



October 31, 2012

Ambassador Miriam Sapiro
Deputy U.S. Trade Representative
Office of the United States Trade Representative
600 17th Street NW
Washington, DC 20508
USA

Director General Jean-Luc Demarty
DG Trade
Policy Coordination Unit - Trade 01
European Commission
B-1049 Brussels, Belgium

RE: U.S.-EU High Level Working Group on Jobs and Growth

Dear Director General Demarty and Ambassador Sapiro:

Thank you for the opportunity to provide our input on how to promote greater transatlantic regulatory compatibility for the cosmetic sector. As the leading trade associations for the \$250 billion global cosmetics and personal care industry, the U.S. Personal Care Products Council and Cosmetics Europe represent the full supply chain of companies who produce and market personal care products. Our companies range from major international cosmetics manufacturers to small family-run businesses operating in niche markets.

International trade is a critical component to the success of our industry, and significantly contributes to our ability to expand manufacturing and employment, as well as to support local ancillary industries such as advertising, packaging, and transportation.

Our member companies continually strive to uphold and surpass the most stringent regulatory and product integrity standards worldwide, and are actively engaged in providing consumers with safe, innovative and high quality cosmetic and personal care products, the ingredients for which are globally sourced.

The economies of the United States and Europe are among the most integrated in the world. The personal care products industry benefits from the efficient movement of goods across our borders. We believe both countries would benefit from increased cooperation on cosmetic regulations.

In fact trade between the European Union and the United States is a strong part of our industry's success. In 2010, the U.S. exported more than \$2.1 billion worth of personal care products to the EU 27 and imported more than \$4.7 billion. It is a relationship that continues to grow and benefit both countries/regions.

The U.S. Personal Care Products Industry and Cosmetics Europe are strong supporters of the High Level Regulatory Working Group on Jobs and Growth. We seek to use this opportunity to expand the work we have been doing in the International Cooperation on Cosmetics Regulation (ICCR). We consider our industry's work, together with our regulators, in the ICCR, is essential to creating a multilateral framework that will pave the way for the removal of regulatory obstacles to international trade, while maintaining global consumer protection. We urge both the United States and the European Union to continue their valued work in the ICCR process and to make every effort to align their regulatory standards according to decisions taken in the ICCR process.

However, we also understand that there are limits to what we can achieve in the ICCR process. Therefore, our associations are very supportive of efforts now underway to eliminate unnecessary technical and regulatory requirements that disrupt exports and limit trade opportunities between the United States and Europe. Our top priorities for the cosmetics and personal care products industry include:

- Mutual recognition of Cosmetics and Cosmetic Ingredients.
 - The U.S. should recognize EU positive list materials (e.g. UV filters)
 - The Commission should enforce the rules for cosmetics, rather than allowing the individual member states to determine what is considered a cosmetic or a drug. Currently, different member states impose different requirements for the same borderline products.
- Test Methods
 - Acceptance of Alternatives to Animal Testing on Cosmetic Products. Animal testing is currently being phased out in various regulatory jurisdictions, such as the European Union. It is critical that this process becomes harmonized so that alternative validated test methods to animal testing be accepted in all jurisdictions. We urge the Commission and the US government to work together to assure that the EU animal test ban is implemented in a way that avoids trade barriers and allows for the continued marketing and trade of new and innovative cosmetics products in the European Union.
 - U.S. and European SPF test methods should be harmonized on the basis of the International Standards Organization (ISO) standards
 - Fully apply the principle of marketer's responsibility for safety: end the requirement for specific colorant batch testing in the United States
 - Promote the harmonization of purity specifications for cosmetics colorants between the US and the EU
- Good Manufacturing Practice.
 - ISO22716. Both countries should implement the ICCR decision to promote the use of Cosmetic Good Manufacturing Practice (GMP) guidelines i.e., ISO 22716.

- Labeling.
 - The U.S. and EU should mutually recognize the labeling of ingredients in cosmetics and sunscreens.
 - The U.S. should fully adopt INCI Nomenclature and end its requirement to use the term ‘water’ rather than ‘aqua.’ This requirement is a costly and very unnecessary exercise given the total lack of a health risk from using this ingredient.
 - The EU and U.S. should harmonize the criteria for net content labeling.

- Nanotechnology. As part of the ICCR mandate, members agreed to a common definition of nanotechnology as it pertains to cosmetic products. The U.S. and EU should adopt the definition that was agreed to during this forum.

- Other issues:
 - The EU should not require the imposition of warning statements that are unnecessary or redundant. For example, the EU imposes hair-dyes allergy warnings as well as warnings on ingredients that are already listed in the ingredients list. This is unnecessary and redundant.
 - Negative list. The EU’s Annex II should be restructured and/or reorganized to reflect ingredients that are relevant to cosmetic ingredients and products. Most of the substances included in Annex II are not used in finished cosmetic products, and historically were not likely to have been used in finished products. The inclusion of these ingredients in Annex II is thus clearly confusing, if not misleading, to cosmetics manufacturers, other regulatory authorities and the public.

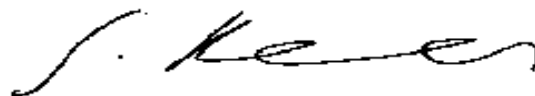
The cosmetics and personal care products industry is a truly global one, dependent on open markets and transparent, consistent regulatory environments around the world. Our companies actively engage in international efforts to align global regulatory standards for consumer products, to eliminate trade barriers, and to ensure a level playing field for member companies while at the same time reinforcing consumer confidence in product safety. The Personal Care Products Council and Cosmetics Europe believe regulatory harmonization promotes trade, enables innovation and protects consumers.

We appreciate the opportunity to provide these comments and would be pleased to provide any additional information or answer any questions raised by this submission.

Respectfully submitted,



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Dr. Gerald Renner
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