COUNCIL DIRECTIVE

of 21 December 1988

amending for the fourth time Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products

(88/667/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission (1),

In cooperation with the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas the successive amendments made to the Annexes to Directive 76/768/EEC (4), as last amended by Directive 88/233/EEC (5), 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,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

1. In Article 1, paragraph 3 is replaced by:

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

2. In 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 replaced by the following:

'*Article 5*

Member States shall allow 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;

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

(c) the preservatives listed in Annex VI, Part 2, within the limits and under the condition 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 allowed, or

— definitively prohibited (Annex II), or

— maintained for a given period specified in Part 2 of Annexes III, IV, VI and VII, or

(1) OJ No C 86, 1. 4. 1987, p. 3.
(2) OJ No C 122, 9. 5. 1988, p. 80 and decision of 14 December 1988 (not yet published in the Official Journal).
(3) OJ No C 319, 30. 11. 1987, p. 5.
(4) OJ No L 262, 27. 9. 1976, p. 169.
(5) OJ No L 105, 26. 4. 1988, p. 11.