

**Til:** jegru@mst.dk (Jesper Gruvmark)  
**Fra:** Jesper Gruvmark (jegru@mst.dk)  
**Titel:** Bilag 3 Kommissionens svar vedrørende Swedish regulation on tattoo inks  
**Sendt:** 21-06-2017 14:27:06

**Fra:** [Iain.FORSYTH@ec.europa.eu](mailto:Iain.FORSYTH@ec.europa.eu) [<mailto:Iain.FORSYTH@ec.europa.eu>]  
**Sendt:** 15. juni 2017 11:01  
**Til:** Jesper Gruvmark  
**Cc:** [GROW-D1@ec.europa.eu](mailto:GROW-D1@ec.europa.eu); [Ana-Maria.Blass-Rico@ec.europa.eu](mailto:Ana-Maria.Blass-Rico@ec.europa.eu)  
**Emne:** FW: Swedish regulation on tattoo inks

Dear Jesper,

Thank you for your message. In the light of your remarks about Swedish notification 2012/432, I have checked all notifications received by the Commission on tattoo inks under Directive 98/34 (now 2015/1535) since the entry into force of Title VIII (Restrictions) of REACH on 1 June 2009.

There have been 6 such notifications. I set out below their reference numbers and the action taken by the Commission.

2011/604/SE - Comments

2012/164/FR – Comments

2012/432/SE – No action

2013/375/DK – Detailed Opinion and Comments

2013/579/AT – Detailed Opinion

2014/348/LV – Detailed Opinion and Comments

*[2011/34/MT related to hygiene standards and training of personnel in tattoo parlours but did not cover the inks]*

I have tried to establish why no action was taken in relation to notification 2012/432/SE but I am afraid I cannot give you a firm explanation. My theory is that the notification was not referred to the Commission's REACH unit for analysis. I base this assumption on the fact that there was clearly some mix-up concerning this notification in the TRIS database. I note that the CZ Republic submitted comments on notification 2012/432 but these did not actually relate to the subject matter of the notification (tattoo inks) but to food contact materials. Perhaps the REACH unit of the Commission did not receive the correct text either. In any event I have spoken to the lawyer responsible for dealing with TRIS notifications in the REACH unit in 2012 and he has no recollection of notification 2012/432/S and no trace of it in his files. He said that he would certainly have reacted to it in the standard manner, had it been communicated to the unit.

I hope all of this demonstrates to you that, since the entry into force of Title VIII of REACH, there has indeed been a consistent practice in the Commission of sending either comments or (more commonly recently) detailed opinions in relation to notifications regarding national measures that restrict substances used in tattoo inks, as stated in my message of 4 January 2017.

Best regards,

Iain

**Iain Forsyth**  
Legal Officer



**European Commission**  
DG for Internal Market, Industry, Entrepreneurship and SMEs  
Unit D.1. REACH

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**From:** GROW D1  
**Sent:** Wednesday, June 14, 2017 3:14 PM  
**To:** FORSYTH Iain (GROW); BLASS RICO Ana Maria (GROW)  
**Subject:** FW: Swedish regulation on tattoo inks

Dear Both,

I believe this mail is for you.

Kind regards,  
*Simona*

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**From:** Jesper Gruvmark [<mailto:jegru@mst.dk>]  
**Sent:** Wednesday, June 14, 2017 3:06 PM  
**To:** GROW D1  
**Subject:** Swedish regulation on tattoo inks

Dear Iain,

You had an e-mail correspondence with my colleague on notifications from member states on tattoo inks in January. Since January the political focus on tattoo inks has not diminished in Denmark, on the contrary there currently is a discussion in the Danish Parliament regarding the possibility of introducing national legislation on this matter. In January we referred to the information you nicely provided to us (Irina) in our Minister's answer to an inquiry from the Parliament.

Meanwhile we have recently provided information from our Swedish colleagues, indicating that their legislation (LFVS 2012:25) was notified with number 2012/432/S according to the Directive 94/34/EC in July 2012 with no subsequent comments from the Commission. This is not consistent with the information we have provided to the Parliament based on the information provided to Irina and we would therefore appreciate if you would please explain what the reason for this might be.

Best regards,

Jesper Gruvmark

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**Ministry of Environment and Food**

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**Fra:** [Iain.FORSYTH@ec.europa.eu](mailto:Iain.FORSYTH@ec.europa.eu) [<mailto:Iain.FORSYTH@ec.europa.eu>]  
**Sendt:** 4. januar 2017 14:43  
**Til:** Irina Buharu  
**Cc:** Finn Pedersen; [Klaus.Berend@ec.europa.eu](mailto:Klaus.Berend@ec.europa.eu); [GROW-D1@ec.europa.eu](mailto:GROW-D1@ec.europa.eu)  
**Emne:** RE: Enquiry re. national tattoo legislation

Dear Irina,

I can inform you that the Commission has neither initiated infringement proceedings against, nor entered into EU Pilot correspondence with, any Member State that has adopted national legislation in relation to the chemical composition of inks used for tattooing.

On the other hand, the Commission has consistently made clear, through comments and detailed opinions sent to various Member States since 2011 in the context of notifications of draft national technical regulations under Directive 98/34/EC (now Directive (EU) 2015/1535), that since the application of Title VIII of the REACH Regulation on 1 June 2009 the appropriate action for Member States to take is to launch a restriction procedure under REACH.

As you probably know, the Commission has asked ECHA to assess the risk of chemicals in tattoo inks and permanent make-up, the relevant socio-economic impacts and the need for European Union-wide action

beyond any national measures already in place by preparing an Annex XV dossier for restriction. An entry was published in the Register of Intentions last August and the expected date of submission of a proposal is 14 July this year.

I hope this information is sufficient for your purposes.

Kind regards,

**Iain Forsyth**  
Legal Officer



**European Commission**

DG for Internal Market, Industry, Entrepreneurship and SMEs  
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**From:** Irina Buharu [<mailto:irbuh@mst.dk>]  
**Sent:** Wednesday, January 04, 2017 11:08 AM  
**To:** GROW D1; BEREND Klaus (GROW); BORRAS HERRERO Anna (GROW)  
**Cc:** Finn Pedersen  
**Subject:** Enquiry re. national tattoo legislation

Dear Commission colleagues

Our minister has received an enquiry from the Danish Parliament who wishes to know whether the Commission initiated article 258 of the TFEU on the infringement procedure - or if the Commission has sent a query, in accordance with the EU pilot scheme - with regards to those EU member states that have national tattoo legislation in place.

The question is based on the published JRC report on the safety of tattoo and permanent make-up, where it is stated that seven member states have a specific national tattoo legislation in place based either on CoE ResAP(2003)2 (Belgium, France, Germany and the Netherlands) or on CoE ResAP(2008)1 (Spain, Slovenia, and Sweden).

We hope it would be possible for you to assist with an answer to the enquiry. The deadline is unfortunately rather short so if you would be able to provide an answer by January 10<sup>th</sup>, it would be highly appreciated.

Thank you very much in advance!

Best regards,

**Irina Buharu**  
Head of Section I Chemical Division  
Direct +45 72 54 42 69 | [irbuh@mst.dk](mailto:irbuh@mst.dk)

**Ministry of Environment and Food**

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