



Notification Number: 2004/169/E

DRAFT DECREE REGULATING THE PRACTICES OF TATTOOING, MICROPIGMENTATION AND PIERCING AND OTHER SIMILAR BODY DECORATION PRACTICES AND THE REQUIREMENTS FOR ESTABLISHMENTS IN WHICH THESE PRACTICES ARE CARRIED OUT.

Date received : 12/05/2004

End of Standstill : 07/06/2004

Invocation of the Emergency Procedure : Yes

Message

Message 002

Communication from the Commission - SG(2004) D/50929

Directive 98/34/EC

Translation of the message 001

Notification: 2004/0169/E

Fristerne indledes ikke - Kein Fristbeginn - Καμμία έναρξη προθεσμίας - Does not open the delays - No abre el plazo - N'ouvre pas de délais - Non fa decorrere la mora - Geen termijnbegin - Nao inicia o prazo - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200400929.EN)

1. Structured Information Line

MSG 002 IND 2004 0169 E EN 12-05-2004 E NOTIF

2. Member State

Spain

3. Department Responsible

SUBDIRECCIÓN GENERAL DE ASUNTOS INDUSTRIALES, ENERGÉTICOS, DE TRANSPORTES, COMUNICACIONES Y MEDIO AMBIENTE.

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4. Notification Number

2004/0169/E - C20P

5. Title

DRAFT DECREE REGULATING THE PRACTICES OF TATTOOING, MICROPIGMENTATION AND PIERCING AND OTHER SIMILAR BODY DECORATION PRACTICES AND THE REQUIREMENTS FOR ESTABLISHMENTS IN WHICH THESE PRACTICES ARE CARRIED OUT.

6. Products Concerned

THE PRESENT DECREE SHALL APPLY TO THOSE ESTABLISHMENTS, LOCATED IN THE COMMUNITY OF MADRID, WHICH EXCLUSIVELY OR TOGETHER WITH OTHER ACTIVITIES CARRY OUT THE FOLLOWING PRACTICES:

A) TATTOOING, MICROPIGMENTATION AND ANY OTHER SIMILAR BODY DECORATION PRACTICE WHICH INVOLVES THE INTRODUCTION OF COLOURED PIGMENTS PASSING THROUGH THE SKIN OR MUCOUS MEMBRANES.

B) PIERCING OF THE SKIN, MUCOUS MEMBRANES OR OTHER TISSUES OF THE HUMAN BODY.

7. Notification Under Another Act

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8. Main Content

THIS DRAFT DECREE INTENDS TO REGULATE THE ESTABLISHMENTS IN WHICH THE PRACTICES OF TATTOOING, MICROPIGMENTATION AND PIERCING AND OTHER SIMILAR BODY DECORATION PRACTICES ARE CARRIED OUT IN THE COMMUNITY OF MADRID. THIS REGULATION SHALL BE CARRIED OUT BY MEANS OF:

A) THE CREATION OF A REGISTER OF ESTABLISHMENTS FOR TATTOOING, MICROPIGMENTATION, PIERCING AND OTHER SIMILAR BODY DECORATION PRACTICES, IN WHICH ALL COMPANIES, INDIVIDUAL BUSINESSMEN OR WOMEN OR LEGAL PERSONS CARRYING OUT THESE PRACTICES SHALL REGISTER

B) THE MONITORING OF THE OPERATING REQUIREMENTS APPLICABLE TO ESTABLISHMENTS WHERE THESE PRACTICES ARE CARRIED OUT AND ALSO THE HEALTH AND HYGIENE MEASURES WHICH MUST BE OBSERVED BY PROFESSIONALS PERFORMING THESE PRACTICES.

D) THE INSPECTION OF PERSONNEL CARRYING OUT THESE PRACTICES, WHO MUST HAVE A SUFFICIENT AND APPROPRIATE LEVEL OF KNOWLEDGE AND APTITUDE TO BE ABLE TO CARRY OUT THIS FUNCTION, HAVING TO COMPLETE AN AUTHORISED TRAINING COURSE, INDICATING THE PROCEDURE FOR WHICH THIS AUTHORISATION HAS BEEN OBTAINED.

E) ESTABLISHING THE PENALTY SYSTEM AND THE COMPETENCES OF THE VARIOUS PUBLIC



BODIES INVOLVED, INCLUDING, IN ADDITIONAL PROVISIONS, THE DEADLINES FOR ADAPTATION TO THIS.

9. Brief Statement of Grounds

BODY DECORATION USING TECHNIQUES INVOLVING THE RUPTURE OR PIERCING OF THE SKIN AND/OR MUCOUS MEMBRANES, SUCH AS THE PRACTICES OF TATTOOING, MICROPIGMENTATION AND PIERCING AND OTHER SIMILAR PRACTICES, HAS EXPERIENCED A MAJOR BOOM IN RECENT YEARS. THERE HAS BEEN A PROLIFERATION OF ESTABLISHMENTS WITH VERY DIVERSE CHARACTERISTICS IN WHICH THESE ACTIVITIES ARE CARRIED OUT. THESE PRACTICES INVOLVE A POTENTIAL RISK BOTH TO THE HEALTH OF STAFF CARRYING OUT THESE TECHNIQUES AND ALSO TO USERS OF THESE SERVICES, PARTICULARLY IF THESE ARE NOT PERFORMED BY TRAINED STAFF WITH AND UNDER APPROPRIATE AND HYGIENIC RESOURCES AND CONDITIONS.

10. Reference Documents - Basic Texts

NO LEGISLATION WITH NATIONAL SCOPE APPLICABLE

11. Invocation of the Emergency Procedure

YES: THE URGENCY PROCEDURE IS INVOKED.

12. Grounds for the Emergency

A MONITORING PROCEDURE FOR ESTABLISHMENTS WHERE THESE PRACTICES ARE CARRIED OUT AS WELL AS CHECKS THAT THIS IS TAKING PLACE ARE LAID DOWN AS AN URGENT PROCEDURE, GIVEN THAT THERE HAS BEEN A PROLIFERATION OF SUCH ESTABLISHMENTS IN OUR TERRITORY IN RECENT YEARS AND THE POTENTIAL RISK THIS POSES TO PUBLIC HEALTH IF SUCH PRACTICES ARE NOT CARRIED OUT IN AN APPROPRIATE FASHION.

13. Confidentiality

WE DO NOT ASK THAT THE INFORMATION PROVIDED PURSUANT TO ARTICLE 8 BE TREATED AS CONFIDENTIAL, IN ACCORDANCE WITH ARTICLE 8(4).

14. Fiscal measures

NO

15. Impact assessment

NO

16. TBT and SPS aspects

TBT Aspects

NO

SPS Aspects

NO



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