



Your gate to international beauty markets

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Seventh Amendment to EU Cosmetics Directive is contrary to WTO rules, said NFTC.

Responding to growing concerns from the U.S. industry that costly and burdensome national standards and technical regulations would be increasingly used by the European union and other major U.S. trading partners to protect their home industries and block market access to U.S. exports, the National Foreign Trade Council (NFTC) recently published a detailed white paper pointing out regulations that hamper free trade.

NFTC report - "Looking Behind the Curtain: The Growth of Trade Barriers that Ignore Sound Science" - targets all standards and regulations that "are not based on sound science or subject to rational and balanced risk assessment, or are not based on, or do not adhere to internationally agreed upon standards." It also tries to gather evidence of circumstances "where U.S. and other foreign exporters were effectively prevented from participating fully in the regulatory drafting and review processes."

According to the **NFTC** paper impacted products include beef and poultry, fresh and processed fruits and nuts, food additives, vitamins and nutrients, wines, foods derived through the application of biotechnology, aeronautics, automobiles, consumer electronics, computers, chemicals and downstream users including textiles, plastics, and finished consumer goods, toiletries and cosmetics, household and industrial biocidal products.

As far as cosmetic products are concerned, the recently adopted 7th Amendment to the European Cosmetics Directive is the major source of concern of NFTC.

"The proposed ban on animal testing would conflict directly with FDA rules requiring animal testing of certain cosmetics that are classified as over the counter drugs in the U.S, including anti-dandruff shampoos, sunscreens, and fluoride toothpaste," the report states. Basing its argumentation on the fact that all interested stakeholders would not have been afforded written notification and an opportunity to be heard before the promulgation of the law, the **NFTC** also deems that the animal test ban violates the Technical Barriers to Trade (TBT) Agreement.

As for the ban of certain chemicals listed as CMR (carcinogenic, mutagenic and reprotoxic) substances, **NFTC** considers that the presumption of hazard "is based on the precautionary principle, rather than upon scientific proof of actual harm caused by any one of the specific substances mentioned".

In some cases however, arguments and "evidences" contained in the **NFTC** paper reveal a lack of

knowledge and some misunderstandings of the new EU Cosmetics Directive. That is particularly clear in the paragraph dealing with the EU full ingredient labelling requirements. It is obvious that **NFTC** writers have not understood the real scope of the provision requiring the labelling of fragrance allergens, which is actually limited to 26 substances.

By the way, it is unlikely that this first set of criticism about the recent modifications introduced into the EU Cosmetics Directive will not be followed by further and more consistent actions.

Full copy of the **NFTC** report as well as an executive summary are available at: www.nftc.org