II

(Non-legislative acts)

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2021/1136

of 30 June 2021

on the request for registration of the European citizens' initiative entitled 'SAVE CRUELTY-FREE COSMETICS – COMMIT TO A EUROPE WITHOUT ANIMAL TESTING', pursuant to Regulation (EU) 2019/788 of the European Parliament and of the Council

(notified under document C(2021) 4950)

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative ([1]), and in particular Article 6(2) and (3) thereof,

Whereas:

(1) A request for registration of the European citizens' initiative entitled 'SAVE CRUELTY-FREE COSMETICS - COMMIT TO A EUROPE WITHOUT ANIMAL TESTING' was submitted to the Commission on 21 May 2021.

(2) The objectives of the initiative are expressed as follows: 'With the EU ban on cosmetics tests on animals came the promise of a Europe in which animals no longer suffer and die for the sake of cosmetics. That promise has been broken. Authorities still demand animal tests on ingredients used in cosmetics, which goes against the expectations and wishes of the public and the intention of legislators. Yet, never have we had such powerful non-animal tools for assuring safety or such a golden opportunity to revolutionise human and environmental protection. The European Commission must uphold and strengthen the ban and transition to animal-free safety assessment.'.

(3) The group of organisers calls on the Commission to take the following action: (1) 'Protect and strengthen the cosmetics animal testing ban. Initiate legislative change to achieve consumer, worker, and environmental protection for all cosmetics ingredients without testing on animals for any purpose at any time.'; (2) 'Transform EU chemicals regulation. Ensure human health and the environment are protected by managing chemicals without the addition of new animal testing requirements.'; (3) 'Modernise science in the EU. Commit to a legislative proposal plotting a roadmap to phase-out all animal testing in the EU before the end of the current legislative term.'.

([1]) OJ L 130, 17.5.2019, p. 55.

(4) An annex provides further details on the subject matter, objectives and background to the initiative. It is divided into three sections: 'The World-Leading EU Cosmetics Animal Testing and Marketing Bans', 'Transforming Chemicals Regulation' and 'Modernising Science in the EU'. The annex explains how, according to the organisers, Regulations (EC) No 1223/2009 ([2]) and (EC) No 1907/2006 ([3]) of the European Parliament and of the Council, and Directive 2010/63/EU of the European Parliament and of the Council ([4]) should be revised. The annex provides background information explaining, in particular, how the initiative would contribute to the Commission's political objectives set out in the 'Chemicals Strategy for Sustainability' ([5]) and 'the European Green Deal' ([6]). The annex also proposes that the Commission take supporting measures, such as ensuring the implementation of existing bans on animal testing or devising a testing strategy for cosmetics ingredients using only available non-animal assessment strategies. Such measures seem to complement the proposals for legal acts which the Commission is being invited to adopt and can thus be considered as merely ancillary.

(5) The group of organisers have also submitted additional information in the form of a policy document providing more detailed information on its three main calls for action.

(6) Insofar as the initiative seeks the adoption of measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States, which have as their object the establishment and functioning of the internal market, the Commission has the power to present a proposal for a legal act on the basis of Article 114 of the Treaty.

(7) For that reason, none of the parts of the initiative manifestly falls outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.

(8) This conclusion is without prejudice to the assessment of whether the concrete factual and substantive conditions required for the Commission to act, including compliance with the principle of proportionality and fundamental rights, would be met in this case.

(9) The group of organisers has provided appropriate evidence that it fulfils the requirements laid down in Article 5(1) and (2) of Regulation (EU) 2019/788 and has designated the contact persons in accordance with Article 5(3), first subparagraph, of that Regulation.

(10) The initiative is not manifestly abusive, frivolous or vexatious, nor is it manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union and rights enshrined in the Charter of Fundamental Rights of the European Union.

(11) The initiative entitled 'SAVE CRUELTY-FREE COSMETICS - COMMIT TO A EUROPE WITHOUT ANIMAL TESTING' should therefore be registered,

HAS ADOPTED THIS DECISION:

Article 1

The European citizens' initiative entitled 'SAVE CRUELTY-FREE COSMETICS - COMMIT TO A EUROPE WITHOUT ANIMAL TESTING' shall be registered.

([2]) Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).

([3]) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

([4]) Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (OJ L 276, 20.10.2010, p. 33).

([5]) Commission Communication of 14 October 2020 entitled 'Chemicals Strategy for Sustainability Towards a Toxic-Free Environment', COM(2020) 667 final;

([6]) Commission Communication of 11 December 2019 entitled 'The European Green Deal', COM(2019) 640 final;

Article 2

This Decision is addressed to the group of organisers of the European citizens' initiative entitled 'SAVE CRUELTY-FREE COSMETICS - COMMIT TO A EUROPE WITHOUT ANIMAL TESTING', represented by Ms Sabrina ENGEL and Mr Cezary WYSZYŃSKI acting as contact persons.

Done at Brussels, 30 June 2021.

For the Commission
Věra JOUROVÁ
Vice-President