



Notification Number: 2013/56/F

Decree amending decree no 97-617 of 30 May 1997 on the sale and public availability of certain tanning devices that use artificial ultraviolet radiation.

Date received : 29/01/2013

End of Standstill : 30/04/2013

Message

Message 002

Communication from the Commission - SG(2013) D/5318

Directive 98/34/EC

Translation of the message 001

Notification: 2013/0056/F

No abre el plazo - Nezaahajuje 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 - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201300318.EN)

1. Structured Information Line

MSG 002 IND 2013 0056 F EN 29-01-2013 F NOTIF

2. Member State

F

3. Department Responsible

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Ministère des Affaires sociales et de la santé

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4. Notification Number

2013/0056/F - X00M

5. Title

Decree amending decree no 97-617 of 30 May 1997 on the sale and public availability of certain tanning devices that use artificial ultraviolet radiation.

6. Products Concerned

Tanning devices and services using such devices.

7. Notification Under Another Act

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8. Main Content

The purpose of this proposed decree is to strengthen the provisions of decree no 97-617 of 30 May 1997 on the sale and public availability of certain tanning devices that use ultraviolet (UV) radiation. The decree sets out conditions for the sale of these devices and for making them available to the public (technical properties of tanning booths, information for the public, operator training and checks on facilities). This proposal is intended firstly to provide a better framework for the operation of these devices by booth tanning professionals, by reforming the training system and establishing an accreditation system for tanning device inspection bodies. Secondly, it aims to provide tanning booth users with up-to-date, comprehensive information on the health risks, in particular carcinogenic risks, linked to the use of artificial UV radiation. This proposed regulation lays down several provisions relating to technical standards, with a view to protecting the public and ensuring their health and safety:

- Article 9: marking the surface of UV emitters (UV tubes) with a code set out under EN 60335-2-27, a standard which meets the recommendations of the EU Scientific Committee (SCCP) and the mandate entrusted by the European Commission to CENELEC (M397EN, 2006);
- Articles 10 and 11: the content of the health risk warnings relating to artificial tanning, as displayed on tanning devices and advertising materials, is updated, these warnings having been mandatory since 1997;
- Article 12: the principle of notification when a tanning device is transferred and when it is destroyed, in order to ensure traceability of these devices throughout their life cycle, notification of the purchase of a device having already been mandatory since 1997;
- Article 13: the introduction of an initial inspection of tanning devices before first use.

9. Brief Statement of Grounds

The International Agency for Research on Cancer (IARC) classed artificial UV as carcinogenic to humans in July 2009, after having calculated that the risk of developing a skin melanoma increases by 75% for individuals of less than 30 years old having used a tanning booth at least once. In France, the French Institute for Public Health Surveillance (InVS) estimated the number of new skin melanoma cases per year to be 9,780, resulting in 1,620 deaths in 2011, an increase on the previous five years. The French National Cancer Institute (INCa), in



its report on the risks linked to artificial UV radiation published in April 2010, indicates that this radiation cannot be considered danger free, regardless of the frequency of exposure or dose received and that the risk is present from the first use (non-threshold carcinogenic). INCa also warns that, at the current level of scientific knowledge on these products, the benefit/risk ratio of repeated exposure to artificial UV radiation in tanning booths can only be negative and not in favour of this radiation. Moreover, market research conducted on UV booths in January 2011 estimates that there are around 40,000 tanning booths currently in operation in France. The annual audits performed by the Ministry of Health, combined with the annual studies carried out by the Ministry for Competition Policy, Consumer Affairs and Fraud Control confirm a decline in quality among tanning centres since 2006 (faulty monitoring, rise in non-conformities, especially failure to notify the relevant departmental prefect of the presence of tanning booths, failure of UV tubes to comply with UV classifications and lack of qualified supervising personnel).

Taking all these elements into account, it seems that the regulations on tanning devices and inspections thereof must be reinforced, for public protection, health and safety, especially that of minors as well as those working in the sector, to warn of the risks linked to artificial UV tanning.

10. Reference Documents - Basic Texts

Reference texts: Decree no 97-617 of 30 May 1997 on the sale and public availability of certain tanning devices that use artificial ultraviolet radiation.

The reference texts must be sent in the context of the previous notification: 1996/345/F

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects

TBT aspect

Yes

SPS aspect

No – the draft is not a sanitary or phytosanitary measure.



EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers

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