



Reports of Cases

Case C-592/14

European Federation for Cosmetic Ingredients
v
Secretary of State for Business, Innovation and Skills
and
Attorney General

(Request for a preliminary ruling from the High Court of Justice (England & Wales), Queen's Bench Division (Administrative Court))

(Reference for a preliminary ruling — Approximation of laws — Cosmetic products — Regulation (EC) No 1223/2009 — Article 18(1)(b) — Cosmetic products containing ingredients, or a combination of ingredients, which have been the subject of animal testing 'in order to meet the requirements of this Regulation' — Prohibition of marketing within the European Union — Scope)

Summary — Judgment of the Court (First Chamber), 21 September 2016

1. *Judicial proceedings — Request that the oral procedure be reopened — Application to submit observations on the points of law raised by the Advocate General's Opinion — Conditions for reopening the case*

(Arts 252, second para., TFEU; Statute of the Court of Justice, Art. 23; Rules of Procedure of the Court of Justice, Art. 83)

2. *EU law — Interpretation — Methods — Literal, systematic and teleological interpretation*

3. *Approximation of laws — Cosmetic products — Regulation No 1223/2009 — Prohibition on the marketing of products containing ingredients having been tested on animals — Scope — Carrying out of animal testing in third countries in order to market products there — Included — Condition — Use of data resulting from that testing in the context of an application to prove the safety of the products concerned for the purposes of placing them on the EU market*

(European Parliament and Council Regulation No 1223/2009, Art. 18(1)(b))

1. See the text of the decision.

(see paras 22-24)

2. See the text of the decision.

(see para. 31)

3. Article 18(1)(b) of Regulation No 1223/2009 on cosmetic products must be interpreted as meaning that it may prohibit the placing on the European Union market of cosmetic products containing some ingredients that have been tested on animals outside the European Union, in order to market cosmetic products in third countries, if the resulting data is used to prove the safety of those products for the purposes of placing them on the EU market.

The fact of having relied, in the cosmetic product safety report, upon the results of animal testing concerning a cosmetic ingredient in order to demonstrate the safety of that ingredient to human health must be regarded as sufficient to establish that that testing had been carried out to meet the requirements of Regulation No 1223/2009 for obtaining access to the EU market. It is irrelevant that the animal testing was required in order to market cosmetic products in third countries. Article 18(1)(b) of Regulation No 1223/2009 makes no distinction depending on where the animal testing at issue was carried out. The introduction, by interpretation, of such a distinction would be contrary to the objective relating to animal protection pursued by Regulation No 1223/2009 in general and by Article 18 thereof in particular.

(see paras 39-41, 45, operative part)