

WRITTEN QUESTION E-1811/09
by Daniel Caspary (PPE-DE)
to the Commission

Subject: Regulation of animal experiments through the European Cosmetics Directive and the REACH Regulation

On 25 February 2009, the Commission replied to my parliamentary question on the evaluation and regulation of animal experiments through the European Cosmetics Directive (76/768/EEC¹) and the REACH Regulation (1907/2006²) (E-6806/08). From this reply, the following questions arise:

Some countries prescribe that certain substances may only be used in cosmetic products if tests have been carried out on animals. In accordance with European legislation, such products may no longer be brought into the European Union as of 11 March 2009. If an export country were to challenge such an import ban before the WTO, the SPS Agreement would presumably apply. In its Article 5 paragraph 5, the agreement provides that Members may not introduce any arbitrary differences in the desired level of protection in their national rules. Since both the Cosmetics Directive and the REACH Regulation specify human health as their primary aim, the different rules in the two laws could be seen as constituting an infringement of Article 5 paragraph 5 SPS. How does the Commission view the relationship between the Cosmetics Directive and REACH in light of the provisions of the SPS Agreement?

¹ OJ L 262, 27.9.1976, p. 169.

² OJ L 396, 30.12.2006, p. 1.