

# 2023 schedule of regulatory obligations



<b>Jan. 1<sup>st</sup> 2023</b>	<b>AGEC Act</b>	<b>Entry into force art. 13-I, 13-II, 67, 82, 112</b>	Concerning: Display of environmental characteristics and substances hazardous substances, presence of PE, reuse of packaging, microplastics, mineral oils on packaging, ban on "biodegradable" claims, "environmentally friendly" and other equivalents	<a href="#">More info</a>
<b>Jan. 1<sup>st</sup> 2023</b>	<b>Inspections</b>	<b>Themes of the DGCCRF's 2023 inspections</b>	with, "based on", "contains", "hypoallergenic", "skin" claims sensitive, "without", environmental claims and characteristics, substances nanomaterials, sunscreen products	<a href="#">More info</a>
<b>Jan. 1<sup>st</sup> 2023</b>	<b>"Carbon neutral"</b>	<b>Prohibition of claims</b>	Ban on the use of the claim "carbon neutral" in advertising	<a href="#">More info</a>
<b>Jan. 28 2023</b>	<b>Octocrylene / Benzophenone-3</b>	<b>Concentration restrictions</b>	From this date onwards, all cosmetic products <b>placed on the market</b> must comply with the new provisions set out in regulation no. 2022/1176.	<a href="#">More info</a>
<b>Feb. 25 2023</b>	<b>REACH Regulation</b>	<b>PFCA ban</b>	Entry into force of the amendment to Annex XVII of the REACH Regulation about PFCAs.	<a href="#">More info</a>
<b>March 09 2023</b>	<b>Waste sorting « Info-tri »</b>	<b>Packaging compliance deadline</b>	Packaging supplier: All delivered packaging must now bear the Info-tri Retailer: Possibility of continuing to use packaging that does not carry the sorting information as long as it was manufactured before September 9 and disposed of before March 9, 2023	<a href="#">More info</a>

<b>Apr. 29 2023</b>	<b>INCI list names</b>	<b>V2 of the Glossary of INCI names</b>	Application of the new common names to be used when drawing up the INCI list	<a href="#">More info</a>
<b>Apr. 30 2023</b>	<b>R-nano</b>	<b>Quantity declaration 2022</b>	French declaration of nanoparticulate substances produced, imported and/or distributed in France Article L. 523-1 of the French Environment Code	<a href="#">More info</a>
<b>June 9 2023</b>	<b>Imported deforestation</b>	<b>Publication of regulation (EU) no. 2023/1115</b>	As of December 30, 2024, none of the 7 products in question (including soy/cocoa/palm oil) derived from deforestation may be placed on the European market (additional 6-month period granted to SMEs).	<a href="#">More info</a>
<b>July 1<sup>st</sup> 2023</b>	<b>BHT &amp; Acid Yellow 3</b>	<b>Concentration restrictions</b>	From this date, all cosmetic products <b>placed on the market</b> must be compliant with the new provisions of regulation no. 2022/2195	<a href="#">More info</a>
<b>July 19 2023</b>	<b>OMNIBUS VI</b>	<b>Enforcement</b>	Addition to the list of substances prohibited in cosmetics (Annex II, Regulation 1223/2009): margoza extract, theophylline, pentasodium pentetate, pentetic acid, trimethylolpropane triacrylate, benzophenone.	<a href="#">More info</a>
<b>July 27 2023</b>	<b>Extended list of allergens</b>	<b>Publication of regulation no. 2023/1545</b>	Publication of the regulation extending the list of allergens. Transition period: 3 years for marketing / 5 years for product withdrawal.	<a href="#">More info</a>

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**July 28  
2023**

## **Octocrylene / Benzophenone-3** Market withdrawal

End of deadline for disposing of non-conforming product stocks, date at which non-compliant products must be withdrawn from the market

[More info](#)

**Aug 27  
2023**

## **Karanal** Prohibited use

Withdrawal of Karanal from the market due to its classification in Annex XIV of the REACH regulation.

[More info](#)

**Q3 2023  
(forecast)**

## **CLP Regulation** Proposed revision

Adoption of draft delegated regulation introducing new hazard classes, including classification for endocrine disruptors.

[More info](#)

**Coming  
in 2023**

## **Microplastic regulation** Publication (draft of 08/30/22)

Restriction of microplastics in leave-in and rinse-off products with application deadlines of 4 and 6 years respectively.

[More info](#)

### **Other provisions expected in 2023:**

List of EDs to be displayed electronically, Omnibus nano, Proposed revision of the cosmetics regulation, possible publication of regulations on eco-design and environmental claims.



### **EXPECTED IN 2024:**

- Revision of the packaging directive
- Revision of the Urban Water Directive
- Eco-design regulation adopted

NB: Draft texts already available on [COSMED Veille](#)



**Environmental strategy, allergens, bulk, cosmetics revision, cannabidiol...** these were just some of the topics discussed at the [Cosmed Regulatory Meetings on March 21 and 22, 2023.](#)

**[The Q&A report is available on Cosmed Veille.](#)**

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## JANUARY 2023

- **January 1<sup>er</sup> : Entry into force and application of several articles of the AGECE Act that will have an impact on the cosmetics sector.**

**Article 13-I :** *Pour aller plus loin :* [FR - AGECE Law - Article 13 : What obligations ?](#)

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

As of January 1<sup>er</sup> 2023, companies placing at least 25,000 units/year of products on the national market AND with annual sales > €50 million are 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 placing at least 10,000 units/year of products on the national market AND with annual sales > €20 million; from January 2025 to companies placing at least 10,000 units/year of products on the national market AND with annual sales > €10 million.

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

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

**- Compostable plastic products and packaging must bear the words "Do not throw into nature" on the packaging.**

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

This ban came into force on January 1<sup>er</sup> 2022, but products or packaging manufactured or imported before the date of publication of this decree were allowed to sell off stocks until January 1<sup>er</sup> 2023. Henceforth, it is no longer permitted to make reference to such indications.

**Article 13-II: Obligation to make available, in dematerialized format, information enabling the identification of known or suspected PEs 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 SNPE2 are expected during 2023, with implementation 6 months after publication of the order.*

[Draft order available on Cosmed Veille](#)

**Article 67: 5% target for reused packaging**

This is the legal requirement for companies with sales in excess of €50 million and responsible for marketing at least 10,000 sales units.

*To find out more:* [FR - Packaging reuse](#)

**Article 82: Ban on marketing any substance in the form of microplastics in certain product categories**

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

*A decree by the Conseil d'Etat is expected to set out the application of this article.*

**Article 112: Ban on the use of mineral oils on packaging and in printed advertising (leaflets, catalogs)**

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

*Further information:* [FR - AGECE Law - Article 112: Mineral oils](#)

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## ▪ From January 1, 2023: Market control themes

In 2023, the DGCCRF will continue its inspections of nanomaterials and other regulated and newly regulated substances.

In terms of claims, we will be checking the truthfulness and relevance of: claims relating to product composition ("with", "based on", "contains", etc.); claims relating to product tolerance ("hypoallergenic", "sensitive skin", "high tolerance", etc.); "without" claims; and environmental claims (particularly those that have become prohibited, such as "biodegradable", "environmentally friendly" and their equivalents). Compliance with the display of environmental characteristics and qualities in accordance with the provisions of Article 13 of the AGECE Act will also form part of the 2023 inspection plan.

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

## ▪ 1<sup>er</sup> January 2023: Ban on the use of "carbon-neutral" claims in advertising

It will be forbidden to claim in advertising that a product or service is carbon-neutral, unless the balance of greenhouse gas emissions on the product or service is presented in an easily accessible way, emissions, the planned reduction trajectory for these emissions, and how residual emissions will be offset.

To find out more: [FR - "Climate and Resilience" Law](#)

## ▪ January 28: Concentration restrictions on 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 March 30-31, 2021, taking into account the potential endocrine-disrupting properties of these substances.

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

## FEBRUARY 2023:

### ▪ February 25: Ban on PFCAs

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 length of chain length between C9 and C14 (C9-C14 PFCA), their salts and substances related to C9-C14 PFCA.

Further information: [REACH - Substances restricted \(Annex XVII\) \(regulation and draft regulation\)](#)

## MARCH 2023:

### ▪ March 9: All packaging delivered by packaging suppliers must bear the info-tri

End of deadline for packaging suppliers to sell off stocks of non-tri-bearing packaging manufactured before September 9, 2022. The marketer of finished cosmetic products may place products on the market with packaging that does not carry the sort info after March 9, 2023, and without a deadline, if and only if this packaging was manufactured before September 9, 2022, and transferred to you or your subcontractor before March 9, 2023 (whether or not it was filled by this date).

To find out more: [FR - Waste sorting "Info-tri" : General information and Handbook Cosmed](#)

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## APRIL 2023:

- **April 29: Application of the INCI glossary update according to the 2022 version of the Glossary (EU decision no. 2022/677 of March 31, 2022).**

This new notified version incorporates the various updates made by 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 quantities of nanoparticulate substances used, imported, distributed over the year 2022**

Persons who manufacture, import or distribute on the French market substances in nanoparticulate form, as such or in mixtures without being bound to them, or materials intended to release such substances under normal or reasonably foreseeable conditions of use, periodically declare on the [R-Nano](#) portal, for the 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, whether in return for payment or free of charge.*

Further information: [FR - Annual declaration of substances in the nanoparticulate state: R-Nano](#)

## JUNE 2023:

- **June 13: Publication of EU regulation 2023/1115 against imported deforestation**

This regulation prohibits the marketing and export of 7 basic products, including Cocoa, Palm Oil and Soya, when they are used:

- are not "Zero Deforestation".
- have not been produced in accordance with the legislation of the country of production
- have not been the subject of a due diligence declaration.

Further information: [EU - Regulation \(EU\) 2023/1115 on fighting deforestation](#)

## JULY 2023:

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

Cosmetic products containing these substances which do not comply with the new restrictions may no longer be placed on the EU market.

To find out more about these restrictions: [EU – Commission Regulation \(Eu\) n°2022/2195 as regards the use of HOMOSALATE, BHT, Yellow Acid 3, HAA299 and Resorcinol in cosmetics](#)

- **19 July: OMNIBUS VI comes into effect**

Regulation (EU) no. 2023/1490 introduces the CMR classification of : MARGOZA EXTRACT - THEOPHYLLINE - PENTASODIUM PENTETATE - PENTETIC ACID - TRIMETHYLOLPROPANE TRIACRYLATE - BENZOPHENONE. No substance has been defended by the industry. They are therefore included in Annex II of the cosmetics regulation: prohibited substances.

Further information: [EU - Regulation \(EU\) n°2023/1490 known as "OMNIBUS VI" amending Annex II to Regulation \(EC\) n°1223/2009](#)

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- **July 27: Publication of regulation no. 2023/1545 defining the list of extended allergens**

Regulation no. 2023/1545 amends regulation (EC) no. 1223/2009 concerning the labelling of allergenic fragrances on cosmetic products. Transition periods are provided for: 3 years for marketing; 5 years for product withdrawal.

Further information: [EU - Regulation \(EU\) n°2023/1545 on the labelling of new allergens](#)

- **July 28: Withdrawal from the market of products not complying 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](#)

## 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) n°2020/171 amending REACH 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.

Further information: [REACH - AUTHORIZATION \(Annex XIV\)](#)

## Coming in 2023

- **Publication of the regulation on microplastics**

The Commission released its draft regulation on microplastics at the REACH WG meeting on September 23, 2022. This draft aims to restrict microplastics in leave-in and rinse-off products, with application deadlines of 4 and 6 years respectively.

Further information: [REACH - Substances restricted \(Annex XVII\) \(regulation and draft regulation\)](#)

- **Proposed revision of the CLP regulation**

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

Further information: [EU - European strategy for sustainability](#)