

Sixth Omnibus on chemicals

Mini Briefing

In July, ClientEarth together with nine health and environmental organisations sent a letter to the European Commission warning about the consequences of the so-called Sixth Omnibus on chemicals (part 1)¹. We requested the withdrawal of the proposal. The European Commission responded to the Civil Society Organizations (CSO) in August. This briefing aims to clarify several key issues where the Commission and the CSOs diverge in their portrayal of the legal and scientific facts.

- **The omnibus proposal aims to fundamentally change the legal framework**

This is notably true for the EU Cosmetic Products Regulation (CPR). One example is the change of the existing rules that prohibit the use of carcinogenic, mutagenic, reprotoxic substances (CMRs) in cosmetics and personal care products. With current legislation this is subject to few exceptions, but the Omnibus proposes the introduction of many more exceptions. This marks a clear break from the existing ban, making it misleading for the Commission to claim that the proposal merely “*envisages targeted technical amendments*” while leaving the “*general approach of the respective pieces of legislation remains unchanged*.”

- **These proposed legislative changes increase risks for consumers, workers and the environment**

The proposed new exceptions to the CPR would lead to prolonged and avoidable exposure to chemicals with very serious health hazards. In the case of the CLP Regulation, the Omnibus proposal would reverse formatting rules for hazard communication that were only recently introduced by Regulation (EU) 2024/2865. These rules were set in place specifically “*to ensure a high level of protection for human health and the environment*”. This rollback undermines the protection provided by the current legal framework. It is therefore implausible for the Commissions to assert that “*No detrimental impacts to human health and the environment of limited and targeted revisions of the existing rules were identified*”.

- **By not upholding the high level of protection, the Omnibus proposal violates the EU Treaties and the EU Charter**

By rolling back the recent legislative changes as part of 2024 the CLP Revision, designed to ensure a high level of environmental protection, the Omnibus proposal clearly breaches Article 37 of the Charter of Fundamental Rights of the EU, which requires the Union policies to promote the “*improvement of the quality of the environment*”. Additionally, the proposed changes to the CLP and the Cosmetics Regulation conflict with the Charter’s Article 35 which mandates that a “*high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities*”.

While the Commission expects that the proposals around fertilising products would lead to an “*improvement of soil health*”, it fails to substantiate that point. As a conclusion it is misleading for the

¹ Legislative proposal published on 8 July, amending Regulation (EC) No 1272/2008 (CLP Regulation), Regulation (EC) No 1223/2009 (Cosmetic Products Regulation), and Regulation (EU) 2019/1009 (Fertilising Products Regulation) as regards simplification of certain requirements and procedures for chemical products (COM(2025) 531).

Commission to claim that *“On the basis of the expected societal gains in terms of wealth creation, employment and innovation and the continuously high level of environmental protection, it was also concluded that the proposal respects the Charter of Fundamental Rights.”*

- **Lowering product safety standards does not foster EU competitiveness**

The Omnibus severely lacks legitimacy. The Commission explained the need for this deregulation as *“a response to the challenges that the EU’s chemical sector is currently facing, and that threaten the viability of the EU industry, such as high energy prices and unfair competition with non-EU countries”*. However, it is hard to understand how deregulating safety standards for cosmetics could reduce the energy bill of producers. ClientEarth does not consider these to be suitable measures to tackling unfair competition. The proposed rules would apply equally to both domestic and imported products.

We also fail to see how the proposed measures address the Commission’s concern that the *“EU cannot risk losing its chemical manufacturing base as almost all manufactured goods rely on chemicals”*. This ‘manufacturing base’ does not consist of the products covered by the Omnibus. Rather, it consists of CMR substances that, under the Omnibus proposals, could still end up in personal care products. These are exactly the chemicals that should be phased out, given their significant societal costs. Cancer alone carries an estimated economic burden of EUR 100 billion per year in Europe, underscoring the urgent need to eliminate such substances.

- **By omitting public consultation, the Commission violated democratic principles**

EU citizens have the right to participate in democratic life. The Commission is legally required to carry out broad consultations (Article 10(3) and 11(3) of the Treaty on European Union). When evaluating proposals of policies triggering *“broad public interest”*, *“a public consultation is highly recommended”* by the Commission’s own Better Regulation Guidelines.

The Chemicals Omnibus proposes to lower the level of safety for cosmetics and personal care products (under CPR) and to roll back legislation designed to protect and warn consumers against environmental and health hazards (CLP). Broad public interest in these matters is clear. Yet, the Commission did not launch a public consultation, nor did it provide a justification.

Public consultations are an exercise of democratic rights. This would have allowed to explore if citizens accept the deliberate lowering of product safety standards for the sake of fostering competitiveness. The Commission therefore misses the essence of public consultation when it claims that the ‘Reality Check’ workshops hosted provided input *“similar to a public consultation”*. These workshops have been heavily dominated by industry representatives — for example, only a handful of NGOs were among the 577 participants in the CLP reality check. This imbalance skewed the feedback toward deregulatory interests, neglecting the needs of administrations and people and thus undermining the credibility of the process. Nevertheless, this did not prevent the Commission from making quantitative statements, such as claiming in the SWD that a *“majority”* supported the simplification measures it had presented.

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