



## Cosmetics Testing on Animals: EU Ban

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This note covers a proposed EU ban on the use in cosmetics of any ingredients tested on animals. Currently ingredients tested on animals outside the EU are allowed to be used but are due to be phased out by 2013. Campaigners are concerned that the ban may be delayed as there are reports that the cosmetics industry has not yet developed suitable replacement tests.

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EDM 1242, of 10 January 2011, on testing new cosmetic ingredients on animals expresses concern about suggestions that a complete EU ban on ingredients in cosmetics tested on animals could be delayed. (The EDM had 124 signatories as at 8 February 2011). The EDM states the following:

That this House notes that the 7th amendment to the Cosmetics Directive (Directive 76/768 EEC) prohibits the testing of new cosmetics ingredients on animals within the European Union from 2009 and the sale of cosmetic products containing ingredients tested on animals outside the European Union from 2013; is concerned that the European Commission is currently assessing the possibility of proposing a delay to the 2013 deadline, even though thousands of existing cosmetics ingredients can safely be used and reformulated to create new products without any need for additional animal testing; recognises that the test and sale bans were introduced in response to overwhelming public opposition to the use of animals to test cosmetics; supports the ethical objective of ending testing on animals of cosmetic products and ingredients; and calls on the Government to take all necessary steps to maintain the 2013 deadline.

The Government's position on cosmetics testing is set out below. It makes clear that it will not allow cosmetics testing in the UK.

In 1997-98, the Government secured a voluntary ban on the testing of cosmetic finished products and ingredients on animals in the United Kingdom. We did this because we believed that there was inadequate justification for using animals given the benefits of these products and the alternative tests available. After 13 years of negotiations, other European Union (EU) countries agreed to the phasing in of a near-total ban on the sale of animal-tested cosmetic products throughout the EU from 2009. The European Cosmetics Directive defines cosmetics to include not only vanity products but also other products such as toothpaste, baby care products and sun cream.

We cannot foresee any circumstances under which we would be prepared to issue licences under the Animals (Scientific Procedures) Act 1986 for testing on cosmetic finished products and ingredients.<sup>1</sup>

The EU Regulation bringing the ban into force and setting the 2013 deadline does not appear to allow for the timetable to be extended:

(43). The Commission established timetables of deadlines up to 11 March 2009 for prohibiting the marketing of cosmetic products, the final formulation, ingredients or combinations of ingredients which have been tested on animals, and for prohibiting each test currently carried out using animals. In view, however, of tests concerning repeated-dose toxicity, reproductive toxicity and toxicokinetics, it is appropriate for the final deadline for prohibiting the marketing of cosmetic products for which those tests are used to be 11 March 2013. *On the basis of annual reports, the Commission should be authorised to adapt the timetables within the abovementioned maximum time limit [emphasis added].*<sup>2</sup>

As yet there are no specific details about any changes the Commission may be proposing. However there are press reports outlining speculating on what may be about to happen:

The final phase of European law designed to eradicate testing on animals of chemicals used in the cosmetics industry is set to be delayed for as long as four years because it

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<sup>1</sup> HC Deb 26 July 2010 c10P

<sup>2</sup> [Regulation \(EC\) No 1223/2009 on cosmetic products \(OJL342, 22.12.2009\)](#)

is thought that alternative ways of testing the safety of ingredients' will not be ready in time.

Cosmetics and testing experts predict the European commission will announce shortly that it is unable to introduce the third phase of the European cosmetics directive, as planned in 2013. This directive would have banned the sale in Europe of any cosmetics tested on animals anywhere in the world.

Neil Parish MP, chair of the associate parliamentary group for animal welfare, said "sufficient" replacement safety tests would not be available until 2017.

However, Parish accuses the cosmetics industry of deliberately delaying the development of alternative methods. "For too long the cosmetics industry has dragged its feet when it comes to developing alternatives to animal testing, and here they are again trying to stall legislation to improve the welfare of animals."

Parish is demanding an end to "needless animal testing purely for the commercial gain of industry".

Michael Balls, a professor and former head of the commission's European Centre for the Validation of Alternative Methods, also criticises the handling of the issue. "The whole thing is a way of looking for reasons for a delay. The EC is trying to make a delay look like a scientific issue."

Sabine Leclercq, head of the cosmetics and medical devices unit of the commission's Directorate General for Health & Consumers, has already informed members of the European parliament's environment committee that it is "unlikely enough scientific progress" will have been made on alternatives by 2013. A commission assessment of alternative methods is due to report in early 2011, and a final decision will follow soon afterwards. A clause letting the commission delay the ban will then be invoked.<sup>3</sup>

BUAV, which is backing the EDM, mentions a report that has been recently published although further details were not available:

A 'marketing' ban that will ensure no animal tested cosmetics are sold in the EU is in jeopardy.

This marketing ban allows three types of animal tests to be carried out outside the EU for cosmetics sold within the EU until March 2013. The reason is to allow non-animal alternative tests to be developed and approved ('validated').

Now European Commission officials are considering whether non-animal alternatives will be ready in time for March 2013. Already, a report by scientists is recommending that the ban be delayed even longer – for up to 10 years in some cases.

If they get their way it could mean 10 more years during which thousands of rabbits, guinea pigs, mice and rats will be injected, gassed, burned, blinded and killed worldwide for cosmetics sold in the EU.<sup>4</sup>

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<sup>3</sup> The Guardian, [Cosmetics industry criticised as EU set to admit delay in animal testing ban](#), 31 December 2010

<sup>4</sup> BUAV webpage [No Cruel Cosmetics](#) [on 8 February 2011]