



23 May 2023

(23-3504)

Page: 1/2

Committee on Technical Barriers to Trade

Original: English

## NOTIFICATION

### *Revision*

The following notification is being circulated in accordance with Article 10.6.

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| <p><b>1. Notifying Member:</b> <u>EUROPEAN UNION</u><br/><b>If applicable, name of local government involved (Articles 3.2 and 7.2):</b></p>   |
| <p><b>2. Agency responsible:</b><br/>European Commission<br/><b>Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:</b><br/>European Commission,<br/>EU-TBT Enquiry Point,<br/>Fax: +(32) 2 299 80 43,<br/>E-mail: <a href="mailto:grow-eu-tbt@ec.europa.eu">grow-eu-tbt@ec.europa.eu</a><br/>Website: <a href="http://ec.europa.eu/growth/tools-databases/tbt/en/">http://ec.europa.eu/growth/tools-databases/tbt/en/</a></p>   |
| <p><b>3. Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], 3.2 [ ], 7.2 [ ], other:</b></p>  |
| <p><b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Cosmetics</p>   |
| <p><b>5. Title, number of pages and language(s) of the notified document:</b> Draft Commission Regulation amending Regulation (EC) No 1223/2009 of the European Parliament and of the Council as regards the use of the nanomaterials Styrene/Acrylates copolymer, Sodium Styrene/Acrylates copolymer, Copper, Colloidal Copper, Hydroxyapatite, Gold, Colloidal Gold, Gold Thioethylamino Hyaluronic Acid, Acetyl heptapeptide-9 Colloidal gold, Platinum, Colloidal Platinum, Acetyl tetrapeptide-17 Colloidal Platinum and Colloidal Silver in cosmetics products; (4 page(s), in English), (4 page(s), in English)</p>   |
| <p><b>6. Description of content:</b> The draft measure is required to enact the prohibition to use in cosmetic products certain nanomaterials for which the Scientific Committee on Consumer Safety (SCCS) identified a basis of concern. This draft measure was previously notified via EU/TBT/872, however, it has been modified to include the prohibition of Colloidal Silver (nano) and the restriction of Hydroxyapatite (nano). In particular, Annex II (list of prohibited substances in cosmetic products) and Annex III (list of restricted substances in cosmetic products) to the Cosmetics Regulation are amended to uniformly implement within the internal market the prohibition and restriction of the use of nanomaterials for which a basis of concern has been identified and following the recent positive SCCS Opinion on Hydroxyapatite (nano). The adoption of this draft Regulation is needed to ensure a high level of protection of human health for cosmetic products in the EU.</p> |

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| <b>7. Objective and rationale, including the nature of urgent problems where applicable:</b> Protection of human health or safety   |
| <b>8. Relevant documents:</b> Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on Cosmetic Products ( <i>OJ L 342, 22.12.2009, p. 59-209</i> )<br><a href="http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1415977955828&amp;uri=CELEX:32009R1223">http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1415977955828&amp;uri=CELEX:32009R1223</a>   |
| <b>9. Proposed date of adoption:</b> 3rd quarter 2023<br><b>Proposed date of entry into force:</b> 20 days from publication in the Official Journal of the EU.  |
| <b>10. Final date for comments:</b> 60 days from notification   |
| <b>11. Texts available from: National enquiry point [ ] or address, telephone or fax numbers and email and website addresses, if available, of other body:</b><br>European Commission,<br>EU-TBT Enquiry Point,<br>Fax: + (32) 2 299 80 43,<br>E-mail: <a href="mailto:grow-eu-tbt@ec.europa.eu">grow-eu-tbt@ec.europa.eu</a><br><a href="https://members.wto.org/crnattachments/2023/TBT/EEC/23_09756_00_e.pdf">https://members.wto.org/crnattachments/2023/TBT/EEC/23_09756_00_e.pdf</a><br><a href="https://members.wto.org/crnattachments/2023/TBT/EEC/23_09756_01_e.pdf">https://members.wto.org/crnattachments/2023/TBT/EEC/23_09756_01_e.pdf</a> |