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| **#**  **March, 2017** **Mr. John Chave** |  |

Cosmetics Europe - The Personal Care Association
Avenue Herrmann Debroux 40
B-1160 Auderghem
Brussels
Belgium

***Subject:*** *Issue regarding Draft Laws “On Usage of State Ukrainian Language in Products Labelling (including Cosmetic Ingredients).*

**Dear Mr. Chave,**

On behalf of the Board of Directors of the American Chamber of Commerce in Ukraine (hereinafter – Chamber) and on my own behalf, I would like to express our deep respect and take this opportunity to address you with the following.

Recently Members of Ukrainian Parliament have developed three draft laws related to usage of official state language in all public spheres, including labeling of products:

1. Draft Law “On State Language” was officially published on the web site of Ukrainian Parliament on January 19, 2017 (hereinafter - Draft Law #5670);
2. Draft Law “On Usage of Ukrainian as State Language and Order of Usage of Other Languages in Ukraine” was officially published on the web site of Ukrainian Parliament on January 19, 2017 (hereinafter - Draft Law #5669);
3. Draft Law “On Languages in Ukraine” was officially published on the web site of Ukrainian Parliament on December 19, 2016 (hereinafter - Draft Law #5556)

Although the wording in the mentioned drafts is variable, all of them contain the basic requirement to use only Ukrainian language in product labeling regardless of product specifics, namely:

* Draft Law #5669: “language for labeling products, manufactured in Ukraine is Ukrainian. Imported products should contain information about product name and its composition in Ukrainian”;
* Draft Law #5670: “marking, usage instructions about products, distributed on the territory of Ukraine are executed in state language (Ukrainian);
* Draft Law #5556: “imported products should contain information about its name, composition and usage in Ukrainian”.

The Chamber generally supports the intentions of the MPs to promote Ukrainian language usage in public areas; however, the mandatory requirement to use only Ukrainian in product labeling may create serious implications for business operators and consumers in respect of ensuring product safety.

Chamber Member companies are deeply concerned on the proposed provisions in labeling product composition, particularly of cosmetic ingredients’ labeling in Ukrainian as it may create technical barriers to international trade, does not meet the targets of announced by Ukraine harmonization with EU legislation, and may have negative impact on human health protection.

It is worth mentioning that in 2016 Ukrainian Government has developed the draft Technical Regulation on Cosmetic Products (hereinafter - Draft Regulation), based on EU Regulation # 1223/2009 that envisages use of INCI in labeling cosmetic ingredients. We appreciate Cosmetics Europe’s support in providing valuable comments to the draft, recently notified to the European Commission.

However, even in case of final adoption of Draft Regulation by Ukrainian government, it will not allow to protect use of INCI for cosmetic products since the mentioned Draft Laws as legal acts of higher force against Technical Regulation sets up requirement to have labeling in Ukrainian language.

Chamber provided its proposals to the mentioned Draft Laws directly to the Members of the Parliament to introduce exceptional cases for usage other than Ukrainian in labeling, when it is set up by relevant legal acts, regulating different types of products (technical regulations, standards, etc.) but has not received a response so far.

**Assessment of possible impact:**

Chamber Member companies are concerned about the potential obligatory requirement to make cosmetic product ingredient labelling, among other, only in Ukrainian. It could create a technical barrier to trade under the World Trade Organization (WTO) rules which goes against the move towards international technical and regulatory convergence pursued by Ukraine that would have overall negative impact on consumers, regulators and industry, both local and international.

**Request:**

By this letter the Chamber would like to ask Cosmetics Europe to support its position to use INCI in describing the Chemical Composition, in the Label of Personal Hygiene Products, Cosmetics and Perfumes and provide us with your opinion on the above stated, so that we may share it with Members of Ukrainian Parliament, initiating these legislative developments and Heads of Parliamentary Committees, responsible for evaluation of business impact and legislation harmonization.

We thank you in advance for considering our request and stand ready to answer any questions you may have. In case of any questions, please do not hesitate to instruct your staff to contact Ms. Galyna Isakiv, Chamber Policy Officer (Regulatory & External Relations) at: +380 44 490 58 00 or gisakiv@chamber.ua

Please accept once again our deep respect and wishes of success.

**With my sincere best wishes,**

**Andy Hunder President**