



10 February 2017

(17-0832)

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Committee on Technical Barriers to Trade

Original: French

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1. Notifying Member: <u>FRANCE</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2. Agency responsible: Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: <i>Sous-direction de la prévention des risques liés à l'environnement et à l'alimentation, SD-EA (Sub-Directorate for the Prevention of Environmental and Food-related Risks)</i> <i>Bureau environnement extérieur et produits chimiques (Office of the External Environment and Chemical Products) (EA1)</i> 14 avenue Duquesne 75350 Paris 07 SP Tel: 01.40.56.71.86 delphine.caamano@sante.gouv.fr
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition where applicable): Tanning devices (tanning booths/sunbeds)
5. Title, number of pages and language(s) of the notified document: <i>Projet de décret relatif aux conditions de mise à disposition des appareils de bronzage au public et modifiant le décret n° 2013-1261 du 27 décembre 2013 relatif à la vente et à la mise à disposition du public de certains appareils utilisant des rayonnements ultraviolets</i> (Draft Decree on the public use of tanning devices, which amends Decree No. 2013-1261 of 27 December 2013 on the sale and public use of certain tanning devices using artificial ultraviolet radiation) (8 pages, in French)
6. Description of content: The notified draft Decree, pursuant to Article 21 of Law 2016-41 of 26 January 2016 on the modernization of the health system, amends the provisions of Decree No. 2013-1261 of 27 December 2013, which was also the subject of a TBT notification on 7 March 2013. With a view to ensuring the protection and safety of the public, this draft Decree sets out several provisions on technical standards: <ul style="list-style-type: none">• Section II (which amends Article 2 of Decree No. 2013-1261) prohibits the sale of UV3 devices to the public (the sale of UV1 devices has been prohibited since 1997);• Section X (which amends Article 12 of Decree No. 2013-1261) establishes that a written document must be included with the instruction manual for devices in order to remind professionals of the health risks associated with exposure to artificial ultraviolet radiation;• Section XI (amending Article 13 of Decree 2013-1261) establishes that oral and written information must be provided prior to use of devices (since 2013, warning messages have been compulsory in public reception areas, next to each device, and on advertisement material);

	<ul style="list-style-type: none"> Section XV (amending Article 17 of Decree No. 2013-1261) establishes that technical inspections must be carried out when UV emitters are changed, to check the levels of radiation emitted.
7.	<p>Objective and rationale, including the nature of urgent problems where applicable: Since 1997, France has pursued a strategy to reduce the health risks linked to ultraviolet radiation, by regulating artificial tanning practices (Decrees of 1997 and 2013). Studies conducted in the country have shown that UV radiation may be dangerous, regardless of the frequency, exposure or dose received, and as from the first use. According to current knowledge, repeated exposure to artificial UV radiation through the use of tanning devices has more disadvantages than benefits (National Cancer Institute). In 2015, it was estimated that there were 14,325 new cases of cutaneous melanoma (compared with 9780 in 2011) which led to 1773 deaths (compared with 1620 in 2011). These cases have increased over the past five years (see relevant documents).</p> <p>At international level, the International Agency for Research on Cancer (IARC) determined that UV radiation was carcinogenic to humans in July 2009. Moreover, in its report of 17 November 2016 (see relevant documents) the Scientific Committee on Health, Environmental And Emerging Risks (SCHEER) concluded that there is no safe limit for exposure to UV radiation from sunbeds, given the carcinogenic effect of exposure to tanning devices and the nature of the skin cancers induced.</p> <p>However, the public is still insufficiently informed of the risks related to the practice of artificial tanning and many individuals continue to believe that it is beneficial. Less than 50% of individuals interviewed believed that they were well-informed of the cancer risks linked to exposure to artificial rays (see relevant documents).</p> <p>In light of the aforementioned findings, it appears necessary, appropriate and proportionate to strengthen the regulations on artificial tanning and develop consumer information on the health hazards associated with exposure to artificial UV radiation. This is the objective of the notified draft Decree.</p>
8.	<p>Relevant documents:</p> <ul style="list-style-type: none"> <i>Article 21 de la loi n°2016-41 du 26 janvier 2016 de modernisation de notre système de santé</i> (Article 21 of Law No. 2016-41 of 26 January 2016 on the modernization of the health system) Final opinion on biological effects of ultraviolet radiation relevant to health with particular reference to sunbeds for cosmetic purposes, SCHEER https://ec.europa.eu/health/sites/health/files/scientific_committees/scheer/docs/scheer_o_003.pdf "<i>Les cancers en France - Edition 2015</i>" ("Cancer in France - Edition 2015"), National Cancer Institute, April 2016 <i>L'exposition aux ultraviolets artificiels en France, Bulletin épidémiologique hebdomadaire, Institut de veille sanitaire</i> (Exposure to Artificial Ultraviolet Radiation, Weekly Epidemiological Bulletin, French Institute for Public Health Surveillance), May 2012
9.	<p>Proposed date of adoption: May 2017</p> <p>Proposed date of entry into force: 1 July 2017</p>
10.	<p>Final date for comments: 60 days from the date of notification.</p>
11.	<p>Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>CINORTECH AFNOR 11 avenue Francis de Pressensé 93571 Saint-Denis-la Plaine Cedex https://members.wto.org/crnattachments/2017/TBT/FRA/17_0794_00_f.pdf</p>