Q&A – The prohibition of TPO in Cosmetic Products

Date: 7 August 2025
Subject: Prohibition of Trimethylbenzoyl Diphenylphosphine Oxide (TPO) in cosmetic products as of 1 September 2025.
Legal basis: Article 15 of Regulation (EC) No 1223/2009 (Cosmetics Regulation)

Introduction

Following the adoption of **Commission Regulation (EU) 2025/877**, which prohibits among others the use of Trimethylbenzoyl Diphenylphosphine Oxide (TPO) in cosmetic products as of 1 September 2025, the Commission has received a significant number of queries from Member States, industry associations, and individual companies.

These questions often relate to the scope of the prohibition, its application to professional users, and the absence of a transitional period for the sale or use of existing stock. In addition, differing interpretations have been reported at national level, creating uncertainty among stakeholders and raising concerns about consistent enforcement across the EU.

To ensure a common understanding of this prohibition, this **Q&A document** intends to clarify frequently misunderstood points such as the treatment of professional use, the role of CLP classification data, and the difference between the Cosmetics Regulation and REACH.

The aim is to provide **clear, consistent, and factual guidance** for Member States, enforcement authorities, and businesses, to support the coherent application of the TPO prohibition in all jurisdictions.

Q1 – What is the legal basis for the ban on TPO in cosmetic products?

The prohibition is required by **Article 15(2)** of the Cosmetics Regulation. It prohibits the use in cosmetic products of substances classified as CMR substances through the harmonised classification process, unless an exemption was requested and granted. In basic terms, when the harmonised classification as CMR substance starts applying, the prohibition to use this substance must also apply from the same moment.

This principle was also applied for TPO:

- TPO was classified as a **CMR category 1B** reproductive toxicant by **Commission Delegated Regulation (EU) 2024/197** under the CLP Regulation (Regulation (EC) No 1272/2008). This classification applies from **1 September 2025**.

- This classification triggered the **mandatory inclusion** of TPO in **Annex II (prohibited substances)** of the Cosmetics Regulation via **Regulation (EU) 2025/877**. According to the Cosmetics Regulation, this must apply at the **same date** as the harmonised classification of TPO.
- The mandatory inclusion of TPO in Annex II (prohibited substances) of the Cosmetics Regulation via Regulation (EU) 2025/877 was discussed with Member States prior to the adoption, and almost all Member States agreed with it[1].
- The Commission has **no discretion** to permit continued use unless a derogation under **Article 15(2)** is granted, based on a complete scientific dossier, a favourable SCCS opinion and fulfilment of all other derogation criteria including the lack of alternatives, the demonstration of particular use of the product category with a known exposure, and compliance with the food safety requirements.
- Nobody submitted a derogation request for TPO before the adoption of Regulation (EU) 2025/877.

Q2 – Can cosmetic products containing TPO still be sold from 1 September 2025 onwards?

From **1 September 2025**, **both placing and making available on the market** of cosmetic products containing TPO are prohibited. This means that:

- New products containing TPO cannot be placed on the market from that date.
- Products already placed on the market before that date cannot continue to be supplied, transferred, or otherwise made available to another person in the course of commercial activity. In other words, professionals in the cosmetic businesses may not sell these products in the EU, nor may they give these products away.

Placing on the market means the first time a cosmetic product is supplied for distribution, consumption, or use on the EU market in the course of a commercial activity (Article 2(1)(g) of the Cosmetics Regulation). This is typically done by the manufacturer, importer, or distributor.

Making available on the market means any subsequent supply of a cosmetic product for distribution, consumption, or use on the EU market in the course of a commercial activity, whether in return for payment or free of charge. This includes wholesale, retail sales, and supplies to professionals.

Q3 – How does the prohibition apply to professional users compared to consumers?

[1] 25 Member States voted in favour, one against and one abstained.

- Professional users, such as nail technicians, use cosmetic products in the course of providing a paid service, as part of a **commercial activity**.
- Therefore, a **professional user** (e.g. nail technician, salon) cannot use such a product on clients from 1 September 2025 onwards, because this constitutes "making available on the market" in the course of a commercial activity.
- This applies regardless of whether the product was purchased before the cut-off date.
- However, a consumer who purchased a TPO-containing product for their own personal use before 1 September 2025 may continue to use it privately, although it would be wiser to use products that do not contain TPO.

Q4 – What about products that were lawfully placed on the market before 1 September 2025?

The Cosmetics Regulation does **not** contain a "sell-through" or "use-up" provision for CMR category 1A or 1B substances.

> From 1 September 2025 onwards, **all placing on the market and making available in the course of commercial activity must stop**, even for products already in stock or purchased before that date.

Q5 – How does this compare to the REACH microplastics/glitter ban, which had long transition periods?

The REACH Regulation (Regulation (EC) No 1907/2006) is a **different legal framework**:

- It allows for **socioeconomic analysis** and long transitional periods based on enforcement feasibility and supply chain adaptation.
- The Cosmetics Regulation does not include such provisions; its primary objective is the **protection of human health**.
- For CMR 1A/1B substances, a ban is automatic unless an Article 15(2) derogation is granted.

Q6 – What if TPO is fully polymerised in the nail gel and does not pose exposure risk?

The SCCS did conclude in 2015 (SCCS/1558/15) that TPO was safe in certain professional UV-cured nail gels up to 5% under specified conditions.

> However, this opinion predates the new CMR classification, that upgraded the classification from Cat.2 to Cat.1.

Once a CMR 1A/1B classification is adopted, earlier SCCS opinions no longer apply unless updated in the context of a new Article 15(2) request. In this case a new SCCS assessment is necessary.

Q7 – What should companies and professionals do now?

- Discontinue sale, supply, and professional use of TPO-containing products by **1 September 2025**.
- Withdraw remaining stock from professional premises.
- Seek compliant alternatives from suppliers.
- For future substances of concern, monitor regulatory developments early — discussions on TPO started at Working Group level in **March 2024**.

Q8 – Will the rules change to allow more flexibility in future?

The Commission has acknowledged that the current framework offers little flexibility for economic operators and especially SMEs.

- A **proposal to revise the Cosmetics Regulation** has been tabled to improve predictability and stakeholder engagement.
- Until this proposal will be formally endorsed by the European Parliament and the Council, the Commission must apply the law as it currently stands.