

COMMISSION OF THE EUROPEAN COMMUNITIES

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Brussels, 9 June 1988

AMENDED PROPOSAL FOR A COUNCIL DIRECTIVE
AMENDING FOR THE FOURTH TIME DIRECTIVE 76/768/EEC
ON THE APPROXIMATION OF THE LAWS OF THE MEMBER STATES
RELATING TO COSMETIC PRODUCTS

(SUBMITTED BY THE COMMISSION PURSUANT TO
ARTICLE 149 (3) OF THE EEC TREATY)

(¹) OJ No C 86, 1. 4. 1987, p. 3.

INITIAL TEXT

Proposal for a Council Directive amending for the fourth 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,

In cooperation with the European Parliament,

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

MODIFIED TEXT

Amended proposal for a Council Directive amending for the fourth time Directive 76/768/EEC

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

INITIAL TEXT

Whereas the successive amendments made to the Annexes to Directive 76/768/EEC ⁽¹⁾, as last amended by Directive ..., require the provisions of the Directive to be adapted;

Whereas experience gained since the adoption of Directive 76/768/EEC has shown that the provisions on labelling should be improved and that the period laid down in Article 12(2) is inadequate,

HAD ADOPTED THIS DIRECTIVE:

Article 1

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

1. Article 1(3) is replaced by:

'3. Cosmetic products containing one of the substances listed in Annex V are excluded from the scope of this Directive. Member States may take such measures as they deem necessary with regard to those products;'

2. Article 4(c) and (d) are replaced by the following:

(c) colouring agents other than those listed in Annex IV, Part 1, with the exception of cosmetic products containing colouring agents intended solely to colour hair;

(d) colouring agents listed in Annex IV, Part 1, used outside the conditions laid down, with the exception of cosmetic products containing colouring agents intended solely to colour hair;'

3. Article 5 is amended as follows:

(a) In the first paragraph:

(i) (a) and (b) are replaced by:

'(a) the substances listed in Annex III, Part 2, within the limits and under the conditions laid down, up to the dates in column (g) of that Annex;

MODIFIED TEXT

3. Article 5 is replaced by the following:

'Article 5

Member States shall accept the marketing of cosmetic products containing:

(a) the substances listed in Annex III, Part 2, within the limits and under the conditions laid down, up to the dates in column (g) of that Annex;

⁽¹⁾ OJ No L 262, 27. 9. 1976, p. 169.

INITIAL TEXT

(b) the colouring agents listed in Annex IV, Part 2, within the limits and under the conditions laid down, until the dates given in that Annex;'

(ii) (c) is deleted;

(iii) (d) is replaced by:

'(d) the preservatives listed in Annex VI, Part 2, within the limits and under the conditions laid down, until the dates given in column (f) of that Annex; however, some of these substances may be used in other concentrations for specific purposes apparent from the presentation of the product;'

(b) The second paragraph is deleted.

4. Article 6 is replaced by the following:

'Article 6

1. Member States shall take all measures necessary to ensure that cosmetic products may be marketed only if the container and packaging bear the following information in indelible, easily legible and visible lettering:

MODIFIED TEXT

(b) the colouring agents listed in Annex IV, Part 2, within the limits and under the conditions laid down, until the dates given in that Annex;

(c) the preservatives listed in Annex VI, Part 2, within the limits and under the conditions laid down, until the dates given in column (f) of that Annex; however, some of these substances may be used in other concentrations for specific purposes apparent from the presentation of the product;

(d) the UV filters listed in Part 2 of Annex VII, within the limits and under the conditions laid down, until the dates given in column (f) of that Annex.

At these dates, these substances, colouring agents, preservatives and UV filters shall be:

- definitively accepted, or
- definitively prohibited (Annex II), or
- maintained for a given period in Part 2 of Annexes III, IV, VI and VII, or
- deleted from all the Annexes.'

INITIAL TEXT

- (a) the name or style and the address or registered office of the manufacturer or the person responsible for marketing the cosmetic product who is established within the Community. Such information may be abbreviated in so far as the abbreviation makes it generally possible to identify the undertaking. Member States may require that the country of origin be specified for goods manufactured outside the Community;
- (b) the nominal content at the time of packaging, except in the case of packaging containing not more than 5 g or 5 ml, free samples, single-application packs and products normally sold separately, for which details of weight or volume are not significant, the nominal content need appear only on the packaging;
- (c) the date of minimum durability. The date of minimum durability of a cosmetic product shall be the date until which this product, under appropriate conditions of storage, continues to fulfil its initial function and, in particular, remains in conformity with Article 2.

The date of minimum durability shall be indicated by the words: 'best used before the end of ...' followed by either:

- the date itself, or
- details of where the date appears on the packaging.

If necessary, this information shall be supplemented by an indication of the conditions which must be satisfied to guarantee the specified durability.

The date shall be uncoded and shall consist of the month and the year in that order. Indication of the date of durability shall not be mandatory for cosmetic products whose minimum durability exceeds 30 months;

MODIFIED TEXT

- (b) the nominal content at the time of packaging, given by weight or by volume, except in the case of packaging containing less than 5 grams or 5 millilitres, free samples and single-application packs; for prepackages normally sold as a number of items, for which details of weight or volume are not significant, the content need not be given provided the number of items appears on the packaging. This information need not be given if the number of items is easy to see from the outside or if the product is normally only sold individually.

INITIAL TEXT

- (d) the conditions of use and warnings which must be printed on the label listed in Annexes III, IV, VI and VII; where this is impossible for practical reasons, this information must appear on an enclosed leaflet, with abbreviated information on the container and the packaging referring the consumer to the information specified;
- (e) the batch number of manufacture or the reference for identifying the goods; where this is impossible for practical reasons because the cosmetic articles are too small, such information need appear only on the packaging. However, notwithstanding the beginning of this paragraph, any other means allowing simple identification of manufacture shall also be permitted (e.g. coding using notches, marking with ink visible in UV light, etc.).

2. For cosmetic products that are not prepackaged, are packaged at the point of sale at the purchaser's request, or are prepackaged for immediate sale, the Member States shall adopt provisions for indication of the particulars referred to in paragraph 1.

3. Member States shall take all measures necessary to ensure that, in the labelling, putting up for sale and advertising of cosmetic products, text, names, marks, pictures and figurative or other signs are not used to imply that these products have characteristics which they do not have.

5. Article 12(2) is replaced by:

'2. The Commission shall as soon as possible consult the Member States concerned, following which it shall deliver its opinion without delay and take the appropriate steps.'

6. Annex III, Part 2, becomes Annex IV, Part 1.

7. Annex IV, Part 1, becomes Annex III, Part 2.

MODIFIED TEXT

- (d) particular precautions to be observed in use, and especially those listed in the column 'Conditions of use and warnings which must be printed on the label' in Annexes III, IV, VI and VII, which must appear on the container, as well as any special precautionary *information on cosmetic products for professional use, in particular in hairdressing*. Where this is impossible for practical reasons, this information must appear on an enclosed leaflet, with abbreviated information on the container and the packaging referring the consumer to the information specified;
- (e) the batch number of manufacture or the reference for identifying the goods; where this is impossible for practical reasons because the cosmetic articles are too small, such information need appear only on the packaging.

INITIAL TEXT

MODIFIED TEXT

Article 2

1. Member States shall take all necessary measures to ensure that as from 1 January 1992 neither manufacturers nor importers established in the Community place on the market products whose labelling does not satisfy the requirements of this Directive.

2. Member States shall take all necessary measures to ensure that the products referred to in paragraph 1 can no longer be sold or disposed of to the final consumer after 31 December 1993.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the provisions of this Directive not later than 31 December 1989 and shall forthwith inform the Commission thereof.

2. Member States shall ensure that the text of the provisions of national law which they adopt in the field governed by this Directive are communicated to the Commission.

Article 4

This Directive is addressed to the Member States.
