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Answer given by Executive Vice-President Séjourné
on behalf of the European Commission
(23.10.2025)

The prohibition of trimethylbenzoyl diphenylphosphine oxide (TPO) in cosmetic products¹ is the direct legal consequence of its harmonised classification as a category 1B reprotoxicant under the Classification, Labelling and Packaging Regulation (CLP)², and Article 15 of the Cosmetic Products Regulation³ (CPR). Under this article, any substance classified as carcinogenic, mutagenic or reprotoxic (CMR) is automatically banned from use in cosmetics unless a derogation is requested and granted. No such request was made for TPO.

This prohibition reflects the CPR's objective of ensuring a high level of health protection for users by excluding hazardous substances, including those classified as reprotoxic. Under the CPR, once a CMR classification applies, continued use in cosmetics must cease without delay in the absence of a derogation.

TPO's classification was adopted in October 2023, published in January 2024, and applies from 1 September 2025. Article 15 of the CPR prohibits its use in cosmetics from the same date. This means that companies placing cosmetic products on the EU market have had about 20 months between publication and application to adjust formulations, supply chains, and stocks.

The principle of legal certainty requires that stakeholders have clear, predictable rules and enough time to adapt. In this case, the timeline is linked to the CLP Regulation's standard application period (18 months after publication in the Official Journal).

¹ Commission Regulation (EU) 2025/877 of 12 May 2025 amending Regulation (EC) No 1223/2009 of the European Parliament and of the Council as regards the use in cosmetic products of certain substances classified as carcinogenic, mutagenic or toxic for reproduction, OJ L, 2025/877, 13.5.2025, ELI: <http://data.europa.eu/eli/reg/2025/877/oj>.

² Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006; ELI: <http://data.europa.eu/eli/reg/2008/1272/2025-09-01>.

³ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products, ELI: <http://data.europa.eu/eli/reg/2009/1223/2025-09-01>.