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From:	General Secretariat of the Council
To:	Working Party on Technical Harmonisation (Dangerous Substances - Chemicals) Antici Group (Simplification)
Subject:	Antici Group on Simplification (AGS), Monday, 15 September 2025 Omnibus VI proposals on simplification of certain requirements and procedures for chemical products - Presidency Discussion Note

Danish Presidency
Council of the European Union

Presidency Discussion Note

Antici Group on Simplification (AGS)

Monday, 15 September 2025

Omnibus VI proposals on simplification of certain requirements and procedures for chemical products

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Dear Colleagues,

Thank you for the written comments we have received concerning Omnibus VI on simplification of certain requirements and procedures for chemical products.

Based on previous discussions and the comments received, the PCY has noted support for the Commission proposal with the overall aim of reducing burdens to the chemical industry in Europe by simplifying certain rules in Regulation (EC) No 1272/2008 (CLP regulation), Regulation (EC) No 1223/2009 (Cosmetic Products Regulation) and Regulation (EC) 2019/1009 (Fertilising Products Regulation), while still maintaining high protection for the human health and the environment.

To guide the discussion, the PCY highlights below the main concerns raised in the written comments, and kindly asks the Member States to prepare their responses to the accompanying written questions. Together with the written comments already received, the responses will be used to draft a first compromise proposal.

"Stop-the-clock" – COM(2025)526

The targeted revision of the CLP in 2024 introduced new rules on label formatting, relabelling, distance sales, and fuelling station labelling, which will apply either from 1 July 2026 or 1 January 2027. To provide a short-term certainty for suppliers, the Commission proposes to postpone the date of application for these revisions until 1 January 2028. The more substantive changes to the CLP Regulation, revised in 2024, are addressed in the main Omnibus VI proposal.

The PCY intends to proceed swiftly with the "Stop-the-Clock"-proposal, and invites Member States to indicate their support for the Commission proposal in the first part of the Working Party meeting.

Question 1: Can Member States support the current "Stop-the-Clock" proposal as put forward by the Commission?

Regulation on Classification, Labelling and Packaging (CLP) – COM(2025)531

Member States are broadly supportive of the efforts to simplify the CLP Regulation, although several Member States stress the need to balance reduced administrative burdens with maintaining the Regulation's core objectives.

Key issues for debate concern the label formatting, the updating of labels for self-classified substances and mixtures, and certain distance sales rules on advertisements and online sales offers. The Member States also commented on digital contacts, digital labelling, and adjustments to the rules on packages under 10 ml.

Formatting of labels (Article 31(3) and Annex 1, section 1.2.1.4 and 1.2.1.5)

Many Member States raised concerns on eliminating enforceable readability standards, underlining the need to balance simplification with consumer safety and legal clarity.

Based upon the Member States' responses, the PCY has identified the following indicative options regarding formatting and readability:

a) Retaining certain elements of the formatting rules introduced in 2024.
b) Further clarification in the text or the recitals on how readability should be understood.

Question 2: Can Member States support one of the above-mentioned options? Please specify which elements should be retained (if option (a) is chosen) or explicitly clarified (if option (b) is preferred).

Updating labels (Article 30(1))

The Commission proposes repealing the six-month deadline for updating labels for self-classified substances and mixtures. The Member States recognise the cost implications for suppliers of updating the labels, particularly for SMEs. While some Member States welcomed a greater flexibility to reflect complex supply chains, many cautioned that returning to the formulation – "without undue delay" – creates legal uncertainty and puts consumers and workers at risk.

Based upon the Member States' responses, the PCY has identified the following indicative options on updating the labels and ensuring legal clarity:

a) Clarifying in a recital how the "without undue delay" formulation should be understood.
b) Retaining a fixed deadline for updating the labels for self-classified substances and mixtures, extending it to 9 or 12 months.
c) Retaining the six-month deadline for CMR substances and endocrine disruptors, while reverting to "without undue delay" for other classifications.

Question 3: Can Member States support one or more of the above-mentioned options?

Advertising (Article 48) and distance sales offers (Article 48a)

The 2024 CLP-revision adds additional requirements to the existing rules on which label elements/hazard information must be displayed in advertisements. The revision also introduced a new requirement on distance sales, including online sales, requiring that full label information is available at the point of sale. To reduce costs and avoid confusing consumers on the environmental performance of products, the Commission proposes to remove all requirements for displaying label elements/ hazard information in advertisements, replacing it with an amended prompt encouraging consumers to read the label before use. Furthermore, for both advertisement and distance sales offers, the Commission proposes waiving these rules for professional users, as professionals have access to safety data sheets.

While some Member States have backed the Commission's approach. Others highlight the need to deliver on the core purpose of the rules – early warning for users - and ensure a level playing field for online sales, particularly with regard to third country sellers, where the advertising rules in the CLP 2024 revision are adapted to the existing enforcement mechanisms under the DSA with regards to illegal online content.

Issues raised by delegates include defining what constitutes an "advertisement", balancing simplification with safety and advance warning of users, and linking obligations with other regulations for consistency. The Member States were also divided on whether the rules on advertisements and distance sales offers should apply to professional use.

Question 4: The PCY encourages Member States to prepare answers to the following questions on advertisements:

a) Would you be in favour of restricting the rules in Article 48 to only cover online advertisements, thereby clarifying the scope of the term "advertisement", while also simplifying rules for other advertising channels?
b) Which, if any, label elements can be removed from the rules on advertising in Article 48?
c) The Commission proposes the prompt: 'Always read the label and product information before use.' Do you support this wording as it stands, or should the prompt also include a reference to (a) the presence of hazardous substances to improve consumer awareness, and/or (b) the name and digital contact details of the responsible supplier, as required under Article 4(11), which can assist market surveillance authorities in conducting automatic control of advertisements?

Question 5: Can you support restricting Article 48 on advertisements and Article 48a on distance sales offers to only cover consumer products?

Digitalisation – digital contacts (Article 17(1)) and digital labelling (Annex I, section 1.6)

The Commission proposes that CLP labels should include a "digital contact" instead of the current requirement for postal address and telephone number. A similar proposal is included in the Omnibus IV package (Digitalisation and Common Specifications).

The PCY suggests that Omnibus VI should be aligned to reflect the final outcome of Omnibus IV position. The Commission also proposes the simplification of that supplier contact details by allowing information on additional suppliers to appear only on the digital label.

Member States expressed openness towards expanding the digital labelling. Based on the comments received, the PCY considers that the Commission's proposal strikes the right balance, albeit slight editorial amendments may be needed.

Question 5: Do Member States have any objections to the PCY's proposed approach on digitalisation?

Packaging under 10 ml (Article 29(2) and Annex I, section 1.5.2.4)

Member states are broadly supportive of the Commission's proposal on exemptions from labelling and packaging requirements for packages containing less than 10 ml. However, some concerns remain on legal clarity and consumer protection for vulnerable groups.

Some have asked for slight editorial changes, alignment with other EU rules, and for clarification on the use of multilayer, booklet, or leaflet labels. The PCY will carefully examine the received editorial suggestions.

Based on the feedback so far, our intention is to proceed with the proposal in its current form.

Cosmetic Products Regulation (CPR) – COM(2025)531

Some Member States have questioned the Commission's assertion that the proposed amendments to the CPR will not affect consumer safety negatively, and particularly with regard to the presence of CMR substances in cosmetic products.

The PCY intends to raise this issue as central to the discussions.

Amendments to Article 15

Member States highlight that for the proposed amendments to Article 15 in particular, simplifications must not be made at the expense of human health and consumer safety. In the Staff Working Document (SWD (2025) 531), the Commission aims to explain the timelines.

New timeline for submitting an application for derogation for using CMR substances in cosmetic products

The Commission proposal suggest a new timeline for submitting an application for a derogation for using a CMR substance in cosmetic products. Some Member States express concern for the impact on the protection of human health, as CMR-substances will be present in cosmetic products for a longer period.

Question 1: Can Member States support the new timeline for submitting an application for derogation as suggested by the Commission?

New timeline for amending the Annexes

In the Commission proposal, a new timeline is presented for the prohibition of CMR substances in cosmetic products under CPR. Some Member States express their concern about the impact on the protection of human health, as CMR-substances will be present in cosmetic products for a longer period.

Question 2: Can Member States support the approach as suggested by the Commission, and do the Member States find the suggested time period acceptable?

Implementation of transitional periods for placing on the market and making available on the market of cosmetic products containing CMR substances

The Commission proposes the introduction of transitional periods for placing products on the market (12 months) and making products available on the market (24 months). Some Member States support the introduction of periods for placing and making available on the market, but call for shorter timeframes to ensure a high level of protection for human health

Question 3: Can Member States support the implementation of transitional periods for both placing on the market and making available on the market for cosmetic products containing CMR substances? If so, how long should these transitional periods be?

Amendments of criteria for derogation

The Commission proposes that the criteria for derogation be narrowed down from four to two.

Question 4: Can Member States support the deletion of the criteria a) and the merging of the criteria c) and d), meaning that the specifications for use are listed as part of the criteria for safety evaluation by the SCCS?

Introduction of criteria for alternative assessment

The Commission proposal introduces criteria for assessing whether alternatives are available when evaluating a derogation application for using a CMR substance in cosmetic products.

Some Member States are concerned that the criteria are too broad and will almost always result in the conclusion that no alternatives are available or that an alternative method or technical solution will not be recognised as a suitable alternative.

Question 5: The PCY invites the Member States to participate in setting the direction:

a. Should the criteria for alternative assessment be specified in the Regulation or in a guidance document?

b. Should the criteria for what constitutes alternative be widened (e.g., alternative methods, combinations of alternatives, other)?

c. Is the inclusion of environmental and economic aspects in the criteria for assessing alternatives within the scope of the CPR, or should these criteria be removed?

Natural complex substances containing CMR-substances

The aim of the Commission proposal on natural complex substances is to create clarity when natural complex substances contain CMR-classified components. Some Member States express concern for the impact on the protection of human health.

Below are some indicative options identified by the PCY.

a. CMR substances contained within a natural complex substance should be exempted from the prohibition of CMR substances in cosmetic products.

b. As above, including an amendment requiring that the SCCS must always assess the safety of CMR-substances present in a natural complex substance and prove that their use is safe.

c. CMR substances present within a natural complex substance should be included in the ban on CMR substances in cosmetic products.

Question 6: Can Member States support one or more of the above-mentioned options?

Classifications based on ingestion or inhalation route of exposure

The Commission proposes to exclude CMR-substances from the generic ban under CPR if the CMR-substance is explicitly based on oral or inhalation route of exposure.

Some Member States find that these substances still pose a risk, as many cosmetic products are used in the mouth area or are in a spray form, and are therefore concerned about the impact on the protection of human health.

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Below are some indicative options identified by the PCY.

a. CMR substances that are explicitly classified on the basis of oral or inhalation route of exposure, should be exempt from the prohibition of CMR substances in cosmetic products.

b. As above, including an amendment requiring that the SCCS must always assess the safety of CMR-substances that are explicitly classified on the basis of oral or inhalation route of exposure, and prove that their use is safe.

c. CMR substances that are explicitly classified based upon oral or inhalation route of exposure should be included in the ban on CMR substances in cosmetic products.

Question 7: Can Member States support one or more of the above-mentioned options?

Abolishment of pre-notification of nano-material ingredients (Article 16)

The Commission proposes to abolish the requirement for pre-notification for nano-material ingredients in cosmetic products, suggesting that these products should be notified to the Commission when placed on the market like other cosmetic products.

Question 8: If the nano-material catalogue is abolished, do the Member States still find that this information should be made available? If so, in what form?

Abolishment of the glossary (Article 19 and 33)

While no Member State expressed opposition to the proposal regarding the suggested use of "internationally recognised nomenclature" instead of the current Glossary of common ingredient names, several member States call for greater legal certainty, and expressed a need for clear naming.

Question 9: Do the Member States have any suggestions on how legal certainty is ensured on the matter of having one specific international nomenclature as the primary source of ingredients names?

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Fertilising Products Regulation (FPR) – COM(2025)531

Based on previous AGS meetings and written comments, the following areas have been identified as the key issues for further discussions. The PCY invites Member States to prepare their replies to the accompanied questions.

The deletion of the "unbundling clause" attached to the adoption of delegated acts
Generally, a positive attitude to this part of the proposal. The PCY notes, nonetheless, that some Member States have expressed doubts on whether the proposal's scope is too wide. In other interventions, Member States queried whether the removal of the "unbundling clause" might even lead to delays in the process.

Question 1: The empowerment laid down in Article 43 relates to the Commission's right to exercise its power to adopt separate delegated acts for separate component material categories. leads to a situation where the delegated empowerment to the Commission becomes too wide?

Question 1a. Could a rewording of recital 19 provide clarity on the scope of the empowerment whilst providing more flexibility to the Commission's room for manoeuvring? the empowerment be better framed by rewording recital 29 of the proposal to specify that the introduction of the same additional materials to various CMCs should be implemented through a single delegated act?

The digitalisation of the EU-conformity assessment declaration
Similar to the Commission's Omnibus IV package, focusing on the digital transformation of product compliance, the PCY understands that the fertilising products market will also benefit from further digitalisation. Some Member States have indicated, that there might exist situations where the use of an analogue document may be appropriate.

In this regard, the PCY suggests that Omnibus VI should be aligned to reflect the final outcome of Omnibus IV position.

Question 2: Do Member States have any objections to the PCY's proposed approach on digitalisation?

A simpler assessment procedure for new micro-organisms in microbial biostimulants
The PCY recognises that the Member States generally agree that the long process for allowing new micro-organisms in microbial biostimulants constitutes an obstacle to European innovation. Hence, the Commission's proposal for a simpler approval procedure receives broad support among delegations. Nonetheless, the PCY notes that some Member States prefer to involve an independent body in the approval procedure.

Question 3: In light of both the positive potential and the possible risks from new micro-organisms, do Member States believe that an independent scientific body (e.g. the European Food Safety Authority) should have a prominent role in the approval process of new micro-organisms in microbial biostimulants?

Removal of the extended REACH-registration requirement for EU-fertilising products.

Member States generally support the removal of the extended REACH-registration requirement for the final EU-fertilising product and for the individual chemical substances of the fertiliser product. However, the PCY notes that some Member States express concerns when it comes to the ability of the national market surveillance authorities to supervise the market and avoid bringing public safety into jeopardy if certain products are exempted from the REACH-registration requirements.

In this regard, one Member State suggests that the Commission should draw up a "positive list" of safe, traditional and well known "historical" fertilising products that do not need to be REACH-registered (the list would in this case have to be developed).

Question 4: Do Member States support creating a possible "positive list" of fertilising products exempted from REACH-registration, as a way forward?

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We are looking forward to seeing you on 15 September.

Kind regards

DK Presidency Team

Antici Group on Simplification