

European resolution on safeguarding the lavender-based essential oils industry, threatened by the revision of the European regulations known as “REACH” (Regulation 1907/2006 of the European Parliament and of the Council of 18 December 2006) and “CLP” (Regulation 1272/2008 of the European Parliament and of the Council of 16 December 2008) on chemicals

The Senate,

Having regard to Article 88-4 of the French Constitution,

Having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 38 and 39 thereof,

Having regard to Regulation (EC) 1907/2006 of 18 December 2006 known as REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals), which aims to identify, evaluate, and control chemical substances that are manufactured, imported and placed on the European market,

Having regard to Regulation (EC) 1272/2008 of 16 December 2008 known as CLP (Classification, Labelling and Packaging) on the classification, labelling and packaging of substances and mixtures,

Having regard to the publication by the European Commission on 14 October 2020 of the New Chemicals Strategy Towards a Toxic-Free Environment, as part of the Green Deal framework,

Having regard to the publication by the European Commission on 5 May 2021 of the two Inception Impact Assessments on the forthcoming revisions of the REACH and CLP Regulations,

Having regard also to Senate information report No. 727 (2017-2018) by Corinne Imbert and Joël Labbé, on behalf of the Senate Information Mission on the development of herbal medicine, “Medicinal plants and herbal medicine: at the crossroads of ancestral knowledge and future challenges”, published on 25 September 2018,

Whereas the essential oils industry is important for our territories and is also fragile,

Whereas the REACH and CLP Regulations have been shown to be unsuitable for natural perfume, medicinal and aromatic plants since their respective implementation, especially as the exceptions provided for have little practical benefit for lavender-based essential oils,

Whereas there is a real risk that the sector will become collateral damage as a result of the current revision of these two regulations, since essential oils are still fundamentally small-scale agricultural products,

Whereas it is therefore essential to remain vigilant to preserve a unique ecosystem and an economic fabric that is vital for certain areas in the South of France, in particular the Baronnies and Haute Provence,

Whereas the revision of the two above-mentioned regulations could be completed even before the end of 2022, leaving very little time to prevent future enforcement difficulties,

Whereas French professionals would not be able to carry out new tests on all the chemical constituents of essential oils and that, given the possible carcinogenic, mutagenic and reprotoxic (CMR) properties and the category of endocrine disruptors, the classification of essential oils must continue to be based on data relating to the substance as a whole,

Whereas the subject of promoting herbal medicines deserves continued close attention from the French public authorities,

Regrets that even if essential oils were to be considered as agricultural products by the European Commission at a later stage, they would not be exempt from the regulations on chemicals applicable at the European level;

Notes the contradictory nature of the European Union's policy in this area, which, while providing financial support for territorial development projects for perfume, aromatic and medicinal plants, also applies largely unsuitable and unfavourable regulations to them;

Considers it vital, therefore, to obtain solid assurances from both the European and French authorities, in the context of the

ongoing revisions of the REACH and CLP Regulations, with regard to the sustainability of the French essential oils industry;

Is concerned, with regard to the revision of the REACH regulation, about the expected strengthening of regulatory requirements, with the resulting new requirements in terms of tests and scientific studies, leading to predictable additional financial costs;

Considers it technically, scientifically and economically impossible to ask for a detailed analysis, molecule by molecule, of around one hundred essential oil components based on natural perfume, medicinal and aromatic plants, especially as the industry mainly consists of small-scale producers;

Requests an overall evaluation of lavender essential oil, using the available data as much as possible, thereby sparing essential oil producers the need to carry out tests on all constituents;

Calls for the status quo to be maintained with regard to the rules on taking into account the dilution effect in tests, so as not to overestimate the risks involved;

Requests that the two existing categories, corresponding respectively to production of one to 10 tonnes and 10 to 100 tonnes in annual volume for the implementation of the REACH Regulation, be maintained, or at least that these two categories be partially merged, to keep the increase in requirements applicable to small-scale producers to a minimum;

Considers it necessary, if the follow-up to the current negotiations is to be understood, to clarify the technical issues relating to the classification, firstly, of complex substances (known as MOCS), secondly, of carcinogenic substances (known as CMRs), and thirdly, of skin sensitisers;

Emphasises that, in the context of the revision of the CLP Regulation, the main issue is to take into account the problem of endocrine disruptors, which could damage the reputation of lavender products among consumers;

Calls therefore for greater clarity in the definition of the concept of endocrine disruptor, to avoid the risk of dissuasive symbols being affixed to products on sale, a reputational or even

legal risk leading manufacturers to favour synthetic substances involving petroleum in the future, to the detriment of lavender-based essential oils;

Warns, based on the scientific work available, against the risk of harmful confusion among consumers between the concept of substances causing endocrine activity, which is based on physiological phenomena, and the more restricted concept of endocrine disruptor, which is not always understood by lawyers as necessarily based on a deleterious effect on human health;

Expresses considerable reservations about the concept of suspected endocrine disruptor, which is still very vague at the current stage of negotiations and potentially very broad;

Emphasises that lavender and lavandin products have been used for more than 2,000 years and cannot reasonably be subject to a drastic application of the precautionary principle;

Emphasises that so far no data and no scientific studies have shown any danger to human health from lavender-based essential oils, in particular in terms of their potential as endocrine disruptors;

Points out that if lavender-based essential oils become the first to be affected by the revisions of the REACH and CLP Regulations, the same will be true for other aromatic plants such as rosemary, thyme and pine;

Calls for an increase in financial support for the producers from the French public authorities that is strictly proportionate to the increased demands that will be placed on the industry, especially as the survival of a community of small craft enterprises is at stake;

Rejects the view that the European Commission should be able to regulate the highly sensitive issue of lavender-based essential oils in the near future exclusively through the use of implementing acts or delegated acts, on the grounds that the scope of such acts is not limited and that it is impossible for national parliaments to check whether the measures taken by the Commission are proportionate, since only acts of a legislative nature are forwarded to them;

Requests that the French authorities, with regard to the part of the negotiations on the revisions of the REACH and CLP Regulations relating to essential oils, make a fair assessment of the level of constraints that can be tolerated by professionals in the industry;

Calls on the Government to put forward this position in the negotiations in the Council.