

**Question for written answer E-007111/2013  
to the Commission**  
Rule 117  
**Paul Rübzig (PPE)**

Subject: Communication of frame formulations

This parliamentary question concerns Regulation (EC) No 1223/2009 of 30 November 2009 on cosmetic products.

It is not clear from Article 4 of this Regulation under what circumstances the distributor or the manufacturer represents the 'responsible person'.

In accordance with Article 13(1)(h) of the Regulation, the responsible person must inform the Commission, by electronic means, of the frame formulation in order to allow for prompt and appropriate medical treatment in the event of difficulties.

This may give rise the following problem. These types of formulations are often trade secrets. If the distributor is classed as the 'responsible person', manufacturers will be forced to disclose their secret formulation to the distributor. Although the obligation only concerns disclosure of the frame formulation and therefore not the exact percentages, distributors will in most cases be able to manufacture the cosmetic product themselves using the frame formulation. This would result in an enormous financial disadvantage for smaller undertakings in particular, whose existence is largely dependent on their special formulations remaining secret.

I would ask for clarification of the following:

1. Under what circumstances is the distributor or manufacturer the 'responsible person'?
2. Was it the Commission's intention for manufacturers to often be forced to disclose their secret formulations?
3. If so, what steps does it intend to take to ensure the protection of the manufacturers concerned?