

2023 schedule of regulatory obligations



1st of Jan. 2023	AGEC Act	Entry into force ss. 13-I, 13-II, 67, 82, 112 Concerns: Display of environmental characteristics and hazardous substances, presence of PE, re-use of packaging, microplastics, mineral oils on packaging, ban on the use of the terms "biodegradable", "environmentally friendly" and other equivalents More info
1st of Jan. 2023	Inspections	Themes of the 2023 DGCCRF controls Claims "with", "based on", "contains", "hypoallergenic", "sensitive skin", "without", environmental claims and characteristics, regulated substances, nanomaterials, sunscreen products More info
1st of Jan. 2023	« Carbon-neutral »	Prohibition of the claim Prohibiting the use of the claim "carbon neutral" in advertising More info
28 Jan. 2023	Octocrylene / Benzophenone-3	Concentration restrictions From this date, all cosmetic products placed on the market must comply with the new provisions defined by Regulation No. 2022/1176 More info
25 Feb. 2023	REACH Regulation	Ban on PFCAs Entry into force of the amendment to Annex XVII of the REACH Regulation concerning PFCAs More info
9 March 2023	Info-sort	Packaging compliance time Packaging Supplier: All packaging delivered must now be marked with the Sort Info Marketer: Possibility of continuing to use a package that does not carry the sorting information as long as it was manufactured before September 9 and disposed of before March 9, 2023 More info
29 Apr. 2023	Names INCI list	V2 of the INCI Names Glossary Application of the new common names to be used when establishing the INCI list More info
30 Apr. 2023	R-nano	Declaration of quantities 2022 French declaration of substances in the nanoparticulate state produced, imported and/or distributed in France Article L. 523-1 of the Environment Code More info

1st of July 2023	BHT & Acid Yellow 3	Concentration restrictions From this date onwards, all cosmetic products placed on the market must comply with the new provisions defined by Regulation No. 2022/2195 More info
28 July 2023	Octocrylene / Benzophenone-3	Withdrawal from the market End of the deadline for the disposal of non-compliant products, after which non-compliant products must be removed from the market More info
27 Aug. 2023	Karanal	Prohibition of use Withdrawal from the market of Karanal due to its classification in Annex XIV of the REACH regulation. More info
1st of Dec. 2023	OMNIBUS VI (project)	Potential implementation Draft addition to the list of substances prohibited in cosmetics (Annex II of Regulation 1223/2009): margoza extract, theophylline, pentasodium pentetate, pentetic acid, trimethylolpropane triacrylate, benzophenone More info
Q1 2023 (forecast)	Extended list of allergens	Publication of the regulation Publication of the regulation extending the list of allergens. Transition period planned: 3 years for the marketing / 5 years for the withdrawal of the products. More info
Q1 2023 (forecast)	CLP Regulation	Proposed revision Adoption of the draft delegated regulation introducing new classes of including classification for endocrine disruptors. More info
To come in 2023	Microplastic regulation 30/08/22)	Publication of the regulation (draft of 30/08/22) Restriction of microplastics in rinsed and non-rinsed products with a timeframe of 4 years and 6 years respectively. More info

Other provisions expected in 2023:

List of EPs to be displayed in a dematerialized way, Omnibus nano, Proposed revision of the Cosmetic Regulation, possible publication of the Regulations on eco-design, on deforestation and on environmental claims.



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JANUARY 2023

■ 1st of January: Entry into force and application of several articles of the AGECE Law that will impact the cosmetics sector

Article 13-I: *To go further:* [FR - AGECE Act - Article 13: What obligations?](#)

- **Obligation to inform the consumer of certain environmental qualities and characteristics, in the form of a dematerialized product sheet accessible at the time of purchase**

As of January 1, 2023, companies placing at least 25,000 units/year of products on the national market AND with an annual turnover of more than 50 million euros will be concerned

NB: This obligation does not apply to products for which the last unit is placed on the market between January 1 and March 31, 2023

It will apply: from January 2024 to companies putting at least 10,000 units/year of products on the national market AND achieving an annual turnover > 20 million euros; from January 2025 to companies putting at least 10,000 units/year of products on the national market AND achieving an annual turnover > 10 million euros

+ **dematerialized information on the presence of hazardous substances in the formula or packaging when present at more than 0.1% by mass**

This obligation concerns the SVHC substances identified by article 59 of the REACH regulation + the substances of "equivalent concern" identified by ANSES (order specifying them in progress)

- **Compostable plastic products and packaging must be labelled "Do not throw away" on the packaging**

- **Prohibition of the use of the terms "biodegradable", "environmentally friendly" or any other equivalent term on products and packaging**

This ban came into effect on January 1, 2022, but products or packaging manufactured or imported before the date of publication of this decree were given a period of time to sell off stocks until January 1, 2023. Henceforth, it is no longer permitted to refer to such terms

Article 13-II: Obligation to make available, in a dematerialized format, information allowing the identification of known or suspected EPs in the product

For certain categories of products presenting a particular risk of exposure (designated by order in progress), this obligation will also apply to suspected PEs

3 orders following the December 9, 2022 meeting on the SNPE2 are expected during 2023, with an entry into force 6 months after the publication of the order.

[Draft order available on Cosmed Veille](#)

Article 67: 5% target for reused packaging

This is required by law of companies with a turnover of more than 50 million euros and responsible for the marketing of at least 10,000 sales units.

To go further: [EN - Reuse of packaging](#)

Article 82: Prohibition of the placing on the market of any substance in the form of microplastics in certain product categories

Any producer, importer or user of a substance or mixture to which the marketing ban does not apply (see list [FR - AGECE Law - Article 82: Microplastics](#)) shall ensure that all relevant instructions for use aimed at avoiding the release of microplastics into the environment, including at the end of their life, appear on these products.

A decree in the Council of State is expected to set the terms and conditions for the application of this article.

Article 112: Prohibition of the use of mineral oils on packaging and for the printing of advertising (leaflets, catalogs)

The order of April 13, 2022 lists the substances whose use is prohibited for packaging and printing for the public. NB: Packaging and paper printed, manufactured or imported before January 1, 2023 benefit from a 12-month stock disposal period starting from this date.

To go further: [FR - AGECE Law - Article 112: Mineral Oils](#)

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■ As of January 1, 2023: Market control themes

In 2023, the DGCCRF will continue its controls on nanomaterials as well as on other regulated and newly regulated substances.

In terms of claims, it will be necessary to control the truthfulness and relevance of claims relating to the composition of products ("with", "based on", "contains", etc.), claims relating to the tolerance of the product ("hypoallergenic", "sensitive skin", "high tolerance", etc.), "without" claims, and environmental claims (in particular, those that have been banned, such as "biodegradable", "environmentally friendly" and their equivalents). Compliance with the display of environmental characteristics and qualities with regard to the provisions of Article 13 of the AGE Act will also be part of the 2023 control plan.

Further information: [FR - The 2023 inspection campaigns of the DGCCRF](#)

■ January, 1: Banning the use of "carbon neutral" claims in advertising

It will be prohibited to claim in an advertisement that a product or service is carbon neutral, unless it presents, in an easily accessible manner, the balance of greenhouse gas emissions over the entire life cycle, the planned trajectory for reducing these emissions, as well as the methods for offsetting residual emissions.

Further information: [FR - CLIMATE AND RESILIENCE ACT](#)

■ January 28: Restriction of concentration of Octocrylene and Benzophenone-3

The thresholds for the use of these substances as UV filters are modified to reflect the conclusions of the CSAS in its opinions of 30-31 March 2021, taking into account the potential endocrine disrupting properties of these substances.

Further information: [EU - Regulation \(EU\) 2022/1176 on the use of Octocrylene and Benzophenone-3 in cosmetics](#)

FEBRUARY 2023:

■ February 25: Ban on PFCAs

The regulation (EU) n°2021/1297 published in the OJ on August 4, 2021 amends Annex XVII of the REACH regulation concerning PFCAs. This regulation restricts perfluorocarboxylic acids of chain length chain length between C9 and C14 (C9-C14 PFCA), their salts and substances related to C9-C14 PFCA.

To go further: [REACH - SUBSTANCES UNDER RESTRICTION PROCESS \(ANNEX XVII\)](#)

MARCH 2023:

■ March 9: All packaging delivered by packaging suppliers must carry the sort info

End of the deadline for packaging suppliers to dispose of stocks of non-sorting packaging manufactured before September 9, 2022. The marketer of finished cosmetic products has the option of placing products on the market with non-sortable packaging after March 9, 2023, and without a deadline, if and only if the packaging was manufactured prior to September 9, 2022, and transferred to you or your subcontractor prior to March 9, 2023 (regardless of whether or not it was filled by that date)

To go further: [EN – WASTE SORTING « INFO-TRI »: GENERAL INFORMATION AND HANDBOOK COSMED](#)

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APRIL 2023:

- **April 29: Entry into force of the update of the INCI glossary according to the 2022 version of the Glossary (Decision (EU) No. 2022/677 of March 31, 2022)**

This new notified version includes the various updates of the PCPC (Personal Care Product Council) following the creation of new INCI and rectifies old errors. This draft decision lists 30 070 substances.

Further information: [EU - Glossary of common ingredient names](#)

- **April 30 (at the latest): Declaration on R-Nano of the quantities of nanoparticulate substances used, imported, distributed over the year 2022**

Persons who manufacture, import or distribute on the French market substances in the nanoparticulate state, as such or contained in mixtures without being bound to them, or materials intended to release such substances under normal or reasonably foreseeable conditions of use, shall periodically declare on the [R-Nano](#) portal, for purposes of traceability and *public* information, *the identity, quantities and uses of these substances, as well as the identity of the professional users to whom they have transferred them in return for payment or free of charge.*

To go further: [FR - Annual declaration of substances in nanoparticulate form - R-Nano](#)

Expected 1st Quarter 2023

- **Publication of the regulation defining the list of extended allergens**

This draft was notified by the Commission in September 2022. Open for comment until November 2022, its adoption is expected in the first quarter of 2023. Transition periods are foreseen: 3 years for placing on the market; 5 years for withdrawal of products.

Further information: [EU - Draft regulation on allergens Labelling of new allergens](#)

- **Proposal for the revision of the CLP Regulation**

The Commission has published its draft revision of the CLP Regulation. The draft is under public consultation and open for comment until 20 February 2023. Thus, a draft delegated regulation introducing new hazard classes, including classification for endocrine disruptors, is expected.

Further information: [EU - Chemical Sustainability Strategy - Towards a toxics-free environment](#)

JULY 2023:

- **1st of July: Restriction of the concentration of BHT and Acid Yellow 3**

Cosmetic products that contain these substances and do not comply with the new restrictions may no longer be placed on the market in the Union.

For more information on these restrictions: [EU - Regulation \(EU\) 2022/2195 on the use of BHT HOMOSALATE, Yellow 3 Acid, HAA299 and Resorcinol in cosmetics.](#)

- **July 28: Withdrawal from the market of products that do not comply with Regulation (EU) 2022/1176 on restrictions on the use of Octocrylene and Benzophenone-3**

12 months after the date of entry into force, cosmetic products made available on the market after this date must comply with the new provisions defined by this regulation.

Further information: [EU - Regulation \(EU\) 2022/1176 on the use of Octocrylene and Benzophenone-3 in cosmetics](#)

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AUGUST 2023:

- **August 27: Withdrawal of Karanal from the market due to its classification in Annex XIV of the REACH regulation**

On February 7, 2020, the European Commission published Regulation (EU) No. 2020/171 amending the REACH Regulation by adding 11 substances to Annex XIV (list of substances subject to authorization). Karanal (a perfumery substance that can be used in cosmetics) is included in this list.

To go further: [REACH - AUTHORIZATION \(Annex XIV\)](#)

DECEMBER 2023

- **1st of December: Potential implementation of OMNIBUS VI currently being planned**

This draft regulation introduces in particular the CMR classification of : MARGOZA EXTRACT - THEOPHYLLINE - PENTASODIUM PENTETATE - PENTETIC ACID - TRIMETHYLOLPROPANE TRIACRYLATE - BENZOPHENONE. At the moment no substance has been defended by the industry. They should therefore be introduced in Annex II of the cosmetic regulation: prohibited substances.

Further information: [EU - Draft "OMNIBUS VI" regulation amending Annex II of Regulation \(EC\) No 1223/2009](#)

To come in 2023

- **Publication of the regulation on microplastics**

The Commission released its draft regulation on microplastics at the REACH WG meeting on 23 September 2022. This draft aims to restrict microplastics in rinsed and non-rinsed products with an implementation period of 4 years and 6 years respectively.

Further information: [REACH - Restricted and restricted substances \(Annex XVII\)](#)



Environmental strategy, allergens, bulk, cosmetic revision, cannabidiol... these are some of the topics that will be discussed during the [Cosmed Regulatory Meetings on March 21 and 22, 2023](#)



ATTENDU POUR 2024 :

- Révision de la directive emballages
- Révision directive des eaux urbaines

NB : Projets de textes d'ores et déjà accessibles sur [COSMED Veille](#)