ctfa
COSMETIC TOILETRY & FRAGRANCE ASSOCIATION OF SOUTH AFRICA

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FROM THE ED'S DESK

Dear CTFA Members

As 2025 comes to a close, we reflect on a successful year for CTFA in its service delivery and retention of valued members. Stakeholder engagement in 2025 was a hive of activity both locally, internationally and in Africa. This bodes well for the cosmetic and personal care industry as only through engagement can we discuss potential benefits for trade, manufacture and good governance which in turn assists industry growth.

In this issue of CTFA NEWS we focus on topics of importance where developments have occurred in the second half of the year. Although South Africa's industry is bound by local legislation, we look to Europe for a framework upon which we base our regulations. In Europe, the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulation and the Cosmetics Regulation EC 1223/2009, which South Africa follows, are two legislations with different but complementary scopes. Have a look at how REACH affects South African cosmetics.

The Minamata Convention on Mercury is a global treaty to protect human health and the environment from the adverse effects of mercury. It is important to keep abreast of developments and outcomes of the sixth conference of the parties (COP) to the Minamata Convention on Mercury.

In October, CTFA was invited to be part of an advocacy outreach in Kenya. This intervention included representatives from Kenya Manufacturers Association (KAM), Cosmetic Europe (CE), Personal Care Products Council (PCPC), Kenya Bureau of Standards (KEBS), Pharmacy & Poisons Board (PPB) and various local companies. This is an ongoing engagement to assist both local and international stakeholders in compliance, global best practice and the elimination of potential trade barriers.

Climate change is fast becoming a crisis globally, it is important to be aware of what transpired at the 30th Conference of the Parties (CoP) to the UNFCCC, held in Brazil in 2025.

Lastly, each member company will have received a pre-populated membership renewal form, a gentle reminder to please verify the information, sign and send back to us as soon as possible.

Thank you for your ongoing support.

The CTFA wishes you a safe and peaceful festive season with friends and family..

Adelia Pimentel
Executive Director

THE VERTICAL-HORIZONTAL APPROACH TO LEGISLATION

DOES **REACH** AFFECT SOUTH AFRICAN COSMETICS?

In the regulatory sphere we are at times faced with the applicability of vertical and horizontal standards and/or legislation. The horizontal approach spans across sectors or groups whereas vertical uses a top-down approach. A good example would be standards. A cosmetic labelling standard would be considered a horizontal standard as it covers all types of cosmetics detailing what applies to all cosmetic labels, and a product standard would be considered a vertical standard wherein it would detail very specific information relating to that very specific product.

In Europe, the REACH Regulation and the Cosmetics Regulation are two legislations with different but complementary scopes.

REACH stands for Registration, Evaluation, Authorisation and Restriction of Chemicals. It entered into force on 1 June 2007. REACH is a regulation of the European Union, adopted to improve the protection of human health and the environment from the risks that can be posed by chemicals, while enhancing the competitiveness of the EU chemicals industry.

The Cosmetics Regulation EC 1223/2009 is a sector specific regulation that aims to ensure the safety of only cosmetic products placed on the EU market. REACH is a cross-sectoral regulation on substances, mixtures and articles and aims to protect human health and the environment from the potential risks of chemical substances. It covers all chemical substances, whether used in industrial processes or in everyday products such as detergents, paints, clothes, furniture and electrical appliances, and it includes cosmetic products. Therefore, in Europe, REACH regulations also have an impact on cosmetics.

In recent years a few substances used in cosmetics were influenced by REACH decisions.

Silicones - Regulation (EU) 2024/1328 introduces new restrictions on the use and placing on the market of D4, D5 and D6 in a concentration equal to or greater than 0.1% by weight of each substance as a substance on its own, or as constituents of other substances, or in mixtures. This restriction that already applies to the use of D4 and D5 in rinse-off products from January 2020 (Regulation 2018/35) will be extended to D6 and to all cosmetic products, including leave-on products, from 6 June 2027.

Regulation on microplastics: Regulation (EU) 2023/2055 introduced strict restrictions on the use of microplastics in products marketed in the European Union. Cosmetics and their ingredients are particularly affected, as the Regulation applies to substances and mixtures and limits the concentration of microplastics to 0.01%. The regulation sets out key dates for the implementation of the ban, as well as specific reporting, exemption criteria and labelling requirements.

If you are a company established outside the EU, you are not bound by the obligations of REACH, even if you export their products into the customs territory of the European Union. The responsibility for fulfilling the requirements of REACH, such as registration lies with the importers established in the European Union, or with the only representative of a non-EU manufacturer established in the European Union.

In South Africa, we use the EC 1223/2009 Regulation as a regulatory framework along with standards, codes, best practices and South African Government departments' legislation taken into account for local customisation. Decisions taken by REACH are therefore not automatically adopted locally but rather taken into consideration for possible future adoption depending on local developments.

REF: *https://echa.europa.eu/regulations/reach/understanding-reach*



OUTCOMES OF THE SIXTH CONFERENCE OF THE PARTIES TO THE MINAMATA CONVENTION ON MERCURY

The Minamata Convention on Mercury - agreed on 19 January 2013, adopted later that year, and entered into force in 2017 - is a global treaty to protect human health and the environment from the adverse effects of mercury. By enhancing the reduction of mercury pollution, the Convention protects the environment and the lives of millions of people around the world and draws attention to a global and ubiquitous metal that, while naturally occurring has broad uses in everyday objects and is released to the atmosphere, soil and water from a variety of sources. Controlling the anthropogenic releases of mercury throughout its lifecycle has been a key factor in shaping the obligations under the Convention.

The most important part of the Convention for the cosmetics and personal care sector is the control of mercury in products and processes. Unlike other multilateral environmental agreements, this Convention is specific to a single chemical – mercury – in all its forms, compounds, mixtures, and complexes; being identified in the Convention as well as the South Africa Regulations by the CAS # for metallic/elemental mercury (Hg) that is 7439-97-6. The definition of mercury therefore is very broad and includes all mercury-containing substances. Due to this wide scope, other words have been defined that allow a subset of "mercury-containing substances" to be independently considered – thereby simplifying implementation by stakeholders.

For example, "mercury-added product" means a product or product component that contains mercury or a mercury compound that was intentionally added – the latter wording being critical to the understanding of what needs to be implemented from a regulatory perspective. This is the grouping that cosmetics falls under because – while being a critical sector for the Convention to consider – mercury should never be added to cosmetics due to the health risks to the consumer. Many cosmetics will however contain trace amounts of mercury that through safety assessments have proved to be at safe levels. CTFA continually reminds the regulator that trace amounts of heavy metals can be allowed in cosmetics – mercury being one of them. After all, mercury is "a naturally occurring element, mercury can be released into the air and water through the weathering of rock containing mercury ore or through human activities such as industrial processes; mining; deforestation; waste incineration; and burning fossil fuels. Mercury can also be released from mercury-containing products". In cosmetics, mercury and other heavy metals are allowed by the European Union for example, up to certain limits – but only if they are technically unavoidable using cosmetic Good Manufacturing Practice.

"Mercury in cosmetics" is usually a hot topic at the biennial CoPs because of its skin lightening attributes – the culture of "colourism" remains an issue in much of Africa. In South Africa, the addition of mercury and other skin lightening chemicals to cosmetics was formally banned by the Department of Health in 1988.

At the fifth and sixth CoPs, there have been strong calls to enhance the implementation of the Convention from a "mercury in cosmetics" perspective. In 2023, the CoP decided to remove the 1 parts per million thresholds below which mercury in cosmetics would still be allowed, and there was some talk in the months preceding this year's CoP6 that mercury should not be allowed in cosmetics at all. This would be a very concerning if not an impossible change to accommodate due to the near ubiquitous nature of mercury and the challenges of removing trace amounts from raw materials.

CTFA stays abreast of positioning by countries and regions from CoP to CoP to identify advocacy opportunities with Government and to ensure that the country does not support or propose potential provisions that would not be realistic for industry to implement.

In the run-up to this year's CoP, CTFA became aware of an "African position" that had been developed during a meeting of African countries in Libreville, Gabon. CTFA encouraged the Department of Forestry, Fisheries and the Environment (DFFE) to remain committed to the principle that trace amounts of mercury need to continue to be allowed in cosmetic products as long as products are deemed safe for consumers. Furthermore, CTFA reiterated that as policy professionals engaged in the document reviews; discussions; meetings; and ultimately the CoPs there needs to be reinforced clarity internationally regarding the importance of the choice of words that are used. For example, "mercury in cosmetics" is most certainly not the same scope as "mercury-added cosmetics"! These words are often conflated or used interchangeably.

With thanks to the International Institute for Sustainable Development*, the following is a summary of the outcomes of the sixth CoP, from a cosmetic perspective:

- "The African Group presented its proposal…on advancing work related to mercury-added cosmetics. They stressed that activities such as mobilizing technical and legal assistance, border and customs controls, raising public awareness, and adequate financial resources are needed to ensure effective implementation."
- "In its final decision…the CoP:
  - encourages Parties to inform the Secretariat of implementation challenges vis-à-vis obligations regarding mercury-added cosmetics;
  o encourages the Global Mercury Partnership (GMP) to compile and disseminate information related to the presence of mercury in cosmetics;
  - invites the Secretariat to provide COP-7 with information on mechanisms for supporting enforcement and the identification of the presence of mercury in cosmetics;
  - invites the Secretariat to work with the World Customs Organization and INTERPOL to investigate sources of illegal trade in mercury; and
  - invites the WHO to share lessons on ongoing projects on the elimination of mercury-added cosmetics and prepare an illustrative national public health, system-wide strategy focused on the reduction of the use of these products."

**Earth Negotiations Bulletin; Volume 28; No. 75; Page 5*

Despite reports to the contrary a few days before the opening of the CoP, there was no push by the African Group to lobby for cosmetics to be removed from cosmetics completely!

CTFA'S ADVOCACY OUTREACH IN KENYA

In the East African Regional Economic Community, as well as in some other countries and regions of the world, product-based specifications are used to regulate cosmetics, in addition to the use of more general standards; regulations; and other mechanisms.



In fact, standards or specifications in Kenya for example become mandatory to comply with once they are published in the country's Government Gazette. This is unlike in many other regions of the world, including South Africa that only make standards mandatory to implement once they are specifically cited in regulations or other legislation. Until then, they are voluntary industry standards that are developed by industry, for industry.

This difference in the respective countries' adopted regulatory approach can cause trade barriers for South African exports, as mandatory product-based specifications often contain innovation-limiting definitions; extensive laboratory test requirements; and thresholds that must be met before the product can enter the market.

The South African industry does not support these product-based specifications. Industry believes that consumer safety and product quality and efficacy will not be enhanced by requiring mandatory testing of certain parameters, for example. The need for specific safety-related tests can be determined during general safety assessments that are conducted, and it is certainly in the best interests of those placing products on the market to ensure efficacy and quality.

Furthermore, innovation is curtailed with these product based specifications.

Despite the current approach, Kenya is undergoing ongoing regulatory reform in terms of the regulation of cosmetics. Two authorities currently regulate cosmetics – Pharmacy & Poisons Board (PPB; Ministry of Health) and Kenya Bureau of Standards (KEBS; Ministry of Industry). The regulation of cosmetics is also further complicated by there being different classes (or categories) of cosmetics.

Due to CTFA's input on the latest draft regulatory framework for the regulation of cosmetics in Kenya, the Association along with Cosmetics Europe (CE; European Union) and the Personal Care Products Council (PCPC; U.S.A) were invited to a Workshop, in October 2025, with the Kenya Association of Manufacturers and the Kenyan Government to chart the way forward. The formal objectives of the Workshop were to build a common understanding of cosmetics among stakeholders; review global best practises on the regulation of cosmetics; and develop a joint national framework for the regulation of cosmetics in Kenya.

CTFA provided a high-level indication of how cosmetics were currently "self-regulated" in South Africa and advocated for a "one class-one regulator" approach. CE and PCPC also presented to the Kenyan stakeholders on their different approaches, ultimately also advocating for the implementation of the same principles that CTFA highlighted as being of benefit not only to industry, but also to the consumer.

During CTFA's second presentation that focused on the current understanding of the regulation of cosmetics in Kenya and what was intended for the future, the current policy intentions of the Kenya Health Products Regulatory Authority Bill (on hold to allow for the Workshop) and the latest "Framework" document were analysed. It was shared by CTFA that there were a plethora of references being made to different kinds of cosmetics and how they would be regulated – without a rational, scientific basis to allow informed decision making that was appropriate to risk. In fact, definitions given in the Bill are very confusing and there is no regulatory certainty for the private sector that needs to implement what is required.

During one session of the Workshop, the two authorities left the room to caucus and came back with small changes having been made to the "Framework" document. Disappointingly, the "one class-one regulator" approach was not taken forward by the authorities.

Ultimately, the result of the two-day workshop resulted in the following :

- the EU definition of "cosmetics" was adopted;
- the concept of having a category of "borderline" cosmetics was advocated against by industry;
- industry should continue to advocate for the "one class-one regulator" approach to be implemented;
- different requirements for imports versus locally-manufactured products;
- regulator fees to be reflected in Kenyan Shillings (not U.S.A. dollars);
- compliance activities should continue to be implemented by both authorities even if only one authority is responsible for pre-market "validation";
- safety assessment training may be beneficial to demonstrate the factors that are considered during these assessments; and
- to call for pausing of implementation until there is an agreed national approach.

On CTFA's return to South Africa, further work was undertaken to review the revised "Framework" document. Input was submitted to KAM for consolidation with other stakeholders' inputs. The final submission will be taken forward with the Ministry of Industry to continue to advocate for a less onerous regulatory regime for cosmetics in Kenya (and hopefully the rest of East Africa will follow!).

THE 30TH CONFERENCE OF THE PARTIES ON CLIMATE CHANGE

The climate crisis is worsening, with 2024 being the first calendar year likely to have exceeded the 1.5 °C warming threshold above pre-industrial levels. The United Nations Framework Convention on Climate Change (UNFCCC) is a multilateral environmental agreement "to coordinate a global response to climate change by stabilising greenhouse gas concentrations to prevent dangerous anthropogenic interference with the climate system. It is the main international treaty for climate action and provides the framework for subsequent agreements like the Paris Agreement, aiming for a balance between environmental protection and economic development. The UNFCCC also facilitates cooperation, funding, and the exchange of knowledge among its 198 parties.".

The 30th Conference of the Parties (CoP) to the UNFCCC – the 10th since the adoption of the Paris Agreement – was anticipated to make strides towards:

- countries delivering updated and more ambitious climate plans, known as Nationally Determined Contributions;
- developed countries increasing funding for climate action;
- a strong focus on decisions relating to nature, forest protection and other ecosystem-based solutions due to the CoP being held in the Amazon;
- progress on the tripling of renewable energy capacity;
- the development of a mechanism on Just Transition; and
- progress on indicators to measure progress on the Global Goal on Adaptation.

Leading up the CoP, a number of concerns had been raised in terms of the progress that needed to be made, namely the pace of transition away from fossil fuels; inadequate climate finance; the adaptation finance gap; insufficient Nationally Determined Contributions and the ever tightening global carbon budget space; deforestation and nature protection; trade measures and unilateralism; and corporate influence and lobbying.

Many of these issues unfortunately remain concerns following the conclusion of the CoP. To add to the challenge, the United States of America - a global leader – was not a part of the Conference as a delegation was not sent to Belém, Brazil. Some countries saw this as an opportunity to show leadership, but the potential gap was noted given that developed countries are expected to finance developing countries in terms of both mitigation and adaptation actions.

Despite disruptions from protests – and ironically torrential rain and a fire breaking out at the CoP venue, party countries negotiated in the complex formats of the UNFCCC subsidiary CoP bodies to try and reach agreement on a plethora of matters.

Some specific positive outcomes of the CoP included:

- National Adaptation Plan assessment decisions adopted with developing countries being recognised.
- Elements of the Just Transition Mechanism were adopted.
- The Gender Action Plan was agreed to – to integrate gender into national climate policies and plans.

The CoP did develop a high level political Global Mutirão: "Uniting humanity in a global mobilization against climate change" that consisted of the following three themes:

- United in celebration of the 10-year anniversary of the Paris Agreement.
- From negotiation to implementation: Paris Agreement policy cycle fully in motion.
- Responding to urgency: Accelerating implementation, solidarity and international cooperation:

Although the high level Mutirão Decision contains very useful political decisions and progressions, some of the disappointments included:

- Deep divisions between countries on a number of issues of concern such as finance; trade measures; and mitigation pathways.
- "Unilateral trade measures" such as the Carbon Border Adjustment Mechanism and deforestation-related import regulations are going to be discussed by parties until 2028;
- The adoption of a fossil fuel roadmap – to transition countries away from fossil fuels - did not take place despite agreement by 88 countries. Furthermore, discussions on fossil fuel subsidies did also not progress to become adopted decisions.
- No clear outcome on indicators for the Global Goal on Adaptation was achieved.

Despite the relatively low successes of CoP30, Brazil – where the CoP was held – is determined to keep the momentum going. It was also decided that CoP32 would be held for the first time in a Least Developed Country – Ethiopia in 2027.





CHEMICALS CONTROLLED THROUGH THE DOMESTICATION OF THE CHEMICAL WEAPONS CONVENTION

Some chemicals can be harmful just because of their inherent physical properties, while others can be harmful because of how they are used or misused. The cosmetics and personal care sector must ensure not only consumer safety but also environmental protection in the areas in which it operates.

Countries work together to increase global protection by agreeing on common actions through multilateral treaties. Many of these treaties relate to chemicals that are – in one way or another – restricted. Even the cosmetics sector, which uses relatively small amounts of chemicals in individual products, must comply with the international agreements that South Africa has signed, where necessary for the cosmetics and personal care industry.

On 16 October 2025, the CTFA hosted the Department of Trade, Industry and Competition's "Non-Proliferation" Directorate for a Webinar that delved into the fundamentals of the Chemical Weapons Convention (interestingly, not an "environmental" treaty); how it has been domesticated in South Africa through the Non-Proliferation of Weapons of Mass Destruction Act; the Regulations that fall under the Act; and respective control Notices such as the "Controlled Goods" Notice. The Notice is updated from time-to-time and includes chemicals that are under the Directorate's control for the purposes of the Act. The Webinar included the mandatory requirements that are in place for "controlled chemicals" that companies need to comply with.

During CTFA's review of the list of chemicals given in the "Controlled Goods" Notice and engagement with members on this topic, triethanolamine (TEA) and sodium fluoride were identified as controlled chemicals.

Anyone working with these substances in any way, including storage and/or transportation for example should check the compliance requirements based on the activity(ies) being undertaken and the volumes of the chemicals in question. It was made clear during the Webinar that a minimum requirement is registration with the DTIC - no matter the volumes of the chemicals in question. Furthermore, depending on the activity(ies) and volumes in question, there may be additional legal requirements to be complied with such as notification; permitting; and reporting, amongst others.

Please make contact with CTFA should further assistance be required.

CTFA 2026 RENEWAL FORMS

The CTFA, incorporated as a not-for-profit Section 10 – Schedule 1 Company under the Companies Act, 2008, requires members to sign an annual renewal form to confirm membership. This ensures that your membership benefits remain active and that your information is up to date, enabling you to receive all CTFA notifications and important legislative updates.

We extend our thanks to members who have already submitted their membership renewal forms. The deadline to return all forms is **December 31, 2025**. Once your form has been received, the accounts department will issue the invoice.

As a reminder, an **Early Bird Discount** is available for members who complete payment by **March 31, 2026**.

Thank you for your continued commitment to CTFA.

A GLIMPSE OF 2026 TRAINING

Through ongoing engagements, CTFA continues to support members by promoting regulatory compliance and providing guidance to cosmetic product manufacturers, brand owners, distributors, raw material manufacturers and suppliers, as well as retailers. In 2026, members can look forward to a series of interventions covering key regulatory developments and updates.

Adjustments to dates and topics will be made as required.

Invitations will be circulated for the following sessions:

- New Member Induction – 4 February
- Multilateral Environmental Agreements Webinar – 19 February
- Member Breakfast – 24 March
- Claims and Substantiation Training – 22 April
- Labelling Training – 14 May
- GMP Training – 25 June
- Compendium Update – 30 July
- Safety Assessor Seminar – 27 August
- Africa Focus Webinar – 29 September



YEAR-END SHUTDOWN NOTICE

Please note that our offices will close on **Monday, 15 December 2025**, and will re-open on **Monday, 5 January 2026.**

The CTFA Team extends our sincere thanks to each member for your ongoing and greatly appreciated support throughout the year. We look forward to continuing our mutually beneficial working relationship, one that strengthens the growth and success of our industry.

Warmest thoughts and best wishes for a wonderful holiday season and a very happy new year. May the gifts of the season, Peace, Joy, and Hope, be with you and your loved ones.

Warm regards,

The CTFA Team
Adelia, Glen, Nadia, Samantha

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