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*Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 655/2013. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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## ANNEX

### COMMON CRITERIA

#### 1. **Legal compliance**

- (1) Claims that indicate that the product has been authorised or approved by a competent authority within the Union shall not be allowed.
- (2) The acceptability of a claim shall be based on the perception of the average end user of a cosmetic product, who is reasonably well-informed and reasonably observant and circumspect, taking into account social, cultural and linguistic factors in the market in question.
- (3) Claims which convey the idea that a product has a specific benefit when this benefit is mere compliance with minimum legal requirements shall not be allowed.

#### 2. **Truthfulness**

- (1) If it is claimed on the product that it contains a specific ingredient, the ingredient shall be deliberately present.
- (2) Ingredient claims referring to the properties of a specific ingredient shall not imply that the finished product has the same properties when it does not.
- (3) Marketing communications shall not imply that expressions of opinions are verified claims unless the opinion reflects verifiable evidence.

#### 3. **Evidential support**

- (1) Claims for cosmetic products, whether explicit or implicit, shall be supported by adequate and verifiable evidence regardless of the types of evidential support used to substantiate them, including where appropriate expert assessments.
- (2) Evidence for claim substantiation shall take into account state of the art practices.
- (3) Where studies are being used as evidence, they shall be relevant to the product and to the benefit claimed, shall follow well-designed, well-conducted methodologies (valid, reliable and reproducible) and shall respect ethical considerations.
- (4) The level of evidence or substantiation shall be consistent with the type of claim being made, in particular for claims where lack of efficacy may cause a safety problem.
- (5) Statements of clear exaggeration which are not to be taken literally by the average end user (hyperbole) or statements of an abstract nature shall not require substantiation.
- (6) A claim extrapolating (explicitly or implicitly) ingredient properties to the finished product shall be supported by adequate and verifiable evidence, such as by demonstrating the presence of the ingredient at an effective concentration.
- (7) Assessment of the acceptability of a claim shall be based on the weight of evidence of all studies, data and information available depending on the nature of the claim and the prevailing general knowledge the end users.

#### 4. **Honesty**

- (1) Presentations of a product's performance shall not go beyond the available supporting evidence.

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- (2) Claims shall not attribute to the product concerned specific (i.e. unique) characteristics if similar products possess the same characteristics.
  - (3) If the action of a product is linked to specific conditions, such as use in association with other products, this shall be clearly stated.
5. **Fairness**
- (1) Claims for cosmetic products shall be objective and shall not denigrate the competitors, nor shall they denigrate ingredients legally used.
  - (2) Claims for cosmetic products shall not create confusion with the product of a competitor.
6. **Informed decision-making**
- (1) Claims shall be clear and understandable to the average end user.
  - (2) Claims are an integral part of products and shall contain information allowing the average end user to make an informed choice.
  - (3) Marketing communications shall take into account the capacity of the target audience (population of relevant Member States or segments of the population, e.g. end users of different age and gender) to comprehend the communication. Marketing communications shall be clear, precise, relevant and understandable by the target audience.

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**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Annex para. 1(1) words substituted by [S.I. 2019/696 Sch. 34 para. 43\(a\)](#)
- Annex para. 6(3) words substituted by [S.I. 2019/696 Sch. 34 para. 43\(b\)](#)