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General Secretariat

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**Interinstitutional files:  
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**WK 14124/2025 INIT**

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## **WORKING DOCUMENT**

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| From:          | General Secretariat of the Council                                                                                                                                                                                                                                                                                                                            |
| To:            | Antici Group (Simplification)                                                                                                                                                                                                                                                                                                                                 |
| N° prev. doc.: | ST 14381/25 - Third Presidency Compromise Proposal                                                                                                                                                                                                                                                                                                            |
| N° Cion doc.:  | ST 11433 2025 ADD 1 + ST 11433 2025 ADD 2 + ST 11433 2025 INIT                                                                                                                                                                                                                                                                                                |
| Subject:       | Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 1272/2008, (EC) No 1223/2009 and (EU) 2019/1009 as regards simplification of certain requirements and procedures for chemical products<br>- Presidency Explanatory Note on the Third Presidency Compromise Proposal on the CLP and Cosmetics Regulations |

WK 14124/2025 INIT

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# Explanatory Note

Antici Group on Simplification (AGS)

30 October 2025

## Omnibus VI: Chemicals (Part I)

### 4<sup>th</sup> Presidency compromise text

The purpose of this explanatory note is to provide delegations with additional information, clarifications and reasoning for the amendments proposed by the Presidency.

The explanatory note is divided according to the two different regulations covered by amendments to the fourth compromise proposal for Omnibus VI, and follows the order of the relevant provisions for these regulations.

#### CLP

| PCY PROPOSAL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | REASONING                                                                                                    |
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| <b>General comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                              |
| Based on written comments received from Member States and discussions at the last AGS meetings, new compromise positions are proposed for advertising, formatting criteria for label text, and the EUH 208 / 10 ml packaging exemption. Minor amendments have also been made to the provisions on digital contacts to improve clarity and ensure consistency. Similarly, the B2B exemption for distance sales offers (excluding online sales) has been reworded for greater clarity, without altering the substance of the provision. |                                                                                                              |
| <b>Recitals</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                              |
| Recital 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Amendments to reflect PCY compromise on 10 ml and EUH 208. See explanatory note on this point (WK 14122/25). |
| Recital 7a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Amendments to reflect changes to Annex I, section 1.2.1.5.                                                   |
| Recital 8b                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Technical amendments to improve clarity.                                                                     |

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| Recital 9             | Addition to reflect flexibility provided for advertisements in Article 48.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Articles</b>       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Article 17(1)(a)&(aa) | Drafting amendment to improve readability. Does not change the effect of the provision.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Article 25(6)         | Drafting amendment to improve readability. Does not change the effect of the provision.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Article 48            | <p>MS are generally willing to reduce information requirements for advertisements, if labelling information remains available at the point of sale.</p> <p>The PCY suggests that suppliers should be given the flexibility to choose the most appropriate way to display hazard information in advertisements by one of the following options:</p> <ul style="list-style-type: none"> <li>- Pictograms: The advert should display the applicable pictograms for the product.</li> <li>- Signal word plus warning prompt: The biocides and plant protection product regulations require adverts to display the phrase “Always read the label and product information before use”, but do not alert the user to the possible presence of a harmful substance. A combination of the signal word and the prompt may prove attractive for advertisers of these products, as the advertisement will already be text heavy, where an additional word – danger or warning – will not overload the advert with new text requirements.</li> <li>- Warning prompt plus purchase warning: This option may prove useful for advertisements where several chemical products are displayed on the same advert. I.e. one simple generic statement, which is not dependent upon the classification of the substance, as is the case for a pictogram or signal word, yet enough to alert users to make sure to be aware of risks at the time of purchase: <i>“Always read the label and product information before use. See hazard information at point of purchase”</i>.</li> </ul> |
| Article 48a           | The 3rd compromise proposal maintains a general exemption for B2B sales, except for B2B online sales. However, the wording has been changed to improve the clarity of Article 48a(1) and (2). The compromise maintains that all suppliers should make labelling information available at the point of sale for online sales, reflecting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|                          | <p>the concerns by expressed by Member States about consumer safety.</p> <p>This creates a level playing field between online and offline sales, as label information must remain on the physical products in physical shops. Furthermore, the costs for B2B suppliers will be reduced for other forms of distance sales.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Annexes</b>           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Annex I section 1.2.1.5  | <p>The PCY notes continued calls for simplification and inclusion of objective criteria for label text. The 4th PCY compromise proposal includes a requirement to use an appropriate font size relative to the label and the information required on that label: the bigger the label, the larger the text. However, the compromise proposal does not require specific font sizes, meaning that suppliers will have flexibility compared to the 2024 revision, provided the text remains legible. Following suggestions from MS, the PCY has also included “legibility” in Annex I, section 1.2.1.5. The font-size shall support this requirement for legibility.</p> <p>Furthermore, the provision on line-spacing is amended to create an objective requirement that suppliers shall ensure that lines of text do not overlap. This supplements the objective requirement introduced in the second compromise proposal to use a single font without serifs. In this fourth compromise proposal, “font” is changed to “typeface” for consistency.</p> <p>The PCY has examined potential options to include the FIC Regulation. However, the FIC Regulation is based upon compliance with different labelling information requirements and label dimensions. At the same time, there remain many strong voices against the reintroduction of rigid font size requirements in the CLP. MS will recall that the largest single administrative cost identified in the Commission’s Staff Working Document is for labelling costs following the objective minimum formatting requirements under the 2024 revision – approx. €330 million annually.</p> |
| Annex I section 1.5.1.2  | Amendment to ensure consistency with approach in Article 17(1)(aa) and 25(6).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Annex I section 1.5.2.4. | Please see explanatory note on 10 ml (WK 14122/25).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## Cosmetic Products Regulation

| PCY PROPOSAL                                                                                                                                                                                                                                                                                                                                   | REASONING                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <b>General comments</b>                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>The presidency has prepared a new compromise proposal based on comments received the 10th and the 20th of October, and written comments from 15 October. We thank you for your contributions.</p> <p>This compromise proposal includes amendments to article 15, and a new suggestion for notifying nanomaterials in cosmetic products.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Recitals</b>                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Recital 18                                                                                                                                                                                                                                                                                                                                     | This recital is amended in order to better reflect the wording regarding alternatives in article 15. Some MS commented on use of “feasible” and “viable”, and the text is now amended to only use the word “feasible”. The is done to align the text with the requirements to alternative assessments under REACH regulation.                                                                                                                                                                                                                                                                                                                           |
| Recital 18a                                                                                                                                                                                                                                                                                                                                    | Some MS commented that the assessment of economic feasibility of alternatives was not clear. The recital is therefore updated, to mention that criteria for economically and technically feasibility should be included in the guidance document.                                                                                                                                                                                                                                                                                                                                                                                                       |
| Recital 20                                                                                                                                                                                                                                                                                                                                     | Recital 20 is amended to better reflect that CMR-substances classified based on oral or inhalation route of exposure are still included in the generic ban in article 15. Based on comments received from MS, and concerns raised for products where non intended exposure via oral intake or inhalation can happen, a section on the task of SCCS is added. The purpose is to specify that the assessment must take special measure to cover product groups where oral or inhalation exposure can happen and that SCCS furthermore should take the total exposure of the substance from all exposure routes into account when making their assessment. |
| Recital 21                                                                                                                                                                                                                                                                                                                                     | Technical amendments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Recital 22                                                                                                                                                                                                                                                                                                                                     | Technical amendments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Recital 23                                                                                                                                                                                                                                                                                                                                     | This recital is amended to reflect changes made in article 16 regarding notifications of nanomaterials. Notifications regarding placing on the market of cosmetic products now only need to                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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|                                                                                          | happen prior to placing on the market and not 6 months before the placing in the market.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Recital 25                                                                               | Technical amendments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Articles</b>                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Article 13                                                                               | Deleted. The paragraph is moved back to article 16 (see explanation below).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Article 14a                                                                              | Technical amendments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Article 15(2) on alternatives                                                            | The wording in criteria (c) regarding alternative assessment is streamlined with relevant recitals.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Article 15(2) on CMR substances classified based on oral or inhalation route of exposure | Amended to specify that these derogation requests are not subject to the additional nine months. As no assessment of alternatives is needed, there is no need for the extra time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 15(6)                                                                                    | Technical amendments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Article 16                                                                               | <p>Notification requirements regarding nanomaterials in cosmetic products are kept in paragraph 3 to maintain the same system that protects business sensitive information. The deadline for notifying nanomaterials is amended, to mirror the deadline for all cosmetic products in article 13 which is before the product is placed on the market.</p> <p>The amendments to paragraph 4 are therefore deleted.</p> <p>Paragraph 7 is kept because paragraph 3 is not deleted.</p> <p>Paragraph 3 from the Regulation is amended to delete the current wording “six months”, and no amendments are made to the requirements listed in the paragraph.</p> |