

Public consultation - Update for units of measurement directive

Subject : Public consultation - Update for units of measurement Directive

Please find attached The Cosmetic, Toiletry, and Fragrance Association's comments on COMMISSION STAFF WORKING DOCUMENT on units of measurement (Directive 80/181/EEC).

Azalea P. Rosholt, Esq.
Senior Director
International Regulatory Affairs
The Cosmetic, Toiletry, and Fragrance Association
USA – Washington



CTFA Comments
units of measurement

Attachment :



European Commission DG Enterprise and Industry
(ENTR/H/6)
105, avenue des Nerviens / Nervierslaan 105
B-1049 Brussel / Bruxelles
E-mail: entr-metrology@ec.europa.eu
Fax: +32 (0) 2 296 70 13

February 26, 2007

Re: CTFA Comments Submission on European Union (EU) Commission Staff Working Document dated December 22, 2006 on units of measurement (Directive 80/181/EEC):

- Chapter 3, Multiple Indications of SI Units (Question 2). CTFA agrees with the consultation text that specific uses of SI indications should be left to other directives. No additional comments offered.
- Chapter 8, Date of Supplementary Indications in non-SI Units (Question 7). CTFA agrees with consultation text to indefinitely extend the period of allowing supplementary markings on products on the EU market. We offer our comments below.

The Cosmetic, Toiletry, and Fragrance Association (CTFA) is the national trade association representing the cosmetics and personal care industry in the United States (US). CTFA has over 600 member companies from all over the world, including manufacturers and distributors of finished products, as well as suppliers of ingredients, raw materials, packaging, and other services used in the production and marketing of finished products.

CTFA submits these comments on behalf of its members, which include companies with significant investments in the EU who employ EU citizens, and small and medium-sized companies who export to or import from the EU. It is our hope that the next amendment of

Directive 80/181/EEC¹ will extend indefinitely the period of allowing non-metric supplementary units of measurement for content declaration of consumer products sold in the EU. Disallowing non-metric supplementary units places a disproportionate burden on all affected companies and would create unnecessary barriers to global trade flows.

The incompatibility of any potential metric-only requirements in the EU and the US requirement for both metric and US customary units for content declarations on consumer products will create a significant compliance problem for all affected companies because of the enormous non-value added costs. Companies would have to develop separate packaging, labeling, warehouse and inventory systems. These added costs would be in turn passed on to consumers.

Cosmetics and other consumer products are manufactured for the general population and as such, it is important to describe the contents in units that are readily understood by the consumer so that they can assess the value and the contents of the product prior to purchase. The US Federal Fair Packaging and Labeling Act,² as amended in 1992, requires that almost all products sold at the consumer level must have both metric and US customary units because, for the foreseeable future, there is no evidence to show that the US consumer is metric-proficient.³

To be able to comply with two incompatible sets of requirements, one company estimates that the changes that would need to be implemented would cost US\$10,000 per label. Thus, a company that needs to export 300 Stock Keeping Units (SKU) to the EU, or vice versa, would incur a US\$ 3 million of non-value added costs. Larger companies would incur higher costs, currently even higher than the US\$80 million estimate provided by one cosmetic company as mentioned in the 1999 Opinion of the Economic and Social Committee.⁴ The effect on small and medium-sized companies may be even more drastic because the added costs may force them out of the marketplace.

At the same time, disallowing non-metric units to supplement metric units for content declaration on consumer products does not result in any benefit for the consumer. Consumer products marked with metric units supplemented by non-metric units have been available on the EU and other markets for many years. There is no evidence that such dual labeling could in any way

¹Council Directive 80/181/EEC of 20 December 1979 on the approximation of the laws of the Member States relating to units of measurement and on the repeal of Directive 71/354/EEC, 1980 O.J. (L 039) 40 *as amended* by Directive 1999/103/EC of the European Parliament and of the Council of 24 January 2000 amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement, 2000 O.J. (L 34) 17.

²The Federal Fair Packaging and Labeling Act (FPLA), 15 U.S.C. 1451 et. seq.

³The metric-only option is already permitted in the US for non-consumer packaging intended solely for industrial and institutional use, or wholesale distribution. Additionally, the use of the metric system is mandated for all Federal programs.

⁴Opinion of the Economic and Social Committee on the "Proposal for a European Parliament and Council Directive amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement," 1999 O.J. (C 169) 1.

confuse or mislead consumers, or that removing non-metric units from a product label could improve the amount or quality of information about the product that is provided to the consumer at the point of sale.

Therefore, we agree with the Commission's consultation document and respectfully request the Commission of the European Communities to propose a new amendment to Directive 80/181/EEC, Article 3, by which to extend indefinitely the period of allowing supplementary non-SI markings on products on the EU market. By extending this period indefinitely the EU would avoid creating a disproportionate burden on manufacturers and prevent the creation of a new trade barrier.

CTFA welcomes this opportunity to submit comments on the Commissions Staff Working Document on Units of Measurement, December 22, 2006 and will welcome any additional requests for information.

Sincerely yours,

A handwritten signature in black ink, reading "Azalea P. Rosholt". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Azalea P. Rosholt, Esq.
Senior Director
International Regulatory Affairs