



Notification Number: 2006/435/F

## **Draft decree laying down the health and safety conditions to be complied with when “tattooing by piercing the skin” and when piercing, amending the Public Health Code (regulatory provisions)**

Date received : 14/08/2006  
End of Standstill : 15/11/2006 ( 15/02/2007)  
Issue of detailed opinion by : Commission

### Message

Message 002

Communication from the Commission - SG(2006) D/51965  
Directive 98/34/EC  
Translation of the message 001  
Notification: 2006/0435/F

No abre el plazo - Nezhajuje 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 késések - Ma' jiftaħ il-perijodi ta' dawmien  
- Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud -  
Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200601965.EN)

#### **1. Structured Information Line**

MSG 002 IND 2006 0435 F EN 14-08-2006 F NOTIF

#### **2. Member State**

France

#### **3. Department Responsible**

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#### **3. Originating Department**



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#### **4. Notification Number**

2006/0435/ F - S00S

#### **5. Title**

Draft decree laying down the health and safety conditions to be complied with when “tattooing by piercing the skin” and when piercing, amending the Public Health Code (regulatory provisions)

#### **6. Products Concerned**

Practices of tattooing by piercing the skin and of piercing including the quality of products and materials used during these practices.

#### **7. Notification Under Another Act**

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#### **8. Main Content**

Article 1 of the draft decree inserts into the Public Health Code a new chapter on tattooing by piercing the skin and on piercing, consisting of four sections.

(The first section, which is dedicated to tattooing by piercing the skin and to body piercing, defines the scope of these measures, and imposes the obligation to declare tattooing and piercing activities to the prefecture and to respect the hygiene rules defined by order. It also makes it compulsory for persons practising these acts to comply with the legislation on waste from care activities that present the risk of infection, to receive training on these hygiene rules by a body authorised by the Minister responsible for Health and to supply information on the risks to which persons submitting to these practices are exposing themselves, and on the contraindications and precautions to be complied with.

Section 2 specifically regulates the practice of piercing the ear pinna and the sidewall of the nose, when this is done using an ear-piercing gun. It draws up a list of persons authorised to use the ear-piercing gun technique, requires them to comply with hygiene rules specific to this technique and defined by order, and lays down the obligation to supply information on the risks to which persons submitting to this technique are exposing themselves, and on the contraindications and precautions to be complied with.

Section 3 lays down the common provisions that make it compulsory to use only those tattooing products and piercing rods that comply with the safety regulations defined by the Public Health Code and European law and that prohibit the practice of these techniques on a minor without the consent of a parent or guardian of the minor.

Section 4 lays down the criminal penalty rules in the event of non-compliance with this legislation.

Article 2 of the draft decree lays down the application dates of the various regulatory measures laid down in Article 1.

#### **9. Brief Statement of Grounds**

At present, tattooing and piercing are not subject to any legislation and are practised by persons who do not



come under any occupational status (craftsmen, traders, artists etc.), the rules of which would apply to them. These practices may undermine health safety by presenting infection, toxicological and even allergy risks. In August 2004, following an alert by the RAPEX network, the services of the DGCCRF and of the AFSSAPS took and analysed samples of the ink exposed by this alert. The analyses tested positive for the fungus indicated (*Acremonium fungii*), for two bacteria of the *Pseudomonas* genus (*aeruginosa* and *putida*) and for one bacterium of the *Aeromonas* genus. Following this incident, the same authorities carried out a study among the distributors and importers of tattooing products in 12 French departments. Of 66 samples of various colours taken from 20 product brands, 7 products taken from 4 different brands were found not to conform and to be dangerous: contamination by *Streptococcus equinus*, mould, *Bacillus* and *Moraxella*. The aim of the proposed legislation is to guarantee that conforming and non-dangerous products and materials are used and to lay down hygiene measures guaranteeing that consumers are not contaminated during the delivery of the service.

#### 10. Reference Documents - Basic Texts

Commission Directive 2004/96/EC of 27 September 2004 amending Council Directive 76/769/EEC, Articles L. 1311-1, L. 513-10-1 to L. 510-13-4, R. 1311-11, R. 1335-1 to R. 1335-8 and R. 1335-13 to R. 1335-14 of the Public Health Code.

#### 11. Invocation of the Emergency Procedure

YES

#### 12. Grounds for the Emergency

The aforementioned studies demonstrate that there is a significant and widespread public health problem as regards the use of products necessary for the practices set out in the legislation. The rapid development of trading via the Internet, which is the main source of imports of these products, requires rules to be laid down at user level with regard to the quality of the products used and to the hygiene rules to be complied with during these practices.

#### 13. Confidentiality

NO

#### 14. Fiscal measures

b) NO

#### 15. Impact assessment

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#### 16. TBT and SPS aspects

TBT aspect (Agreement on Technical Barriers to Trade)

a) NO

b) iii) The draft will not have any notable impact on international trade.

SPS Aspect (Agreement on Sanitary and Phytosanitary Measures)

a) NO

b) i) The draft is not a sanitary or phytosanitary measure within the meaning of Annex A to the SPS Agreement.



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