

EN

E-000087/2021

Answer given by Mr Breton

on behalf of the European Commission

(11.3.2021)

The Commission is committed to ensuring full compliance with the ban applicable to animal testing in cosmetics products and ingredients across the EU and promoting the EU regulatory approach internationally, as presented in the Cosmetics Regulation¹.

Article 18(1) of the Cosmetics Regulation prohibits the placing on the market of cosmetic products where the final formulation, in order to meet the requirements of this Regulation, has been subject to animal testing. Those requirements refer to the health of the end users (e.g. consumers). However, under the EU law, the evaluation of the risk of cosmetics is not restricted to end-users of cosmetic products only. The ban under the Cosmetics Regulation does not cover safety tests required by the REACH Regulation² for environmental endpoints, exposure of workers involved in the production or handling of chemicals on an industrial site or non-cosmetic uses of substances.

The Commission, at this stage, has not identified any elements in the two decisions by the European Chemicals Agency (ECHA) Board of Appeal (BoA) referred to by the Honourable Members and based on the REACH Regulation that would be in contradiction with the animal testing bans provided in Article 18 of the Cosmetics Regulation. It is further interpreted by the 2013 Commission Communication³ and the 2014 ECHA-Commission joint statement⁴.

The company concerned by the ECHA BoA decisions and an animal protection association launched an action for annulment against the two decisions before the EU General Court⁵, respectively on 27 and 30 October 2020. The Commission is not in a position to comment on cases currently pending before the EU General Court.

¹ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (Text with EEA relevance), OJ L 342, 22.12.2009, p. 59–209.

² Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals

³ Communication from the Commission to the European Parliament and the Council on the animal testing and marketing ban and on the state of play in relation to alternative methods in the field of cosmetics (11 March 2013): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52013DC0135>

⁴ Clarity on interface between REACH and the Cosmetics Regulation (27 October 2014): https://echa.europa.eu/view-article/-/journal_content/title/clarity-on-interface-between-reach-and-the-cosmetics-regulation

⁵ T-663/20 and T-664/20 – One Voice v ECHA; T-655/20 and T-656/20 – Symrise v ECHA