



EUROPEAN
COMMISSION

Brussels, **XXX**
[...] (2020) **XXX** draft

COMMISSION DECISION

of **XXX**

establishing the EU Ecolabel criteria for cosmetic products and animal care products

(Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel¹, and in particular Article 8(2) thereof,

After consulting the European Union Ecolabelling Board,

Whereas:

- (1) Under Regulation (EC) No 66/2010, the EU Ecolabel may be awarded to those products with a reduced environmental impact during their entire life cycle.
- (2) Regulation (EC) No 66/2010 provides that specific EU Ecolabel criteria are to be established according to product groups.
- (3) Commission Decision 2014/893/EU² established criteria and related assessment and verification requirements for the product group ‘rinse-off cosmetics’. The period of validity of those criteria and requirements was extended to 31 December 2021 by Commission Decision (EU) 2018/1590.³
- (4) In order to better reflect best practice in the market for this expanded product group and to take account of innovations introduced in the intervening period, it is appropriate to establish a new set of criteria for ‘rinse-off cosmetics’.
- (5) The EU Ecolabel Fitness check (REFIT) of 30 June 2017, reviewing the implementation of Regulation (EC) No 66/2010⁴, concluded on the need to develop a more strategic approach for the EU Ecolabel, also including the bundling of closely related product groups where appropriate.
- (6) In line with those conclusions and after consulting the EU Ecolabelling Board, it is appropriate to revise the criteria for the product group ‘rinse-off cosmetics’, including

¹ Regulation (EC) 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).

² Commission Decision 2014/893/EU establishing the ecological criteria for the award of the EU Ecolabel for rinse-off cosmetic products (OJ L 354, 11.12.2014, p. 47–61).

³ Commission Decision (EU) 2018/1590 of 19 October 2018 amending Decisions 2012/481/EU, 2014/391/EU, 2014/763/EU and 2014/893/EU as regards the period of validity of the ecological criteria for the award of the EU Ecolabel for certain products, and of the related assessment and verification requirements.

⁴ REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the review of implementation of Regulation (EC) No 122/2009 of the European Parliament and of the Council on 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) and the Regulation (EC) No 66/2010 of the parliament and of the Council of 25 November 2009 on the EU Ecolabel (COM(2017) 355).

the expansion of the scope to include other cosmetic products covered by the Cosmetic Regulation⁵ and animal care products. The new product group name “cosmetic products and animal care products” subsumes cosmetic products manufactured for human and animal consumption.

- (7) The New Circular Economy Action Plan for a cleaner and more competitive Europe⁶ adopted on 11 March 2020 stipulates that the recyclability and recycled content requirements will be more systematically included in the EU Ecolabel criteria.
- (8) The revised EU Ecolabel criteria for cosmetic products aim, in particular, at promoting products that have limited impacts in terms of eco-toxicity and biodegradability, which may only contain a limited amount of hazardous substances and are marketed in a packaging easy to recycle.
- (9) The new criteria and related assessment and verification requirements for the product group should remain valid until 31 December 202~~X~~, taking into account the innovation cycle for that product group.
- (10) For reasons of legal certainty, Decision 2014/893/EU should be repealed.
- (11) A transitional period should be allowed for producers whose products have been awarded the EU Ecolabel for rinse-off cosmetics on the basis of the criteria set out in Decision 2014/893/EU, so that they have sufficient time to adapt their products to comply with the new criteria and requirements. For a limited period after adoption of this Decision, producers should also be allowed to submit applications based either on the criteria established by Decision 2014/893/EU or on the new criteria established by this Decision. EU Ecolabel licences awarded in accordance with the criteria set out in the old Decision may be used for 12 months from the date of adoption of this Decision.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010,

HAS ADOPTED THIS DECISION:

Article 1

The product group ‘Cosmetic products’ shall comprise any substance or mixture intended to be placed in contact with the external parts of the human body and falling under the scope of Regulation (EC) No 1223/2009 of the European Parliament and of the Council, which is marketed and designed to be used to fulfil one or more of the following functions:

- intended to be placed in contact with the epidermis, teeth and mucous membranes of the oral cavity, and/or the hair system with a view exclusively or mainly to cleaning them

⁵ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009R1223>

⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A new Circular Economy Action Plan for a cleaner and more competitive Europe (COM(2020) 98 final). <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1583933814386&uri=COM:2020:98:FIN>

(soaps (liquid and solid), shampoos (liquid, solid and dry), shower preparations, feminine hygiene cosmetic products, toothpastes (liquid and solid) and mouthwashes;

- intended to improve or style the condition of the hair (hair conditioning, hair styling and treatment products);
- intended to take care of the epidermis or to massage the skin (skin care products);
- intended to protect the epidermis or lubricate the body hair before shaving (shaving products);
- intended to prevent or mask body odours (deodorants and antiperspirants);
- intended to make-up body, face, eyes, lips or nails (decorative cosmetics);
- intended to remove polish from the nails (nail enamel remover)

The product group 'Cosmetic products' shall include products for both private and professional use. Anti-dandruff shampoos are allowed.

Feminine hygiene cosmetic products include only rinse-off products intended to wash feminine intimate parts, such as intimate cleansers.

Hair styling and treatment products include products intended to be placed in contact with hair to take care or improve its condition, to dye, model, wave or straight it.

Skin care products include creams, oils and lotions intended to be in contact with the epidermis, including massage products, lip care products, after-sun and self-tanning creams, cleansers, exfoliants and sunscreens.

Decorative cosmetics include all beauty and make-up cosmetics: body colour cosmetics, eye colour cosmetics, face colour cosmetics, lip colour cosmetics, multiuse colour cosmetics and nail colour cosmetics. Wet wipes (not covered under the scope of Regulation (EC) No 1223/2009 of the European Parliament and of the Council) are included in the definition of product group, if the liquid on the wipe is intended for functions as described above.

The cosmetic products covered under this EU Ecolabel can be classified as rinse off and leave on products.

Article 2

The product group 'Animal care products' shall comprise any rinse-off substance or mixture intended to be placed in contact with animal hair to clean them or to improve the condition of it, such as shampoos and conditioners for animals. Animal care products shall not cover products that are specifically marketed for disinfecting or anti-bacterial use.

The product group 'Animal care products' shall include products for both private and professional use.

Article 3

For the purpose of this Decision, the following definitions shall apply:

- (1) Rinse off products are those marketed as intended to be removed with water after use in normal conditions;
- (2) Leave on products are those marketed as not intended to be removed with water after use in normal conditions.

Article 4

In order for a product to be awarded the EU Ecolabel under Regulation (EC) No 66/2010 for the product group ‘cosmetic products and animal care products’, it shall fall within the definition of that product group as specified in Articles 1 and 2 of this Decision and shall comply with the criteria and related assessment and verification requirements set out in Annexes to this Decision (Annex I in the case of cosmetic products and Annex II in the case of animal care products).

Article 5

The EU Ecolabel criteria for the product group ‘cosmetic products and animal care products’ and the related assessment and verification requirements shall be valid until 31 December 202X.

Article 6

For administrative purposes the code number assigned to the product group ‘cosmetic products and animal care products’ shall be ‘0XX’.

Article 7

Decision 2014/893/EU is repealed.

Article 8

1. Notwithstanding Article 6, applications submitted before the date of adoption of this Decision for the EU Ecolabel for the product group ‘rinse-off cosmetics’, as defined in Decision 2014/893/EU shall be evaluated in accordance with the conditions laid down in Decision 2014/893/EU.

2. Applications for the EU Ecolabel for products falling within the product group ‘rinse-off cosmetics’ submitted on or within two months from the date of adoption of this Decision may be based either on the criteria set out in this Decision, or on the criteria set out in Decision 2014/893/EU. Those applications shall be evaluated in accordance with the criteria on which they are based.

3. EU Ecolabel licenses awarded on the basis of an application evaluated in accordance with the criteria set out in Decision 2014/893/EU may be used for 12 months from the date of adoption of this Decision.

Article 9

This Decision is addressed to the Member States.

Done at Brussels,

For the Commission

Virginijus Sinkevičius

Member of the Commission

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