EUROPEAN COMMISSION
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Notification Number : 2017/0013/F (France)

Decree relating to the conditions for making tanning equipment available to the public and amending Decree No 2013-1261 of 27 December 2013 on the sale and public availability of certain tanning devices which use ultraviolet radiation

Date received : 12/01/2017
End of Standstill : 18/04/2017

Message

Message 002

Communication from the Commission - TRIS/(2017) 00085
Directive (EU) 2015/1535
Translation of the message 001
Notification: 2017/0013/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késéseket - Ma’ jiftaħx il-perijodi ta’ dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201700085.EN)
1. MSG 002 IND 2017 0013 F EN 12-01-2017 F NOTIF

2. F

3A. Direction générale des entreprises – SQUALPI – Bât. Sieyès -Teledoc 151 – 61, Bd Vincent Auriol - 75703 PARIS Cedex 13
d9834.france@finances.gouv.fr
tél : 01 44 97 24 55

3B. Ministère des affaires sociales et de la santé
Direction générale de la santé.
Sous-direction de la prévention des risques liés à l’environnement et à l’alimentation (SD-EA)
Bureau environnement extérieur et produits chimiques (EA1)

14 avenue Duquesne
75350 Paris 07 SP
myriam.perouel@sante.gouv.fr
Tél. 01.40.56.64.81

4. 2017/0013/F - X00M

5. Decree relating to the conditions for making tanning equipment available to the public and amending Decree No 2013-1261 of 27 December 2013 on the sale and public availability of certain tanning devices which use ultraviolet radiation

6. Tanning devices and services using these devices

7. -

8. This draft decree, issued pursuant to Article 21 of Law No 2016-41 of 26 January 2016 on the modernisation of our health system [Loi de modernisation de notre système de santé – LMSS], amends the provisions of Decree No 2013-1261 of 27/12/2013, which was the subject of Notification No 2013/056/F to the European Commission under Directive 98/34/EC. In the interests of protecting and securing public health, this draft decree sets out a number of provisions relating to technical standards:
- in point II (amending Article 2 of Decree 2013-1261): extension of the prohibition on the sale to the public of devices emitting UV3 (reminder: the sale to the public of devices emitting UV1 has been prohibited since 1997);
- in point X (amending Article 12 of Decree 2013-1261): addition of written material accompanying the instructions for use of the devices, to remind professionals of the health risks associated with exposure to artificial ultraviolet radiation;
- in point XI (amending Article 13 of Decree 2013-1261): provision of consumer information both verbally and via written material, prior to providing the service (reminder: the warning message displayed at the public reception point and close to each device had already been provided for in 2013, as had the warning on advertising media);
- in point XV (amending Article of 17 of Decree 2013-1261): performance of a technical inspection of the devices after changing the UV emitters, to check the levels of radiation emitted.

9. Since 1997, France has pursued a strategy aimed at limiting the health risks associated with artificial ultraviolet radiation, by legislating on the practice of artificial tanning (decrees of 1997 and 2013). National experts warn that UV radiation cannot be considered safe, whatever the frequency of exposure or the dose received, from first use, and that — on the basis of current knowledge — the risk/benefit ratio of repeated exposure to the artificial UV radiation emitted by tanning devices can only be negative and against this radiation (French National Cancer Institute). In 2015, it was estimated that new cases of skin melanoma had risen over the previous five years to 14 325 per year (compared to 9 780 in 2011), resulting in 1 773 deaths (compared to 1 620 in 2011).
Moreover, at an international level, the International Agency for Research on Cancer classified artificial UV radiation as carcinogenic to humans in July 2009. In addition, the Scientific Committee on Health, Environmental and Emerging Risks, in its report of 17 November 2016, concluded that due to the carcinogenic effects of exposure to tanning devices and the nature of the skin cancers caused, there is no safe lower limit for exposure to the UV radiation from tanning devices. However, the public is still insufficiently informed concerning the risks associated with the practice of artificial tanning, and the perception of the supposed benefits of artificial UV radiation persists; less than 50 % of people questioned considered themselves well informed concerning the risks of cancer associated with exposure to this artificial radiation.

Regarding the above findings, it seemed necessary, appropriate and proportionate to tighten the regulations concerning artificial tanning and to develop consumer information regarding the inherent health risks of exposure to artificial UV radiation. This is the purpose of Article 21 LMSS and of this draft decree issued for its implementation.

10. Reference(s) to basic text(s): Article 21 of Law No 2016-41 of 26 January 2016 on the modernisation of our health system

11. No

12. -

13. No

14. No

15. -

16. TBT aspect

Yes

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

****
European Commission

Contact point Directive (EU) 2015/1535
Fax: +32 229 98043
email: grow-dir83-189-central@ec.europa.eu