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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	11 August 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union

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Subject:	COMMISSION DECISION of XXX establishing the ecological criteria for the award of the EU Ecolabel for rinse-off cosmetic products

Delegations will find attached document D027173/04.

Encl.: D027173/04



Brussels, **XXX**
D027173/04
[...] (2014) **XXX** draft

COMMISSION DECISION

of **XXX**

**establishing the ecological criteria for the award of the EU Ecolabel for rinse-off
cosmetic products**

(Text with EEA relevance)

COMMISSION DECISION

of **XXX**

establishing the ecological criteria for the award of the EU Ecolabel for rinse-off cosmetic products

(Text with EEA relevance)

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 products which have 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) Since environmental impacts mainly in terms of eco-toxicity and resource consumption are associated to the chemicals used in rinse-off cosmetic products and to their packaging, it is appropriate to establish the EU Ecolabel criteria for this product group. The criteria should in particular promote products that have reduced impact on aquatic ecosystems, contain limited amount of hazardous substances and minimise waste production by reducing the amount of packaging.
- (4) Commission Decision 2007/506/EC² has established the ecological criteria and related assessment and verification requirement for soaps, shampoos and hair-conditioners. Those criteria have been reviewed in the light of technological developments. It results from the review that it is necessary to modify the name and the definition of the product group so as to include a new sub-product group and to establish new criteria.
- (5) Decision 2007/506/EC should be replaced for reasons of clarity.
- (6) A transitional period should be allowed for producers whose products have been awarded the Ecolabel for soaps, shampoos and hair conditioners on the basis of the criteria set out in Decision 2007/506/EC, so that they have sufficient time to adapt

¹ OJ L 27, 30.1.2010, p. 1.

² OJ L 186, 18.7.2007, p. 36.

their products to comply with the revised criteria and requirements. Producers should also be allowed to submit applications based on the criteria set out in Decision 2007/506/EC or on the criteria set out in this Decision until the lapse of validity of that Decision.

- (7) 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 “Rinse-off cosmetic products” shall comprise any rinse-off substance or mixture falling under the scope of Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products³ intended to be placed in contact with the epidermis and/or the hair system with a view exclusively or mainly to cleaning them (toilet soaps, shower preparations, shampoos), to improve the condition of the hair (hair conditioning products) or to protect the epidermis and lubricate the hair before shaving (shaving products).

The product group “Rinse-off cosmetic products” shall include products for both private and professional use.

The product group shall not cover products that are specifically marketed for disinfecting or anti-bacterial use. Anti-dandruff shampoos are allowed.

Article 2

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

- (1) "ingoing substances" means preservatives, fragrances and colorants, regardless of the concentration, and other substances intentionally added, by-products and impurities from raw materials, the concentration of which equals or exceeds 0.010 % by weight of final formulation;
- (2) "active content" (AC) means the sum of organic ingoing substances in the product (expressed in grams), calculated on the basis of the complete formulation of the product, including propellants contained in aerosol products. Rubbing/abrasive agents are not included in the calculation of the active content;
- (3) "primary packaging" means packaging in direct contact with the content conceived so as to constitute the smallest sales unit of distribution to the final user or consumer at the point of purchase;
- (4) "secondary packaging" means packaging which can be removed from the product without affecting its characteristics and is conceived so as to constitute at the point of purchase a grouping of a certain number of sales units whether the latter is sold as such to the final user or consumer or whether it serves only as a means to replenish the shelves at the point of sale.

Article 3

³ OJ L 342, 22.12.2009, p.59.

The criteria for awarding the EU Ecolabel under Regulation (EC) No 66/2010 for a product falling within the product group "rinse-off cosmetic products" defined in Article 1 of this Decision as well as the related assessment and verification requirements are set out in the Annex.

Article 4

The criteria and the related assessment and verification requirements set out in the Annex shall be valid for four years from the date of adoption of this Decision.

Article 5

For administrative purposes, the code number assigned to the product group "rinse-off cosmetic products" shall be "30".

Article 6

Decision 2007/506/EC is repealed.

Article 7

1. By way of derogation from Article 6, applications for the EU Ecolabel for products falling within the product group 'soaps, shampoos and hair conditioners' submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2007/506/EC.
2. Applications for the EU Ecolabel for products falling within the product group 'rinse-off cosmetic products' submitted from the date of adoption of this Decision but by 31 December 2014 at the latest may be based either on the criteria set out in Decision 2007/506/EC or on the criteria set out in this Decision.

Those applications shall be evaluated in accordance with the criteria on which they are based.

3. Where the EU Ecolabel is awarded on the basis of an application evaluated in accordance with the criteria set out in Decision 2007/506/EC, that EU Ecolabel may be used for 12 months from the date of adoption of this Decision.

Article 8

This Decision is addressed to the Member States.

Done at Brussels,

For the Commission
Janez POTOČNIK
Member of the Commission