



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs  
Single Market Enforcement  
Notification of Regulatory Barriers

Notification Number : 2023/0537/FR (France)

## **Order on the organisation of the certification process of good manufacturing practices for cosmetic products and the authorisation of control officers**

Date received : 11/09/2023

End of Standstill : 12/12/2023

### **Message**

Message 001

Communication from the Commission - TRIS/(2023) 2609

Directive (EU) 2015/1535

Notification: 2023/0537/FR

Notification of a draft text from a Member State

Notification - Notificación - Notifizierung - Нотификация - Oznámení - Notifikation - Γνωστοποίηση - Notificación - Teavitamine - Ilmoitus - Obavijest - Bejelentés - Notifica - Pranešimas - Paziņojums - Notifika - Kennisgeving - Zawiadomienie - Notificação - Notificare - Oznámenie - Obvestilo - Anmälan - Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Ne zahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20232609.EN

1. MSG 001 IND 2023 0537 FR EN 11-09-2023 FR NOTIF

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## EUROPEAN COMMISSION

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4. 2023/0537/FR - C00P - Pharmaceutical and cosmetics

5. Order on the organisation of the certification process of good manufacturing practices for cosmetic products and the authorisation of control officers

6. Cosmetic products

7.

8. Article 205 of Law No 2022-1726 of 30 December 2022 on finances for 2023 act of knowledge transfer on cosmetic and tattoo products from the National Agency for Safety of Health Products (ANSM) to the National Agency for Food, Environmental and Occupational Health & Safety (ANSES) and to the administrative authority responsible for competition and consumer affairs referred to in Article L.522-1 of the Consumer Code (DGCCRF).

III. of this same Article provides that, under the conditions laid down in Article 38 of the Constitution, the Government is authorised to adopt by order, within one year of the promulgation of this Law, measures falling within the scope of the Law aimed, in particular, at providing for a system of certification of the establishments referred to in Article L. 5131-2 of the Public Health Code certifying compliance with good manufacturing practices for cosmetic products mentioned in Article L. 5131-1 of the same Code in order to ensure a high level of human health protection.

The draft Order thus aims to establish, at the national level, a certification process for good manufacturing practices for cosmetic products from certain categories of establishments.

The modalities for the implementation of the certification system are currently being drawn up. 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.

9. Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products establishes a set of rules to be complied with for cosmetic products placed on the market, with the aim of ensuring the proper functioning of the internal market and ensuring a high level of human health protection. Thus, in accordance with this Regulation, the manufacture of cosmetic products must comply with good manufacturing practices and the Member States monitor their compliance by establishments which manufacture or package cosmetic products. Furthermore, recital 56 of the Regulation states that Member States may regulate the establishment of economic operators in the cosmetic products sector, provided they comply with EU law. The Regulation therefore gives Member States the obligation to ensure that the principles of good manufacturing are respected, leaving them the choice of the means used, while complying with EU law.

The system put in place will enable to monitor the compliance of the establishments concerned with the principles of good manufacturing practice, with the aim of protecting public health and consumer health. Certifying bodies shall support market surveillance authorities in the performance of their tasks.

The proposed measure does not in itself impose any additional requirements in relation to cosmetic products per se, but creates an obligation concerning certain categories of establishments which manufacture or package such products. The measure is in fact linked to the monitoring of product compliance with good manufacturing practices, implemented by the Member States, and not to the requirements relating to cosmetic products. The purpose of this scheme is to enhance the safety of cosmetic products of establishments which will be subject to the certification obligation and is not intended to restrict the placing on the market of the products concerned.

The modalities for the implementation of the certification system are currently being drawn up. 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.



10. References to basic texts:

11. No

12.

13. No

14. No

15. No

16.

TBT aspects:

The draft has significant impact on international trade

SPS aspects: No

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European Commission

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