanomaterials, unless an independent party has evaluated the specific use and found it to be safe from a health and environmental perspective.	
Lip care products should not contain ingredients based on mineral oils (petroleum based)	**REJECTED** Based on the Risk Assessment issued by BfR and the recommendations from Cosmetics Europe, no health effects are to be expected from oral intake of mineral oils. Therefore, there is proposed not to include MOSH and MOAH under criterion 3 (b).
In order to allow a clear identification of the (groups of) substances listed under criterion 3, we propose to include numerical substance identifiers, such as EC and or CAS numbers, where possible. In case of Alkyl phenol ethoxylates (APEOs) and other alkyl phenol derivatives (3(b)(i), an indicative list of substances covered under this group is available on the ECHA website.	**REJECTED** As far as possible, the CAS and EC numbers will be included in the User Manual.
No microorganisms.	**REJECTED** No evidence have been provided on the need to restrict microorganisms.
The JRC should evaluate the possibility to restrict:	**ACCEPTED** Further research has been carried out and can be found in TR2.0.

- *MOAH (mineral oil aromatic hydrocarbons) which can be a source of potentially carcinogenic compounds, such as polycyclic aromatic hydrocarbons (PAHs)* - *MOSH (Mineral oil saturated hydrocarbons), although its health impact of is little known we know that they are likely to be more easily absorbed with a carbon number less than 25.* *And nanoparticles, given their potential health impact.*	
- *Concerning phosphates, we support the proposal of the JRC to exclude them from EU Ecolabel cosmetic products. However, in the revised criterion 3.b), phosphates are not listed in excluded substances. They should be included in this list, as stated by the JRC in the technical report.*	**ACCEPTED.** Disodium phosphate) and Trisodium phosphate have been added to the list of Specified Restricted Substances (sub-criterion 3(b)).
Rather than just have a blanket exclusion of phosphates consideration needs to be given to *a) the classification of the REACH registered product (not all phosphates are classified as Corrosive)* *b) their form in the final formulation as they are often neutralised.*	**CLARIFIED** In order to evaluate the substances of study under "Criterion 3: Excluded or limited substances and mixtures", it has been used the following methodology in order to determine the classification of a substance according to Regulation (EC) No 1272/2008 (CLP Regulation) - Entry on Annex VI of Regulation (EC) No 1272/2008 (harmonized classification). - Notified classification in the registration submitted dossier according to Regulation (EC) No 1907/2006 [REACH Regulation]. - Entry in the C&L Inventory with higher number of notifiers. Sodium phosphate, dihydrate; Disodium phosphate, heptahydrate; Trisodium orthophosphate; and Phosphoric acid, trisodium salt, dodecahydrate have been proposed to be banned in EU Ecolabel.
Paraben preservatives of long alkyl chain type, MIT (methylisothiazolinone) and MCI (methylchloroisothiazolinone) should not be found in cosmetic products (rinsed and leave-on)	**ACCEPTED** Paraben preservatives are already included in the list of Specified Excluded Substances (criterion 3 (b)). Ispthiazolinones have been added to the list of excluded substances in criterion 3(b).
Formaldehyde – we note that formaldehyde is prohibited from use in cosmetic products, however, we are not aware of an explicit ban for animal care products falling under the provisions of the GPSD. We would propose to consider setting specific rules for this product type and to assess which impact this would have on the use of formaldehyde and releasers in these products?	**CLARIFIED** It exists an entry under Annex VI of CLP Regulation for Formaldehyde. Among other criteria, it meets the criteria to be classified as H341 and H350. According to what it is proposed in criterion 3 (a) (ii), substances which meet these criteria must not be used in cosmetic EU Ecolabel products, regardless their concentration. It is proposed that substances included in annex II of Cosmetics regulation (excluded in cosmetics), are also excluded for animal products. Therefore, there is no need to set specific rules to allow formaldehyde on animal care products.
There is no relevant reason to forbid it. It should be removed from the list.	**REJECTED**

	The following CAS / EC accepts "benzalkonium chloride" as IUPAC name: 1) CAS 8001-54-5 (EC 616-786-9) 2) CAS 68391-01-5 (EC 269-919-4) 3) CAS 63449-41-2 (EC 264-151-6) 4) EC 939-350-2 After further analysis, all of them are classified as H302 and H314, and 3 out of 4 are classified as H400. The inclusion in the Specified Restricted List is justified.
Phenoxyethanol should be removed from all leave-on products for children.	**ACCEPTED** Despite its use is accepted as alternative for parabens, it is proposed to ban its use on leave-on products for children, due to their risk of swallowing (due to H302)
The definition for Microplastics is currently included as footnote under criterion 3(b) – we appreciate the alignment with the restriction proposal for Microplastics under REACH. However, we would suggest replacing the definition by referring to the future restriction entry in case the definition may change over time.	**ACCEPTED** The "microplastic" definition has been replaced for the definition on Annex XV of Regulation EC No 1907/2006 (REACH) (restriction proposal for microplastics).
Please take into consideration that microplastics have been proposed by ECHA to be regulated. The regulation is under evaluation right now.	**ACCEPTED**. Under this sub-criterion, "microplastic" has been defined as it appears on Annex XV of Regulation EC No 1907/2006 (REACH) (restriction proposal for microplastics). Examples of categories which fall under this definition can be found on Annex A and Annex B of the Annex XV report.
**'microplastic' means particles with a size of below 5 mm of insoluble macromolecular plastic, obtained through one of the following processes: (a) a polymerisation process such as polyaddition or polycondensation or a similar process using monomers or other starting substances; (b) chemical modification of natural or synthetic macromolecules; (c) microbial fermentation.* *Is this a working definition based upon the work from ECHA or subject to change as/if legislation in this area evolves?*	
Legislation have to be coherent and for microplastics there is a differentiation between microbeads that will be forbidden in 2020-2021 (already applicable in some Member States) and microplastics that will be forbidden in rinse-off products from 2024-2025 and for other leave-on products from 2026-2027....	
There is also a definition of microplastics for cosmetics and restriction of them are spread on different years (2020-2021 for microbeads, 2024-2025 for rinse-off products, 2026-2027 for leave-on products)	
The definition of microplastics should be aligned with the final decision of the proposed REACH restriction in order to simplify communication in the supply chain.	
Regarding microplastics, a restriction will come into force on January 1, 2020 restricting the use of microbeads but for other microplastics a derogation is envisaged until 2024/2025 for rinsed products and until 2026 / 2027 for leave-on products. It would therefore be necessary to specify which microplastics are actually targeted by the criterion. We would support the total restriction on microplastic in EU Ecolabel products.	
Not only nano silver might be a problem; to be safe we ask on SCCS opinions, therefore we ask for following exclusion:	**ACCEPTED**

Nanomaterials unless a SCCS opinion is published with the conclusion that they are safe (for example 3 TiO2-Monomers, SCCS, Opinion on additional coatings for Titanium Dioxide (nano form) as UV-filter in dermally applied	In the second version of the TR it is proposed to exclude nanomaterial unless an EU regulatory authority has evaluated its use and found that it is safe from health and environmental perspective.
Substance OTNE has not a harmonized classification. Substance must be removed from this "prohibited substances" list.	**REJECTED** Despite OTNE (EC 915-730-3) has no harmonized classification according to Annex VI of CLP Regulation, it exists a REACH registration submission dossier for this substance. According to this document, the substance is classified as H315, H317, H410 (M(chronic)=1). Due to its allergic skin reaction and its high environmental hazard potential, it is still recommended not to remove this substance from the proposal.
French stakeholders have expressed doubts about the exclusion of Sodium Lauryl Sulphate (SLS) and Sodium hypochlorite. These substances have the same irritation potential and environmental impact as other anionic surfactants that are not excluded. We wonder why those two anionic surfactants should be excluded when all other anionic surfactants are not. We expect to receive further explanation about the exclusion of those substances from the JRC before expressing a position on this criterion.	**CLARIFIED** Sodium hypochlorite has a harmonized classification according Annex VI of CLP Regulation: H314, H318, H400 and H410. Due to its oxidising properties (reflected through H314) and high environmental hazard potential (H400 and H410), it is still recommended not to remove this substance from the proposal. After further analysis on the classification submitted in the REACH registration dossier, the main risk of SLS which is associated to the products under the scope of this EU Ecolabel is the possibility to be swallowed. The substance meets the criteria to be classified as Acute Toxicity, Category 4 – H302: Harmful if swallowed. Therefore, it is proposed to ban this substance, exclusively, for toothpaste applications. The level of usage in cosmetic products encourages companies to look for safer alternatives.
SLS is largely used in cosmetics products and classification is not present in CLP Annex VI. This substance must be removed from this "prohibited substances" list.	
Cocamide DEA is already forbidden due to its CLP classification (it is registered under REACH). There is no need to list it here. It also denigrates this ingredient, which is in contradiction with the guidelines of claims on cosmetic products.	**REJECTED** According to the CLP classification in the REACH submitted dossier for Cocamide DEA (EC 931-329-6), it is classified as Aquatic Chronic 2 (H411). Table 3 from criterion 3 (a) (i) states that substances which meet the criteria to be classified as H411 shall not be intentionally added in the final product in a certain % (0.01% for rinse-off products and 0.001% for leave-on cosmetics). Criterion 3(b) bans the use of this substance, regardless of its content in the final product.
Some substances are excluded only according to rumours. For example, Cocamide DEA is already excluded because under sub-criterion 3(a) (H411). Why to remark?	
Remove from the list. Sodium Lauryl Sulphate is forbidden in Nordic Swan only for toothpaste. It makes no sense to forbid it for all applications. *We are strongly against the proposal to ban SLS, because most anionic surfactants used in cosmetic formulations are classified in the same manner as SLS or worst.*	**PARTIALLY ACCEPTED** After further analysis on the classification submitted in the REACH registration dossier, the main risk of SLS which is associated to the products under the scope of this EU Ecolabel is the possibility to be swallowed. The substance meets the criteria to be classified as Acute Toxicity, Category 4 – H302: Harmful if

SLS have the same irritation potential and environmental impact as other anionic surfactants that are not excluded. We wonder why this anionic surfactant should be excluded when all other anionic surfactants are not. We suggest deleting this raw material from specific excluded substances	swallowed. Therefore, it is proposed to ban this substance, exclusively, for toothpaste applications.
Product is produced in liquid form and powder is obtained as result of additional steps, so inhalation on the molecule as produced is not an issue. Furthermore, sarcosinates that are quoted as milder in powder form are classified as more toxic (ECHA Dossiers). Flammability depends on powder bulk density and other characteristics are the same for the main part of surfactants, so this inclusion is only a market issue with no scientific evidence.	
Sodium Lauryl Sulphate (SLS) can be made from petrochemical and natural origin.	**ACKNOWLEDGED**
(xiv) Substances classified as endocrine disruptors. *-EC Priority List of substances suspected ED must not be taken into account.* *-Only confirmed ED Substances must be referenced as prohibited.*	**ACCEPTED** Sub-criterion 3 (b) (xv) has been renamed to "Substances and mixtures identified to have endocrine disrupting properties". These are the ones which have been identified to have endocrine disrupting properties (human health and/or environment) in the Candidate List of SVHC, in Regulation 528/2012 or in Regulation 1107/2009.
Scientists increasingly link endocrine-disrupting chemicals (EDCs) to a range of severe diseases and disorders, including infertility, obesity and cancer. Cosmetics ingredients with endocrine-disrupting (ED) properties represent a significant, potential source of cumulative consumer exposure to EDCs, including for vulnerable groups, such as pregnant and breast-feeding women, children and persons with compromised immune responses. They also have environmental impacts as they affect wildlife. EDCs are used in cosmetics, and as label for environmental excellence the EU Ecolabel should address them. *We welcome the JRC proposal to exclude EDCs, however the proposed requirement is very limited as this classification is taking place through REACH. Considering the precautionary principle at the heart of the Ecolabel Regulation, the requirements should also cover substances that are not yet classified as EDCs but suspected of being endocrine disrupters. The Nordic Swan Ecolabel has this requirement although it refers to an old EU list and we think that considering more updated lists instead is preferable.* *We strongly recommend referring to the EC list published on May 2019 (including group A and B), which should be assessed by the SCCS. Applying the precautionary principle at the heart of the EU Ecolabel Regulation, all the substances in the list should be excluded in the EU Ecolabel. BEUC comments on each of the substances included in this list can be found in this position paper.* *The UN has also published a list of endocrine disrupting chemicals or potential EDCs which support the consideration of suspected EDCs by the EU Ecolabel. All the substances included in this list have gone at least through one thorough scientific assessment.*	**REJECTED** Sub-criterion 3 (b) (xv) has been renamed to "Substances and mixtures identified to have endocrine disrupting properties". These are the ones which have been identified to have endocrine disrupting properties (human health and/or environment) in the Candidate List of SVHC, in Regulation 528/2012 or in Regulation 1107/2009. Substances which have not been identified as EDs were not proposed to be included in criterion 3(b) as the assessment of whether a substance is suspected to be EDs or not may be subjective and therefore difficult and costly for the CBs.

The European Parliament and Council have called for a swift preparation of the long-overdue non-toxic environment strategy, as well as action on endocrine disrupting chemicals (EDCs). *- European Parliament resolution of 18 April 2019 on a comprehensive European Union framework on endocrine disruptors* *- Council conclusions June 2019 Towards a Sustainable Chemicals Policy Strategy of the Union* *- Council conclusions on 8th Environmental Action Program, October 2019.*	
We strongly recommend including suspected EDCs and referring to the EC list published on May 2019 (including group A and B), which should be assessed by the SCCS. *To only include endocrine disruptors that have been identified as SVHC is without doubt not protective enough. In addition, it is far below the ambitions expressed in most other requirements of the proposal, for example concerning aquatic toxicity and other aspects of human health hazards.*	
Endocrine disruptors under which criteria/definition? This should be indicated in order to avoid any misunderstandings.	**CLARIFIED** "Substances identified to have endocrine disrupting properties" are the ones which have been identified to have endocrine disrupting properties (human health and/or environment) in the Candidate List of SVHC, in Regulation 528/2012 or in Regulation 1107/2009. This aspect has been clarified also in the TR2.
Endocrine disruptors are defined as "an exogenous substance or mixture that alters function(s) of the endocrine system *and, consequently, causes adverse health effects in an intact organism, or its progeny, or (sub)populations"* *This definition is too vague. It is necessary to provide the comprehensive list of forbidden substances.*	**ACCEPTED** The definition which was used on the TR1.0 was provided by the International Programme on Chemical Safety (IPCS), a joint programme of various United Nation Agencies, including the World Health Organisation. In the 2nd proposal, sub-criterion 3 (b) (xv) has been renamed to "Substances identified to have endocrine disrupting properties". These are the ones which have been identified to have endocrine disrupting properties (human health and/or environment) in the Candidate List of SVHC, in Regulation 528/2012 or in Regulation 1107/2009.
It is necessary to provide the comprehensive list of substances considered as endocrine disruptors.	**CLARIFIED** "Substances identified to have endocrine disrupting properties" are the ones which have been identified to have endocrine disrupting properties (human health and/or environment) in the Candidate List of SVHC, in Regulation 528/2012 or in Regulation 1107/2009.
The commission should define the exhaustive list of prohibited endocrine disrupters.	
As written, there is no reference to indicate what 'classified' refers to i.e. by whom and according to what. *It should be clarified precisely what is mean here. For instance, suspected or established EDs. With the work in this field only commencing it would be prudent to focus on a scientific based approach taking into account opinions from ECHA, EFSA, SCCS, and the JRC fitness check.*	

Are there any other substances with potential endocrine disrupting properties that should be covered by criterion 3 (b)? *Please the comment previous concerning endocrine disruptors. Consideration should be to take into account the work in cosmetics on EDs with input to come from the SCCS, and more horizontally from other EU agencies. the value of any arbitrary listing is questionable.*	
Concerning substances classified as endocrine disruptors, no official list of substances classified as endocrine disruptors currently exists. As we agree that this substance group should not be authorized in EU Ecolabel products and to ease the verification process, we recommend that the JRC defines an exhaustive list of substances to be excluded.	
Substances classified as endocrine disruptors. - The meaning of a 'classified' endocrine disruptor would need to be clarified. If it is understood to be a confirmed ED, i.e. identified as an SVHC under REACH, Article 57(f) or any other legislative process. We note that criterion 3(c) already covers the endocrine disruptors identified under the REACH Regulation. Overall, there are diverging levels of uncertainty based on which to consider a substance as ED, such as known ED properties but not yet regulated, suspected ED but possibly further data needs to be generated to confirm the status, etc.. It is important to consider these aspects in the revision of the Technical Report.	
Edtorial: Substances identified (not classified) as endocrine disruptors.	**ACCEPTED** This has been amended.
"The Cosmetics Regulation does not contain specific provisions for endocrine disruptors" *Please, be careful with this kind of sentence. This will be a public report. Article 15 of the current cosmetic regulation contains specific provision for ED.*	**ACCEPTED** This sentence has been removed from the rationale.
This criterion should be out as there is not an official list of ED	**REJECTED** Despite there is no official list with identified and suspected to have ED properties substances, the risk of this group of substances is too high and the sub-criterion is proposed to be kept. "Substances identified to have endocrine disrupting properties" are the ones which have been identified to have endocrine disrupting properties (human health and/or environment) in the Candidate List of SVHC, in Regulation 528/2012 or in Regulation 1107/2009.
There is some work done by the European Commission on endocrine disruptors and the results are not known. It should be better to wait. And, there is no official list of ED so which one will fall under this legislation?	**REJECTED** Sub-criterion 3 (b) (xv) has been renamed to "Substances identified to have endocrine disrupting properties". These are the ones which have been identified to have endocrine disrupting properties (human health and/or environment) in the Candidate List of SVHC, , in Regulation 528/2012 or in Regulation 1107/2009.
Correct "Substances classified as endocrine disruptors" into "Substances suspected of being endocrine disruptors, mentioned at the "call for data on	**REJECTED**

ingredients with potential endocrine-disrupting properties" published on May 2019 (including group A and B). *https://ec.europa.eu/growth/content/call-"* *as* *Many endocrine-related diseases and disorders are on the rise* *Consumers are worried* *There no criteria for the classification of EDCs* *The political will support the application of the precautionary principle* *Many endocrine-related diseases and disorders are on the rise* *From: State of the Science of Endocrine Disrupting Chemicals 2012 Summary for Decision-Makers / WHO* *Large proportions (up to 40%) of young men in some countries have low semen quality, which reduces their ability to father children.* *The incidence of genital malformations, such as non-descending testes (cryptorchidisms) and penile malformations (hypospadias), in baby boys has increased over time or levelled off at unfavourably high rates.* *The incidence of adverse pregnancy outcomes, such as preterm birth and low birth weight, has increased in many countries.* *Neurobehavioral disorders associated with thyroid disruption affect a high proportion of children in some countries and have increased over past decades.* *There is a trend towards earlier onset of breast development in young girls in all countries where this has been studied. This is a risk factor for breast cancer.* *The prevalence of obesity and type 2 diabetes has dramatically increased worldwide over the last 40 years. "WHO" estimates that 1.5 billion adults worldwide are overweight or obese and that the number with type 2 diabetes increased from 153 million to 347 million between 1980 and 2008.* *Global rates of endocrine-related cancers (breast, endometrial, ovarian, prostate, testicular and thyroid) have been increasing over the past 40–50 years.* *There are no criteria for the classification of EDCs.* *The only official rules are the one for "identification of EDCs", incorporated in the biocides and plant protection regulations and recently applied for such substances.* *https://ec.europa.eu/health/endocrine_disruptors/process_en* *The only way of "classification" for EDCs in REACH is these days the identification as "property of equivalent concern" for the identification as chemical as a substance of very high concern SVHC according to article 57 (f) REACH. As this is a time-consuming process up to now only 14 substances are identified - https://echa.europa.eu/candidate-list-table* *Find here the 14 substances identified as EDCs, underlined the only 2 substances which were used in cosmetics – both of them forbidden in cosmetics since years.* *Endocrine disrupting properties (Article 57(f) - human)* *Dicyclohexyl phthalate (DCHP)* *4,4'-isopropylidenediphenol (Bisphenol A; BPA) (also environment)* *Diisobutyl phthalate*	Sub-criterion 3 (b) (xv) has been renamed to "Substances identified to have endocrine disrupting properties". These are the ones which have been identified to have endocrine disrupting properties (human health and/or environment) in the Candidate List of SVHC, in Regulation 528/2012 or in Regulation 1107/2009. Substances which have not been identified as EDs were not proposed to be included in criterion 3(b) as the assessment of whether a substance is suspected to be EDs or not may be subjective and therefore difficult and costly for the CBs.

Benzyl butyl phthalate (BBP) *Bis (2-ethylhexyl)phthalate (DEHP) (also environment)* *Dibutyl phthalate (DBP)* *Endocrine disrupting properties (Article 57(f) - environment)* *4-tert-butylphenol* *Tris(4-nonylphenyl, branched and linear) phosphite (TNPP) with ≥ 0.1% w/w of 4-nonylphenol, branched and linear (4-NP)* *1,7,7-trimethyl-3-(phenylmethylene)bicyclo[2.2.1]heptan-2-one (3-benzylidene camphor; 3-BC)* *Reaction products of 1,3,4-thiadiazolidine-2,5-dithione, formaldehyde and 4-heptylphenol, branched and linear (RP-HP) with ≥0.1% w/w 4-heptylphenol, branched and linear (4-HPbl)* *4,4'-isopropylidenediphenol (Bisphenol A; BPA) (also human)* *4-heptylphenol, branched and linear* *p-(1,1-dimethylpropyl)phenol* *4-Nonylphenol, branched and linear, ethoxylated* *4-(1,1,3,3-tetramethylbutyl)phenol* *Bis (2-ethylhexyl)phthalate (DEHP) (also human)* *Consumers are worried* *Apps and information from Consumer Organisations support them for making informed decisions to purchase* *General Leaflet of BEUC (The European Consumer Organisation) on EDCs* *https://www.beuc.eu/publications/beuc-x-2019-037_endocrine_disruptors_throughout_your_day.pdf* *App ToxFox on Cosmetics, Germany* *https://www.bund.net/themen/chemie/toxfox/* *App Kemiluppen on Cosmetics and Personal Care Products, Denmark* *https://kemi.taenk.dk/bliv-groennere/kemiluppen-tjek-din-personlige-pleje-uoensketkemi* *QuelCosmetic, France* *https://www.quechoisir.org/application-mobile-quelcosmetic-n52804/* *Voluntary Labelling in Austria (english version attached below the german one)* *https://vki.at/hormoninfo* *Therefore, if the EU Ecolabel doesn't set strict criteria on EDCs in cosmetic products, it will lose credibility in the eyes of consumers and consumer groups.* *The political will* *Ursula van der Leyen mentions explicitly EDCs in her agenda for the coming presidency of the EC: „For the health of our citizens, our children and grandchildren, Europe needs to move towards a zero-pollution ambition. I will put forward a cross-cutting strategy to protect citizens' health from environmental degradation and pollution, addressing air and water quality, hazardous chemicals, industrial emissions, pesticides, and endocrine disrupters. "*	

p.7, https://ec.europa.eu/commission/sites/beta-political/files/political-gudelines-next-commission_en.pdf *We are therefore convinced that it is more than justified to apply the precautionary principle for EDCs.*	
Same criteria that will be used for cosmetics under Cosmetic Regulation should be used.	**REJECTED** Article 15 (4) of Regulation (EC) No 1223/2009 (Cosmetics Regulation) is the only article which refers to endocrine disruptors. It is stated there: "When Community or internationally agreed criteria for identifying substances with endocrine-disrupting properties are available, or at the latest on 11 January 2015, the Commission shall review this Regulation with regard to substances with endocrine-disrupting properties". This is not enough protective to prohibit the use of these substances.
Substances with endocrine disrupting effects should be banned. A list is required	**PARTIALLY ACCEPTED** Sub-criterion 3 (b) (xv) has been renamed to "Substances identified to have endocrine disrupting properties". These are the ones which have been identified to have endocrine disrupting properties (human health and/or environment) in the Candidate List of SVHC, in Regulation 528/2012 or in Regulation 1107/2009.
Concerning substances classified as endocrine disruptors, no official list of substances classified as endocrine disruptors currently exists. As we agree that this substance group should not be authorized in EU Ecolabel products and to ease the verification process, we recommend that the JRC defines an exhaustive list of substances to be excluded.	
Similar to microplastics condition, EDs should be aligned with materials specifically listed as SVHC under REACH because of ED properties.	
Denmark supports the inclusion of the new substances especially "Endocrine disruptors".	**ACKNOWLEDGED**
No intentional use of SVHC should be allowed, as done for the EU Ecolabel for Detergents. They are currently proposed for restriction restricted in the criteria proposal for cosmetics but only above 0.01%.	**ACCEPTED** Article 6 (6) of EU Ecolabel Regulation (EC) No 66/2010 states that "The EU Ecolabel may not be awarded to […] goods containing substances referred to in Article 57 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency.". It is justified to set a criterion which these substances are restricted, regardless its content, either in the final product or in the ingredients used in the cosmetic formulation.
Criterion 3 (c) "Substances of very high concern (SVHC)" it is not protective enough. Substances of very high concern should not be intentionally added to an EU ecolabelled product, regardless of concentration.	
It is more than justified to exclude SVHCs at all. Moreover, as those substances are excluded in the detergents group in that way it isn't justifiable to allow them up to 0,01%.	
In analogy with the Detergent groups they need to be evaluated "regardless of concentration"	
With respect to criterion 3(c), for the clarity and enforceability we see the need for setting a cut-off value. One possibility would be to base such a cut off value on the detection limit at least for substances included in the Candidate list. In principle, the same could apply to criterion 3(b).	**ACCEPTED** It has been proposed the total restriction of the use of the substances in the SVHC Candidate List (following the indications of Article 6 (6) of EU Ecolabel Regulation (EC) No 66/2010).
Perfume substances that are known allergens	**ACCEPTED**

The Nordic Swan Ecolabel requires that fragrances/flavouring/fragrance substances in plant extract which are judged to be sensitising with the hazard statement H317 and/or H334, or being subject to declaration may be included at a maximum of 0.001% (10 ppm) in leave-on products and a maximum of 0.01% (100 ppm) in rinse-off products. *At the moment, the substances meeting hazard classifications H334 and H317 are also restricted by criterion 3 (a)(ii) for the EU Ecolabel but with a general concentration of 0.01%. For leave on cosmetics this restriction should be set at 0.001%.* *The EU Ecolabel should also take into account the substances established as contact human allergens by the SCCS opinion from 2012, as they are of equivalent concern than the 26 fragrances covered by the Swan (https://ec.europa.eu/health/sites/health/files/scientific_committees/consumer_safety/docs/sccs_o_102.pdf)*	Allergens which meet the criteria to be classified as H317 and/or H334 would be covered by the requirement on criterion 3 (a) (i) [at a maximum of 0.001% (10 ppm) in leave-on products and a maximum of 0.01% (100 ppm) in rinse-off products]. No derogation is required. This will be aligned with Nordic Swan Ecolabel and the conclusion from SCCS/1459/11.
From 0,01% (rinse-off products) and 0,001% (leave-on products) following substances are excluded: *- Sensitizing fragrance ingredients listed in Table 13-1 of the SCCS-opinion on fragrance allergens in cosmetic products, 26-27 June 2012 (54 individual chemicals, 28 natural extracts (mixtures of chemicals), including all 26 fragrance allergens identified by SCCNFP in 1999)*	
Finally, based on the feedback of a consumer association, we have the following comments: *The number of allergens on the restriction list should be increased: currently, a proposal to move from 26 to 87 is being studied by the European Commission.* *Polyethylene glycol (PEG) and silicones should be given more consideration since they bioaccumulate in the environment, in particular because of their slow degradation and the creation of substances toxic to the aquatic environment.*	**REJECTED** Polyethylene glycol (PEG) and silicones are not classified and are not considered in other schemes. However criterion 1 and 2 on bioaccumulation and aquatic toxicity are considered strict enough and all cosmetics will need to comply with these criteria in order to be awarded with the EU Ecolabel.
Lower thresholds for leave-on products	**ACCEPTED** Thresholds for leave on products have been specified in line with Nordic Swan.
Differentiate baby products	**ACCEPTED** Baby products have been defined in line with Nordic Swan. 'Infant, baby and/or children's products' are considered to be products that are marketed for or have words such as baby and/or children (<12) on the label.
The age limit for "products intended for children" must be defined. We suggest 12 years of age to align with other ecolabels.	

We wish to receive information from the JRC about other stakeholders' feedback on this criterion and on the possibility of authorizing some fragrance with additional restrictions for products marketed as designed and intended for children.	**ACKNOWLEDGED** All feedback received during the consultation is reflected in this table.
(i)Products marketed as designed and intended for children shall be fragrance-free. *In the French market, a fragrance-free product for children can't be sold.* *We understand products for children needs to have more restrictive criteria, but you can establish more restrictive criteria about fragrance for children without ban it totally. Some fragrances can be for example without skin allergens, without skin sensitizing substances, to be safer for children, without being banned from EU ecolabel.* *Today, a few of fragrances in the market reach our proposed restriction because it's very restrictive, but it's possible and technically feasible.* *It's important to take into consideration allergens and sensitizing raw material are essentially emanated from fragrances but all raw materials that can be in fragrances are not allergens, or sensitizing.* *It's important to let the stakeholder to choose, either he wants to add fragrance with bigger restrictions, or he'll choose to not include "classical" fragrance that can be sensitizing or contains allergens.*	**REJECTED** The wording for criterion 3 (d) has not changed. There is no need to modify this requirement which is already present in criteria in force. It is considered that the revised proposal of criteria must be, at least, as much restrictive as currently criteria in force.
We suggest sharpening this criterion so that to only preservatives that are approved as food additives are permitted in toothpaste.	**ACCEPTED** There is an evident risk of swallowing toothpaste. Therefore, establishing preventive measures is justified. A new clause has been added allowing in the case of toothpastes only the use of preservatives which are approved by Regulation (EC) No 1333/2008 on food additives.
Note that MIT/C(M)IT are confirmed to be toxic to the aquatic environment. Restriction on the use of isothiazolinones is supported in general but in particular for EU Ecolabel eligibility.	**ACCEPTED** Isothiazolinones have been added to the list of excluded substances in criterion 3(b)
Editorial: it should refer to criterion 3(e) instead of 3(d).	**ACCEPTED.** Criterion 3 (d) refers to "Fragrances". The correct criterion for isothiazolines is criterion 3(e), which refers to "Preservatives". The typing mistake has been amended.
(ii) The product may contain preservatives provided that they are not bioaccumulating. A preservative is not considered bioaccumulating if BCF < 100 or log Kow < 3,0. If both BCF and log Kow values are available, the highest measured BCF value shall be used. *Criterion 3(e) refers to cut-off values of DSD, whereas CLP uses higher cut-off values based on scientific considerations. While stricter cut-offs would be more protective, the Swedish Ecolabel is consistent with CLP, thus possible harmonisation of the EU Ecolabel with CLP could be considered. The same applies to criterion 3(g) on page 40.*	**REJECTED** Despite alignment the cut-off values to CLP Regulation would be reasonable to include, these values are less strict than the ones on the proposal (coming from Dangerous Substances Directive (DSD) – which was replaced by CLP Regulation).
(ii) The product may contain preservatives provided that they are not bioaccumulating. A preservative is not considered bioaccumulating if BCF < 100	**ACCEPTED.** Existing criterion 3(a) in the Ecolabel in force has now been changed to criterion 3(b) in the proposed second version of the technical report

or log Kow < 3,0. If both BCF and log Kow values are available, the highest measured BCF value shall be used. *Editorial remark: Criterion 3(b) should be changed to 3(a) which makes reference to hazardous substances.*	
Isothiazolinones *They should be limited but with a valid alternative that does not cost too much.*	**ACKOWLEDGED**
Isothiazolinones should be added to the list or should be explicitly excluded in requirements 3d. The problematic in regard to these substances is well known and they are already regulated by the Cosmetic regulation, but the EU Ecolabel should go further. It is possible to completely band these substances in cosmetic products, unfortunately the opposite is written in the technical report (p42), and this should be updated. The Nordic Swan Ecolabel do not allow Isothiazolinones (due to the H317 classification), hence more than 2000 products are using another preservative.	**ACCEPTED.** Isothiazolinones have been added to the list of excluded substances in criterion 3(b)
Kemiluppen shows that none of the Nordic Swan cosmetic products contain isothiazolinones, so it is (very) possible to make products free from MI/MCI.	
Criterion 3 (b) "Specified excluded substances" (v). The criterion should also include isothiazolinones as a group and all preservatives classified with H317	
Colorants not allowed in food + azo colours *The Nordic Swan Ecolabel allows only food colorants. This is also the case for the Bra Miljøval Ecolabel.* *We recommend adding as well a (precautionary) exclusion of azo colourants. These substances are problematic in many ways: some can form carcinogenic primary aromatic amines, some are allergenic, and some are linked to hyperactivity in children. They may be harmful to the environment.* *EFSA has highlighted that more information is needed on genotoxic potential of sulphonated mono azo dyes. This concern covers the food (and cosmetic) colorants Allura Red AC (E 129)7 /(CI 16035), Amaranth (E 123) (CI 16185), Ponceau 4R (E 124)/ (CI 16255), Sunset Yellow FCF (E 110)/(CI 15985), Tartrazine (E 102) /(CI 19140) and Azorubine/Carmoisine (E 122)/(CI 14720).*	**PARTIALLY ACCEPTED** Hazardous azo colours are restricted by criteria 3(a) on CLP hazards and 3(c) on SHVCs.
We suggest sharpening this criterion so that to only colorants that are approved as food additives (colour) are permitted in toothpaste	**ACCEPTED** Due to the risk of swallowing toothpaste products, it is justified to add a clause to allow the colorants which have been previously approved by Food Additives Regulation.
Criterion 3f Colorants *Denmark suggest updating the requirements as it is for the Nordic Swan Ecolabel today:* *Organic colorants must not be bioaccumulating in line with the testing methods in Appendix 9 (BCF<500 / log Kow <4). Alternatively, the colour must be approved for use in food.* *It is important that there are two alternatives.*	**REJECTED.** Despite the proposed cut-off values come from CLP Regulation (current EU Regulation in force), these values are less restrictive than the ones from DSD (not valid anymore). Therefore, we suggest keeping the stricter ones instead.

Stakeholders are requested to give their opinion on whether to limit a maximum content of colorants in the final product. *If the aim is to have a wider product category appeal, then this proposal could be counterproductive. For instance, if decorative cosmetics were to be included.*	**ACKNOWLEDGED**
Alternatively, stakeholders are asked to provide their opinion whether the approach should be harmonised with Nordic Swan and accept only colorants approved as food additives *Not all colorants on Annex IV of the EU cosmetic regulation may be food additives.* *for JRC reference please find a positive list of accepted colorants from the NATRUE standard (found in Annex 2):* *https://www.natrue.org/our-standard/natrue-criteria-2/*	**ACKNOWLEDGED**
UV filters in general possess problematic environmental properties and should therefore only be allowed in products where they are necessary, i.e sunscreen products.	**CLARIFIED** The following is state in the criterion text: "UV filters may only be added to leave-on products and only to protect the user – not the product."
To harmonize with CLP, there should be a tenfold difference between NOEC/ECx and LC50/EC50.	**PARTIALLY ACCEPTED** Despite the cut-off values refer to a Regulation which is not in force anymore (DSD), it is recommended to keep them as they are stricter than the ones from CLP Regulation. These cut-off values will let companies to be awarded if they fulfil the criterion in a higher level in comparison to what it is define at CLP Regulation. Regarding aquatic toxicity cut-off values, these values are aligned with Nordic Swan ecolabelling scheme, which holds licences for sunscreen products.
"…- must not be bioaccumulating (BCF<100 / log Kow<3) or must have a lowest measured toxicity of NOEC/ECx > 0.1 mg/l or EC/LC50 > 10.0 mg/l" *The cut-off values for bioaccumulation refer to DSD, while these changed in CLP to log Kow ≥4 and BCF ≥ 500. Suggest aligning with CLP. Furthermore, the rationale behind the cut-off values selected for aquatic toxicity is not clear. At present these seem to be too low for not resulting in potential classification for environmental hazards. Please reconsider.*	
Titanium Dioxide (TiO2) *It might be useful to consider not only the confirmed health hazard for which the substance has been harmonised classified but also the potential environmental hazards. While available data indicates that titanium is very toxic to aquatic organisms, we note that no harmonised classification is available. Moreover, the Cosmetic Products Regulation does not include the protection of the environment in its aims nor does the SCCS normally address environmental aspects in its opinions.*	ACKNOWLEDGED TiO2 has been reclassified as H351 and therefore excluded by criterion 3. Industry needs to submit formal derogations request if its use is still needed.
To our understanding UV-filters are only added to leave-on products. *When it is said "and only to protect the user – not the product", this sentence seems redundant when considering the word protect to mean preserve since this is not the function of these substances.* *Consideration should be taken for inorganic mineral UV-filters approved by law on Annex VI of the EU Cosmetic Regulation (in particular), since these can have a dual function as colorants (approved under Annex IV) and for some operators they will not want to use organic UV-filters.*	**REJECTED** It is preferred to keep this wording despite it could sound redundant**.** UV-filters can be used to protect (stabilize) some ingredients of the product from sun exposure. Such UV-filters are proposed not to be allowed in EU Ecolabel products.

Stakeholders are asked to provide information of the form (powder, liquid, etc.) in which TiO2 is added to the cosmetic formulation *Unclear if this describes manufacture or the form of the cosmetic based upon the word 'added'. Is this the final form of the product or the form which the TiO2 is added during production? For instance, TiO2 is used as a colorant in decorative cosmetics (powders) and is also found in liquid form both as a UV-filter and colorant.*	**CLARIFIED** It was requested information on the form TiO_2 is used/added as ingredient during production of the cosmetic formulation. Moreover, a questionnaire on the use of TiO2 in cosmetic products has been sent out to industries and CBs.
We strongly disagree with the creation of this criteria. There don't exist biodegradable alternative to UV filters. Thus, we think that the inclusion of sunscreen products in the scope represents a substantial risk for the EU Ecolabel reputation.	**REJECTED** Although comments on the poor biodegradability of UV filters are correct, the inclusion of sunscreens in the scope for EU Ecolabel of cosmetics aims at providing environmentally preferable products to the consumers. UV-filters are exempted from criterion 2 (biodegradability) in line with Nordic Swan.
This criterion should be deleted as it seems that it will be difficult to fill the criteria of biodegradability.	
UV filters *We strongly disagree with the creation of this criteria. French stakeholders have expressed a shared opinion on the fact that there exists no biodegradable alternative to UV filters. Thus, we think that the inclusion of sunscreen products in the scope represents a substantial risk for the EU Ecolabel reputation.*	
Nanomaterials *Italy disagrees with a total ban but also with a case by case approach. A list is required.*	**REJECTED** The following sentence has been proposed in criterion 3(b) (total exclusion): "Nanomaterials, unless an EU regulatory authority has evaluated the use of the nanomaterial and found that it is safe from health and environmental perspective"
For TiO2 UV filters suggest make future proof by linking to Annex VI of cosmetics regulation and final SCCS opinions that post-date the latest version. This will allow for any newly approved coatings to be included and for opinions developed in response to the anticipated change in CLP classification of Titanium Dioxide. This principle of linking Cosmetic Regulation and opinions from other EU Commission Scientific Committees, such as the SCCS, should be applied to all CMRs and substances considered "safe" for use in cosmetics.	**ACCEPTED** The new proposal takes into consideration this fact. The text will be amended as follows: "To demonstrate compliance with 3(g) the applicant shall provide: copies of the SDS of any UV filter added together with information on its BCF and/or log K_{ow} value, or lowest available NOEC/EC_x/EC/LC50 value. In addition, a declaration that, if used, nano TiO_2 fulfils the conditions expressed in Annex VI of Regulation EC 1223/2009 and its latest amendments must be provided."
Assessment and verification: *It is suggested in the proposal that safety data sheets should be used to demonstrate compliance with criteria 3 (a)(ii), 3 (b) and 3 (c). However, this will in several cases not be sufficient to control the compliance with the criteria. For example, chemicals being classified with some of the prohibited hazard statements only have to be listed in the SDS if they are present above 1 or 10% in an ingredient. As a consequence, other verifications/documents are needed to demonstrate that prohibited substances are not present above a concentration of 0.01%, especially in complex mixtures such as perfumes.*	**ACCEPTED** It is acknowledged the limitations on providing only SDS to prove fulfilment. Therefore, the applicant shall provide a signed declaration of compliance with all sub-requirements, supported by declarations from suppliers.

How shall we deal with a mixture with a chemical substance diluted in a solvent (except if the solvent is water)? Should we check the SDS of mixture or the SDS of the chemical substance in the pure form? *If the requirement is only checking the SDS of the chemical substance in the pure form, it is a problem because any solvent (except water) has an impact on the user and/or the environment.*	**CLARIFIED** In this case, it must be checked the SDS of the added mixture, taking into consideration each substance which conforms the mixture. The solvent should be included in the calculation sheet.
"…a declaration that, if used, nano TiO2 fulfils the conditions expressed in SCCS/1516/13 (*) and SCCS/1580/16 (*) must be provided. *The declaration shall be provided by the manufacturer of UV filter.*	**CLARIFIED** The potential license holder must collect all declarations from upper supply-chain suppliers as proof of fulfilling the criterion. These declarations shall be provided to the relevant CB for evaluation.
"…the self-declaration can be provided for the verification of nano TiO2 use in criterion 3(g)" *The declaration shall be provided by the manufacturer of UV filter.*	
"In addition, a declaration that, if used, nano TiO2 fulfils the conditions expressed in SCCS/1516/13 (*) and SCCS/1580/16 (*) must be provided." *Unnecessary since titanium dioxide has been entered into the Annexes of the EU Cosmetic Regulation. Can either quote the legislation:* *https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R1143* *https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2019.286.01.0003.01.ENG&toc=OJ:L:2019:286:TOC* *...or Annex VI entry 27 and 27a for bulk and nano titanium dioxide from the EU Cosmetic Regulation* *For completeness zinc oxide (bulk and nano) is now included in Annex VI as well cf. entries 30 and 30a respectively.* *Therefore, no declaration to the SCCS Opinions is required nowadays.*	**ACCEPTED** The revised proposal takes into consideration this fact. The text will be amended as follows: "To demonstrate compliance with 3(g) the applicant shall provide: copies of the SDS of any UV filter added together with information on its BCF and/or log K_{ow} value, or lowest available NOEC/EC_x/EC/LC50 value. In addition, a declaration that, if used, nano TiO_2 fulfils the conditions expressed in Annex VI of Regulation EC 1223/2009 and its latest amendments must be provided."

Criterion 4. Packaging

Comments received in AHWG1/written form	JRC Dir. B response
The "Take back criteria" was previously used in the Nordic Swan for example in the detergents for professional dishwashers and professional laundry. It is now removed. A reason could be the difficulty to implement or track, through the distributors. *Very big packaging's (>200L) are the ones being taken back and reused most of the time. Small packaging's are more difficult to get back or they can be recycled. Some packaging's can also be sealed off for dispensing purpose and cannot be reused without damaging the integrity of the design.* *Please provide more information on how this criterion would be set up if wish is to keep it. mandatory? volunteering? with commitment to increase? (considering the implementation time needed and supply chain difficulty through many distributors or exemption due to design restriction) and if a split consumer market (going back directly to the store) vs professional market could be reviewed.*	**PARTIALLY ACCEPTED** Considering the feedback received after the consultation period, it was decided to modify the criterion and propose to make criterion 4(e) mandatory only for amenities used for tourist accommodations. More information can be found in the rationale to criterion 4(e).
Denmark can not support the proposal 4e on a mandatory take back system for license holders. We do not think this is possible to implement in praxis and furthermore not something all license holder can control. How do we ensure that such system is by license holders which produce only private label products?	
We are not in favour of a take back system for the packaging. In our opinion this is practically not feasible. Instead of that we would like to encourage circular economy by requiring a certain % of recycled plastic in the packaging.	
Will it be compulsory to have the take back system to obtain the ecolabel certification?	
We support to introduce a requirement on take-back systems. However, the suggested criterion in the proposal is very vague and has to be significantly more well-defined in the final version.	
We don't see any environmental benefit due to the take back system. *The Nordic Ecolabelling's Criteria Group decided on the 9 October 2017 to remove this requirement. therefore, there is no necessity to introduce such criterion*	
The JRC proposal regarding the implementation of a take-back system in order to collect empty products from consumers is on contradiction with the existing schemes aiming at collecting the waste for recycling. We do not support this proposal.	
Should we verify service conditions and audit one site with take-back system?	
Whilst the principle of a take-back scheme is a good one it is unlikely to be able to be mandated into any revision of the EU Ecolabel for cosmetics at this stage.	
It's necessary to only initiate with this criterion (take back system) and not make it mandatory (as in Detergent EU Ecolabel decision). Moreover, it's on contradiction with the existing schemes aiming at collecting the waste for recycling.	
For SMEs it will be a high cost and there are already some services put in place by public authorities to collect empty products. The take back system should be deleted	
The trademark mentioned are big enterprise but a SMEs and very small enterprises will not have access to the EU Ecolabel as it will be a cost that they could not assume. There are some collect system put in place by national authorities and it is sufficient.	

We think "take-back system" should not be mandatory because it's difficult to set in, in particular with large-scale distribution. However, it can be an option as for HSC to encourage applicants to develop it when it's possible. In order to promote it, we can propose to facilitate the PIR criterion for products included in take-back system.	
PVC should not be excluded when combined with PP or HDPE. *Limit the exclusion of PVC when combined with PET. Contrary to PET/PVC, the density difference between PP or HDPE and PVC is sufficient to allow very easy separation by the sink/float method*	**REJECTED** PVC material is incompatible with some plastic materials commonly used in the packaging of cosmetic products. The use of PVC will difficult the recycling process of the packaging and it is against the European strategy for plastics in a Circular Economy.
PVC should not be excluded when combined with PP or HDPE. *Limit the exclusion of PVC to the combination PET/PVC.* *PVC can easily be separated from PP or HDPE by the sink/float method, in view of the large density difference*	
The exclusion of PVC when combined with PP or HDPE is not justified. *Limit the exclusion of PVC to cases when it is combined with PET.* *The density difference between PVC on the one hand and PP or HDPE on the other hand ensures easy separation by the sink/float method.*	
The exclusion of PVC when combined with PP or HDPE is not justified. *Limit exclusion of PVC to cases when it is combined to PET.* *The density difference between PP/HDPE and PVC is large enough to allow easy separation by the sink/float method.*	
PVC is recyclable, but is possibly not collected. *Replace "PVC is the polymer less recyclable" by "PVC is the polymer less recycled in this application".*	**ACCPETED** The sentence has been modified
Closures: Caps in PS and PVC do not exist on the market, it is interesting to prohibit them, but these materials are not suitable for caps making this requirement not relevant.	**ACKNLOWLEDGED**
When introducing recycled material in the packaging, it should be ensured, that no problematic substances are in the recycled material. I.e. heavy metals, UV-filters, etc. *Recycled material should only be sourced from known "clean" materials.*	**REJECTED** The use of recycled materials is one of the key aspects of the circular economy and allows more flexibility to manufacturers while also removing reusing existing materials. To avoid a complex verification the proposal has not been included.
From the perspective of recyclability, PVC and other halogenated plastics should not be permitted. *PVC and other halogenated plastics shall not be used in any part of the packaging.*	**REJECTED** Only combinations of materials that difficult the recycling process been excluded. Single polymers are recyclable when properly collected.
It is of high importance for future recyclability to not use Substances of very high concern (SVHC), when using virgin materials in the manufacturing of packaging. *The packaging shall not contain any substances that have been identified in accordance with the procedure described in Article 59(1) of Regulation (EU) No 1907/2006 which establishes the candidate list for substances of very high concern, at or above the concentration of 0.10% weight by weight.*	**REJECTED** Although this comment is valid it is not seem a feasible way to implement/verify such requirements. Following other similar product groups of the EU Ecolabel (detergents and lubricants for instance), this criterion it is not suggested to be introduced.
We wish to receive from the JRC information supporting the choice of the 2g of formula delivered per full press.	**CLARIFIED**

We wish to point out that French stakeholders have issued the following reservation: the requirements on mandatory provision of refill bottles and the delivery of 2g of formula per full press seems difficult to apply to companies selling refills for dispensers.	The criterion has been aligned with the Nordic Swan requirements.
We support the removal of the exception on secondary packaging intended to group two or more products or a refill. Removing plastic packaging only used for product grouping is one of the pillars of work of the French National Pact on plastic packaging. In addition, it should be possible to purchase the refill independently of the bottle.	**PARTIALLY ACCEPTED** The secondary packaging will be only allowed to group the product and its refill.
We also recommend aligning the packaging criterion with recently voted referents on the inclusion of recycled content in the primary packaging. The pressure to reduce the environmental footprint of packaging and plastic waste discharged in the environment is increasing and the EU Ecolabel should put adequate requirement on this topic. See example below: *Lubricant referential: Recycled content (applicable only in the case of lubricants sold in plastic packaging/container): plastic packaging/container shall be made of a minimum of 25% of post-consumer plastic.* *Finally, and for information, 40% of French licensed products include renewable or recycled materials in the packaging, with an average content of 46%.*	**PARTIALLY ACCEPTED** In order to promote the use of recycled materials in packaging an exemption for the section b) Packaging Impact Ration has been included. For more information, see the rationale of the criterion in TR2.0.
We recommend lowering the PIR, as the average PIR among French license holder is 15g, with 74% of PIR being below 20g.	**ACCEPTED** Considering the information gathered after the 1AHWG the threshold value of PIR has been reduced.
The value of PIR shall be more restrictive and reduced. We sent you our values: we have only 4 products by 34 certified products with this huge value and the average is 0,15. It's essential to reduce this value if we want that the criterion remains selective.	
Label or sleeves: *CPET (or PETC ...) is a crystallized PET that can be put in the microwave or oven. There is no CPET sleeve on the market and manufacturers are working on non-PET polyester sleeves and will be conducting recyclability tests on their inventions. We do not recommend adding CPET on the excluded materials list. To be complete, an OPP label (by default in paper) will always be better in terms of recycling than a sleeve or direct printing. Therefore, instead of the requirement on CPET, we recommend adding a criterion to restrict the use of sleeves on EU Ecolabel products.* *The line "sleeves made of different polymer than the bottle" is in contradiction with the previous requirements, for example the reason not to limit the PETG sleeve on PP or HDPE is that PETG is currently managed by PE and PP recyclers even if they prefer OPP labels in absolute terms. We propose to delete this requirement.*	**PARTIALLY ACCEPTED** Considering the information of The Association of Plastic Recycling (https://plasticsrecycling.org/images/pdf/design-guide/APR_Design_Guidance_Label_Summary_Table.pdf), the CPET labels are not the best option to obtain good results on the different criteria considered to improve the recycling process. A restriction the use of full sleeves has been included.
Barrier coatings: *3 layers Polyamide is the best possible barrier at the disposal of industrials to make a recyclable PET packaging barrier, the 3 European standards agree on this point. We recommend removing this exclusion.* *Similarly, the EVOH is the best possible barrier at of industrials to make a recyclable PE or PP barrier packaging, the 3 European standards agree on this point. We recommend removing this exclusion.*	**PARTIALLY ACCEPTED** The EVOH material has been permitted with a maximum percentage of 3% by weight. See TR2.0 for further explanation
Moreover, we wish to receive information from the JRC on whether this criterion is applicable to plastic bags or only on plastic bottles.	**CLARIFIED** All plastic packaging is affected by the criterion. The table has been modified in order to clarify the issue.
For each "bottle" mentioned in the following table: *Does this criterion apply to all plastic containers or only to bottles? Are pouches concerned by the restriction? We need to have clarifications and examples in the user manual, in particular for pouches.*	

Shall we check the real number of sold refilling the following year? If yes, can you indicate this precision?	**CLARIFIED** To our knowledge this data is not available. The real number of sold refillings depends on the consumer behaviour and it not easily accessible.
It's important to prohibit small bottles <300ml (used for example in hotels) because it's a huge waste of plastic : a major environmental issue! *Moreover, these products can be replaced by dispensers with EU Ecolabel products.* *If you choose to keep these small packagings, the proportion of carboard (including these small bottles) should be taken into account in the calculation of W (proportion of secondary).* *Indeed, the weight of cardboard is not included in the current calculation because we consider the customer of the hotel as the final user and this cardboard is used as transport packaging but it's not only a transport packaging, it's a storage packaging too!*	**PARTIALLY ACCEPTED** A restriction has been included for the amenities used in hotels and accommodations: for products sold in a packaging lower than 75ml of capacity, a take back service should exist.
Small packagings are not an ecological option, so they should not be certified.	
Please provide more information if this residual quantity criterium applies when the packaging has a dosing system (pump) that can be removed without specific tool and leftover product could be easily rinsed with water.	**CLARIFIED** Yes, the criterion applies to such products as well.
We are not forced to duplicate other schemes. We can define our own restrictions for the European Ecolabel.	**ACKNOWLEDGED**
As mentioned during the meeting and knowing that the residual amount of the product in the container disrupts the recycling, it's essential to reduce the value of R because the value of 10% is too easy to achieve. Values you have already collected confirm this fact. As proposed, we can send you our values, if necessary. *Thus, we shall require more than 90% of the product can be easily removed from the container.*	**ACCEPTED** Considering the information gathered after the 1AHWG the residual amount of the product in the container has been reduced from 10% to 8%.
We are in favour of this proposal: *In order to reduce plastic waste – a major environmental issue – it's essential to encourage applicants to provide refills because there is a huge waste of plastic whereas bottles could be refilled! At least, it must be mandatory for packagings using pumps.* *Moreover these refills must have an equivalent or higher capacity to the capacity of the bottle for refilling. Indeed, providing refills with a lower capacity is not an ecological option.* *It's necessary to force applicants to provide these refills, to sell them and to promote their use by consumers thanks to information provided on labels.*	**PARTIALLY ACCEPTED** A requirement for those products sold with pump or dispenser has been included in the sub-criterion (a).
A principle issue, from the experience of natural-based formulations, whilst emptying and potential refill may be more feasible for certain rinse-off products for leave-on products such as hand creams, emptying the packaging can result in the cutting or destruction of the integrity of the packaging; thereby limiting the ability to refill. *Equally, since all cosmetics must be risk assessed as safe by law under the EU cosmetic legislation this also involves the assessment of migration of substances from product to the packaging and vice versa. Hence, for some products refilling may be possible (if in glass - although this will require collection) and plastic can present issues for refill.*	

We support the proposal of the JRC to include a requirement on mandatory provision of refill bottles for some cosmetics. We recommend making it mandatory for packaging sold with a pump. The verification element could be the communication displayed in the product's label. *We recommend to also investigate the specificities of products that could be purchased in bulk, and to compare the feasibility, the consumer acceptance and the LCA modelling of refills with bulk and reuse systems.*	

Criterion 5. Renewable ingredients

Comments received in AHWG1/written form	JRC Dir. B response
In relation to the sustainable origin of palm oil and palm kernel oil derivates the proposed criterion allows as proof of compliance the use of the Book and Claim supply chain model. This verification system is much weaker and can be misleading for consumers in relation to identity preserved, segregated and mass balance. Other certification schemes for cosmetics do not use Book and Claim and have set mass balance as the minimum verification scheme. Delete the reference to Book and Claim.	**REJECTED** Currently, there are 50% of the licences including ingredients certified with B&C credits. The deletion of this reference will suppose an important impact in the number of products certified. Therefore it is propose to keep the B&C system. However, it is important to remark that the Bokk and Claim system is accepted only for palm oil and palm kernel oil derivatives.
It is unclear whether or not RSPO Book and Claim is accepted or not. Only RSPO Mass Balance or higher should be accepted. However, stricter requirements should apply to unmodified palm and palm kernel oil, which should come from organic production. *If other certification schemes than RSPO are to be accepted there should be an accompanying practice document stating which they are, at any given time.*	
Mass Balance as a minimum quality is acceptable. Book and claim is not as stringent.	
We appreciate the proposal of setting requirements for the organic production of plant-based ingredients. However, recommend that the JRC investigates how this can be done without favouring synthetic ingredients. Most important, for consumers it would be relevant to have clear rules for when it is possible to make a claim of organic production, to avoid misleading consumers. *The Nordic Swan includes an informative requirement on the origin of ingredients. However, the report states that this option is not feasible for the EU Ecolabel scheme where only prescriptive requirements should be set. It should be further why this is not allowed in the Ecolabel Regulation.*	**CLARIFIED** Minimal presence of sysnthetic materials is ensured by criterion 1, 2 and 3.
We support the introduction of a minimum requirement of organic plant-based ingredients. We recommend that the JRC investigates how this can be done without leading to the use of more synthetic ingredients. A mandatory content of plant-based ingredients should also be associated to its sustainable sourcing. *Furthermore, similar to the Nordic Swan, the EU Ecolabel could introduce a demand that whenever there is a claim of organic production, clear rules are required to avoid misleading consumers.* *The Nordic Swan includes an informative requirement on the origin of ingredients. However, this option is not feasible for the EU Ecolabel scheme where only prescriptive requirements should be set*	**ACCEPTED** The goal of this criterion is not to penalize renewable materials, but to ensure that they are sourced according to sustainability principles and have a good environmental profile in line with the goals of EU Ecolabel. The market of organic certified products is showing a significant increase, facilitating the compliance of the criterion. Organic fragrances will still have to comply with criterion 3.
As it is written, it is not clear if the JRC proposal intend to foster plant-based ingredients in general, natural ingredient (as per ISO 16128 standard) or organic ingredients. A definition of a plant-based ingredient must be given to clarify this criterion. *Should plant-based ingredients refer to bio-based ingredients, we will not support the JRC proposal to settle a threshold for plant-based content. In fact, even though they are substitutes for fossil raw materials, products made from biomass material do not systematically guarantee a lower environmental impact. A bio-based product can partly limit the consumption of non-renewable resources but in no case guarantees an environmental added value which must be established over the entire life cycle of the product to ensure that it does not present a degraded review or pollution transfers (eg. via a more energy-intensive processing process, or land use change to grow the bio-based materials and associated potential sol pollution, ...).* *Should this criterion refer to organic ingredients, we will support the JRC proposal, but we would recommend to also consider the sustainability of ingredients used in cosmetic products.*	
We're not sure Eu Ecolabel needs to force to use organic ingredients. Moreover, in some cases, organic ingredients can be in contradiction with some EU Ecolabel restriction. (e.g. organic frangrances are essentially essential oil that are H317 that is banned from EU ECOLABEL)	

It is of great importance that this criterion (Certification of plant based ingredient) is formulated in order to ensure that plant based ingredients are produced in a sustainable manner, without creating incentives for using an increased proportion of fossil raw materials.	**ACKNOWLEDGED**
We don't agree with the introduction of this criterion (Certification of plant based ingredient). The introduction of this criterion could lead to an increase of the prices for the manufacturing of a cosmetic product.	**REJECTED** There are many certified products and ingredients under COSMOS Standard, the inclusion of a percentage of ingredients from organic certified sources doesn't seem to be a problem. The criterion sets that it should be organic the **20% of the ingredients eligible to be organic**, not of all ingredients used in the product.
Having a certification of ingredients of vegetable origin could lead to a significant increase in the cost of the basic paste. Certified organic soaps represent a very small slice of the market because of their cost	
Given the relevance of the requirement and in relation to the complexity of meeting and verifying compliance with this criterion (Certification of plant-based ingredients), this criterion should be deleted.	
Based on the feedback of French stakeholders, we have the following comments: - *Fulfilling this criterion is very complex and all French licenced products include derivates from palm oil and palm kernel oil (but none of them contains palm or palm kernel oil).It is not clear which evidences are required for the assessment and verification of this criterion, and whether the third-party verification should be done annually and for each certified product or not.* - *The certification schemes used are questionable and have been subject to controversy. More especially, publications have pointed out that palm oil certification does not guarantee the absence of deforestation.* - *The improved environmental performance of certified palm oil, palm kernel oil and their derivatives has not been scientifically proven. We wish to receive information from the JRC on this topic.* *Considering the above comments and the fact that intensive cultivation of palm oil, palm kernel oil and their derivatives has a direct link with environment destruction (including deforestation, habitat destruction and associated biodiversity loss), we believe that the possibility of defining a threshold regarding the percentage of palm oil, palm kernel oil and their derivatives contained in a product should be discussed with stakeholders. The JRC could investigate Ecocert, REDcert and ISCC certification schemes as for the certification of other vegetables oils.*	**REJECTED** The 2018 RSPO P&C included new requirements to ensure the effective contribution of RSPO to halting deforestation. Other certifications have been considered, nevertheless the equivalence can not be ensured, and the introduction of new schemes have not been considered in the revision. Since palm oil and palm kernel oil derivatives can be present in 93% of EU Ecolabel licences, this suggestion would be difficult to implement. Moreover, these oils would be replaced with other types of vegetable oils for which large established certification schemes do not exist.
With the current criterion we have no guarantee that EU Ecolabel certified products contain sustainable derivatives of palm oil (only with « segregated » certification) whereas it's particularly difficult and time-consuming to check different proofs. *Since the low benefit in comparison with the high complexity, we ask for the removal of this requirement. It's necessary to find another scheme to deal with palm oil issue.*	**REJECTED** The RSPO system is the largest one which supports the production of sustainable oil palm product. Equivalent certification schemes are accepted in order to comply with the requirement.
If you choose to keep this criterion (Sustainable sourcing of palm oil, palm kernel oil and their derivates), it's necessary to clarify what kind of proofs shall be provided by applicants. You must specify if these documents shall be checked annually by the competent body for each certified product.	**ACCEPTED** The Assessment and verification text has been modified accordingly.

The RSPO Standard applicable to the cultivation practices (RSPO Principles and Criteria) is a deforestation-free Standard, opposite to the information shown in the slide 163 of the ppt: *The independent Certification Bodies (CBs) accredited to audit against RSPO Standard does not certify forest, but oil palm plantations.* *The Standard applicable to the cultivation practices is called Principles and Criteria (P&C). The reviewed version of November 2018 includes the following:* *7.7 No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly. Please refer to 7.7.5, 7.7.6 and 7.7.7. for the sustainable practices applicable to plantations planted on peat, as the mentioned drainability assessment.* *7.12 Land clearing does not cause deforestation or damage any area required to protect or enhance High Conservation Values (HCVs) or High Carbon Stock (HCS) forest. HCVs and HCS forests in the managed area are identified and protected or enhanced.* *7.12.1 (C) Land clearing since November 2005 has not damaged primary forest or any area required to protect or enhance HCVs. Land clearing since 15 November 2018 has not damaged HCVs or HCS forests.* *7.12.4 (C) Where HCVs, HCS forests after 15 November 2018, peatland and other conservation areas have been identified, they are protected and/ or enhanced. An integrated management plan to protect and/or enhance HCVs, HCS forests, peatland and other conservation areas is developed, implemented and adapted where necessary, and contains monitoring requirements.* *As mentioned in the meeting, there are 6 HCVs areas as you can see here, which include primary and secondary forest. The HCS approach can be found here and it includes the category of regenerating forest too.* *The previous version (P&C 2013) also included the following:* *5.2. The status of rare, threatened or endangered species and other High Conservation Value habitats, if any, that exist in the plantation or that could be affected by plantation or mill management, shall be identified and operations managed to best ensure that they are maintained and/or enhanced.* *7.3. New plantings since November 2005 have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values (HCVs).* *7.8.2 There shall be a plan to minimise net GHG emissions which takes into account avoidance of land areas with high carbon stocks and/or sequestration options.* *7.4 Extensive planting on steep terrain, and/or marginal and fragile soils, including peat, is avoided.* *Moreover, new oil palm plantings starting January 1, 2010, must be in accordance with the RSPO Procedures for New Plantings (NPP), more info here. This involves:* *3.2. The HCV assessment will evaluate the six categories of HCVs, and specify areas required to maintain or enhance the HCVs identified and will include HCV maps and management recommendations. From 1 January 2015, the HCV assessment shall be led by an HCV lead assessor licensed under the HCV Resource Network (HCVRN) Assessor Licensing Scheme (ALS).* *3.5. The greenhouse gas (GHG) assessment shall identify and estimate carbon stocks and major potential sources of emissions in the proposed development area (also called the carbon stock assessment).* *Therefore, in no plantation certified P&C 2013, with the NPP approved and certified P&C 2018 deforestation is allowed. Neither oil palm developments in peatlands are allowed.*	**ACKNOWLEDGED**
The verification of the RSPO certificate shall be done via the RSPO website, where the RSPO certified actors are updated in real time basis. Checking just the RSPO Certificate provided by the company is risky because the 5-years validity of the RSPO Certificate given after the Initial Audit is subject to undergo an annual audit. It may happen that a company stopped the certification in year 3 but still keep the Certificate in its domain. This verification via RSPO website is to avoid fraudulent use of the RSPO Certificates.	**PARTIALLY ACCEPTED** The RSPO certificate should be verified annually by the CB. The text has been included in the criterion proposal.
to add "...corresponding to that specific derivatives", to avoid double selling.	**ACCEPTED**

The B&C model is not greenwashing, as other stakeholders titled it during the meeting. *The idea behind the B&C model is to link sustainable production of palm oil with the markets when the physical supply chain is not possible, as for logistic reasons.* *In addition, RSPO members who have purchased RSPO Credits are entitled to claim their support for the production of certified sustainable palm oil; being not allowed messaging anything that can lead consumers to believe that the product contains sustainable oil palm products. Please refer to the MODULE E – BOOK AND CLAIM SPECIFIC RULES on the RSPO Rules on Market Communications & Claims, here.* *As mentioned during the meeting, and seeing all the rejection that the B&C model seem to create in some stakeholders, I would recommend to promote the use of Independent Smallholder (IS) Credits as a first option in the text. It is a fact that 40% of the oil palm plantations in the world belong to smallholders and that the RSPO credits system allows them to have a livelihood complying with sustainable practices. It ensures that independent smallholders with not possibility of reaching the physical supply chain are linked to international markets and can also have the benefit of cultivating oil palm in a sustainable way. Please you can find more information about this here.*	**ACKNOWLEDGED**
While we acknowledge the research reports on the topic facilitated by JRC Sevilla, we consider that the statement 'Palm oil is seen as one of the most controversial, because of the issue of deforestation and land use change (direct and indirect) involving loss of natural habitats, associated with their plantations in Southeast Asia and Amazon rainforest' is not 100% correct, as palm oil cultivation is not the agri-commodity/activity driving the most (unfortunate) Amazon deforestation. To quote some of the statements in the research reports facilitated: *- Clear sectoral expansion guidelines and ongoing initiatives to demarcate individual rural properties, combined with improved enforcement capacities through the adoption of technologies to monitor deforestation at the plot level, have ensured that expansions over the 2010s in the oil palm sector have taken place predominantly on previously deforested lands. (The state of oil palm development in the Brazilian Amazon. 2015)* *- According to a land use change analysis undertaken by Adami et al. (2015), approximately 66% of land deforested during 2008–2012 in Pará was initially converted to pasture and 34% to secondary vegetation. Approximately 0.7% of forestland that was converted to pasture during this period was later converted to annual agriculture, suggesting that the expansion of soy, for example, has not been a recent driver of direct deforestation. Since the secondary vegetation category is not disaggregated into more detailed land use categories, existing data does not provide insights into whether oil palm contributed to deforestation in the state during 2008–2012. (Figure 2. The state of oil palm development in the Brazilian Amazon. 2015)*	**ACCEPTED** The sentence has been deleted
to add shea (butter) and canola (oil), as these commodities can also bring environmental and social negative impacts in the field.	**REJECTED** The introduction of other raw materials have not been considered in the process revision, the schemes available to certify these products are not as robust as the RSPO scheme.
Regardless of the lack of sustainability schemes, a due diligence shall be done on the major sustainability issues (environmental and social), otherwise you are allowing the use of unsustainable sources in EU-Ecolabel products. *EU organic is not enough at it does not tackle all the environmental and social issues that these commodities may create.*	

We obviously fully support the RSPO emphasis. We take issue with the comment in the summary section; Rationale of proposed assessment and verification, where it states: *The assessment and verification of existing Criterion 5 has the support of 60% of the revision questionnaire´s respondents, while 24% of them consider it difficult to check the proofs to guarantee the sustainable origin of the raw material, as not all ingredients are RSPO Certified.* *RSPO Certification is passed "tipping point" in Home and Personal Care and now the norm. There is clearly a majority (60%) in favour, we cannot subscribe to the difficulty the 24% have to check proof of sustainable (RSPO) certification/origin.*	**ACCEPTED** The RSPO certification has been maintained as an evidence of the criterion.
We are not in favour of asking for a certain % of organic ingredients. It seems strange to impose additional requirements on plant-based ingredients and not on mineral ingredients	**REJECTED** Considering the number of certified products with COSMOS Standard and the increasing number of products including organic ingredients, it seems easy to meet the criterion.
We were wondering if it would be a good idea to exclude animal products in EU Ecolabel cosmetics. This is something that consumers are worrying about and would be a clear communication message.	**AKNOWLEDGED** This aspect has not been identified as an environmental hotspot.
Do all schemes for sustainable palm (kernel) oil on the market, including derivatives thereof, meet this criterion on every point?	**CLARIFIED** The specific cases should be studied by the CB, who will be the responsible to evaluate the equivalence between schemes. Nevertheless, the RSPO certification is the most widely used.
It is not always possible to produce derivatives from certified sustainable origin, does sustainable production include organic agriculture? Will there be a positive list of schemes? *Mass Balance quality is a reasonable default*	**CLARIFIED** RSPO or equivalent is requested in criterion for palm oil and derivatives. Organic agriculture is not considered equivalent to RSPO A positive list (if possible) will be included in the UM. Mass balance is accepted for derivatives.

There is no harmonised criteria concerning the terms natural or organic. *https://ec.europa.eu/docsroom/documents/13179/attachments/1/translations/* *There are no legal provisions under article 20 of the EU cosmetic regulation, nor in regulation 655/2013, nor the non-binding technical document released in 2017, to define when a natural or organic product claim is considered misleading or not.* *Organic ingredients falling under the scope of the existing EU organic regulation (Regulation (EC) No 834/2007) can increase under Regulation (EU) 2018/848, which enters into force in 2021. However, raw materials outside the scope of food legislation by derived from food/agricultural produce can be used in cosmetics e.g. certain plant extracts.* *The text therefore permits only physically processed organic grade, cosmetically applicable, substances that are food grade.* *All certification of organic production is certified by a third-party by law; therefore, limited need to highlight this point provided that a list of accepted schemes or reference (legislation or IFOAM Family of Standards) is given in the text.*	
In respect of the following text: *"To demonstrate compliance with sub-criterion (b), the applicant shall provide third-party certifications for the ingredients covered by the scope of the EU Organic Regulation. Certifications accepted shall include those awarded by Competent Bodies appointed through the EU Regulation on organic production 834/2007, as well as IFOAM family of standards, COSMOS, or any equivalent scheme."* *suggested rewording for accuracy:* *"To demonstrate compliance with sub-criterion (b), the applicant shall provide third-party certifications for the ingredients covered within the scope of the EU Organic Regulation. Certification must be carried out by a duly recognized certification body or authority appointed through Regulation (EC) No. 834/2007 or to an equivalent Regulation to that of the EU.* *For consideration it may be possible to extend the last line to read:* *Regulation (EC) No. 834/2007 or to an equivalent regulation or standard listed in the IFOAM Family of Standards.* *However, there may be standards in the IFOAM scheme that are not deemed equivalent, for the EU, with the EU Organic Regulation.* *Please note that COSMOS is a private standard for cosmetic application and whilst certifiers like EcoCert are also duly recognised control bodies for products falling under the scope of the EU organic regulation, the COSMOS standard, like the NATRUE standard, includes organic substances that are outside the scope of food legislation, as described above.*	**CLARIFIED** Criteria only applies to ingredients falling under the scope of the existing EU organic regulation
For accuracy it is officially NATRUE not NaTrue nowadays	**ACCEPTED** This has been changed in TR2.0
GMOs not OGMs in English	**ACCEPTED** This has been changed in TR2.0
Generally-speaking requirements and promotion of organic grade ingredients is welcomed. Consideration in the word is important to ensure that only those that fall under the scope of legislation can be called organic based upon the current legal framework for cosmetics, and that the EU EcoLabel is not a natural/organic cosmetic product scheme and should not give the impression it is under the current provisions, scope and criteria in the proposed review.	**ACCEPTED** At the moment, the information to consumers about the certified organic ingredients is not considered. There are specific schemes which can be used to certify the organic and natural products.

Point of clarification: *the EcoCert scheme for cosmetics does not formally exist since EcoCert is a founder member of COSMOS, and the provisions of this private standard exclude the approved control body to COSMOS from certifying to another standard after the end of the transition period (ending 31/12/2016). This means the criteria, which reflect more what is required from products that raw materials, in the first paragraph is redundant / no longer accurate.* *The NATRUE requirements are correct for raw material requirements in order to certify the product as organic (as well as additional formulation requirements in Table 1 of the NATRUE standard).* *IFOAM Family of Standards is further explaiend here: https://www.ifoam.bio/en/organic-landmarks/ifoam-family-standards* *COSMOS has existed since 2010 but the standard only entered the end of its transition period for its founders on 31/12/2016, and so became an obligation for its founders to certify to since 01/01/2017.* *Certified ingredients can also include those that are not under the scope of the EU Organic Regulation (as explained previously).* *The suggestion to provide a minimum content of organic certified ingredients when plant based ingredients (covered by the EU organic regulation) is positive, however it would require (a) further discussion concerning the determination of a threshold provisions to define what is acceptable for product - as a % of the total in a finished product - too high a threshold will never be achieved if the only substances are, for example, underivated oils or essential oils and waxes & minimum content may alter depend on the category of finished product and whether it is rinse-off/leave-on; (b) only ingredients within the scope of the EU organic regulation would be eligible to contribute to this percentage; (c) products should only claim that certain ingredients are organic but there should not be the acceptance to refer to the product as organic (consistent with existing legislation for misleading claims even in the absence of harmonised criteria to define what is an organic cosmetic).* *The most transparent method is presentation of a % on-pack and/or indicate which ingredients are organic (from organic agriculture) on the labeling provisions.*	**ACKNOWLEDGED** The threshold value has been defined in the 2nd revision: 20% w/w of the ingredients within the scope of the EU Organic Regulation should be produced according to organic production.
A good criterion to promote the development and procurement of natural / organic raw materials for cosmetic end use.	**ACKNOWLEDGED**
A definition of a plant-based ingredient must be given to clarify this criterion.	**REJECTED** The criterion applies to those products covered by the scope of the EU organic Regulation (EC 834/2007).
The current system (RSPO) can be kept and some criteria defined by standardisation organisation should be considered.	**ACKWOLEDGED**
This is aligned with the existing legislation but there are different labels with different thresholds. Specific thresholds should be defined.	**ACCEPTED** The threshold has been defined: 20% w/w of the ingredients used shall be produced according to organic production and certified by a third-party.
Difficult to find some organic derivatives and to trace product. RSPO is at the moment the simplest solution.	**ACCEPTED**

Criterion 6. Fitness for use

Comments received in AHWG1/written form	JRC Dir. B response
A standard is needed for sun care testing. *Since a defect in quality of sunscreen products and toothpaste may be associated with health risks, product specific requirements for these product types should be introduced.*	**REJECTED** Safety and efficacies of cosmetic products are regulated by Cosmetics Regulation (EC) No 1223/2009. More information is available on the rationale of the criterion. The applicant shall ensure compliance with the relevant obligations set out in the Cosmetic Regulation No 1223/2009 before EU Ecolabel request, therefore ensuring efficacy, safety, and truthfulness and veracity of the claims. To ensure that all cosmetic products available on the Union market are safe they must undergo an appropriate safety assessment set out in Part B of Annex I of Cosmetics Regulation. Therefore, it is not necessary to include safety assessments in Ecolabel criteria for cosmetic products as it is covered by Cosmetics Regulation.
We support the upholding of this criterion for the following reasons: *The requirement on the demonstration of the product's capacity to fulfil its primary function and any secondary functions claimed should be kept in order to maintain EU Ecolabel credibility.* *The test on the ease of application of the product is essential, as it is an important decision criterion for consumers.* *However, French cosmetic companies have argued that the objective and the relevance of this criterion are not clear, especially on the ease of dose delivery. The latter is highly subjective and is more linked to the equipment used than to the product itself. It is also hardly applicable to refills that can be sold wholesale. Thus, we wish to receive further explanation from the JRC to justify this criterion.*	**ACCEPTED** Criterion on packaging details that "the primary packaging shall be designed to make correct dosage easy" and for liquid hand soaps dose must be lower than 2g. It is proposed to include in the text of thenow criterion 7 a requirement on the ease of application, which was only detailed in the user manual. "For consumer tests, the consumers must be asked about the product's efficiency compared to a market-leading product. The questions to the consumers must cover at least the following aspects: 1) How well does the product perform in comparison with a market-leading product using the same dosage? 2) How easy is it to apply the dosage of the product in comparison with a market-leading product? 3) How easy is it to apply and rinse-off (for rinse-off products) the product to/from the hair and/or skin in comparison with a market-leading product?"
It's necessary to force applicants to provide a convenient dosage system. *In order to control the dosage of certified products and avoid any overdosage, we should require :* *applicants shall define the correct dosage, then they shall test the product with this dosage,* *applicants shall provide a convenient dosage system (as for detergents),* *applicants shall indicate the correct dosage on the label and a sentence which underlines the importance of using the correct dosage in order to minimise energy and water consumption, reduce water pollution and save money.* *This requirement should replace the question « How easy is it to apply the desired dosage of the product in comparison with the market-leading product? » because :* *it's not a scientific and reliable method and* *it's binding because applicants shall provide a new test when they change their packaging.* *It's important to keep the requirement concerning the application ease of the cosmetic product because it's a relevant selection criterion for consumers.*	

It's essential to require tests to prove that primary function and any secondary functions claimed on the label of certified EU Ecolabel products are fulfilled in order to maintain the credibility of the European Ecolabel.	**ACKNOWLEDGED**
As mentioned during the first meeting, there is a mistake: it's 15 participants in the current decision.	**ACCEPTED** The text has been corrected in TR2.0 and a new value of 20 for the minimum participants has been given.
It's important to keep the requirement concerning the application ease of the cosmetic product because it's a relevant selection criterion for consumers.	**ACCEPTED** It is proposed to modify this criterion to detail the "ease of application" requirement. More information is available on the rationale of the criterion.
Nordic Ecolabel allows for existing products that have been on the market for at least 3 years, the use of sales as documentation of the primary functions. Sales must be increasing or stable to demonstrate their fitness for use. This point could be kept under consideration when revising this requirement in the EU Ecolabel scheme: We are not in favour of this practise.	**ACCEPTED** Increase or stabilization of specific product sales can be related with marketing campaigns more than efficacy of primary function.
We agree that 80% is a too high level to achieve and it may force industrials to make more than once the consumer tests, which increase a lot the global costs. 70% would be a more reasonable limit. *And it is indeed a very subjective criteria depending of the panel, number of testers, market-leading product, perfume, etc.* *For example the fragrance used can change a lot the results, even for the questions/answers that are not related to the perfume/odor. Same formulas with a different perfume can have very different results.*	**REJECTED** At least 80% of the consumers must be **at least as satisfied** with the product as with the market-leading product. It is important to highlight that 80% of consumers do not have to be more satisfied with the test product, but equally satisfied at least. Nordic Swan and Blue Angel have the same threshold of satisfied testers, in order to be aligned with these labelling schemes, 80% is a good level to achieve. If the efficacy feelings of the majority of consumers of a panel test are negatively affected by the parfum, they need to be also considered. Independently of the source of feeling the product needs good efficacy opinions to be sold in the market.
This criterion is very difficult to judge. *A consumer test gives a very randomly result.* *We already launched user test on a product vs a reference product.* *We made the same test in the same condition. We can have between 40% of satisfied surveys to 90% of satisfied surveys.* *Some points requested on the user manual are very subjective* *For example the question "How well does the product perform in comparison with the market-leading product" the consumer takes into account his subjective opinion on the fragrance. The fragrance doesn't have to take into account on efficiency of the product.* *We know the fitness for use is an important EU Ecolabel criteria, but we need to review all the requests defined on the user manual on this criteria, meantime of the Decision discussion.*	

In respect of claims please refer to the six common criteria outlined in Regulation (EC) No. 655/2013 which supports the implementation of Art.20 of the EU cosmetic regulation. *All claims require evidential support as one of these criteria. There is also the a non-binding technical document to support Regulation 655/2013* *cf.: https://ec.europa.eu/docsroom/documents/24847* *The Cosmetic Europe document is a reference for users but the link is broken - can only be searched for the title.* *What is being tested here?* *"Assessment and verification: The applicant shall document the test protocol that has been followed in order to test the product's efficacy. Applicants shall present results from this protocol that demonstrate that the product fulfils the primary and secondary functions claimed on the product label or packaging."* *...given that all claims must be substantiated in order to not be misleading by law.* *This criterion (6) appears to unnecessarily duplicate existing legislation.* *For protocols we recommend taking contact with bodies such as stiftung warentest for example.*	**PARTIALLY ACCEPTED** Laboratory tests performed to comply with Regulations 1223/2009 and 655/2013 can be used to demonstrate the primary or secondary functions of the products.
The Responsible Person has to fill a product information file in which functions have to be demonstrated and tests on which the evaluation is based have to be provided.	**ACKNOWLEDGED**
Italy thinks that 10 people are not enough for a user test	**ACCEPTED** There is a mistake in the rationale of the proposed criterion text, 15 people (not 10 as it is mentioned) are the minimum number of participants according to the "Guidelines for the Evaluation of the Efficacy of Cosmetic Products". The text has been corrected in the TR2.0. The number of satisfied people has been increased to 20.

Criterion 7. Information appearing on the EU Ecolabel

Comments received in AHWG1/written form	JRC Dir. B response
In our opinion, the word "limited" in the sentence "Limited impact on aquatic environment" may be confusing to consumers. It is hard to understand what it says in relation to unlabelled products in the same product category. *Since there are a number of strict requirements on hazardous substances, we think that the one of the sentences should contain information about this (although this is subject to the agreed ambition on hazardous substances).* *Hence, we suggest two new sentences which we consider more general and more easily understood by the general consumer. The optional label with box shall contain the following information:* *Proposal for modification:* *Delete: - Limited impact on aquatic environment* *- Fulfills strict environmental requirements.* *- Fulfills strict requirements regarding hazardous substances* *- Limits packaging waste*	**REJECTED** The sentences proposed have been aligned with other EU Ecolabel product groups. The information aims to inform about the lower impact of the products certified against the non-certified products. According to Regulation 655/2013 the claim "fulfills strict requirements regarding hazardous substances" can denigrate or create confusion, implying that non-Ecolabelled products can contain hazardous substances. More information is available in TR2.0.
In addition it's necessary to force applicants to provide a convenient dosage system. *Moreover it's necessary to add a criterion about information provided on labels which requires :* *- information on product's use: dosage which shall be easily achievable with the provided convenient dosage system (applicants shall also indicate on the label how to use it),* *- applicants have to prove different claims,* *- information on the reuse – requirement connected to packaging criterion, recycling and correct disposal of packaging,* *- In order to harmonise with good practises used in detergents products >> A text shall appear on the primary packaging indicating the importance of using the correct dosage and to refill the product in order to minimise energy and water consumption, reduce water pollution and save money.*	**REJECTED** The sentences proposed have been aligned with other EU Ecolabel product groups. The information aims to inform about the lower impact of the products certified against the non-certified products. Convenient dosage system is addressed in other criteria. Criterion 4 specify: the primary packaging shall be designed to make correct dosage easy. Pump or dispenser for liquid hand soaps does not may provide more than 2g for full press. In addition, according to Cosmetics Regulation, instructions for use and disposal, and other important indications for human health have to be available.
It's important to modify information appearing on the EU Ecolabel to add a sentence concerning conducted tests in order to highlight also the performance of EU Ecolabel certified products.	**AKNOWLEDGED**
Substitute limited to limits	**REJECTED** The sentence is aligned with other EU Ecolabel product groups (detergents).
No further changes needed. It is strongly recommended not to include any reference to health or safety since this approach has the potential to undermine the fact that all cosmetics must be safe by law. Therefore, claims references avoidance of hazardous substances etc. must be avoided.	**ACKNOWLEDGED**