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Subject:	COMMISSION DECISION of XXX establishing the EU Ecolabel criteria for cosmetic products and animal care products

Delegations will find attached document D073071/03.

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Brussels, **XXX**
D073071/03
[...] (2021) **XXX** draft

COMMISSION DECISION

of XXX

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

(Text with EEA relevance)

COMMISSION DECISION

of **XXX**

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

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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 Ecolabel⁽¹⁾, 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/EU⁽²⁾ established EU Ecolabel criteria and related assessment and verification requirements for the product group 'rinse-off cosmetics'. The period of validity of those criteria and requirements has been 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 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 Report⁽⁴⁾ of 30 June 2017, reviewing the implementation of Regulation (EC) No 66/2010, concluded on the need to develop a

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).

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 (OJ L 264, 23.10.2018, p. 24).

⁴ Report from the Commission to the European Parliament and the Council on the review of implementation of Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and

more strategic approach for the EU Ecolabel, also including the bundling of closely related product groups where appropriate.

- (6) In line with those conclusions, it is appropriate to revise the criteria for the product group ‘rinse-off cosmetics’, including the expansion of its scope to other cosmetic products covered by Commission Regulation (EC) No 1223/2009⁽⁵⁾ and to animal care products. In order to reflect that expansion of its scope it is also appropriate to modify the product group name to “Cosmetic products and animal care products” subsuming cosmetic products manufactured for human and animal use.
- (7) The New Circular Economy Action Plan for a cleaner and more competitive Europe⁽⁶⁾ adopted on 11 March 2020 stipulates that the durability, recyclability and recycled content requirements will be more systematically included in the EU Ecolabel criteria.
- (8) The revised EU Ecolabel criteria for cosmetic products and animal care products should 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 that use less packaging, which can be easily recycled. The use of recycled material and refillable packaging should be promoted. In the revision, appropriate attention should be paid to the coherence between relevant EU policies, legislation and scientific evidence.
- (9) The new criteria and related assessment and verification requirements for the product group should remain valid until 31 December 2027, 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 Decision 2014/893/EU should be allowed to be used for twelve 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,

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).

⁵ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).

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).

HAS ADOPTED THIS DECISION:

Article 1

The product group ‘cosmetic products’ shall comprise any substance or mixture falling under the scope of Regulation (EC) No 1223/2009, intended to be placed in contact with the external parts of the human body, 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.

The product group ‘Cosmetic products’ shall include rinse-off and leave-on products for both private and professional use.

Article 2

The product group ‘animal care products’ shall comprise any 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 rinse-off products for both private and professional use.

Article 3

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

- (1) ‘leave on products’ means products marketed as not intended to be removed with water after use in normal conditions;
- (2) ‘rinse off products’ means products marketed as 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 Annex I to this Decision, for cosmetic products, or in Annex II for 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 2027.

Article 6

For administrative purposes, the code number assigned to the product group ‘cosmetic products’ shall be ‘030’

For administrative purposes, the code number assigned to the product group ‘animal care products’ shall be ‘054’.

Article 7

Decision 2014/893/EU is repealed.

Article 8

1. Notwithstanding Article 7, 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 that Decision.
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 twelve 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