

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 774 final

Brussels, 14 January 1982

Proposal for a  
COUNCIL DIRECTIVE  
amending for the fifth time Directive 76/768/EEC on the approximation  
of the laws of the Member States relating to cosmetic products

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(submitted to the Council by the Commission)

COM(81) 774 final

EXPLANATORY MEMORANDUM

1. The hair dyes listed below have been prohibited or made subject to special conditions in one or more Member States pursuant to Article 12 of Directive 76/768/EEC (safeguard clause):

1. 1-methoxy-2,4-diaminobenzene	(2,4-diamino-anisole)
2. 1-methoxy-2,5-diaminobenzene	(2,5-diamino-anisole)
3. 1,4-diamino-2-nitrobenzene	(2-nitro-p-phenylenediamine)
4. 1,2-diamino-4-nitrobenzene	(4-nitro-o-phenylenediamine)
5. 1-methyl-2,4-diaminobenzene	(2,4-diaminotoluene)
6. 1-methyl-2,5-diaminobenzene	(2,5-diaminotoluene)
7. 1,2-diaminobenzene	(o-phenylenediamine)
8. 1,3-diaminobenzene	(m-phenylenediamine)
9. 1-hydroxy-2-amino-4-nitrobenzene	(2-amino-4-nitrophenol)
10. 1-hydroxy-2-amino-5-nitrobenzene	(2-amino-5-nitrophenol).

2. Directive 76/768/EEC did not harmonize the laws of the Member States in respect of p-phenylenediamine (1,4-diaminobenzene). Although this hair dye is allowed in most of the Member States, it is prohibited in the Federal Republic of Germany and allowed to be used only by hairdressers in Denmark.

3. The Scientific Committee on Cosmetology was consulted and delivered its opinion on 10 December 1980 (1). It concluded that the use of substances 6 and 8 and of p-phenylenediamine could be authorized in hair dyes, that further research was needed on the use of substances 1, 2, 4, 9 and 10 and that substances 3, 5 and 7 should no longer be used.

4. Although the industry can easily do without substances 5 and 7, it would find it difficult for technical and economic reasons to stop using substance 3. Consequently it has embarked on additional research on this substance and the results should be known before the end of 1981.

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(1) To be published.

5. Consequently it is proposed that:

- (a) 1-methyl-2,4-diaminobenzene (2,4-diaminotoluene) (substance 5)  
1,2-diaminobenzene (orthophenylenediamine) (substance 7)  
be prohibited;
- (b) free movement in the Community of hair dyes containing p-phenylene-  
diamine (1,4-diaminobenzene) be allowed;
- (c) the results of the research in progress on 1,4-diamino-2-nitrobenzene  
(2 NPPD) ( substance 3), which should be available at the end of 1981,  
be awaited;
- (d) talks be continued with the Member States, the industry and the  
Scientific Committee on Cosmetology for the substances 1, 2, 4, 9  
and 10;
- (e) as regards substances 6 and 8, the opinion of the Commission to those  
Member States which have applied the safeguard clause be forwarded.

6. This proposal is therefore limited to:

- (i) prohibiting the use in cosmetic products of 1-methyl-2,4-diamino-  
benzene (2,4-diaminotoluene) and 1,2-diaminobenzene (o-phenylene-  
diamine)
- (ii) authorizing free movement in the Community of hair dyes containing  
p-phenylenediamine (1,4-diaminobenzene).

7. These measures should be regarded as provisional pending the drafting of  
lists of substances authorized as hair dyes (approved lists).

8. In drafting the proposal, the Commission obtained the opinion of national  
experts and consulted the Scientific Committee on Cosmetology, the industry  
and consumers.

9. The proposal is based on Article 100. Consultation of the European Parlia-  
ment and of the Economic and Social Committee is required.

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PROPOSAL FOR A COUNCIL DIRECTIVE AMENDING  
FOR THE FIFTH TIME                      DIRECTIVE 76/768/EEC

ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES  
RELATING TO COSMETIC PRODUCTS

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Council Directive 76/768/EEC (1), as last amended by Directive 79/661/EEC (2), has to be adapted to technical progress;

Whereas for reasons of protection of public health the use of certain substances as hair dyes should be prohibited;

Whereas p-phenylenediamine should be included within the scope of the Directive,

HAS ADOPTED THIS DIRECTIVE:

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(1) OJ No L 262, 27.9.1976, p. 169

(2) OJ No 192, 31.7.1979, p. 35

Article 1

Council Directive 76/768/EEC is hereby amended as follows:

1. The following are added to the list in Annex II:

363: o-phenylenediamine (1,2-diaminobenzene) and its salts

364: 2,4-methylphenylenediamine (1-methyl-2,4-diaminobenzene).

2. In Annex III, Part 1, column b, the text of reference No 9 is replaced by:

"m- and p-phenylenediamines, their N-substituted derivatives and their salts; N-substituted derivatives of o-phenylenediamines (1)".

3. In Annex III, Part 1, column b, the text of reference No 10 is replaced by:

"Methylphenylenediamines, their N-substituted derivatives and their salts (1) with the exception of the compounds in Annex II".

4. The following entry is deleted from Annex V:

"4. p-phenylenediamine and its salts"

Article 2

The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 30 June 1982. They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.