Cosmetic products: animal experiments (7th amend. to "Cosmetics Directive" 76/768/EEC)

2000/0077(COD) - 23/05/2002

The committee adopted the report by Dagmar ROTH-BEHRENDT (PES, D) amending the Council's common position under the codecision procedure (2nd reading). It reinstated, sometimes in reworked form, a number of amendments adopted by Parliament at 1st reading which had not been taken up by the Council. On the question of a marketing ban, it repeated Parliament's earlier call for a date to be set after which all new cosmetic products and ingredients marketed within the Community should not be tested on animals. This date should be no later than five years after the adoption of the directive amending Directive 76/768/EEC. In the meantime, new cosmetic products tested on animals should not be sold where other validated testing methods exist. The amendment stipulated that companies would be able to continue to market cosmetic products or ingredients that were already in use within the Community prior to the date of the complete marketing ban. This would not apply, however, if further animal testing was then conducted on such products or ingredients by or on behalf of the manufacturer, his agents or suppliers. The amendment also said that the Commission should ensure that producers in third countries were not treated less favourably than producers in the Community, e.g. by being given less notice or time to comply with the proposed marketing restrictions. Another amendment stipulated that, as an interim step until a full marketing ban was introduced, animal-tested cosmetics should be clearly labelled "Tested on animals". On the question of a testing ban, another retabled amendment went further than the Council proposal in that it set a final date (31 December 2004) beyond which Member States should ban the testing of cosmetics ingredients on animals on their territory. However, the committee again stipulated that additional animal testing could be allowed in specific circumstances, i.e. if new safety concerns arise about an existing ingredient which is in wide use and cannot easily be replaced by other ingredients. The need for such testing should be scientifically justified and proposed as part of a detailed research protocol, and the results of the research should be made publicly available and independently assessed. Another reinstated amendment called, in the case of cosmetic products with a minimum durability of more than 30 months, for an indication of how long consumers can use the product after it has been opened without any harm to their health. Other amendments sought to strengthen the requirements relating to the provision and public accessibility of certain important information and called on the Commission to present progress reports on the development of alternative test methods on an annual basis rather than every three years as proposed. Finally, the committee wanted to see the precautionary principle applied as regards the use in cosmetics of certain substances which have been classified as carginogenic, mutagenic or toxic to reproduction, calling for them to be prohibited unless they have been found to be safe for use.