



October 27, 2023

(23-7270)

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Committee on Technical Barriers to Trade

Original: French

### NOTIFICATION

The following notice is given in accordance with Article 10.6.

<p><b>1. Notifying Member:</b>FRANCE</p> <p><b>Where applicable, local public authorities concerned (articles 3.2 and 7.2):</b></p>
<p><b>2. Responsible organization:</b></p> <p>General Directorate of Enterprises/SCIDE/PNRP Bldg. Sieyès -Teledoc 143 61, Bd Vincent Auriol 75703 PARIS Cedex 13 <a href="mailto:d9834.france@finances.gouv.fr">d9834.france@finances.gouv.fr</a></p> <p><b>The name and address (including telephone and fax numbers and email and website addresses, if applicable) of the body or authority designated to deal with comments regarding the notification must be indicated if this body or authority is different from the above-mentioned body:</b></p> <p>General Directorate of Health Ministry of Solidarity and Health 14, avenue Duquesne 75,007 PARIS</p>
<p><b>3. Notification under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], 3.2 [ ], 7.2 [ ], others:</b></p>
<p><b>4. Products covered (where applicable, HS or CCCN heading, otherwise national customs tariff heading. ICS numbers may also be indicated, if applicable):</b>Cosmetic products</p>
<p><b>5. Title, number of pages and language(s) of the notified text:</b>Order organizing the certification process of good manufacturing practices for cosmetic products and authorizing the agents responsible for control; (3 page(s), in French)</p>
<p><b>6. Content:</b>Article 205 of Law No. 2022-1726 of December 30, 2022 on finances for 2023 acts on the transfer of skills on cosmetic and tattoo products from the National Agency for the Safety of Health Products (ANSM) to the Agency National Food, Environmental and Occupational Health Safety (ANSES) and the administrative authority responsible for competition and consumption mentioned in article L.522-1 of the Consumer Code (DGCCRF).</p> <p>The III. of this same article provides that under the conditions provided for in article 38 of the Constitution, the Government is authorized to take by way of ordinance, within one year from the promulgation of this law, the measures falling within the scope of the law aimed in particular at providing a certification system for establishments mentioned in Article L. 5131-2 of the Public Health Code attesting to compliance with good manufacturing practices for the cosmetic products mentioned in Article L. 5131-1 of the same code in order to ensure a high level of protection of human health.</p>

The draft order thus intends to Article 205 of Law No. 2022-1726 of December 30, 2022 on finances for 2023 acts on the transfer of skills on cosmetic and tattoo products from the National Agency for the Safety of Health Products (ANSM) to the Agency National Food, Environmental and Occupational Health Safety (ANSES) and the administrative authority responsible for competition and consumption mentioned in article L.522-1 of the Consumer Code (DGCCRF ).

The III. of this same article provides that under the conditions provided for in article 38 of the Constitution, the Government is authorized to take by way of ordinance, within one year from the promulgation of this law, the measures falling within the scope of the law aimed in particular at providing a certification system for establishments mentioned in Article L. 5131-2 of the Public Health Code attesting to compliance with good manufacturing practices for the cosmetic products mentioned in Article L. 5131-1 of the same code in order to ensure a high level of protection of human health.

establish, at the national level, a certification process for good manufacturing practices for cosmetic products for certain categories of establishments.

The modalities for implementing the certification system are currently being developed. In accordance with article 1 of the draft order, they will be specified by a decree in the Council of State which will also be notified to the European Commission.

- 7. Objective and rationale, including the nature of urgent problems, where applicable:** Regulation (EC) No. 1223/2009 of the European Parliament and of the Council of November 30, 2009 relating to cosmetic products establishes a set of rules to be respected concerning cosmetic products placed on the market, the objective being to guarantee the correct functioning of the internal market and ensuring a high level of protection of human health. Thus, in accordance with this regulation, the manufacture of cosmetic products must respect good manufacturing practices and Member States monitor their compliance by establishments which manufacture or package cosmetic products. Furthermore, recital 56 of the regulation indicates that Member States can regulate the establishment of economic operators in the cosmetic products sector, as long as they respect Union law. The regulation therefore confers on Member States the obligation to ensure that the principles of good manufacturing are respected, giving them the choice of the means used, while respecting European Union law.

The system put in place will make it possible to monitor the compliance of the establishments concerned with the principles of good manufacturing practices, with the aim of protecting public health and protecting the health of consumers. The certification bodies will support the market surveillance authorities in carrying out their missions.

The envisaged measure does not in itself impose any additional requirements with regard to cosmetic products themselves, but creates an obligation concerning certain categories of establishments which manufacture or package such products. The measure is in fact to be linked to the monitoring of the conformity of products with good manufacturing practices, implemented by the Member States, and not to the requirements relating to cosmetic products. This system aims to strengthen the safety of cosmetic products from establishments which will be affected by the certification obligation and is not intended to restrict the marketing of the products concerned.

The modalities for implementing the certification system are currently being developed. In accordance with article 1 of the draft order amending in particular article L.5131-8 of the public health code, they will be specified by a decree in the Council of State which will also be notified to the European Commission.

**8. Relevant documents:**

Regulation (EC) No. 1223/2009 of the European Parliament and of the Council of November 30, 2009 relating to cosmetic products.

Article 205 of law no. 2022-1726 of December 30, 2022 on finance for 2023.

**9. Projected date for adoption:** To be determined

**Projected date for entry into force:** To be determined

**10.** Deadline for submission of comments:60 days from the date of notification

**11. Entity from which texts can be obtained: National inquiry point [X] or address, telephone and fax numbers and email and website addresses, where available, of another body:**

Economic and financial ministries

DGE/SCIDE/PNRP

[d9834.france@finances.gouv.fr](mailto:d9834.france@finances.gouv.fr)

Bldg. Sieyès -Télédoc 143

61, Bd Vincent Auriol

E-mail:[d9834.france@finances.gouv.fr](mailto:d9834.france@finances.gouv.fr)

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