

EU Bans on Animal Testing for Cosmetics Effectively Shredded

Below is a statement regarding the use of animals to test cosmetics ingredients under the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulation. Even though the testing of cosmetics ingredients on animals is banned under the EU Cosmetics Regulation, the European Chemicals Agency and the European Commission have argued that even ingredients used exclusively in cosmetics may still be tested on animals under REACH if there is a possibility of workforce exposure during the manufacturing process. For cosmetics ingredients also used in other types of products, tests on animals may, they say, be required regardless of any potential for workforce exposure.

When the European Union banned the testing of cosmetics products on animals in 2004 and prohibited the sale of cosmetics ingredients that relied on newly generated animal test data in 2013, consumers, companies and animal protection organisations rightly claimed a ground-breaking victory after decades of campaigning. These bans have since been a beacon of change for animals around the world, and in 2018, their significance was reinforced when the European Parliament overwhelmingly supported a call for a global end to animal testing for cosmetics. Now, this progress is substantially weakened by the current stance of the European Chemicals Agency (ECHA) and the European Commission.

A series of testing decisions by ECHA made with the backing of the European Commission, along with recent decisions by the ECHA Board of Appeal, have challenged a basic principle of interpreting EU legislation by disregarding the clear intention of legislators and thereby seriously undermining the cosmetics testing ban. In addition, the European Commission's Chemicals Strategy for Sustainability is set to re-open the Cosmetics Regulation, with the potential to introduce new testing requirements at the expense of many more animals' lives.

Already, thousands of animals are being condemned to suffer in additional testing of cosmetics ingredients that have been manufactured and marketed safely under the EU's Cosmetics Regulation for decades – and the bans that animal advocates fought so hard to achieve, and that the public and many scientists support, are effectively being rendered meaningless.

It is imperative that the purpose of the Cosmetics Regulation – that cosmetics products are safely brought to market using only non-animal data – be met without compromising the bans. For ingredients marketed under the Cosmetics Regulation that have a history of safe use by consumers and of controlled handling on the factory floor, robust protection of both workers and consumers is already enabled through a variety of non-animal assessment methods and the careful application of exposure assessments. When regulators decide that a new ingredient cannot be brought safely to market without animal testing, its introduction should be delayed until additional non-animal test methods are available.

Continued requests for renewed testing of existing cosmetics ingredients are set to severely limit the availability of products and ingredients marketed within the cruelty-free sector. The European Commission must come clean to consumers and parliamentarians, who still believe that cosmetics in the EU must be free from animal testing, over measures taken to weaken the bans. European consumers expect to be able to buy cosmetics that have not been tested on animals, and the European Commission and ECHA have a duty to ensure that this is the case by applying the law properly.

The recent administrative decisions are not the end of the road for the cosmetics testing and marketing bans. We maintain that new safety assessment data for cosmetics substances imported into, manufactured or sold within the EU may *only* rely on non-animal assessment methods. The wishes of citizens and legislators are clear: ECHA and the European Commission must be held accountable and compelled to uphold the terms of the EU cosmetics animal test and marketing bans as originally intended.

As animal protection organisations, we call for the European Parliament and the European Commission to ensure that the following mandates are urgently carried out:

- The EU bans on animal testing for cosmetics and the marketing of ingredients tested on animals must be fully upheld and implemented as intended by the legislators.
- EU test requirements – including requirements set out in REACH – must not undermine the bans but instead must apply a substance-tailored approach to ensure consumers, workers, and the environment are protected without further tests on animals.
- The European Commission must devise a robust testing strategy for cosmetics ingredients using only available non-animal assessment strategies so that the implementation of the Chemicals Strategy for Sustainability reflects the overwhelming support for strengthening – rather than weakening – the protection of animals in Europe.

