

A-197
31**UNI Hair and Beauty**

Lersøe Park Alle 21
DK-2100 Copenhagen
Denmark

Coiffure EU

Gooierserf 400
NL 1276 KT Huizen
Netherlands

European Commission
Unit ENTR F/3, Cosmetics and Medical Devices
BREY 10/176
B-1049 BRUSSELS
Belgium

Brussels, 16 March 2007

Public consultation Simplification Cosmetics Directive 76/768/EEC

Dear Madam/Sir,

UNI Hair and Beauty and Coiffure EU are the representative social partners in the hairdressing industry. It was decided during today's meeting of our sectoral social dialogue committee that we send you our joint comments following the public consultation on the Simplification of the Cosmetics Directive 76/768/EEC.

General remarks

The hairdressing industry in the European Union consists of 400.000 enterprises and over 1.2 million employees, the majority of whom are of childbearing age, is confronted with a number of occupational diseases, allergies and other possible disorders caused by the ingredients of products that are being used professionally by the hairdressers.

During their sectoral social dialogue meeting on 21 September 2005 UNI Hair and Beauty and Coiffure EU concluded and signed a covenant on health and safety, concerning the use and handling of cosmetic products and their chemical agents (attached). In this covenant the social partners aim to minimize the risk of hairdressers developing occupational ailments, diseases, and disorders, such as allergies, eczema and respiratory diseases. There are strong indications that some ingredients used in hairdressing products are carcinogenic and have a negative influence on the unborn foetus. A vast majority of employees and employers in our industry are in their early twenties and are women.

The social partners have noted that the European legislation on cosmetics covers the normal and reasonable foreseeable use of the product but we perceive that this is mainly directed towards consumers. In our opinion it does not take into account the specific interests of professionals who are using products as frequently and intensively as the hairdressers

When simplifying the Cosmetics Directive social partners are of the opinion that it is important that the Commission ensures that the specific professional interests of our industry are fully and completely respected. We believe that it would be wise to establish a specific regulation for people handling cosmetic products frequently and intensively as part of their profession.

This would avoid that a regulation that is only meant for consumers is mixed up with the interests of professionals. A new professional regulation could also ensure specific scientific knowledge for the use of chemical agents by professionals.

Section 1

Item 1:

The different position of professionals from consumers, and the different way products are used by professionals, creates uncertainty about the effect of the Directive to the safety of hairdressers. This unclear position causes a lot of concern between parties in our industry. In other words, there is no specific position for professionals and any new set of rules should guarantee such a position.

Item 2:

The social partners will not comment on the cosmetic manufacturers' costs due to international regulations. We just want to draw the commission's attention to the economic cost to society due to the chemical working environment in the sector caused by sick leave and hairdressers compulsory withdrawal from the trade.

Item 3:

The social partners are strongly in favour of turning the whole Cosmetics Directive into a Regulation. This way one identical legislative framework would be reached without the constant need of transposition into national laws. In addition we believe that it would be wise to establish a specific regulation for professionals.

From our point of view it is a restriction of a free and open EU market not to turn the Cosmetics Directive into a Regulation. Furthermore it is seen as important that matters like the safety of workers are judged by one authority in Europe. This is important while it brings speed and clarity into the process and it also gives the possibility to bundle the specific scientific knowledge that is needed for a proper judgment in one hand.

Item 4:

A clear difference should be made between consumer and professional use.

Item 5:

The social partners find that objective criteria are an important part of the regulation and make the regulation process more transparent.

Item 6:

A list of approved substances (positive list) may be very good and easy to work with, but it must be ensured that no substances are included that could be harmful in specific professional situations. The setup of a single list should not weaken the existing regulation. The present annex 2 on prohibited substances could as now be listed in a separate annex.

Item 7:

The INCI nomenclature should be maintained. Whether it is administratively improved or not will not make any great difference. It is no problem to make the naming easier, as long as the mandatory nomenclature will be maintained.

Item 8:

Examples of a conflict of interest regarding the safe use of products between the interests of professionals and the interest of consumers exist and should be solved.

Responsibility and liability should, in the first instance, lie with producers, but this should leave open consequent action from the producer to the professional hairdresser in the event that the product has not been applied in accordance with manufacturer's instructions providing those instructions are certain, clear and precise in their direction and take full account of the attitude, habits, practice and reactions of the public who are subjected to the product.

Item 9:

Specific information for the safe use of products by professionals is always needed and this information should be standardised throughout the EU. The social partners agree that education on the safety of products should be part of the European Hairdressing Certificate

Item 10:

Within the framework of the directive or a future regulation there should be a clear response mechanism in case of products not in compliance with the regulation.

Item 11:

Many countries are in the possession of information about the cause of certain occupational diseases caused by the use of cosmetic products.

For this reason we see it as important that a survey is made by a European agency like Bilbao to create an inventory and disclose the knowledge already available and to have one central European reporting centre for the future. This is the only way to deal with this matter on a neutral European base.

Section 2

Item 13:

It is felt to be important for the functioning of the open market that only one central approving authority within the EU exists.

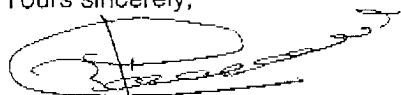
Section 3

Item 14:

We are in favour of the possibility to restrict, authorise or prohibit Community-wide any chemical substance of which it is clear that the use of such a substance by professionals may endanger the health of hairdressers. Such a possibility is also needed to avoid the import and distribution of products containing such substances within the European market.

We appreciate to have the possibility to take part in this Consultation and are of course willing to discuss this matter with you.

Yours sincerely,



Chris Boerland
President Coiffure EU



Poul Monggaard
President UNI Hair and Beauty

Enc. Covenant signed by the social partners

**Covenant on Health and Safety,
in particular the Use and Handling of Cosmetic Products and
their Chemical Agents, between European Social Partners in the
Hairdressing Industry**

In 2001 Coiffure EU and UNI Europa Hair and Beauty as representative Social Partners in the European hairdressing industry agreed the "How to get along" code of conduct. In this code the following guideline was included on the working environment:

"Bearing in mind their respective responsibilities and, acting within the framework of applicable law, prevailing labour relations and employment practises of the country in which they operate and taking the specific peculiarities of the hairdressers' sector into account, salons and employees should provide the best possible conditions of work with respect to health, safety and dignity in their operations and guarantee the observance of regulations, concerning maximum working hours, daily and weekly, rests periods and an annual period of paid leave, taking the necessary flexibility for the operations of the businesses into account."

There is growing awareness of occupational diseases and the importance of the social and economic consequences of sick leave, so the European Social Partners have decided to seek European minimum standards for the hairdressing industry.

As they practice their profession hairdressers use cosmetic products and are therefore exposed to the chemical ingredients of those products, but they have no influence on their ingredients, nor were they invited to participate in the national and international bodies that deal with the requirements of cosmetic products and their ingredients.

European Social Partners want to minimize the risk of hairdressers getting occupational diseases from using the cosmetic products, such as allergies, eczemas, and diseases in their air-tubes (respiratory track).

Special attention should be paid to the key documents EU-Directive 98/24/EC: chemical agents and to the EU-Directive 89/656/EC: personal protective equipment.

European Cosmetics Directive for professional Hairdressers

The existing European cosmetics directive is mainly directed towards consumers in general.

As the professional hairdressing sector was not invited to participate in the work on this directive and as they are not recognised in the cosmetics directive, the European Social Partners (ESP) in the hairdressing sector have agreed it is necessary that a European cosmetics directive for professionals is established. The Social Partners will consult the European Commission on this matter.

The directive for professionals should be established with the intention of incorporating the following points:

- Ingredients of cosmetic products shall always be replaced by less harmful products if such products are available,
- A list of cosmetics ingredients that the European hairdressing sector will not accept for salon use due to their environmental and health and safety impact shall be prepared and incorporated into the directive as a negative list,
- Special attention shall be paid to ingredients in products that may have harmful effects upon breast-feeding mothers, reproduction and fertility, or may harm the unborn child.

It shall be clearly stated on the products if they contain substances that may imply a risk for breast-feeding mothers, pregnant women, or reproduction capacities. Provisions shall be made to have such products removed from hairdressing salons and from the market,

- The packaging of professional products shall contain instructions that clearly state the hazard level of the individual products,
- Instructions for their use shall be clear and be placed on the containers/tubes of the products,
- All information and instructions to be provided in the national language(s) of the country in which the products are sold and used, and in a font size that is legible.

It shall be stressed by ESP that it is the manufacturer's responsibility at all times to ensure that the products can be used without causing damage to the individual human being and to the environment.

Authorisation and certification

As cosmetic products are made from chemical ingredients that should be used by taking specific safety precautions, the European Social Partners believe it necessary that a system for authorisation to use such products is established and implemented.

This authorisation should also be a part of the professional training system for hairdressers and included as a part of the European Hairdressing Education.

As hairdressing is the craft attracting one of the highest proportion of women, and as hairdressers are:

- taking care of consumers by direct treatment and first of all their hair and faces,
- dealing with the waste from chemical products,
- craftsmen and have a responsibility for maintaining the craft and its skills,
- training apprentices,
- vital to economy in the society,

the European hairdressing sector should establish and have recognised a health and safety certification system for hairdressing in respect of the use of cosmetic products with provisions for safeguarding the ability to meet the above mentioned demands, responsibilities, and maintain a high quality for all aspects of the craft and the sector.

The question about health and safety authorisation and certification for hairdressing should be addressed with the establishment of a European cosmetics directive for professionals.

The European Social Partners agree that in addition to the topics to be addressed in a directive for professionals, there are issues which should be part of an agreement between the Social Partners at an international level and also agreed at the national level.

Partner agreements at national level

The European Social Partners agree that this covenant will not adversely affect national laws or regulations or cause a reduction in the provisions or protection already afforded to individuals by national governments and/or national social partners. The European partner agreement must not interfere with national provisions covering the responsibility of employers.

The European Social Partners will provide the material necessary to national social partners in order to enable them to implement "The Environmental Knowledgeable Hairdresser" in the salons, using any relevant means and in particular the SOFIA-project.

By implementing "The Environmental Knowledgeable Hairdresser" the Social Partners will have the duty, on a salon basis, to safeguard the health, safety and welfare of clients, colleagues, visitors to the salon and everyone affected by their activity.

It embraces on an individual national basis:

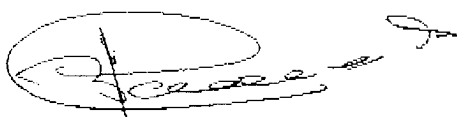
1. That suitable protective equipment is provided free of charge by all employers and that such equipment will be properly used by all workers.
2. Employers and employees will jointly ensure that adequate rest periods and holidays are taken according to provisions in collective agreements or national legislation. Where adequate rest periods are not a part of a collective agreement the national social partners are urged to create provisions for such rest periods in the collective agreements with due respect to provide the proper service to clients without creating inflexible working systems.
3. Equipment, systems and products shall be constantly monitored and regularly reviewed to ensure suitability for the intended purpose and the extent of risk to anyone who may be affected by use or application.
4. To monitor and compare current activity to best practice published from time to time by the European Social Partners.

The European Social Partners within the Personal Services' Sector will at each plenary meeting in the Social Dialogue give a report on the progress achieved under this Covenant on Health and Safety between European

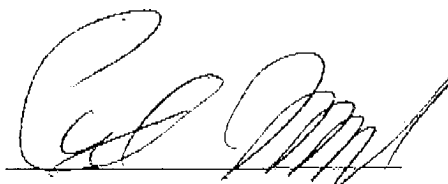
Social Partners in the hairdressing industry.

This Covenant on Health and Safety will not prohibit the social partners on a national or transnational level from taking initiatives that go further than this covenant to ensure the health and safety of the European hairdressers.

Brussels, 21 September 2005



Coiffure EU



UNI-Europa

The original language of the document is English