

Decree No 2024-1250 of 30 December 2024 on the guardianship of the Minister for Consumer Affairs of the National Agency for Food, Environmental and Occupational Health & Safety and on various provisions relating to cosmetic products

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Target audience: manufacturers and distributors of cosmetic products, consumers, ministry responsible for consumer affairs, French Agency for Food, Environmental and Occupational Health and Safety (ANSES), Directorate-General for Competition, Consumer Affairs and Fraud Control (DGCCRF), French Agency for the Safety of Medicines and Health Products (ANSM).

Subject: the text removes the Ministry responsible for consumer affairs from the list of ANSES guardianships and specifies the procedures for transferring the mission of issuing export certificates for cosmetic products from the ANSM to the DGCCRF. It also specifies the consumer information procedures for bulk sales of cosmetics.

Entry into force: the Decree shall enter into force on the day after its publication, with the exception of the provisions addressed by Article 2 according to the procedures provided for therein. Thus, the transfer of issuance of export certificates to the DGCCRF will be effective on 1 March 2025. The ANSM will issue all applications received by 28 February 2025 by 31 March 2025. Moreover, the new consumer information measures for bulk sales of cosmetics will enter into force on 1 July 2025, enabling operators in the sector to adapt their products and sales mechanisms.

Notice: the Decree amends a number of provisions of the Public Health Code, notably to reflect the consequences of reform of surveillance of the cosmetics market. Its purpose is, firstly, to remove the Minister responsible for consumer affairs from the list of Ministers responsible for the supervision of ANSES, with a view to redefining relations with the Agency on a more targeted basis. Secondly, it designates the DGCCRF as the competent authority for issuing certificates attesting compliance with the good manufacturing practices referred to in Article 8 of Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products, for the export of cosmetic products to States that are not members of the European Union or parties to the Agreement on

the European Economic Area. In order to ensure the transfer of the activity between the ANSM and the DGCCRF, the Decree provides for transitional provisions to permit smooth continuity of operations. Finally, it defines methods of providing consumer information in the sale of cosmetic products without pre-packaging, or which are packaged at the point of sale or pre-packaged for immediate sale. References: the regulatory part of the French Public Health Code amended by this Decree may be consulted, in the version resulting from this amendment, on the Légifrance website).

The Prime Minister,

On the report of the Minister for the Economy, Finance and Industrial and Digital Sovereignty;

Having regard to Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products, particularly Article 19 thereof;

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;

Having regard to the Public Health Code, particularly Articles L1313-1 and L5131-8 thereof;

Having regard to the opinion of the National Consumer Council issued on 24 November 2021;

Having regard to Notification No 2023/0652/FR, submitted to the European Commission on 21 November 2023 in accordance with Directive (EU) 2015/1535;

Having heard the Council of State (social section),

Hereby decrees:

Article 1

The French Public Health Code is amended as follows:

1° in the first subparagraph of Article R1313-1, in the third paragraph of Article R1313-24, in the first subparagraph of Article R1313-37 and in Article R1313-39, the words: ‘*de la consommation,*’ (‘of consumer affairs,’) are deleted;

2° in the first subparagraph of Article R1313-13, the words ‘, *d et e*’ (‘, d and e’) are replaced by the words ‘*et d*’ (‘and d’) and the word ‘*cinq*’ (‘five’) is replaced by the word ‘*six*’ (‘six’);

3° Article R5131-2 is amended as follows:

a) in the first and fourth subparagraphs, the words ‘*Agence nationale de sécurité du médicament et des produits de santé*’ (‘French Agency for the Safety of Medicines and Health Products’) are replaced by the words ‘*autorité administrative chargée de la concurrence et de la consommation mentionnée à l'article L. 522-1 du code de la consommation*’ (‘administrative authority responsible for competition and consumer affairs, referred to in Article L522-1 of the Consumer Code’);

b) the second sentence of the second subparagraph is replaced by a sentence worded as follows: ‘*Elle est accompagnée d'un certificat émis par un organisme de certification attestant du respect des bonnes pratiques de fabrication lorsque la fabrication ou le conditionnement sont effectués conformément aux normes harmonisées applicables dont les références ont été publiées au Journal officiel de l'Union européenne*’ (‘It shall be accompanied by a certificate issued by a certification body attesting to compliance with good manufacturing practice where manufacturing or packaging is carried out in accordance with the applicable harmonised standards, the references for which have been published in the Official Journal of the European Union’);

c) in the third subparagraph, the words ‘*le modèle est défini par le directeur général de l'Agence*’ (‘the template shall be defined by the Director-General of the Agency’) are replaced by the words ‘*les modalités d'examen et de délivrance sont définies par arrêté du ministre chargé de la consommation*’ (‘the examination and issuance procedures shall be laid down by order of the Minister responsible for consumer affairs’);

d) in the second sentence of the fourth subparagraph, the word ‘*Agence*’ (‘Agency’) is replaced by the words ‘*autorité administrative chargée de la concurrence et de la consommation mentionnée à l'article L. 522-1 du code de la consommation*’ (‘administrative authority responsible for competition and consumer affairs, referred to in Article L522-1 of the Consumer Code’);

4° Article R5131-4(II) is worded as follows:

‘*II.-Les obligations résultant du I sont applicables aux produits cosmétiques présentés non préemballés, emballés sur le lieu de vente à la demande de l'acheteur ou préemballés en vue de leur vente immédiate. En complément, les informations peuvent être mises à la disposition du consommateur par voie dématérialisée.*’ (‘II.-The obligations resulting from I. shall apply to cosmetic

products presented not prepackaged, packaged at the place of sale at the request of the purchaser, or prepackaged for immediate sale. In addition, the information may be made available to the consumer electronically.’);

5° Article D5321-8 is hereby repealed.

Article 2

- I. - Article 1(3) and (5) shall enter into force on 1 March 2025. Until 28 February 2025, applications for certificates attesting compliance with good manufacturing practice for cosmetic products shall be submitted to the French Agency for the Safety of Medicines and Health Products, which shall issue them until 31 March 2025 under the conditions laid down in Article R5131-2 of the Public Health Code as worded prior to the entry into force of this Decree.
- II. II. - Article 14° shall enter into force on 1 July 2025.

III.

Article 3

The Minister for the Economy, Finance and Industrial and Digital Sovereignty shall be responsible for the execution of this Decree, which will be published in the Official Journal of the French Republic.

Done on 30 December 2024.

François Bayrou

By the Prime Minister:

The Minister for the Economy, Finance and Industrial and Digital Sovereignty,

Eric Lombard