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A global ban on animal testing for cosmetics

European Parliament resolution of 3 May 2018 on a global ban to end animal testing for cosmetics (2017/2922(RSP))

(2020/C 41/07)

The European Parliament,

- having regard to Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products ⁽¹⁾ ('Cosmetics Regulation'),
- having regard to Article 13 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Commission communication of 11 March 2013 on the animal testing and marketing ban and on the state of play in relation to alternative methods in the field of cosmetics (COM(2013)0135),
- having regard to the Commission report of 19 September 2016 on the development, validation and legal acceptance of methods alternative to animal testing in the field of cosmetics (2013-2015) (COM(2016)0599),
- having regard to the Commission communication of 3 June 2015 on the European Citizens' Initiative 'Stop Vivisection' (C(2015)3773),
- having regard to the judgment of the Court of Justice of the European Union (CJEU) of 21 September 2016 in Case C-592/14 ⁽²⁾,
- having regard to the Special Eurobarometer 442 survey of March 2016 entitled 'Attitudes of Europeans towards Animal Welfare',
- having regard to the study of January 2017 entitled 'Animal Welfare in the European Union', commissioned at the request of the Committee on Petitions,
- having regard to the question to the Council on a global ban on animal testing for cosmetics (O-000040/2018 – B8-0017/2018),
- having regard to the question to the Commission on a global ban on animal testing for cosmetics (O-000041/2018 – B8-0018/2018),

⁽¹⁾ OJ L 342, 22.12.2009, p. 59.

⁽²⁾ ECLI:EU:C:2016:703.

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- having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,

- having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

- A. whereas the Cosmetics Regulation lays down the conditions for the marketing of cosmetic products and ingredients in the EU and aims to achieve an internal market for cosmetic products while ensuring a high level of human health protection;

- B. whereas Article 13 TFEU states that when formulating and implementing the Union's policies, in particular concerning its internal market, full regard should be paid to the welfare requirements of animals, since animals are sentient beings;

- C. whereas cosmetics are an integral part of EU citizens' everyday lives and cover a wide range of products, from make-up and deodorant to products for bathing, showering, sunbathing, hair, skin and nail care, shaving and oral hygiene;

- D. whereas the EU has undertaken to promote animal welfare while protecting human health and the environment;

- E. whereas to ensure the safety of cosmetics, Article 10 of the Cosmetics Regulation states that a safety assessment must be carried out and a safety report drawn up for every cosmetic product;

- F. whereas Article 11 of the Cosmetics Regulation requires a product information file to be maintained for every product placed on the market, to include data on any animal testing performed relating to the development or safety assessment of the cosmetic product or its ingredients;

- G. whereas animal testing of finished cosmetic products and cosmetic ingredients has been prohibited in the EU since September 2004 and March 2009 respectively ('testing ban');

- H. whereas the marketing of finished cosmetic products and cosmetic ingredients tested on animals has been prohibited in the EU since March 2009, with the exception of repeated-dose toxicity, reproductive toxicity and toxicokinetics; whereas for these specific complex health effects, the marketing ban has applied since March 2013, irrespective of the availability of alternative non-animal tests ('marketing ban');

- I. whereas most of the ingredients present in cosmetic products are also used in many other consumer and industrial products, such as pharmaceuticals, detergents and other chemicals, and food; whereas these ingredients may have been tested on animals under the relevant legal framework, such as the REACH Regulation ⁽³⁾, where there was no alternative;

- J. whereas according to the Special Eurobarometer 442 survey of March 2016, 89 % of EU citizens agree that the EU should do more to promote a greater awareness of the importance of animal welfare internationally and 90 % of EU citizens agree that it is important to establish high animal welfare standards that are recognised across the world;

- K. whereas Parliament receives numerous petitions from citizens exercising their right under Articles 24 and 227 TFEU and Article 44 of the Charter of Fundamental Rights of the European Union, calling for an end to animal testing in Europe and worldwide and for the establishment of international animal welfare standards;

- L. whereas there is public demand for the adoption of a new legislative framework to eliminate animal testing progressively;

⁽³⁾ OJ L 396, 30.12.2006, p. 1.

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- M. whereas in its judgement of 21 September 2016 in Case C-592/14, the CJEU confirmed that the placing on the Union market of cosmetic products containing some ingredients that have been tested on animals outside the EU, in order to market those products in third countries, may be prohibited if the data resulting from that testing is used to prove the safety of the products concerned for the purposes of placing them on the EU market;
- N. whereas loopholes enable cosmetic products that have been tested on animals outside the EU to be placed on the EU market and the products to be re-tested in the EU using alternatives to animal testing, which is in breach of the spirit of the EU legislation;
- O. whereas the EU is a key player at the United Nations; whereas the EU institutions and the Member States must remain committed to a global order based on international law and multilateral cooperation;
- P. whereas the EU should do more to promote high animal welfare standards in its external relations;

Lessons from the landmark EU ban on animal testing for cosmetics

1. Notes that Europe has a thriving and innovative cosmetics sector that provides around two million jobs, and is the largest market for cosmetics products in the world; stresses that the EU ban on animal testing has not jeopardised the sector's development;
2. Observes that in Europe the degree of compliance with the testing and marketing bans in place is very high; stresses, however, that a lack of complete and reliable documentation in the product information file with regard to cosmetics imported into the EU from third countries where animal testing is still required remains a serious issue that needs to be tackled as a matter of priority;
3. Believes that the EU's landmark ban on animal testing for cosmetics sent a strong signal to the world about the value it attaches to animal protection and has successfully shown that the phasing-out of animal testing for cosmetics is possible;
4. Recalls that a political choice has been made in Europe to implement the ban irrespective of the full availability of alternative methods to animal testing; believes that the European example shows that the absence of alternatives to animal testing for some endpoints is not an argument against placing a global ban on animal testing for cosmetics;
5. Reiterates that animal testing can no longer be justified for cosmetics and asks EU and national public authorities to uphold the public's opposition to cosmetics testing and support the advancement of innovative, humane testing methods;
6. Asks regulatory authorities and companies to set up a monitoring system open to regular, independent audits to ensure industry suppliers comply with a full ban;

Impact of the ban on the development of alternative methods

7. Recalls that the animal testing ban has led to increased research efforts to develop alternative testing methods, with effects going far beyond the cosmetics sector; notes that significant progress has also been made on the validation and regulatory acceptance of alternative methods;
8. Calls on the Commission, the Council and the Member States to make sufficient medium- to long-term funding available for the fast development, validation and introduction of alternative testing methods for the full replacement of animal testing for key toxicological endpoints such as carcinogenicity, reproduction toxicity and repeated dose toxicity ⁽⁴⁾;

⁽⁴⁾ Scientific Committee on Consumer Safety, Notes of Guidance for the Testing of Cosmetic Ingredients and their Safety Evaluation, 9th revision, SCCS/1564/15.

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9. Stresses the need for a sustained training and education effort to ensure proper knowledge of alternatives and processes in laboratories and among competent authorities;
10. Points out that academic institutions have an important role to play in terms of promoting alternatives to animal testing in scientific disciplines and disseminating new knowledge and practices, which are available but not always widely used;
11. Highlights the need to work within international structures in order to expedite the validation and acceptance of alternative methods and provide third countries, in which scientists may be unaware of alternative methods and testing facilities may lack the necessary research infrastructure, with knowledge transfer and financial support;
12. Points out that the EU has promoted international collaboration on alternative methods under the European Partnership for Alternative Approaches to Animal Testing (EPAA) and has been involved in a number of other relevant international processes, such as the International Cooperation on Cosmetics Regulation (ICCR) and the International Cooperation on Alternative Test Methods (ICATM); notes that such cooperation is crucial;

International situation

13. Highlights that Guatemala, Iceland, India, Israel, New Zealand, Norway, Serbia, Switzerland and Turkey have cosmetics animal testing bans in place; notes that other countries, such as South Korea and Australia, have made significant progress towards such a ban;
14. Notes that despite some notable legislative advances around the world, around 80 % of the world's countries still allow animal testing and the marketing of cosmetics tested on animals;

Establishing a global ban on animal testing for cosmetics

15. Calls for the Cosmetics Regulation to be used as the model for the introduction at international level of a ban on animal testing for cosmetics and a ban on international trade in cosmetic ingredients and products tested on animals, to come into effect before 2023;
16. Calls for the EU institutions to guarantee a level playing field for all the products placed on the EU market and to make sure that none of them have been tested on animals in a third country;
17. Calls on the Presidents of the EU institutions to promote, advocate and facilitate the introduction of a global ban on animal testing for cosmetics in meetings with their counterparts, in particular with the UN Secretary-General;
18. Calls on the Commission, the Council and the Member States to use their diplomatic networks and act with determination in every possible bilateral and multilateral negotiating forum to build a strong and broad coalition in support of a global ban on animal testing in the cosmetics sector;
19. Calls on the Commission, the Council and the Member States to facilitate, promote and support the conclusion of an international convention against the use of animals in cosmetics testing, within the UN framework; calls for the EU institutions and the Member States to include a global ban on animal testing for cosmetics as an item on the agenda of the next meeting of the UN General Assembly;
20. Calls on the Commission to engage proactively with all stakeholders, starting with those behind the campaign for a global end to the use of animals in cosmetics testing, NGOs and civil society representatives, in order to promote side events at the next UN General Assembly and to facilitate dialogue on the benefits and merits of an international convention against animal testing for cosmetics;

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21. Calls on the Commission and the Council to make sure that the EU ban on animal testing for cosmetics is not weakened by any ongoing trade negotiations, nor by World Trade Organisation rules; calls on the Commission to exclude cosmetics tested on animals from the scope of any free trade agreements already in force or currently under negotiation;

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22. Instructs its President to forward this resolution to the Council, the Commission, the President of the European Council, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, and the United Nations Secretary-General.
