



**HUMANE SOCIETY
INTERNATIONAL**
EUROPEAN UNION

6 July 2012

José Manuel Durão Barroso
President of the European Commission
1049 Brussels
Belgium

Dear Mr President,

I am writing on behalf of the more than 11 million members and supporters of Humane Society International (HSI), one of the world's largest and most respected animal welfare organisations, to request your intervention in preserving the long-promised EU ban on marketing cosmetics that have been tested on animals, or which contain ingredients tested on animals, after 11 March 2013.

On 18 June, HSI delivered a petition signed by more than 350,000 EU citizens to Commissioner Dalli. The petition calls for enforcement of the 2013 sales ban and rejection of any proposal for a delay or derogation, and was supported by Lush Handmade Fresh Cosmetics. Lush is a highly successful global company with over 800 stores in 50 countries, including 19 European Union member states. Lush collected over 200,000 signatures for the petition in their European stores in just two weeks.

This issue has a long history: as stated in answer to Written Question P-175/11EN on 14 February 2011, a ban on the marketing of cosmetic ingredients, or combinations of ingredients, tested on animals was first introduced into the Cosmetics Directive by Directive 93/35/EEC with an application date of 1 January 1998. Directive 97/18/EC postponed the application date to 30 June 2000; Directive 2000/41/EC replaced that date with 30 June 2002; and Directive 2003/15/EC introduced the currently applicable dates, including the final deadline of 2013.

Indeed, as we approach that deadline, it is worth remembering that it is almost 20 years since legislators first promised action to ensure that EU shop-shelves were free of animal tested cosmetics.

In Written Answer EN E-002228/2012, given in April of this year, the Commission indicated that a decision had not been reached on whether or not to make a proposal, yet in December 2011, animal welfare stakeholders were asked to comment on plans for a possible

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derogation. Within those plans, the Impact Assessment in preparation was described as containing the following options: *“to maintain the 2013 deadline, to postpone the 2013 deadline with a fixed date, to postpone the 2013 deadline for certain endpoints only and to postpone the 2013 endpoints without a fixed date”*.

In addition, another option described would *“maintain the marketing ban implementation date 2013 untouched (= thus not propose a postponement), but foresee the introduction of a derogation to the marketing ban”*.

HSI/Europe and other animal welfare stakeholders have consistently opposed this derogation and have noted that describing the derogation as leaving the *“implementation date 2013 untouched”* is disingenuous. For us, if new cosmetics ingredients can be tested on animals outside the EU after 11 March 2013 and then placed on the EU market, the ban will, for all intents and purposes, have been postponed.

We are writing to you now to express our profound disappointment on hearing that the Commission still favours introducing this derogation.

On 28 June, Lush cosmetics wrote to Commissioner Dalli outlining its commitment to marketing cosmetics containing existing ingredients only. Lush has asked Commissioner Dalli to *“consider the potential business advantages of maintaining the 2013 ban on marketing cosmetics containing ingredients tested on animals”*. The company goes on to say that it *“understand[s] the Commissioner has received representations from cosmetics industry associations hoping the ban will be delayed so that animal testing for cosmetics can continue, but their voices should not be the only ones heard”*.

The 2013 ban will not prevent companies from innovating because the thousands of cosmetic ingredients already known to be safe could still be used and reformulated to create new products.

We hope that the impact of maintaining the 2013 ban, as detailed above, will take into account the numerous companies that have already committed not to use ‘new-to-the-world’ ingredients, and thereby avoid creating a demand for animal testing. This is true for more than 400 companies certified under the ‘Leaping Bunny’ (*leapingbunny.org*) scheme. These companies are already fully 2013 compliant — not because they have to be, but because that is the way they choose to be, and the way their customers want them to be.

In fact, Lush has contacted Commissioner Dalli to say exactly that, stating that the company *“has no need to commission or carry out animal testing because we accept that the thousands of cosmetics ingredients already listed as safe can be used in our formulations,*

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and reformulated to create new products, without hurting a single animal. In fact, we wonder why any cosmetics company would want to carry out animal testing while the opportunity to market safe cosmetics products using existing ingredients is so readily available. We wonder how these companies justify causing so much suffering, especially when their customers would prefer them simply to stop animal testing?"

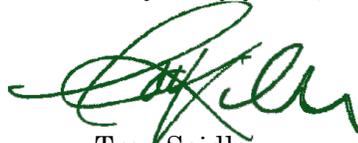
Mr. President, we call on you to prevent any derogation to the 2013 ban from being introduced, so that when the Commission talks of not postponing the ban (as above), that statement can actually be true.

The cosmetics industry has had 20 years to prepare for the ban, and that is long enough. All we are asking is that companies forgo the addition new-to-the-world ingredients to their products until sufficient non-animal test methods exist. This will allow innovation to continue through reformulation, and we believe that consumers will actually celebrate that development.

Nobody wants to see animals suffer for the sake of yet another beauty product. It is time for the law to reflect that.

May we please hear back from you on this important matter?

Very truly yours,



Troy Seidle

Director of Research & Toxicology