

WORKING DOCUMENT ON FRAGRANCE ALLERGENS LABELLING

A.I.S.E. comments

8 February 2021

The International Association for Soaps, Detergents and Maintenance Products (A.I.S.E.) would like to make the following comments to the draft text proposed by the Commission in the *Working Document on Fragrance allergens labelling* shared with the *WORKING GROUP ON COSMETIC PRODUCTS* in January 2021.

A.I.S.E. is a key stakeholder in the Roadmap of Fragrance Allergens due to the impact of Regulation 648/2004 ('Detergents Regulation'). According to Annex VII, point A of the Detergents Regulation, the allergenic fragrances that appear on the list of substances in Annex III of the Cosmetics Regulation, as a result of adaptation to technical progress, shall also be listed according to the Detergents Regulation, if added at concentrations exceeding 0,01% by weight. Therefore, the developments of the Cosmetic Regulation proposal will directly impact the detergent and maintenance product industry.

The European Green deal is paving the way towards a green and digital transition. This is an important direction for the future that A.I.S.E. supports and the Commission is investing into substantially. At the moment a number of existing and upcoming initiatives on consumer and value chain information and labelling requirements are under consideration. The proposal for amendment to the Cosmetics Regulation that has been put forward risks countering the Commission's overarching objectives.

Digitalisation

Considering the 'EU Better regulation agenda' and the need for regulation that is effective and fit for purpose, we request for the Commission to take into account the overlap between the Cosmetic Regulation proposal and other regulatory requirements.

The Detergents sector is a heavily regulated industry. With regards to labelling it follows three separate regulations: Detergent Regulation 648/2004, CLP Regulation (EC) No. 1272/2008 and Biocidal Products Regulation (EU) No. 528/2012. This leads to labels that are overcrowded and add to consumer confusion. The Fitness Check of the most relevant chemicals legislation (excluding REACH) and the evaluation of the Detergents Regulation both concluded that there are overlaps, inconsistencies and overcrowding of a detergent label that mean there is room for simplification in the communication of hazard and safety information to consumers. As a consequence, this year, the Commission launched an *Impact Assessment study on the simplification of the labelling requirements for chemicals and the use of e-labelling*. This was announced in October 2020 at the Commission Detergent WG and we urge the Commission to align regarding these projects. To wait for the results of this assessment and proceed according to the requirements of the 'EU Better regulation agenda'. To enact evidence-based policymaking, taking into account the views of and impact on those who will be affected, and focusing on



A.I.S.E. aisbl • Boulevard du Souverain 165 • 1160 Brussels • Belgium
Phone: +32 2 679 62 60 • Fax: +32 2 679 62 66 • Email: aise.main@aise.eu • VAT: BE 0538 183 615

delivering where it matters the most. This request is made with the intent of not overcrowding product labels so information will be read by consumers, providing value added information and allowing stability for industry, who must comply to the disparate regulatory requirements.

We highlight the need for timelines to be aligned. Label space is already at a premium on many detergent and maintenance products and the impact of having to deal with diverging regulatory timelines, would not only be significant for the member companies, but will also cause confusion to the consumer.

E-labelling

The [impact assessment report for the labelling of fragrance allergens](#) concluded that:

Consultations with stakeholders on legibility criteria for labels and on the possibility of e-labelling in cases where these criteria cannot be met without increasing the size of the package. These consultations should not delay the labelling of additional allergens.

The need to think about other regulatory contexts, such as the Packaging Waste Directive which limits the size of packaging to the minimum adequate amount, is key in the context of Better Regulation. We ask the Commission to consider the inclusion of criteria that allow for e-labelling in certain situations. If a sentence or term like “perfume” or ‘contains known fragrance allergens’ is placed on pack with an accessible way to reach the online information, this notifies consumers on the presence of fragrance allergens with then more information online. Using digital means to communicate to consumers can facilitate access to tailored, easily readable information that is consumer relevant. Digital access would be complemented by back-up solutions (e.g. contact details on pack) to ensure consumers can access information through alternative means.

Additionally, there are cases where it might be more appropriate to label an ingredient coming from the Cosmetics Regulation list on-line. If, as could occur for a Detergent Product, the ingredient is already labelled due to another regulation like CLP Regulation (EC) No. 1272/2008, then it could be placed online to avoid duplication and inconsistency between legislations.

Environment

Finally, commitments have been made to reduce waste within the objectives of the Zero-Pollution chapter. Thus, proportionate transition periods for legislation, which will not result in products being unnecessarily discarded, is key.

The draft legal text includes a proposal for an application period of “2 years for placing on the market and 3 years for withdrawing from the market”. We encourage the commission to consider the impact of such a timeline on the supply chain and environment.

Including a timeline for product withdrawals is not proportionate in this case. It will result in undue administrative burden for the removal and environmental impact through destruction of products that are in practice, safe for use. Certain member states are also prohibiting (or contemplating prohibiting) the destruction of unsold stocks. Our proposal is that a transition period for *placing on*



the market only is sufficient. In addition, adequate time must be granted for all stakeholders to be prepared for this transformation. Increasing the number of fragrance ingredients to be monitored and to go on-pack from 26 to circa 87 represents a significant change. Although the topic has been discussed over various years, industry is only able to proceed with the establishing of adequate tracing systems and fully validated testing methods once there is an agreed, stable legal framework. Therefore, regardless of any groundwork that has been carried out by industry stakeholders until now, it is key for the timeframe to be adequate to allow implementation across the market by companies with varying size and capabilities.

Finally, as the space on a detergent label is already very limited, the addition of more fragrance allergens will reduce the number of languages that can fit on-pack. This results in labels that fewer consumers can understand. As a consequence, extra labels (i.e. stock keeping units – skus) are needed to accommodate the languages that can no longer fit. This higher sku count, with labels having less languages, is more difficult to exhaust in the market when products get updated, leading to a higher risk of package waste from scrapping redundant skus. We bring this forward as an example of the nuanced impacts that must be considered and would be avoided through digital methods of communication. We encourage Commission consider all aspects.

Conclusion

In line with EU Green Deal's objectives of a digital and green transition and EU Better Regulation Agenda, we have the following four requests:

1. Take into account the overlap between the Cosmetic Regulation proposal and other regulatory requirements;
2. Align timelines with the Commission *Impact Assessment study on the simplification of the labelling requirements for chemicals and the use of e-labelling*
3. Consider the advantages of e-labelling for having consumer relevant labels and value added, tailored communication to consumers.
4. Allow proportionate transition periods for legislation, which will not result in products being unnecessarily discarded with environmental impact.

A.I.S.E. is committed to being fully engaged and to working together with the European Commission and all stakeholders on this issue.

