COMMISSION

TWELFTH COMMISSION DIRECTIVE

of 20 February 1990

adapting to technical progress Annexes II, III, IV, V and VI to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products

(90/121/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products [1], as last amended by Directive 89/679/EEC [2], and in particular Article 8 (2) thereof,

Whereas on the basis of the available information, certain provisionally permitted colouring agents, substances and preservatives may be definitively permitted, while others must be definitively prohibited or be permitted for a further specified period;

Whereas, in order to protect public health, it is necessary to prohibit the use of certain colouring agents, 11 α-hydroxypregn-4-ene-3,20-dione and its esters, hormones, zirconium with the exception of certain complexes, tyrothricin, antiandrogens of steroid structure, acetonitrile and tetrahydrozoline;

Whereas, on the basis of the latest scientific and technical research, the use of lead acetate as a hair dye may be permitted in cosmetic products subject to certain limitations and requirements, provided that certain warnings are given on the labelling for the purpose of protecting public health;

Whereas the use of the lakes of colouring agent CI 17 200 should be authorized;

Whereas, on the basis of the latest scientific and technical research, the use of 3-decyloxy-2-hydroxy-1-aminopropane-hydrochloride as a preservative in cosmetic products and the use of Solvent yellow 98 as a colouring agent in nail care products, permitted subject to certain limitations and requirements;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee on the Adaptation to Technical Progress of the Directives on the removal of technical barriers to trade in the cosmetic products sector,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 76/768/EEC is amended as follows:

1. In Annex II:

— in No 39, 'with the exception of that given in Annex V' is deleted,

— in No 194, 'with the exception of those listed in Annex V' is deleted,

— in No 289, 'compounds, with the exception of that mentioned in Annex V' is replaced by 'compounds, with the exception of that mentioned in Annex III, No 55 under the conditions stated',

— in Nos 376 and 377, 'and their salts' is added,

— the following substances are added:

'385. 11 α-Hydroxypregn-4-ene-3,20-dione and its esters

386. Colouring agent CI 42 640

387. Colouring agent CI 13 065

388. Colouring agent CI 42 535

389. Colouring agent CI 61 554

390. Antiandrogens with steroid structure

391. Zirconium and its compounds, with the exception of the complexes under reference number 50 in Annex III (Part 1) and of zirconium lakes, salts and pigments of colouring agents listed with reference number 3 in Annex IV (Part 1)

[1] OJ No L 262, 27. 9. 1976, p. 169.
[2] OJ No L 398, 30. 12. 1989, p. 25.