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## Information and Notices

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## II

(Preparatory Acts)

## COMMISSION

**Proposal for a Council Directive on the general arrangements for products subject to excise duty and on the holding and movement of such products**

COM(90) 431 final

(Submitted by the Commission on 27 September 1990)

(90/C 322/01)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 99 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 the establishment and functioning of the internal market require the free movement of goods, including those subject to excise duties;

Whereas provision should be made to define the territory on which this Directive, as well as the Directives on the rates and structures of duty on products subject to excise duties, are to be applied;

Whereas the concept of products subject to excise duty should be defined; whereas only goods which are treated as such in all the Member States may be the subject of Community provisions; whereas the maintenance or introduction of excise duties on other goods in one or more Member States must not, either by taxation upon entry into or de-taxation on exit from the national territory, or by frontier controls, form an obstacle to the principle of free movement;

Whereas, in order to ensure the establishment and functioning of the internal market, the chargeable event for the tax debt, and chargeability, should be identical in all the Member States;

Whereas, since chargeability falls within the competence of each Member State, no sale or acquisition for the purposes of a taxable person, as defined in Article 4 of Council

Directive 77/388/EEC <sup>(1)</sup>, as last amended by Directive 89/465/EEC <sup>(2)</sup>, taking place in a Member State other than the one of release for consumption gives rise to chargeability to excise duty in the Member State of sale or acquisition; whereas provision should however be made to modify this provision in due course;

Whereas in order to ensure that the tax debt is eventually collected it should be possible for checks to be carried out in production and storage facilities as soon as the chargeable event occurs; whereas a system of warehouses, subject to authorization by the competent authorities, should make it possible to carry out such checks;

Whereas movement from the territory of one Member State to that of another may not give rise to checks liable to impede free movement within the Community; whereas for the purposes of chargeability it is nevertheless necessary to know of the movements of products subject to excise duty; whereas an interconnection of authorized warehouses makes it possible to follow these movements;

Whereas provision should be made, to ensure the collection of taxes at the rates and on taxable goods defined by Member States, for the establishment of a procedure for the movement of such goods under duty suspension;

Whereas in that respect provision should first be made for each consignment to be easily identified, with the possibility of occasional checks being carried out in the

<sup>(1)</sup> OJ No L 145, 13. 6. 1977, p. 1.

<sup>(2)</sup> OJ No L 226, 3. 8. 1989, p. 21.

course of transportation; whereas provision should be made for the tax status of the consignment to be immediately identifiable; whereas it is therefore necessary to provide for an accompanying document capable of meeting these needs, which may be either an administrative or commercial document; whereas the commercial document used must contain the essential elements which appear on the administrative document;

Whereas there is no need for the accompanying document to be used when the products subject to excise duties are moved under other general suspension arrangements;

Whereas in the context of national chargeability, excise duty should, in the event of an offence or irregularity, be recovered by the Member State on whose territory the offence or irregularity has been committed, or by the Member State where the offence or irregularity was ascertained, or by the Member State of departure in the event of non-presentation in the Member State of destination;

Whereas the Member States may provide that products released for consumption should carry national identification marks and whereas the use of these marks should not place any obstacle in the way of intra-Community trade;

Whereas the payment of the excise duties in the Member State where the last commercial transaction took place must give rise to the reimbursement of the excise duties in the Member State of first release for consumption in order to avoid double taxation;

Whereas provision should be made for exemptions resulting from agreements concluded by the Member States with other States or with international organizations;

Whereas finally provision should be made to set up a Committee on Excise Duties to take part in the preparation of Community rules necessary for the implementation of this Directive, and of Directives ... on the structures of duty on manufactured tobacco, alcoholic beverages and mineral oils,

HAS ADOPTED THIS DIRECTIVE:

#### TITLE I

#### General provisions

##### Article 1

1. This Directive lays down the arrangements for excise duties and other indirect taxes which are levied directly or indirectly on the consumption of products, except for value added tax and taxes established by the institutions of the European Communities.

2. The particular provisions relating to the rates and structures of duty on products subject to excise duty are contained in Directives ... (1).

##### Article 2

This Directive, as well as the Directives referred to in Article 1 (2), shall apply within the customs territory of the Community as defined in Council Regulation (EEC) No 2151/84 (2).

##### Article 3

1. For the purposes of this Directive, 'products subject to excise duty' means the following products as defined in the Directives relating to them:

- mineral oils,
- alcoholic beverages,
- manufactured tobacco.

2. The products mentioned in paragraph 1 shall not be subject to any tax other than excise duty and value added tax.

3. Member States shall retain the right to introduce or maintain taxes which are levied on products other than those mentioned in paragraph 1, provided that they do not involve, in trade between Member States, either the charging of tax when the products enter the national territory and remission of tax when they leave the national territory, or border controls.

##### Article 4

1. The chargeable event for the excise duty levied on the products subject to excise duty shall be production on the territory of the Community or importation into the territory of the Community from third countries.

2. Excise duty shall become chargeable when the products are released for consumption. Release for consumption shall mean the making available, to a natural or legal person, on the territory of a Member State, of any products subject to excise duty, when the product leaves any arrangement under which payment of duties and taxes is suspended.

(1) OJ No C 12, 18. 1. 1990, p. 4 [COM(89) 525 final].  
OJ No C 16, 23. 1. 1990, p. 10 [COM(89) 526 final].  
OJ No C 12, 18. 1. 1990, p. 12 [COM(89) 527 final].  
See page 11 of this Official Journal [COM(90) 432 final].  
See page 16 of this Official Journal [COM(90) 433 final].  
See page 18 of this Official Journal [COM(90) 434 final].

(2) OJ No L 197, 27. 7. 1984, p. 1.

3. The rate of excise duty to be applied shall be the rate in force on the date on which the duty becomes chargeable. The excise duty shall be levied and recovered according to the rules laid down by each Member State, with the time limit for payment to apply without distinction between national products and those of other Member States.

#### Article 5

1. In addition to the general provisions of Article 4, excise duty shall become chargeable on the territories specified below in the following circumstances:

- (a) the sale of products subject to excise duty in a Member State other than that in which the products are released for consumption, after their release for consumption, shall give rise to chargeability to excise duty in the Member State where the sale takes place;
- (b) the acquisition of products subject to excise duty for the purposes of a taxable person as defined in Article 4 of Directive 77/388/EEC and, for the purposes of bodies governed by public law, as defined in the first subparagraph of Article 4 (5), in a Member State other than that in which the product is released for consumption, shall give rise to chargeability to excise duty in the Member State where the acquisition takes place;
- (c) without prejudice to the provisions of paragraph (a), supplies made within the context of mail-order selling, as defined in Article 28 of Directive ... <sup>(1)</sup>, shall give rise to chargeability of the excise duty in the Member State where the goods are situated at the time of arrival of the consignment or transport at the destination of the person by whom the goods are acquired.

2. Before 1 January 1997, the Council, on the basis of a report by the Commission, shall re-examine the provisions of paragraph 1, and, if necessary and acting on a proposal from the Commission, after consultation with the European Parliament, shall adopt amendments to these provisions.

## TITLE II

### Production and holding

#### Article 6

- 1. Each Member State shall determine its rules concerning the production and holding of products subject to duty, subject to the provisions of this Directive.
- 2. The production and holding of products subject to excise duty, where the latter has not been paid, shall be

subject to checks carried out under the system of tax warehouses, hereinafter referred to as 'warehouses'.

#### Article 7

The opening of warehouses shall be subject to authorization by the competent authorities of the Member States.

The holders of such authorization shall be known as authorized warehouse-keepers.

#### Article 8

An authorized warehouse-keeper shall:

- (a) provide a guarantee;
- (b) comply with all the requirements laid down with regard to warehouses;
- (c) produce the goods whenever so required;
- (d) consent to all checks and controls;
- (e) keep stock records.

#### Article 9

The warehousing procedure shall be discharged when products are released for consumption, released on the market under cover of a transit procedure, a TIR transit procedure, a Rhine Manifest or form 302 provided for by the convention between the States which are parties to the North Atlantic Treaty, placed in a free zone, exported or re-exported outside the territory of the Community, abandoned to the Exchequer where this possibility exists, or destroyed under supervision.

#### Article 10

- 1. An authorized warehouse-keeper shall enjoy exemption in respect of losses occurring during the storage period and attributable to fortuitous events, *force majeure* or causes inherent in the nature of the products.
- 2. In cases of irregular removal, duties and taxes shall be collected on the basis of the rates applicable at the time of removal. If the date of removal cannot be ascertained, the rate that shall apply shall be the highest rate applicable since the date of deposit in the warehouse or since the last checking of the products, up to the date of ascertaining the shortage.

## TITLE III

### Movement of goods

#### Article 11

- 1. Movement under the duty-suspension arrangements of products subject to excise duty shall take place between authorized warehouse-keepers. The products shall then be deemed to be remaining under the warehousing system.

<sup>(1)</sup> OJ No C 176, 17. 7. 1990, p. 8 [COM(90) 182].

2. The identification of products subject to excise duty moving under the duty-suspension arrangements shall be ensured by sealing, by capacity where the means of transport is capable of being recognized as suitable for sealing, or by individual package in other cases.

3. Warehouse-keepers authorized by the competent authorities of a Member State, in accordance with the provisions of Article 7, shall be deemed to be authorized for national and intra-Community movement operations.

4. The risks inherent in national and Community movement shall be covered by the guarantee provided by the authorized warehouse-keeper of dispatch, as provided for in Article 8.

This guarantee shall be valid throughout the Community.

5. By way of derogation from the provisions of the first sentence of paragraph 1, it shall be possible for the consignee not to be an authorized warehouse-keeper. In such cases payment of the excise duty shall be made as soon as the products arrive at the consignee, under the conditions laid down by the competent authorities.

#### Article 12

1. Notwithstanding the possible use of computerized procedures, all products subject to excise duty moving under the duty-suspension arrangements between the territories of different Member States shall be accompanied by a document drawn up by the authorized warehouse-keeper of dispatch, being either an administrative document such as that set out in Annex I, or a commercial document containing the particulars listed in Annex II.

2. Paragraph 1 shall not apply where products subject to excise duty move under the circumstances provided for in Article 9.

3. Without prejudice to the provisions of Article 3 (3), Member States shall be able to maintain the rules on the movement of raw materials used in the manufacture or preparation of products subject to excise duty.

#### Article 13

1. A copy of the accompanying administrative document or a copy of the commercial document shall be returned without delay for discharge, and not later than in the month which follows receipt, by the consignee to the consignor.

2. If there is no discharge, the consignor shall inform the competent authorities thereof.

#### Article 14

1. Where an offence or irregularity has been committed in the course of movement, the recovery of the excise duty shall be effected in the Member State where the offence or irregularity was committed.

2. When in the course of movement, an offence or irregularity has been committed without its being possible to determine where it has been committed, it shall be deemed to have been committed in the Member State where it was detected.

3. Where products are not presented in the warehouse of the authorized warehouse-keeper who is the consignee, or in the places designated in Articles 11 (5) and 16 (1), the offence or irregularity is deemed to have been committed in the Member State of departure, unless, within a period to be determined, evidence is produced, to the satisfaction of the competent authorities, of the correctness of the operation, or of the place where the offence or irregularity was actually committed.

4. If, before the expiry of a period of three years from the date on which the accompanying document was drawn up, the Member State where the offence or irregularity was actually committed is ascertained, this Member State shall recover the excise duty.

In this case, as soon as evidence of recovery has been furnished, the excise duty originally collected shall be refunded.

#### Article 15

1. Member States may provide that products released for consumption or sold on their territory shall carry national identification marks or tax identification markings.

2. Any Member State using national identification marks or tax identification markings shall be required to make them available to manufacturers and traders of the other Member States.

3. Member States which collect excise duty by means other than tax identification markings shall ensure that no barrier, either administrative or technical, affects intra-Community trade.

4. Products carrying a national identification mark or tax identification markings of a Member State may be released for consumption only in that Member State.

5. The circulation of products carrying a national identification mark or tax identification markings of a Member State and intended for sale in that Member State, within the territory of another Member State, shall be covered by the arrangements laid down in Articles 9 and 12 (1).

## TITLE IV

## Reimbursement

## Article 16

1. The products subject to excise duty released for consumption, may, at the request of any consignor, and by derogation from Article 11 (1), be the subject of a release from or of a return into the duty-suspension arrangements and of a reimbursement of excise duties in the Member State of release for consumption, when the products are actually destined to be released for consumption in another Member State, or in the circumstances laid down in Article 18.

2. In the case of duly-established exceptional circumstances preventing the application of the provisions of paragraph 1, the Member State in which the release for consumption took place shall reimburse the amount wrongfully paid, on request, showing the payment of the excise duties in the Member State in which the actual release for consumption took place.

## Article 17

Without prejudice to the provisions of Titles II, III and IV, the Member States shall determine the conditions, including the guarantee, which shall be valid throughout the Community, under which the release from or returning into the duty-suspension arrangements, the ensuing reimbursement, as well as reimbursement *a posteriori* are applied. However, the reimbursement must be made within a period of one month from the day of the release from or return into the duty-suspension arrangements as provided for in Article 16 (1), or from the day that the request for reimbursement is lodged as provided for by Article 16 (2).

## TITLE V

## Exemptions

## Article 18

The products subject to excise duty shall be exempted from payment of excise duty where they are intended for diplomatic or consular representations, international organizations recognized as such by the authorities of the host country, and members of such representations and organizations within the limits laid down by the conventions establishing them or, in the Member States which are parties to the North Atlantic Treaty, for the armed forces of other States which are parties to that Treaty for the use of such forces or the civilian staff accompanying them or for supplying their messes or canteens where such forces take part in the common defence effort.

## TITLE VI

## Committee on Excise Duties

## Article 19

1. A Committee on Excise Duties, hereinafter referred to as 'the Committee', is hereby set up, composed of the representatives of the Member States and chaired by the representative of the Commission.
2. The Committee shall adopt its own rules of procedure.

## Article 20

1. The Committee may examine any question relating to the application of this Directive, and of Directives ... on manufactured tobacco, alcoholic beverages and mineral oils, submitted to it by its chairman either on his own initiative or at the request of the representative of a Member State.
2. After consulting the Committee, the Commission shall adopt the provisions necessary for the implementation of Titles II, III and IV of this Directive, and of Directives ... on manufactured tobacco, alcoholic beverages and mineral oils.
3. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes. In addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

## Article 21

Member States shall bring into force, not later than 31 December 1992, the laws, regulations and administrative provisions necessary to comply with this Directive.

When the Member States adopt such provisions they shall contain a reference to this Directive or shall be accompanied by such a reference on official publication. The Member States shall lay down the manner in which such reference shall be made.

## Article 22

This Directive is addressed to the Member States.

## ANNEX I

## EXPLANATORY NOTE ON THE ACCOMPANYING ADMINISTRATIVE DOCUMENT

## I. General remarks

- (a) The document shall be completed legibly and in a manner that makes the entries indelible. It must not contain erasures or overwriting. Alterations must be made by crossing out the incorrect particulars and, where appropriate, adding those required. Any such alteration must be initialled by the person making it and officially endorsed.
- (b) In boxes 9 and 14, any unused space reserved for the description of the goods must be crossed through so that it can no longer be used.
- (c) The document may be used only for a single type of goods subject to excise duty.

## II. Headings

1. *Consignor*

Indicate the surname and forename, or name of firm, and the address of the sender:

- if the consignor is an authorized warehouse-keeper indicate his authorization number as well as the identification number of the warehouse,
- if the consignor is not an authorized warehouse-keeper give only the information required in the first paragraph.

2. *Reference number*

Serial number of the consignment, established by the consignor.

3. *Date*

Date of despatch.

4. *Consignee*

Give the information set out in paragraph 1 in respect of the consignee.

5. *Person financially responsible*

Normally this is the consignor. In the case of a subsidiary or a branch, it is necessary to indicate the person with real financial responsibility (for example the parent company).

6. *Country of despatch*

Show the country of the consignor.

7. *Country of destination*

Show the country of the consignee.

8. *Identification of the means of transport*

Indicate the nature, nationality and registration number of the means of transport used. In the event of intermediate reloading, indicate the different means of transport.

9 and 14. *Description of the goods — Number of containers — Number and nature.*

Indicate clearly the nature of the goods (wine, whisky, cigarettes, gas oil, etc.), the identification numbers of the containers, their number, their nature (bulk, bottles, cardboard boxes, etc.). In addition:

- for alcoholic beverages, indicate the number of litres and fractions of litres, the actual alcoholic strength (percentage by volume) at the temperature of 20 °C,
- for mineral oils, indicate the number of litres or, where appropriate, the net weight in kilograms and the temperature expressed in degrees Celsius,

- for manufactured tobacco:
  - for cigars, cigarillos and cigarettes, the number of items,
  - for smoking tobacco, chewing tobacco and snuff, the net weight in kilograms.

10 and 15. *CN code*

Indicate the code from the combined nomenclature for the goods.

11 and 16. *Gross weight*

Indicate the gross weight.

12 and 17. *Net weight*

Indicate the net weight.

13 and 18. *Value*

Indicate the value solely for manufactured tobacco.

19. *Itinerary and travelling time for the journey*

These must be indicated.

20. *Place and date of completion — Authentication*

The accompanying administrative document is completed by the consignor according to the rules set out by each Member State.

21. *Controls*

Indicate the results of the possible controls applied at the time of loading, in transit, or at the destination warehouse. If seals have been fixed indicate the number and type and their serial numbers.

0. *Copy for ...*

In figures, the sequential number of the copy in the set with the indication of who each copy is sent to.

### III. Completion of the document

The accompanying document is made up of five copies, that is:

1. copy for the consignor;
1. copy for the competent authority in the country of departure;
3. copy for the consignee;
4. copy for the competent authority in the country of destination;
5. copy for cross reference returned by the consignee for discharge of the consignor's liability.



## ANNEX II

## EXPLANATORY NOTE ON THE COMMERCIAL DOCUMENT

## I. General remarks

- (a) The document shall be completed legibly and in a manner that makes the entries indelible. It must not contain erasures or overwriting. Alterations must be made by crossing out the incorrect particulars and, where appropriate, adding those required. Any such alteration must be initialled by the person making it.
- (b) The commercial document may be used only for a single type of goods subject to excise duty.

## II. Completion of the document

The commercial document must be completed in quintuplicate (one original plus four copies):

1. original for the consignor;
2. copy for the competent authority in the country of despatch;
3. copy for the consignee;
4. copy for the competent authority in the country of destination;
5. copy for cross reference returned by the consignee for discharge of consignor's liability.

## III. Essential information required to complete the commercial document in order to satisfy the measures of the Directive

(a) *Consignor*

- Indicate the surname and forename, or name of firm, and full address of the consignor.
- If the consignor is an authorized warehouse-keeper give his authorization number as well as the VAT number.
- If the consignor is not an authorized warehouse-keeper but a taxable person for VAT give the VAT number.
- If the consignor is neither an authorized warehouse-keeper nor registered for VAT give only the information set out in the first paragraph.

(b) *Date*

Give the invoice date (which need not necessarily coincide with the date of despatch) as well as the date of delivery of the goods.

(c) *Invoice number*

This number is given by the sender.

(d) *Consignee*

Give the information set out in paragraph (a) in respect of the consignee.

(e) *Special information*

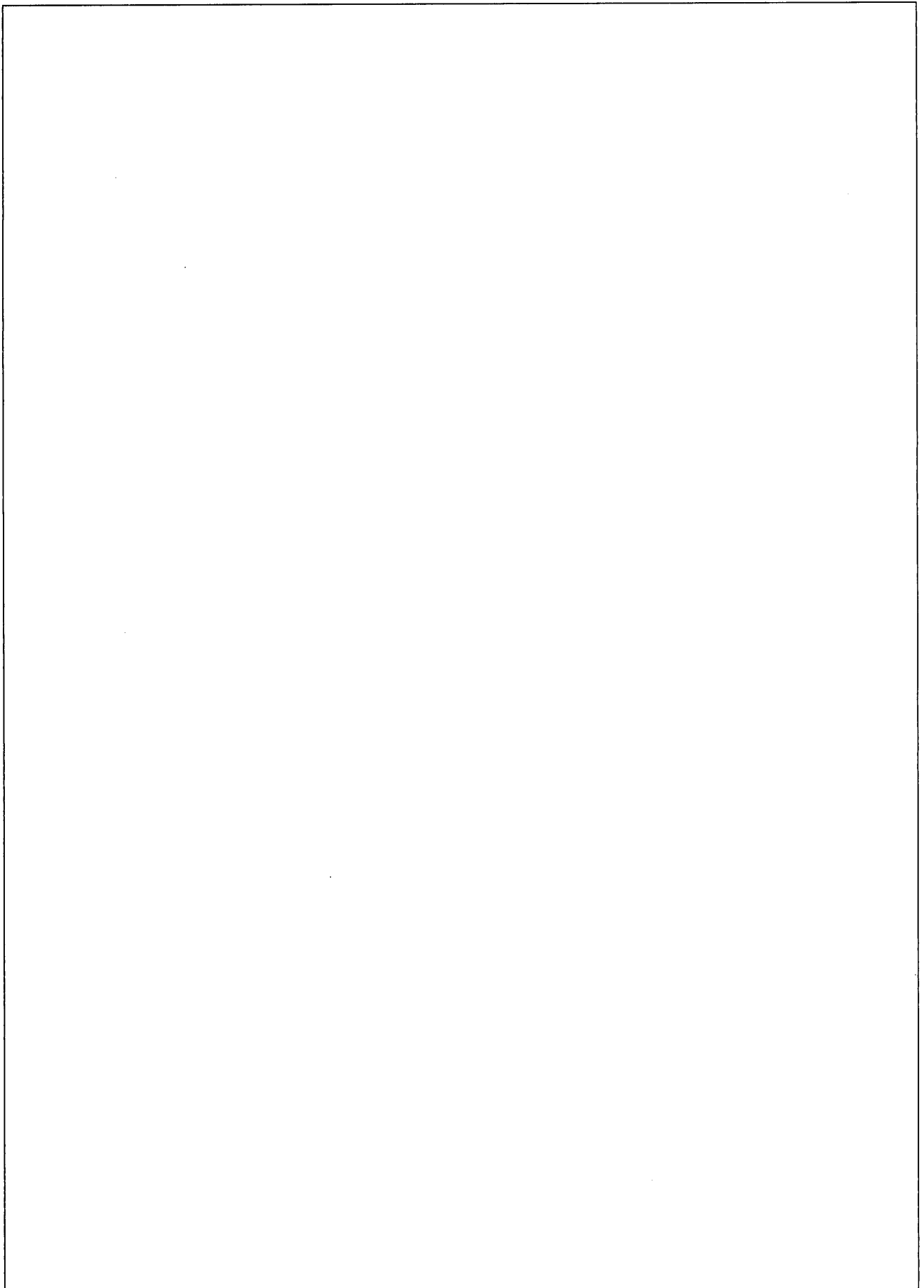
When products subject to excise duty are despatched under duty suspension arrangements the commercial document must state 'Goods sent under excise duty suspension'.

EUROPEAN COMMUNITY

Accompanying administrative document

COPY DESTINATE TO .....	1. Authorized warehouse-keeper, Consigner	2. Reference No	3. Date	
	4. Authorized warehouse-keeper, Consignee	5. Person with financial responsibility		
		6. Country of despatch	7. Country of destination	
	8. Identification of transport			
	9. Description of goods – Number of containers – Quantity and packages – Marks and numbers	10. CN code	11. Gross weight	12. Net weight
		13. Value		
	14. Description of goods – Number of containers – Quantity and packages – Marks and numbers	15. CN code	16. Gross weight	17. Net weight
		18. Value		
	19. Itinerary and time for journey	20. Place and date – Signature		

21. Controls



(f) *Identification of means of transport*

Show the type, nationality and registration number of the means of transport used. In the event of intermediate reloading, indicate the different means of transport.

(g) *Description of the goods — Number of containers — Number and nature*

Indicate clearly the nature of the goods (wine, whisky, cigarettes, gas oil, etc.), the identification numbers of the containers, their number, their nature (bulk, bottles, cardboard boxes, etc.). In addition:

- for alcoholic beverages, indicate the number of litres and fractions of litres, the actual alcoholic strength (percentage by volume) at the temperature of 20 °C,
- for mineral oils, indicate the number of litres or, where appropriate, the net weight in kilograms and the temperature expressed in degrees Celsius,
- for manufactured tobacco:
  - for cigars, cigarillos and cigarettes, the number of items,
  - for smoking tobacco, chewing tobacco and snuff, the net weight in kilograms.

(h) *CN code*

Show the code from the combined nomenclature for the goods.

(i) *Value*

Show the value of the goods subject to excise.

**Proposal for a Council Directive on the harmonization of the structures of excise duties on alcoholic beverages and on the alcohol contained in other products**

*COM(90) 432 final*

*(Submitted by the Commission on 27 September 1990)*

*(90/C 322/02)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 99 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 ... <sup>(1)</sup> lays down minimum and target rates of excise duty to be applied in the Member States to alcohol, wine, beer and intermediate products;

Whereas it is necessary, if those duties are to be applied in a uniform manner, to determine common definitions for all the products concerned;

Whereas it is useful to base such definitions on those set out in the Combined Nomenclature which represents an established comprehensive system providing a suitable basis for taxation purposes;

Whereas it is necessary to ensure that duty is charged on actual quantities delivered or certified missing;

Whereas, in the case of beer, the system of taxing the worts causes great difficulties in assessing the charge and is susceptible of distorting competition between breweries, so

<sup>(1)</sup> OJ No C 250, 18. 9. 1987, p. 4.

OJ No C 12, 18. 1. 1990, p. 12 [COM(89) 527 final].

that it is necessary to ensure that the tax is applied throughout the Community to the actual quantity of end product which leaves the brewery;

Whereas, in the case of beer, it is possible within certain limits to permit Member States to apply the duty to gravity bands of more than one degree Plato, provided always that no beer is charged at less than the Community minimum rate;

Whereas, in the case of beer, a common solution is required permitting Member States to apply a reduced rate of duty to the products of independent small undertakings, provided that such a reduced rate should not serve to distort competition within the internal market;

Whereas, in the case of beer and wine, it is advisable to permit Member States to exempt from duty home-made products which are not produced for commercial purposes;

Whereas, in view of beer's short life span and its propensity to spoil, it is necessary to permit Member States to refund duty on beer destroyed as unfit for consumption;

Whereas it is advisable to permit Member States on a common basis to apply, on the one hand, a reduced rate of duty to ciders and similar products of less than normal wine strength (n.e. 8,5%) and, on the other hand, to apply a reduced rate of the intermediate products duty to natural sweet wines, provided that such reduced rates should not serve to distort competition within the internal market;

Whereas in the internal market it is necessary to ensure that intermediate products are taxed in their final form at the rates provided for in the case of such products, and not at the rates applicable to their constituent materials prior to their manufacture, so that it is necessary to require that intermediate products be manufactured in warehouses from duty-free constituent materials;

Whereas it is necessary to lay down precisely at Community level the exemptions which apply to all goods which cross frontiers;

Whereas, however, it is possible to permit Member States to apply their own conditions to exemptions tied to end uses within the territory of the State;

Whereas it is necessary to tax the alcohol and alcoholic drink present in other products on the quantity of alcohol

present and at the rate appropriate to the alcohol or alcoholic drink concerned,

HAS ADOPTED THIS DIRECTIVE:

## SECTION A — BEER

### I. Scope

#### Article 1

1. Member States shall apply an excise duty to beer in accordance with the provisions of this Directive.
2. Member States shall fix their rates in accordance with Directive <sup>(1)</sup> ...

#### Article 2

For the purposes of this Directive, 'beer' means any product falling within CN code 2203.

### II. Establishment of the duty

#### Article 3

1. The excise duty levied by Member States on beer shall be fixed by reference to the number of hectolitre/degree Plato of the finished product released for consumption or recorded as missing and exceeding any allowance granted. In assessing the charge to duty on beer, in accordance with the requirements of Directive ..., Member States shall ignore fractions of a degree Plato.
2. Member States may divide beers into categories consisting of no more than four degrees Plato and charge the same rate of duty per hectolitre on all beers falling within each category. Such rates, expressed as a charge per hectolitre/degree Plato, shall invariably equal or exceed the minimum rate laid down in Article 7a of Directive ...

#### Article 4

1. Member States may apply a single reduced rate of excise duty to beer brewed by independent small undertakings within the following limits:
  - the reduced rate shall not be applied to undertakings producing more than 60 000 hectolitres of beer per year,

<sup>(1)</sup> OJ No C 12, 18. 1. 1990, p. 12 [COM(89) 527 final].

— the reduced rate shall not be set more than 20% below the standard national rate of excise duty,

— the reduced rate shall not fall below the level of the minimum rate laid down in Article 7a of Directive ...

2. Member States shall ensure that any reduced rate they may introduce applies equally and in a straightforward manner to beer delivered into their territory from independent small breweries situated in other Member States.

3. Subject to such conditions as they shall lay down to ensure the straightforward application of the exemption, Member States may exempt from excise duty beer produced by a private individual and consumed by the producer, members of his family living under his roof, his employees or his guests.

#### Article 5

The excise duty paid on beer withdrawn from the market and destroyed because its condition or age renders it unfit for consumption may be refunded in accordance with the conditions and procedures laid down by Member States. Each Member State shall ensure that those conditions and procedures shall apply equally to both beer produced within the Member State and beer delivered into its territory from other Member States.

### SECTION B — WINE

#### I. Scope

##### Article 6

1. Member States shall apply an excise duty to wine in accordance with the provisions of this Directive.

2. Member States shall fix their rates in accordance with Directive ....

##### Article 7

For the purpose of this Directive:

1. 'still wine' covers all products falling within CN codes 2204, 2205 and 2206, except sparkling wine as defined in point 2 of this Article, provided that the products have an actual alcoholic strength by volume not exceeding 15% vol and that the alcohol contained in products of an actual alcoholic strength by volume exceeding 13% vol is entirely of fermented origin. Also to be considered still wines are products between 15 and 17% vol which meet the definition set out in Annex I,

point 13, penultimate subparagraph of Council Regulation (EEC) No 822/87 <sup>(1)</sup>;

2. 'sparkling wine' covers all products falling within CN codes 2204 10, 2204 21 10, 2204 29 10 and 2206 00 91 provided that the products have an actual alcoholic strength by volume not exceeding 15% vol and that the alcohol contained in products of an actual alcoholic strength by volume exceeding 13% vol is entirely of fermented origin.

### II. Establishment of the duty

#### Article 8

1. The excise duty levied by Member States on still and on sparkling wine shall be fixed by reference to the number of hectolitres of finished product released for consumption or recorded as missing and exceeding any allowance granted.

2. Except as provided in paragraph 3, Member States shall levy the same rate of excise duty on all products chargeable with the duty on still wine. Similarly they shall levy the same rate of duty on all products chargeable with the duty on sparkling wine.

3. Subject to the following conditions, Member States may apply a single reduced rate of duty on still wines and a single reduced rate of duty on sparkling wines restricted in each case to products which have an actual alcoholic strength by volume not exceeding 8,5% vol:

— the reduced rate shall not be set more than 50% below the standard national rate of excise duty,

— the reduced rate shall not fall below the level of the minimum rate laid down in Article 6a of Directive ....

#### Article 9

Subject to such conditions as they shall lay down to ensure the straightforward application of this provision, Member States may wholly or partially exempt from excise duty wine produced by a private individual, or by a production undertaking from its own agricultural produce, and in each case consumed by the producer, members of his family living under his roof, his employees or his guests.

<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1.

## SECTION C — INTERMEDIATE PRODUCTS

## I. Scope

*Article 10*

1. Member States shall apply an excise duty to intermediate products in accordance with the provisions of this Directive.
2. Member States shall fix their rates in accordance with Directive ...

*Article 11*

1. Except as provided in paragraph 2 of this Article for the purposes of this Directive, 'intermediate products' covers all products falling within CN codes 2204, 2205 and 2206 which have an actual alcoholic strength by volume exceeding 15% vol but not exceeding 22% vol, or which have an actual alcoholic strength by volume exceeding 13% vol and in which the alcohol content is not entirely of fermented origin.

2. 'Intermediate products' shall not include products which meet the definition set out in Annex I, point 13, penultimate subparagraph, of Regulation (EEC) No 822/87.

## II. Establishment of the duty

*Article 12*

1. The excise duty levied by Member States on intermediate products shall be fixed by reference to the number of hectolitres of finished product released for consumption or recorded as missing and exceeding any allowance granted.
2. Except as provided in paragraph 3, Member States shall charge the same rate of duty on all products chargeable with the duty on intermediate products.
3. Subject to the following conditions Member States may apply a single reduced rate of duty to those intermediate products which meet the conditions laid down in Article 13 (1) and (2) of Council Regulation (EEC) No 4252/88 <sup>(1)</sup>:

— the reduced rate shall not be set more than 50% below the standard national rate of excise duty,

— the reduced rate shall not fall below the minimum rate laid down in Article 5a of Directive ...

<sup>(1)</sup> OJ No L 373, 31. 12. 1988, p. 59.

## III. Control

*Article 13*

Member States shall ensure that intermediate products are manufactured in warehouses from constituent distilled and fermented alcoholic drinks which are held in suspension of the relevant excise duties.

## SECTION D — ALCOHOL AND ALCOHOLIC BEVERAGES

## I. Scope

*Article 14*

1. Member States shall apply an excise duty to alcoholic and alcoholic beverages in accordance with the requirements of this Directive.
2. Member States shall fix their rates in accordance with Directive ...

*Article 15*

For the purposes of this Directive, 'alcohol and alcoholic beverages' covers all products falling within CN codes 2207 and 2208, together with those products of CN codes 2204, 2205 and 2206 which have an actual alcoholic strength by volume exceeding 22% vol.

## II. Establishment of the duty

*Article 16*

The excise duty on alcoholic and alcoholic beverages shall be fixed per hectolitre of pure alcohol at 20 °C, and shall be calculated by reference to the number of hectolitres of pure alcohol actually cleared for consumption or recorded as missing and exceeding any allowance granted. Member States shall charge the same rate of duty on all products chargeable with the duty on alcohol and alcoholic beverages.

## SECTION E — EXEMPTIONS

*Article 17*

1. The products covered by this Directive shall be exempt from excise duty:
  - (a) when they consist of alcoholic beverages of an actual alcoholic strength by volume not exceeding 1,2% vol;
  - (b) when completely denatured in accordance with the requirements of any Member State;
  - (c) when denatured in accordance with the requirements of any Member State, and used for the manufacture of

perfumes, toiletries and cosmetics or for external medical use and conforming to the provisions of paragraph 3;

(d) when used for the production of vinegar as defined in CN code 2209;

(e) when used for the production of medicines as defined by Council Directive 65/65/EEC <sup>(1)</sup>.

2. The products covered by this Directive may be exempt from excise duty under the conditions which the Member States shall lay down:

(a) when used as a sample for analysis, for necessary production tests, or for scientific purposes;

(b) when used for scientific research;

(c) when used for medical purposes in hospitals.

3. Before the date of implementation of this Directive, and three months before any intended subsequent change in national law, each Member State shall communicate to the Commission, together with all relevant information, the formulae of the denaturants which it intends to employ from 1 January 1993 for the purposes of paragraphs (1) (b) and (c). The Commission shall transmit the communications to the other Member States within one month of receipt.

#### SECTION F — COMMON PROVISIONS

##### *Article 18*

To the quantity of alcohol or alcoholic drink contained in any manufactured product Member States shall apply the

<sup>(1)</sup> OJ No 22, 9. 2. 1965, p. 369/65.

excise duty appropriate to the category to which the alcohol or alcoholic drink concerned belongs.

#### SECTION G — FINAL PROVISIONS

##### *Article 19*

Where necessary, the Community measures to give effect to this Directive shall be adopted by the Commission according to the procedure provided for in Title VI of Council Directive ... concerning the general arrangements for products subject to excise duty and on the holding and movement of such products <sup>(2)</sup>.

##### *Article 20*

Member States shall bring into force, not later than 31 December 1992 the laws, regulations and administrative provisions necessary to comply with this Directive.

When the Member States adopt such provisions they shall contain a reference to this Directive or shall be accompanied by such a reference on official publication. The Member States shall lay down the manner in which such reference shall be made.

##### *Article 21*

This Directive is addressed to the Member States.

<sup>(2)</sup> See page 1 of this Official Journal [COM(90) 431 final].



**Proposal for a Council Directive amending Council Directives 72/464/EEC and 79/32/EEC on taxes other than turnover taxes which are levied on the consumption of manufactured tobacco**

*COM(90) 433 final*

*(Submitted by the Commission on 27 September 1990)*

(90/C 322/03)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 99 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 72/464/EEC <sup>(1)</sup>, as last amended by Directive ... <sup>(2)</sup>, lays down general provisions relating to excise duties on manufactured tobacco and special provisions relating to the structure of excise duties applicable to cigarettes;

Whereas Council Directive 79/32/EEC <sup>(3)</sup>, as amended by Directive 80/369/EEC <sup>(4)</sup>, and by the Act of Accession of Portugal and Spain, laid down the definitions of the different types of manufactured tobacco;

Whereas, in Articles 4 (1) and 6 (2) of Council Directive 72/464/EEC, the concepts of importation and release for consumption should be amended in connection with the abolition of tax frontiers;

Whereas, in Article 5 (1) of Council Directive 72/464/EEC, the concept of manufacturer should be defined as the natural or legal person who actually prepares the tobacco products and who sets the maximum retail selling price for each of the Member States for which the products in question are to be released for consumption;

Whereas, in Article 6 of Council Directive 72/464/EEC, for the purpose of simplifying collection of the tax and of preventing certain types of evasion or avoidance with regard to value added tax, this tax should be calculated on the basis of the maximum retail selling price when the VAT and excise duties are collected by way of tax-stamps;

Whereas, since a majority of Member States traditionally exempt certain types of manufactured tobacco, exemptions for special uses should be established in this Directive;

Whereas, since the definitions of the tobacco products are completely exhaustive, it is therefore appropriate to delete the reference to subheading 24.02 E of the Common Customs Tariff from Article 2 (3) and (4) of Directive 79/32/EEC;

Whereas Article 8 of Directive 79/32/EEC has become redundant and should therefore be deleted,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Council Directive 72/464/EEC is hereby amended as follows:

1. Article 4 is amended as follows;

(a) in paragraph 1, the phrase 'national and imported cigarettes' is replaced by 'cigarettes manufactured in the Community and those imported from non-member countries';

(b) in paragraph 2, after 'cigarettes', the following phrase is added: 'in accordance with the provisions of Directive ...'.

2. Article 5 (1) is replaced by the following:

'1. Manufacturers and importers in the Community shall be free to determine the maximum retail selling price for each of their products for each Member State for which the products in question are to be released for consumption. The natural or legal person who converts the tobacco into manufactured products prepared for retail sale shall be deemed to be a manufacturer.'

3. Article 6 is amended as follows:

(a) The following third subparagraph is added to paragraph 1:

'Member States which collect value added tax at source by means of tax stamps, in the same way as excise duty, shall calculate value added tax on the maximum retail selling price.'

(b) In paragraph 2, first line, the word 'national' is deleted.

(1) OJ No L 303, 31. 12. 1972, p. 1.

(2) OJ No C 12, 18. 1. 1990, p. 4 [COM(89) 525 final].

(3) OJ No L 10, 16. 1. 1979, p. 8.

(4) OJ No L 90, 3. 4. 1980, p. 42.

4. The following Article 6a is inserted:

*Article 6a*

The following may be exempted from excise duty:

- (a) denatured manufactured tobacco used for industrial or horticultural purposes;
- (b) manufactured tobacco which is destroyed under administrative supervision;
- (c) manufactured tobacco which is solely intended for scientific tests connected with the determination of tar and/or nicotine levels.

Member States shall determine the conditions and formalities to which the abovementioned exemptions are subject.'

5. Article 12 (1) is amended as follows:

- (a) in paragraph 1, first subparagraph, the second sentence is deleted;
- (b) in paragraph 1 the second subparagraph is deleted.

*Article 2*

Council Directive 79/32/EEC is hereby amended as follows:

1. Article 1 is amended as follows:

- (a) in paragraph 1, the figure '1' is deleted;
- (b) paragraph 2 is repealed.

2. Article 2 is amended as follows:

- (a) in paragraph 3, 'falling within subheading 24.02 E of the Common Customs Tariff' is deleted;

(b) in paragraph 4, 'falling within subheading 24.02 E of the Common Customs Tariff' is deleted.

3. Article 8 of Council Directive 79/32/EEC of 18 December 1978 is repealed.

4. In Article 9 (2), the first subparagraph is deleted.

*Article 3*

Where necessary, the Community measures to give effect to the provisions of this Directive, shall be adopted by the Commission according to the procedure provided for in Title VI of Council Directive ... concerning the general arrangements for products subject to excise duty and on the holding and movement of such products <sup>(1)</sup>.

*Article 4*

The Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive not later than 31 December 1992.

When the Member States adopt such provisions they shall contain a reference to this Directive or shall be accompanied by such a reference on official publication. The Member States shall lay down the manner in which such reference shall be made.

*Article 5*

This Directive is addressed to the Member States.

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<sup>(1)</sup> See page 1 of this Official Journal [COM(90) 431 final].

**Proposal for a Council Directive on the harmonization of the structures of excise duties  
on mineral oils**

*COM(90) 434 final*

*(Submitted by the Commission on 27 September 1990)*

(90/C 322/04)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

*Article 2*

Having regard to the Treaty establishing the European Economic Community, and in particular Article 99 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 ... lays down provisions relating to the rates of excise duty applicable to mineral oils;

Whereas it is necessary, if those duties are to be applied in a uniform manner, to determine common definitions for all the products concerned;

Whereas it is useful to base such definitions on those set out in the combined nomenclature which represents an established comprehensive system providing a suitable basis for taxation purposes;

Whereas it is necessary to ensure that duty is charged on a common basis;

Whereas it is necessary to lay down precisely at Community level the exemptions or rate reductions which apply to those mineral oils which cross frontiers;

Whereas, however, it is appropriate to permit Member States to apply their own conditions to exemptions or rate reductions linked to end uses within the territory of the State,

HAS ADOPTED THIS DIRECTIVE:

**I. Field of application**

*Article 1*

1. Member States shall impose on mineral oils a harmonized excise duty in accordance with the provisions of this Directive.

2. Member States shall fix their rates in accordance with Directive ... approximating the rates of excise duty on mineral oils.

1. For the purposes of this Directive, 'mineral oil' covers:

(a) products falling within CN code 2706, for use as substitutes for fuel oils;

(b) products falling within CN codes 2707 99 11 and 2707 99 19 of which 90% or more of their volume distils at a temperature up to 215 °C and products falling within CN codes 2707 10 10, 2707 10 90, 2707 20 10, 2707 20 90, 2707 30 10, 2707 30 90, 2707 50 10, 2707 50 91 and 2707 50 99;

(c) products falling within CN codes 2707 91 00, 2707 99 91 and 2707 99 99 for use as substitutes for fuel oils;

(d) products falling within CN code 2710, with the exception of those preparations which do not possess the qualities necessary for use as motor fuels;

(e) products falling within CN code 2711, excluding natural gas and methane except when those products are used as motor fuels;

(f) products falling within CN codes 2712 20 00, 2712 90 31, 2712 90 33, 2712 90 39 and 2712 90 90;

(g) products falling within CN code 2713 with the exception of resinous products, used bleaching earth, acid residues and basic residues;

(h) products falling within CN code 2715;

(i) products falling within CN code 2901 and codes 2902 11 00, 2902 19 90, 2902 20 10, 2902 20 90, 2902 30 10, 2902 30 90, 2902 41 00, 2902 42 00, 2902 43 00, 2902 44 10 and 2902 44 90;

(j) products falling within CN codes 3403 11 00, 3403 19 10, 3403 19 91 and 3403 19 99;

(k) products falling within CN code 3404 containing more than 85% by weight of the products referred to in (f) or (g);

(l) products falling within CN codes 3811 21 00 and 3811 29 00;

- (m) products falling within CN codes 3811 19 00 and 3811 90 00;
- (n) products falling within CN codes 3817 10 10, 3817 10 90 and 3817 20 00.

2. Those mineral oils, other than those for which a level of duty is specified in Directive ..., shall be subject to excise duty if intended for use, offered for sale or used as fuel or road fuel. The rate of duty to be charged shall be fixed, according to use, at the rate for the equivalent fuel or road fuel.

3. In addition to the taxable products enumerated in paragraph 1, any product similar in nature to mineral oils and intended for use, offered for sale or used as motor fuel, or as an additive or extender in motor fuels, shall also be taxed as motor fuel.

## II. Establishment of the excise duty

### Article 3

In each Member State, mineral oils shall be subjected to a specific excise duty calculated per 1 000 litres of product at a temperature of 15 °C. However, for products referred to in Article 2 (1) used as heavy fuel oils, the specific duty shall be calculated per 1 000 kilograms of product.

### Article 4

1. In addition to the common provisions defining the chargeable event as set out in Directive ..., the offer for sale or use as motor fuel, or as an additive or extender, as provided for in Article 2 (3), shall also be considered as a chargeable event giving rise to the excise duty in the case of mineral oils.

2. The consumption of mineral oils within the curtilage of an establishment producing mineral oils shall not be considered as a chargeable event giving rise to the excise duty except when such consumption is for purposes not related to that production or for the propulsion of motor vehicles.

### Article 5

1. Without prejudice to the provisions of Article 6, an establishment in which the products referred to in Article 2 (1) are manufactured or subject to a specific process within the meaning of additional note 4 to Chapter 27 of the CN is considered as an establishment producing mineral oils.

2. Member States shall not be obliged to treat as 'establishments producing mineral oils', those establishments in which the only products manufactured are lubricants not subject to the harmonized excise duty.

### Article 6

Member States shall not be obliged to treat as 'production of mineral oils':

- (a) operations during which small quantities of mineral oils are obtained incidentally;
- (b) operations by which the user of a mineral oil makes its reutilization possible in his own undertaking provided that the amounts of excise duty already paid on such oil is not lower than the amount of excise duty which would be due were the reused oil to be liable again to the excise duty;
- (c) the operation consisting of mixing, outside a production establishment or a bonded warehouse, mineral oils with other mineral oils or other materials provided:
  - that excise duty on the components has been paid previously,
  - and
  - that the amount paid is not less than the amount of excise duty which would be chargeable on the mixture.

The first proviso shall not apply where the mixture is exempted for a specific use.

The second proviso shall not apply where components to which different rates apply have been mixed for technical reasons.

### Article 7

1. In addition to the common provision on the payment of excise duty as set out in Directive ..., excise duty on mineral oils shall also become due:

- upon the occurrence of one of the chargeable events referred to in Article 4,
- when it is established that a final use condition necessary for the benefit of a reduced rate of duty or an exemption is no longer fulfilled.

2. On a change in one or more rates of the excise duty, stocks of mineral oil released for consumption may be subject to an increase in or reduction of the excise duty.

Rules for recovering the increase or the repayment of the excess of the excise duty shall be laid down by the Member States.

### Article 8

1. In addition to the common provisions on exempt uses of exciseable products as set out in Directive ..., and without prejudice to other Community provisions, Member States shall exempt the following products under conditions which they shall lay down for the purpose of ensuring the correct and straightforward application of such exemptions and of preventing any evasion, avoidance or abuse:

- (a) oils used for purposes other than as motor fuels or as heating fuels;
- (b) oils used as fuels for the propulsion of railway vehicles running on public railway networks;
- (c) gases referred to in Article 2 (1) (e) and (l) used for purposes other than as motor fuels;
- (d) oils supplied for use as fuels for the purposes of air navigation other than private pleasure flying. For the purposes of this Directive, 'private pleasure flying' means the use of aircraft by the owner thereof or the natural or legal person who enjoys their use either through hire or through any other means, for purposes other than commercial purposes and in particular other than for carriage of passengers or goods for consideration;
- (e) oils supplied for use as fuel for the purpose of navigation on inland waterways and within Community waters (including fishing) other than for use in private pleasure craft.  
For the purposes of this Directive, 'private pleasure craft' means craft used by the owner thereof or the natural or legal person who enjoys their use either through hire or through any other means, for purposes other than commercial purposes and in particular other than for the carriage of passengers or goods for consideration.

2. Without prejudice to other Community provisions, Member States shall remain free to determine the

exemptions or reductions in the rate of duty which they apply to mineral oils used under fiscal control:

- in the process of producing electricity by public utilities,
- in agriculture, horticulture, forestry and inland fisheries,
- in the area of local public transport.

3. If the Commission considers that the exemptions or reductions provided for in paragraph 1 and 2 are no longer sustainable, particularly in terms of fair competition or distortion to the functioning of the internal market, or Community policy in the area of protection of the environment, it shall submit appropriate proposals to the Council.

4. In any event, and at the latest by 31 December 1996, the Council shall review the situation with regard to the exemptions or reductions provided for in paragraphs 1 and 2 on the basis of a report from the Commission and shall determine on a proposal from the Commission, after consultation with the European Parliament, whether any or all of them shall be abolished.

5. Member States shall be free to give effect to the exemptions or reductions in the rate of duty listed in paragraphs 1 and 2 by means of a refund of excise paid.

### III. Controls

#### Article 9

Pending the adoption of Community rules for the colouring and marking of those mineral oils used at a reduced rate as fuel or as motor fuel, Member States shall take all necessary measures to prevent improper use.

### IV. Final provisions

#### Article 10

Where necessary, the Community measures to give effect to this Directive, shall be adopted by the Commission according to the procedure provided for in Title VI of Council Directive ... concerning the general arrangements for products subject to excise duty and on the holding and movement of such products <sup>(1)</sup>.

#### Article 11

Member States shall bring into force the laws, regulations and administrative provisions necessary to

<sup>(1)</sup> See page 1 of this Official Journal [COM(90) 431 final].

comply with this Directive not later than 31 December 1992.

When the Member States adopt such provisions they shall contain a reference to this Directive or shall be accompanied by such a reference on official publication. The

Member States shall lay down the manner in which such reference shall be made.

#### Article 12

This Directive is addressed to the Member States.

### Proposal for a Council Decision concerning an action programme for the vocational qualification of young people and their preparation for adult and working life

COM(90) 467 final

(Submitted by the Commission on 15 October 1990)

(90/C 322/05)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 128 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 the fundamental objectives of the common vocational training policy set down in the second principle in Council Decision 63/266/EEC <sup>(1)</sup> refer, in particular to the need to guarantee adequate vocational training for all and to avoid any harmful interruption between completion of general education and commencement of vocational training;

Whereas the tenth principle in Decision 63/266/EEC states that special measures may be taken in respect of special problems concerning specific sectors of activity or specific categories of persons;

Whereas the Council, by Decision 87/569/EEC <sup>(2)</sup>, adopted an action programme for the vocational training of young people and their preparation for adult and working life (Petra), for a period of five years commencing 1 January 1988; whereas the Commission has presented an interim report on the implementation of this Decision;

Whereas the Council, by Decision 84/636/EEC <sup>(3)</sup>, adopted a third joint programme for the exchange of young workers in the Community up to 31 December 1990;

whereas the Commission has submitted an evaluation report on the programme; whereas the Council, by Decision 90/268/EEC <sup>(4)</sup>, extended the programme up to 31 December 1991 with a view to taking a decision later on an overall Commission proposal concerning initial vocational training including follow-up of the young workers exchange programme; and whereas it is the responsibility of the Member States, under Article 50 of the Treaty, to encourage, within the framework of a joint programme, the exchange of young workers;

Whereas the Community Charter of the fundamental social rights of workers, adopted at the European Council in Strasbourg on 9 December 1989 by the Heads of State and Governments of 11 Member States, declares in point 23 that, 'following the end of compulsory education, young people must be entitled to receive initial vocational training of a sufficient duration to enable them to adapt to the requirements of their future working life; for young workers, such training should take place during working hours';

Whereas the conclusions of the Council and Ministers of Education, meeting within the Council of 14 December 1989 <sup>(5)</sup>, stressed the importance of the issues at stake in technical and vocational education and initial training and asked the Commission to propose ways in which cooperation can be achieved in this area;

Whereas the European Parliament adopted, on 15 March 1989, a resolution on the social dimension of the internal

<sup>(1)</sup> OJ No 63, 20. 4. 1963, p. 1338/63.

<sup>(2)</sup> OJ No L 346, 10. 12. 1987, p. 31.

<sup>(3)</sup> OJ No L 331, 19. 12. 1984, p. 36.

<sup>(4)</sup> OJ No L 156, 21. 6. 1990, p. 8.

<sup>(5)</sup> OJ No C 27, 6. 2. 1990, p. 4.

market <sup>(1)</sup> in which it emphasizes the need to encourage transnational vocational training initiatives;

Whereas the European Parliament, in its resolution of 16 February 1990 on Community education and training programmes <sup>(2)</sup>, expressed concern about the fact that young people do not have equal opportunities in this area since existing Community programmes are geared mainly to university students rather than young people at school or following vocational training courses, who are in the majority;

Whereas, by their joint opinion of 26 January 1990, the social partners, in the framework of the Social Dialogue, emphasized the importance of high-quality education and initial vocational training leading to recognized qualifications as an essential and irreplaceable condition for successful integration of young people into working and economic life;

Whereas, in response to the requests of both the Council and the European Parliament, there is a need to strengthen and extend the Community's experience in the field of initial vocational training with the aim of supporting the development of national policies in, and of adding a European dimension to, this field;

Whereas there is a need to stimulate exchange of experience between Member States, and diversified forms of practical transnational cooperation between training institutions, including periods of training or work experience abroad, as a contribution to the achievement of the internal market and the elimination of barriers to the free movement of persons in the Community, and to the creation of trans-European networks in a frontier-free Europe;

Whereas there is a need to respond to new challenges facing initial vocational education and training, in particular by raising its status, adapting its content, increasing its coherence and flexibility, stimulating cooperation between its providers, strengthening apprenticeship and work-based training, improving vocational guidance and attracting more girls and young women into technical and scientific fields;

Whereas this action programme should be organized in such a way that it interacts with the tasks and actions of the European Social Fund <sup>(3)</sup> as well as with the other vocational training programmes;

Whereas this action programme should, in its implementation, take account of the specific problems of the different

regions and target groups by ensuring a balanced development of the measures;

Whereas the Commission has adopted a memorandum on the rationalization and coordination of vocational training programmes at Community level,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

Decision 87/569/EEC is hereby amended as follows:

1. Article 1 is replaced by the following:

#### *Article 1*

1. A programme is hereby adopted for a three-year period from 1 January 1992 to support and supplement, through measures at Community level, the policies and activities of the Member States in doing their utmost to ensure that all young people in the Community who so wish receive two or more years' vocational training leading to recognized vocational qualifications, in addition to their full-time compulsory education.

2. The programme is also intended to:

- (a) raise the standards and quality of technical and vocational education and initial training, diversify vocational training provision so as to offer choice for young people with different levels of ability, and enhance the capacity of vocational training systems to adapt to rapid economic, technological and social change;

- (b) add a Community dimension to vocational qualifications, taking account of the need to promote comparability of these qualifications between the Member States;

- (c) stimulate and support practical cooperation and the development of training partnerships, both transnationally and within each Member State, between training providers, industry and other promoters of local and regional development, so as to achieve a more effective use of training resources, improve the transfer of experience and increase awareness of the European aspects to be taken into account in the development of initial vocational training;

- (d) develop opportunities for young people in technical and vocational education or other forms of initial training, and for young workers, to benefit from periods of training or work experience in other

<sup>(1)</sup> OJ No C 96, 17. 4. 1989, p. 61.

<sup>(2)</sup> OJ No C 68, 19. 3. 1990, p. 175.

<sup>(3)</sup> OJ No L 185, 15. 12. 1988, p. 9.

Member States, so as to add a European dimension to their training and to increase their mobility at Community level;

- (e) introduce a European dimension into the systems and processes of vocational information and guidance.'

2. Articles 3 and 4 are replaced by the following:

*'Article 3*

In order to achieve the objectives stated in Article 1 and to support and complement the activities of the Member States referred to in Article 2, the Commission shall make a contribution by means of the following measures, which are aimed at adding a Community dimension to the design and implementation of vocational training policies in the Member States:

1. support for transnational cooperation between initiatives of the kind set out in Article 2, including specific assistance to those involving young people in their planning, organization and implementation, which encourage the personal and vocational development of young people in vocational and technical education or other forms of initial training, and of young workers, who have left the education and training system, through cooperative or integrated vocational education, training and guidance measures. Such cooperation shall in particular promote within the Community:

— vocational training or work experience placements abroad for young people in initial training and young workers,

— joint training of trainers, and

— joint development of European training modules, and of qualifications and certificates related to them;

2. support for measures aimed at introducing a European dimension into the processes and systems of vocational information and guidance, in particular by:

— supporting national contact points or centres, to create a network for the exchange of guidance data, and to explore effective methods for the transfer of up-to-date guidance information throughout the Community,

— providing training for guidance counsellors/specialists on European aspects of guidance;

3. technical assistance, as necessary, in the implementation of this programme, comparative studies on vocational education and training issues, including surveys on the effectiveness of youth training programmes, and review of the evolution of vocational qualifications.

The Commission shall implement the programme in accordance with the provisions set out in the Annex.

The Commission shall draw upon the assistance of the European Centre for the Development of Vocational Training in the implementation of this programme, subject to the conditions laid down in Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training (\*).

—————  
(\* ) OJ No L 39, 13.2.1975, p. 1.

*Article 4*

1. The results of the measures taken pursuant to Article 3 shall be subject to objective external assessment, consisting of:

(a) an interim evaluation during 1994, and

(b) a final evaluation during 1995.

2. Before 30 June 1993 and before 30 June 1995, the Member States shall send to the Commission a report on the steps taken to implement the common framework of guidelines laid down in Article 2, including information on current arrangements to promote initial vocational training.

3. The Commission shall present an interim report before the end of 1993 and a final report before the end of 1995, including an overall evaluation of the implementation of this programme, to the Council and the European Parliament, as well as to the Economic and Social Committee and to the Education Committee set up under the Resolution of 9 February 1976 of the Council and of the Ministers of Education, meeting within the Council (\*\*).

—————  
(\*\* ) OJ No C 38, 19.2.1976, p. 1.'

3. The following Articles 5 and 6 are added:

*'Article 5*

As from the 1992 budgetary year, the appropriations necessary to finance the Community contribution to the actions provided for in Article 3, including measures to ensure technical assistance at central or decentralized



level, continuing monitoring and evaluation, and other supplementary measures concerning information on the programme and concertation with policy makers and the social partners, shall be authorized in the annual budgetary procedure.

#### Article 6

1. The Commission shall be assisted by a committee of an advisory nature composed of two representatives from each Member State and chaired by a representative of the Commission. Twelve representatives of both sides of industry, appointed by the Commission on the basis of proposals from the organizations representing both sides of industry at Community level, shall participate in the work of the committee as observers.

2. The representative of the Commission shall submit to the committee a draft of the measures concerning:

- (a) the general guidelines governing the programme;
- (b) the general guidelines on the financial assistance provided by the Community (amounts, duration and recipients of assistance);

(c) questions relating to the overall balance of the programme, including the breakdown between the various actions.

3. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the question delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.'

#### Article 2

This Decision shall take effect on 1 January 1992.

### ANNEX

#### COMMUNITY ACTION PROGRAMME ON THE VOCATIONAL QUALIFICATION OF YOUNG PEOPLE AND THEIR PREPARATION FOR ADULT AND WORKING LIFE (PETRA)

##### INTRODUCTION

1. This Annex sets out the measures required in Article 2 of the Decision, in particular for the consolidation of the existing Community action programme, known as 'the Petra programme', which was set up under Council Decision 87/569/EEC of 1 December 1987 and which shall be extended until 31 December 1994.

These measures are to be implemented at Community level by the Commission, respecting the principle of subsidiarity, to support and complement initial vocational training policies in the Member States and to add a Community dimension to their activities in this field. They are of two kinds:

- A. Support for transnational and transfrontier training projects;
- B. Support for measures aimed at introducing a European dimension into the processes and systems of vocational information and guidance;

In addition, the Commission will take the complementary measures and provide the technical assistance which are required to implement the programme.

The Commission's support for the measures mentioned above, and for the technical assistance, will be financed from its specific budget for education, vocational training and youth policy.

## ACTION A

## I. SUPPORT FOR TRANSNATIONAL AND TRANSFRONTIER TRAINING PROJECTS

## I.1. Scope

2. The Community will extend its financial and technical support for transnational and transfrontier cooperation between initiatives implemented in the field of initial vocational training which, in accordance with the objectives set out in Article 1 of the Decision, aim to:

- (a) raise the standards and quality of technical and vocational education and initial training, diversify vocational training provision so as to offer choice for young people with different levels of ability, and enhance the capacity of vocational training systems to adapt to rapid economic, technological and social change;
- (b) add a Community dimension to both the supply of, and demand for, vocational qualifications, taking account of the need to promote comparability of these qualifications between the Member States of the Community;
- (c) stimulate and support practical cooperation and the development of training partnerships, both transnationally and within each Member State, between training providers, industry and other promoters of local and regional development, so as to achieve a more effective use of training resources, improve the transfer of experience and increase awareness of the European aspects to be taken into account in the development of initial vocational training;
- (d) develop opportunities for young people in technical and vocational education or other forms of initial training, and for young workers, to benefit from periods of training or work experience in other Member States, so as to add a European dimension to their training and to increase their mobility at Community level;
- (e) introduce a European dimension into the systems and processes of vocational information and guidance.

In the implementation of these objectives and of these actions, specific problems of the different regions and target groups will be taken into account through ensuring a balanced development of the programme. In this perspective, particular attention will be given to actions:

- promoting equal opportunities for young women by reinforcing girls' and young women's access to vocational training in industrial, technical and scientific fields,
- improving training opportunities for disadvantaged young people,
- ensuring a balance in the flow of exchanges of young people between the Member States of the Community.

3. In accordance with the different systems in the Member States, the term initial vocational training shall refer to:

- (a) all forms of vocational training, below university level, following the completion of the period of full-time compulsory education, or general education at (upper) secondary level, and providing a structured training programme, part of a programme or complementary elements to it, in order to enable young people to gain a recognized vocational qualification;
- (b) complementary action, including the provision of practical work experience, to improve the preparation of young people for working and adult life, motivating and enabling them to develop their competences in an active way and to practise their skills, and fostering their sense of enterprise and initiative.

4. Such training can be offered in different forms (full-time or part-time) and by different providers (education, training or other authorities in the Member States; firms; other private or public training bodies), involving in particular:

- (a) technical and vocational schools, or colleges;
- (b) training centres or training workshops;
- (c) apprenticeship or systems of alternance-based training;
- (d) programmes offering practical work experience for young people, related to the vocational field in which they are being, or have been, trained;

- (e) other training and vocational preparation measures, including youth initiative projects which provide an alternatively structured, participative learning context, and in which young people themselves are actively involved in the planning, organization and implementation.

5. The transnational and transfrontier cooperation supported under the programme shall be aimed at the following target groups:

- young people in technical or vocational education, apprenticeships, or other forms of initial training leading to a recognized qualification,
- young workers up to the age of 25, i.e. young people who are already in employment and who wish to complement their initial training with a period of work experience abroad.

The programme does not concern young job seekers and young unemployed as they represent major target groups for actions implemented within the framework of the Community's structural policies and, in particular, the European initiative.

## 1.2. Activities

6. The Community's support is aimed at stimulating transnational cooperation in particular through:

- training or work experience placements abroad for young people in initial training and their trainers, and for young workers,
- joint training of trainers, and
- joint development of European training modules, and of qualifications and certificates related to them.

Training initiatives participating in the programme will be working in one or more of these activity fields. The training or work experience placements abroad constitute the major part of action A of the programme as they absorb 70% of the financial contribution foreseen for this action.

### 1.2.1. *Training or work experience placements for young people abroad*

7. In the case of young workers, the implementation of training and work experience placements in another Member State shall build on the experience of the third joint programme for exchange of young workers. In particular, these placements shall provide new vocational or training experience for the participants which will:

- develop their vocational knowledge and enrich their practical experience,
- promote their awareness of the problems of the working world, and
- bring them into contact with the working environment of the host country.

The placements shall also provide the participants with the opportunity to improve their knowledge of life, work and society in the host country and to learn more about the objectives of the European Community and the way in which it functions.

The duration of such placements shall normally be three months, but they may last up to one year where, by the nature of the work experience and its training objectives, a longer period is required.

8. In the case of young people who are still in the vocational training system, training or work experience placements abroad shall normally form an integral and recognized part of their training process, and must embody clear training objectives which have been mutually agreed between the trainee and the sending and the hosting organizations. The duration of such placements should not be less than three weeks, in order to meet these objectives. In order to facilitate the integration of such placements into the training process, they should be based on specific vocational sectors which relate to the training needs of participants.

Particular emphasis shall be placed on ensuring that each placement involves a significant added training value, e.g. experience of new training methods or equipment, new content, new forms of training partnerships, etc., so as to maximize the benefits of exchanges within the Community and to foster the transfer of innovation know-how and good practice.

9. It is the responsibility of the training institutions/initiatives or, in the case of young workers, the young people themselves or their employers, to organize their exchanges/placements. Member States shall make the necessary arrangements to assist in the identification of potential partners or placements, to help match supply and demand and to ensure adequate preparation, organization and 'on-the-spot' support. Each Member State shall designate one (or more) competent agency (agencies) responsible for coordinating and implementing this part of the programme at national level, in accordance with specific guidelines agreed at Community level.

#### *1.2.2. Joint training of trainers*

10. Community assistance shall be granted to support bilateral or multilateral transnational partnerships aimed at the training or retraining of trainers, and teachers in the field of technical or vocational education, on aspects of common concern. Such partnerships shall be established with regard to the aims set out in paragraph 2 above and could involve, for example, joint training seminars, exchanges or joint development of training material.

#### *1.2.3. Joint development of European training modules, and of qualifications and certificates related to them*

11. Community assistance shall be granted, in the first place, for training institutions or projects wishing to engage, on a bilateral or multilateral basis, in medium or long-term cooperation on the development and implementation of European training, especially the development of new qualifications and vocational profiles, involving:

- training units (modules or courses) and methods of assessment which can be adapted for use by, or integrated into, existing training provision in different Member States, or
- training units to form distinct components of integrated transnational training programmes, i.e. programmes in which certain complementary elements of a total training course are provided by (a) training institution(s) in another (or several) Member State(s).

### **1.3. Community financial contribution**

12. For the implementation of training or work experience placements abroad, the Commission will provide financial aid to the individual Member States, as a Community contribution towards covering:

- subsistence costs for young people during the placement abroad,
- justified travel costs, up to 75%,
- the costs of preparatory language training,
- the cost incurred for the preparation, organization, monitoring and publicizing of placement programmes in each Member State.

13. In calculating the aid to each Member State, quantitative objectives will be assigned in relation to the number of young people from 15 to 25 years in its population. Inspired by models applied in the Erasmus and Comett programmes and taking into consideration the need to ensure a balanced flow of exchanges in the Community, the calculation will also take account of:

- the gross domestic product of each Member State,
- the geographical distance between Member States.

14. Applications for grants shall normally be received and processed by the designated agencies in the Member States.

15. For other cooperative training activities, the Commission will provide a financial contribution, normally for two years, averaging ECU 30 000 per year, towards the costs incurred by each individual training institution involved in a transnational or transfrontier partnership on:

- preparatory activities,
- joint training of trainers,
- joint development of European training modules.

## ACTION B

**II. SUPPORT FOR MEASURES AIMED AT INTRODUCING A EUROPEAN DIMENSION INTO THE PROCESSES AND SYSTEMS OF VOCATIONAL INFORMATION AND GUIDANCE****II.1. Scope**

16. The Community will support links and active cooperation between Member States' services for vocational information and guidance of young people, aimed at ensuring:

- that all young people receive suitable information, practical advice and, if necessary, individual counselling and help, to make them aware of the vocational training options available to them, enable them to assess their strengths and make informed choices, motivate them to strive for vocational qualifications and facilitate their access to initial training,
- that, as part of this process, all young people and their parents are given the means to obtain up-to-date information on training opportunities and guidance services available in other Member States, and that they are encouraged and helped to use this information.

The Commission will ensure close coordination with relevant ongoing work of Cedefop and other Community initiatives in this field; especially with a view to linking European guidance activities for young people with those aimed at adults.

**II.2 Activities**

17. The Community's contribution is aimed at developing materials, methods and procedures which can facilitate practical cooperation between the guidance services, especially through:

- networking the exchange of European guidance data. This involves, in particular, the establishing of a European network of national contact points or centres which will develop and update data for use by guidance services in all Member States,
- providing support for the training of guidance counsellors/specialists, on European aspects of guidance. Such training could take the form of bilateral or multilateral training seminars, initially involving trainers of guidance personnel from different Member States.

**II.3. Community financial contribution**

18. The Commission will provide financial support to projects proposed by the Member States, up to a total of ECU 1,4 million in 1992, and up to ECU 1,7 and 2 million in 1993 and 1994, respectively. The allocation of project grants shall be decided by the Commission after individual assessment of suitable proposals.

**COMPLEMENTARY MEASURES**

19. The Commission will take the necessary complementary measures. This will include information on the programme and the dissemination of its results, by means of publications, seminars, etc., as well as the continuation of support for transnational cooperation in studies on specific issues in initial vocational training.

In addition, the Commission will provide the technical support required for the implementation of the programme and the coordination and evaluation of the actions supported under it. As necessary, the services of specialized institutions and organizations will be called on to provide technical support, both within the Member States and at Community level.

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**Proposal for a Council Directive on the approximation of the laws of the Member States relating to cosmetic products**

*SEC(90) 1985 final*

*(Submitted by the Commission on 15 November 1990)*

(90/C 322/06)

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,

In cooperation with the European Parliament,

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

Whereas Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products <sup>(1)</sup>, as last amended by Directive 90/121/EEC <sup>(2)</sup>, has been amended several times and to a substantial extent; whereas for the sake of clarity the Directive should therefore be consolidated;

Whereas measures must be adopted with the aim of progressively establishing the internal market over a period expiring on 31 December 1992; whereas the internal market is to comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured;

Whereas the provisions laid down by law, regulation or administrative action in force in the Member States define the composition characteristics to which cosmetic products must conform and prescribe rules for their labelling and for their packaging; whereas these provisions differ from one Member State to another;

Whereas the differences between these laws oblige Community cosmetic producers to vary their production according to the Member State for which the products are intended; whereas, consequently, they hinder trade in these products and, as a result, have a direct effect on the establishment and functioning of the common market;

Whereas the main objective of these laws is the safeguarding of public health and whereas as a result, the pursuit of the same objective must inspire Community legislation in this sector; whereas, however, this objective must be

attained by means which also take account of economic and technological requirements;

Whereas it is necessary to determine at Community level the regulations which must be observed as regards the composition, labelling and packaging of cosmetic products;

Whereas this Directive relates only to cosmetic products and not to pharmaceutical and medicinal products; whereas for this purpose it is necessary to define the scope of the Directive by delimiting the field of cosmetics from that of pharmaceuticals; whereas this delimitation follows in particular from the detailed definition of cosmetic products, which refers both to their areas of application and to the purposes of their use; whereas this Directive is not applicable to the products that fall under the definition of cosmetic product but are exclusively intended to protect from disease; whereas, moreover, it is advisable to specify that certain products come under this definition, whilst products containing substances or preparations intended to be ingested, inhaled, injected or implanted in the human body do not come under the field of cosmetics;

Whereas in the present state of research, it is advisable to exclude cosmetic products containing one of the substances listed in Annex V from the scope of this Directive;

Whereas cosmetic products must not be harmful under normal or foreseeable conditions of use; whereas in particular it is necessary to take into account the possibility of danger to zones of the body that are contiguous to the area of application;

Whereas, in particular, the determination of the methods of analysis together with possible modifications or additions which may have to be made to them on the basis of the results of scientific and technical research, are implementing measures of a technical nature; whereas it is advisable to entrust their adoption to the Commission, subject to certain conditions specified in this Directive, for the purpose of simplifying and accelerating the procedure;

Whereas technical progress necessitates rapid adaptation of the technical provisions defined in this Directive and in subsequent Directives in this field; whereas it is advisable, in order to facilitate implementation of the measures necessary for this purpose, to provide for a procedure establishing close cooperation between the Member States and the Commission within the Committee for adaptation

<sup>(1)</sup> OJ No L 262, 27. 9. 1976, p. 169.

<sup>(2)</sup> OJ No L 71, 17. 3. 1990, p. 40.

to technical progress of Directives aimed at the removal of technical obstacles to trade in the cosmetic products sector;

Whereas it is necessary, on the basis of scientific and technical research, to draw up proposals for lists of authorized substances which could include antioxidants, hair dyes, preservatives and ultraviolet filters, taking into account in particular the problem of sensitization;

Whereas, on the basis of the latest scientific and technical research, lists of substances authorized for use as preservatives and as ultra-violet filters have been drawn up;

Whereas, on the basis of the latest scientific and technical research available, certain provisionally permitted colouring agents, substances, preservatives or ultra-violet filters may be definitively permitted, while others must be definitively prohibited or be permitted for a further specific period;

Whereas the presence of traces of substances which cosmetic products must not contain according to Annex II to this Directive is technologically inevitable with correct manufacturing processes; whereas therefore certain provisions should be made in this connection;

Whereas it could happen that although conforming to the provisions of this Directive and its Annexes, cosmetic products placed on the market might endanger public health; whereas it is therefore advisable to provide for a procedure intended to remove this danger;

Whereas this Directive is without prejudice to the dates by which the Member States must comply with Directive 76/768/EEC and the successive amendments to it listed in Annex VIII,

HAS ADOPTED THIS DIRECTIVE:

#### *Article 1*

1. A 'cosmetic product' means any substance or preparation intended for placing in contact with the various external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or principally to cleaning them, perfuming them or protecting them in order to keep them in good condition, change their appearance or correct body odours.
2. The products to be considered as cosmetic products within the meaning of this definition are listed in Annex I.
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.

#### *Article 2*

Cosmetic products put on the market within the Community must not be liable to cause damage to human health when they are applied under normal conditions of use.

#### *Article 3*

Member States shall take all necessary measures to ensure that only cosmetic products which conform to the provisions of this Directive and its Annexes may be put on the market.

#### *Article 4*

1. Without prejudice to their general obligations deriving from Article 2, Member States shall prohibit the marketing of cosmetic products containing:

- (a) substances listed in Annex II;
- (b) substances listed in the first part of Annex III, beyond the limits and outside the conditions laid down;
- (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;
- (e) preservatives other than those listed in Annex VI, Part 1;
- (f) preservatives listed in Annex VI, Part 1, beyond the limits and outside the conditions laid down, unless other concentrations are used for specific purposes apparent from the presentation of the product;
- (g) UV filters other than those listed in Part 1 of Annex VII;
- (h) UV filters listed in Part 1 of Annex VII, beyond the limits and outside the conditions laid down therein.

2. The presence of traces of the substances listed in Annex II shall be allowed provided that such presence is technically unavoidable in good manufacturing practice and that it complies with Article 2.

*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 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 allowed, or
- definitively prohibited (Annex II), or
- maintained for a given period specified in Part 2 of Annexes III, IV, VI and VII, or
- deleted from all the Annexes, on the basis of available scientific information or because they are no longer used.

*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:

- (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, given by weight or by volume, except in the case of packaging containing less than five grams or five millilitres, free samples and single-application packs; for pre-packages 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;

- (c) the date of minimum durability. The date of minimum durability of a cosmetic product shall be the date until which this product, stored under appropriate conditions, 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 stated durability.

The date shall be clearly expressed 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 the minimum durability of which exceeds 30 months;

- (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 and packaging 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 products are too small, such information need appear only on the packaging.

2. For cosmetic products that are not pre-packaged, are packaged at the point of sale at the purchaser's request, or are pre-packaged for immediate sale, Member States shall



adopt detailed rules 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, trade marks, pictures and figurative or other signs are not used to imply that these products have characteristics which they do not have.

#### *Article 7*

1. Member States may not, for reasons related to the requirements laid down in this Directive and the Annexes thereto, refuse, prohibit or restrict the marketing of any cosmetic products which comply with the requirements of this Directive and the Annexes thereto.

2. Member States may, however, require that the particulars provided for in Article 6 (1) (b), (c) and (d) be expressed at least in their own national or official language or languages.

3. Furthermore, a Member State may require, for purposes of prompt and appropriate medical treatment in the event of difficulties, that adequate and sufficient information regarding substances contained in cosmetic products is made available to the competent authority, which shall ensure that this information is used only for the purposes of such treatment.

#### *Article 8*

1. In accordance with the procedure laid down in Article 11 the following shall be determined:

- the methods of analysis necessary for checking the composition of cosmetic products,
- the criteria of microbiological and chemical purity for cosmetic products and methods for checking compliance with those criteria.

2. The amendments necessary for adapting Annexes II to VII to technical progress shall be adopted in accordance with the same procedure, after consultation of the Scientific Committee for Cosmetology at the initiative of the Commission or of a Member State.

#### *Article 9*

1. Notwithstanding Article 4 and without prejudice to Article 8 (2), a Member State may authorize the use within its territory of other substances not contained in the lists of substances allowed, for certain cosmetic products specified in its national authorization, subject to the following conditions:

- (a) the authorization must be limited to a maximum period of three years;

- (b) the Member State must carry out an official check on cosmetic products manufactured from the substance or preparation use of which it has authorized;

- (c) cosmetic products thus manufactured must bear a distinctive indication which will be defined in the authorization.

2. Member States shall forward to the Commission and to the other Member States the text of any authorization decision taken pursuant to paragraph 1 within two months of the date on which it came into effect.

3. Before expiry of the three-year period provided for in paragraph 1(a), the Member State may submit to the Commission a request for the inclusion in a list of permitted substances of the substance given national authorization in accordance with paragraph 1. At the same time, it shall supply supporting documents setting out the grounds on which it deems such inclusion justified and shall indicate the uses for which the substance or preparation is intended. Within 18 months of submission of the request, a decision shall be taken on the basis of the latest scientific and technical knowledge, after consultation, at the initiative of the Commission or of a Member State, of the Scientific Committee for Cosmetology and in accordance with the procedure laid down in Article 11 as to whether the substance in question may be included in a list of permitted substances or whether the national authorization should be revoked. Notwithstanding paragraph 1 (a), the national authorization shall remain in force until a decision is taken on the request for inclusion in the list.

#### *Article 10*

1. A Committee on the Adaptation to Technical Progress of the Directives on the Removal of Technical Barriers to Trade in the Cosmetic Products Sector, hereinafter referred to as 'the Committee', is hereby set up. It shall consist of representatives of the Member States with a representative of the Commission as chairman.

2. The Committee shall adopt its own rules of procedure.

#### *Article 11*

1. Where the procedure laid down in this Article is to be followed, matters shall be referred to the Committee by the chairman, either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the

representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

(b) If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

(c) If, on the expiry of a period to be laid down in each act to be adopted by the Council under this paragraph but which may in no case exceed three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

#### *Article 12*

Without prejudice to Article 5, the Commission shall, on the basis of the results of the latest scientific and technical research, submit to the Council appropriate proposals establishing lists of permitted substances.

#### *Article 13*

1. If a Member State notes, on the basis of a substantiated justification, that a cosmetic product, although complying with the requirements of the Directive, represents a hazard to health, it may provisionally prohibit the marketing of that product in its territory or subject it to special conditions. It shall immediately inform the other Member States and the Commission thereof, stating the grounds for its decision.

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.

3. If the Commission is of the opinion that technical adaptations to the Directive are necessary, such adaptations shall be adopted by either the Commission or the Council in accordance with the procedure laid down in Article 11. In that event, the Member State which has adopted safeguard measures may maintain them until entry into force of the adaptations.

#### *Article 14*

Precise reasons shall be stated for any individual measures placing a restriction or ban on the marketing of cosmetic products taken pursuant to this Directive. Measures shall be notified to the party concerned together with particulars of the remedies available to him under the laws in force in the Member States and of the time limits allowed for the exercise of such remedies.

#### *Article 15*

1. Member States shall take the measures necessary to comply with this Directive not later than the date listed for each Directive separately in Annex VIII. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of provisions of national law, whether laws, regulations or administrative provisions, which they adopt to comply with this Directive.

#### *Article 16*

Directive 76/768/EEC is hereby repealed.

References to the repealed Directive shall be construed as references to this Directive and are to be read in accordance with the correlation table set out in Annex IX.

#### *Article 17*

This Directive is addressed to the Member States

## ANNEX I

## ILLUSTRATIVE LIST BY CATEGORY OF COSMETIC PRODUCTS

- Creams, emulsions, lotions, gels and oils for the skin (hands, face, feet, etc.)
  - Face masks (with the exception of peeling products)
  - Tinted bases (liquids, pastes, powders)
  - Make-up powders, after-bath powders, hygienic powders, etc.
  - Toilet soaps, deodorant soaps, etc.
  - Perfumes, toilet waters and eau de Cologne
  - Bath and shower preparations (salts, foams, oils, gels, etc.)
  - Depilatories
  - Deodorants and anti-perspirants
  - Hair care products:
    - hair tints and bleaches,
    - products for waving, straightening and fixing,
    - setting products,
    - cleansing products (lotions, powders, shampoos),
    - conditioning products (lotions, creams, oils),
    - hairdressing products (lotions, lacquers, brilliantines)
  - Shaving products (creams, foams, lotions, etc.)
  - Products for making up and removing make-up from the face and the eyes
  - Products intended for application to the lips
  - Products for care of the teeth and the mouth
  - Products for nail care and make-up
  - Products for external intimate hygiene
  - Sunbathing products
  - Products for tanning without sun
  - Skin-whitening products
  - Anti-wrinkle products
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## ANNEX II

LIST OF SUBSTANCES WHICH MUST NOT FORM PART OF THE COMPOSITION OF  
COSMETIC PRODUCTS

1. N-5-Chlorobenzoxazol-2-ylacetamide
2. 2-Acetoxyethyltrimethylammonium hydroxide (acetylcholine) and its salts
3. Deanol aceglumate (\*)
4. Spironolactone (\*)
5. [4-(4-Hydroxy-3-iodophenoxy)-3,5-diiodophenyl]acetic acid and its salts
6. Methotrexate (\*)
7. Aminocaproic acid (\*) and its salts
8. Cinchophen (\*), its salts, derivatives and salts of these derivatives
9. Thyropropic acid (\*) and its salts
10. Trichloroacetic acid
11. *Aconitum napellus* L. (leaves, roots and galenical preparations)
12. Aconitine (principal alkaloid of *Aconitum napellus* L.) and its salts
13. *Adonis vernalis* L. and its preparations
14. Epinephrine (\*)
15. Rauwolfia serpentina alkaloids and their salts
16. Alkyne alcohols, their esters, ethers and salts
17. Isoprenaline (\*)
18. Allyl isothiocyanate
19. Alloclamide (\*) and its salts
20. Nalorphine (\*), its salts and ethers
21. Sympathicomimetic amines acting on the central nervous system: any substance contained in the first list of medicaments which are subject to medical prescription and are referred to in resolution AP (69) 2 of the Council of Europe
22. Aniline, its salts and its halogenated and sulphonated derivatives
23. Betoxycaïne (\*) and its salts
24. Zoxazolamine (\*)
25. Procainamide (\*), its salts and derivatives
26. Benzidine
27. Tuaminoheptane (\*), its isomers and salts
28. Octodrine (\*) and its salts
29. 2-Amino-1,2-bis(4-methoxyphenyl)ethanol and its salts
30. 1,3-Dimethylpentylamine and its salts
31. 4-Aminosalicylic acid and its salts
32. Toluidines, their isomers, salts and halogenated and sulphonated derivatives
33. Xylidines, their isomers, salts and halogenated and sulphonated derivatives
34. Imperatorin [9-(3-methylbut-2-enyloxy)furo(3,2-g)chromen-7-one]
35. *Ammi majus* and its galenical preparations
36. 2,3-Dichloro-2-methylbutane

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37. Substances with androgenic effect
38. Anthracene oil
39. Antibiotics
40. Antimony and its compounds
41. *Apocynum cannabinum* L. and its preparations
42. Apomorphine [R 5, 6, 6a, 7-tetrahydro-6-methyl-4H-dibenzo(de,g) quinoline-10, 11-diol] and its salts
43. Arsenic and its compounds
44. *Atropa belladonna* L. and its preparations
45. Atropine, its salts and derivatives
46. Barium salts, with the exception of barium sulphate, barium sulphide under the conditions laid down in Annex III, Part 1, and lakes, salts and pigments prepared from the colouring agents listed with the reference (3) in Annex IV, Part 1
47. Benzene
48. Benzimidazol-2(3H)-one
49. Benzazepines and benzodiazepines
50. 1-Dimethylaminomethyl-1-methylpropyl benzoate (amylocaine) and its salts
51. 2,2,6-Trimethyl-4-piperidyl benzoate (benzamine) and its salts
52. Isocarboxazid (\*)
53. Bendroflumethiazide (\*) and its derivatives
54. Beryllium and its compounds
55. Bromine, elemental
56. Bretylium tosilate (\*)
57. Carbromal (\*)
58. Bromisoval (\*)
59. Brompheniramine (\*) and its salts
60. Benzilonium bromide (\*)
61. Tetrylammonium bromide (\*)
62. Brucine
63. Tetracaine (\*) and its salts
64. Mofebutazone (\*)
65. Tolbutamide (\*)
66. Carbutamide (\*)
67. Phenylbutazone (\*)
68. Cadmium and its compounds
69. Cantharides, *Cantharis vesicatoria*
70. (1R,2S)-Hexahydro-1,2-dimethyl-3,6-epoxyphthalic anhydride (cantharidin)
71. Phenprobamate (\*)
72. Nitroderivatives of carbazole
73. Carbon disulphide
74. Catalase
75. Cephaeline and its salts

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76. *Chenopodium ambrosioides* (essential oil)
77. 2,2,2-Trichloroethane-1,1-diol
78. Chlorine
79. Chlorpropamide (\*)
80. Diphenoxylate (\*) hydrochloride
81. 4-Phenylazophenylene-1,3-diamine citrate hydrochloride (chrysoidine citrate hydrochloride)
82. Chlorzoxazone (\*)
83. 2-Chloro-6-methylpyrimidin-4-yl dimethylamine (crimidine-ISO)
84. Chlorprothixene (\*) and its salts
85. Clofenamide (\*)
86. *N,N*-bis (2-chloroethyl) methylamine *N*-oxide and its salts
87. Chlormethine (\*) and its salts
88. Cyclophosphamide (\*) and its salts
89. Mannomustine (\*) and its salts
90. Butanilicaine (\*) and its salts
91. Chlormezanone (\*)
92. Triparanol (\*)
93. 2-[2-(4-Chlorophenyl)-2-phenylacetyl]indan 1,3-dione (chlorophacinone - ISO)
94. Chlorphenoxamine (\*)
95. Phenaglycodol (\*)
96. Chloroethane
97. Chromium; chromic acid and its salts
98. *Claviceps purpurea* Tul., its alkaloids and galenical preparations
99. *Conium maculatum* L. (fruit, powder, galenical preparations)
100. Glycyclamide (\*)
101. Cobalt benzenesulphonate
102. Colchicine, its salts and derivatives
103. Colchicoside and its derivatives
104. *Colchicum autumnale* L. and its galenical preparations
105. Convallatoxin
106. *Anamirta cocculus* K. (fruit)
107. *Croton tiglium* (oil)
108. 1-Butyl-3-(*N*-crotonoylsulphanilyl)urea
109. Curare and curarine
110. Synthetic curarizants
111. Hydrogen cyanide and its salts
112. 2-Alpha-Cyclohexylbenzyl(*N,N,N',N'*,-tetraethyl)trimethylenediamine (phenetamine)
113. Cyclomenol (\*) and its salts
114. Sodium hexacyclonate (\*)
115. Hexapropymate (\*)

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116. Dextropropoxyphene (\*)
117. O,O'-Diacetyl-N-allyl-N-normorphine
118. Pipazetate (\*) and its salts
119. 5-(Alpha beta-Dibromophenethyl)-5-methylhydantoin
120. N,N'-Pentamethylenebis (trimethylammonium) salts, e.g. pentamethonium bromide (\*)
121. N,N'-[(Methylimino)diethylene]bis(ethyltrimethylammonium) salts, e.g. azamethonium bromide (\*)
122. Cyclarbamate (\*)
123. Clofenotane (\*), DDT (ISO)
124. N,N'-Hexamethylenebis (trimethylammonium) salts, e.g. hexamethonium bromide (\*)
125. Dichloroethanes (ethylene chlorides)
126. Dichloroethylenes (acetylene chlorides)
127. Lysergide (\*) and its salts
128. 2-Diethylaminoethyl 3-hydroxy-4-phenylbenzoate and its salts
129. Cinchocaine (\*) and its salts
130. 3-Diethylaminopropyl cinnamate
131. O,O'-Diethyl O-4-nitrophenyl phosphorothioate (parathion - ISO)
132. (Oxalylbisiminoethylene)bis[(o-chlorobenzyl)diethylammonium] salts, e.g. ambenomium chloride (\*)
133. Methyprylon (\*) and its salts
134. Digitaline and all heterosides of *Digitalis purpurea* L.
135. 7-[2-Hydroxy-3-(2-hydroxyethyl-N-methylamino)propyl]theophyllin (xanthinol)
136. Dioxethedrin (\*) and its salts
137. Piprocurarium (\*)
138. Propyphenazone (\*)
139. Tetrabenazine (\*) and its salts
140. Captodiame (\*)
141. Mefeclozazine (\*) and its salts
142. Dimethylamine
143. 1,1-Bis(dimethylaminomethyl)propyl benzoate (amydracaine, alypine) and its salts
144. Methapyrilene (\*) and its salts
145. Metamfepramone (\*) and its salts
146. Amitriptyline (\*) and its salts
147. Metformin (\*) and its salts
148. Isosorbide dinitrate (\*)
149. Malononitrile
150. Succinonitrile
151. Dinitrophenol isomers
152. Inproquone (\*)
153. Dimevamide (\*) and its salts
154. Diphenylpyraline (\*) and its salts

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155. Sulfinpyrazone (\*)
156. *N*-(3-Carbamoyl-3,3-diphenylpropyl)-*N,N*-diisopropylmethylammonium salts, e.g. isopropamide iodide (\*)
157. Benactyzine (\*)
158. Benzatropine (\*) and its salts
159. Cyclizine (\*) and its salts
160. 5,5-Diphenyl-4-imidazolidone
161. Probenecid (\*)
162. Disulfiram (\*), thiram (ISO)
163. Emetine, its salts and derivatives
164. Ephedrine and its salts
165. Oxanamide (\*) and its derivatives
166. Eserine or physostigmine and its salts
167. Esters of 4-aminobenzoic acid, with the free amino group, with the exception of that given in Annex VII, Part 2
168. Choline salts and their esters, e.g. choline chloride
169. Caramiphen (\*) and its salts
170. Diethyl 4-nitrophenyl phosphate
171. Metethoheptazine (\*) and its salts
172. Oxpheneridine (\*) and its salts
173. Ethoheptazine (\*) and its salts
174. Methheptazine (\*) and its salts
175. Methylphenidate (\*) and its salts
176. Doxylamine (\*) and its salts
177. Tolboxane (\*)
178. 4-Benzyloxyphenol, 4-methoxyphenol and 4-ethoxyphenol
179. Parethoxycaine (\*) and its salts
180. Fenozolone (\*)
181. Glutethimide (\*) and its salts
182. Ethylene oxide
183. Bemegrade (\*) and its salts
184. Valnoctamide (\*)
185. Haloperidol (\*)
186. Paramethasone (\*)
187. Fluanisone (\*)
188. Trifluoperidol (\*)
189. Fluoresone (\*)
190. Fluorouracil (\*)
191. Hydrofluoric acid, its normal salts, its complexes and hydrofluorides with the exception of those given in Annex III, Part 1
192. Furfuryltrimethylammonium salts, e.g. furtrethonium iodide (\*)
193. Galantamine (\*)

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194. Progestogens
195. 1,2,3,4,5,6-Hexachlorocyclohexane (BHC-ISO)
196. (1R, 4S, 5R, 8S)-1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4:5,8-dimethano-naphthalene (endrin - ISO)
197. Hexachloroethane
198. (1R, 4S, 5R, 8S)-1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4: 5,8-dimethano-naphthalene (isodrin-ISO)
199. Hydrastine, hydrastinine and their salts
200. Hydrazides and their salts
201. Hydrazine, its derivatives and their salts
202. Octamoxin (\*) and its salts
203. Warfarin (\*) and its salts
204. Ethyl bis(4-hydroxy-2-oxo-1-benzopyran-3-yl) acetate and salts of the acid
205. Methocarbamol (\*)
206. Propylnitrate (\*)
207. 4,4'-Dihydroxy-3,3'-(3-methylthiopropylidene)dicoumarin
208. Fenadiazole (\*)
209. Nitroxoline (\*) and its salts
210. Hyoscyamine, its salts and derivatives
211. *Hyoscyamus niger* L. (leaves, seeds, powder and galenical preparations)
212. Pemoline (\*) and its salts
213. Iodine
214. Decamethylenebis (trimethylammonium) salts, e.g. decamethonium bromide
215. *Ipecacuanha* (*Cephaelis ipecacuanha* Brot. and related species) (roots, powder and galenical preparations)
216. (2-Isopropylpent-4-enoyl)urea (apronalide)
217. Alpha-Santonin [(3S, 5aR, 9bS)-3,3a, 4, 5, 5a, 9b-hexahydro-3,5a, 9-trimethylnaphto (1,2-b) furan-2,8-dione]
218. *Lobelia inflata* L. and its galenical preparations
219. Lobeline (\*) and its salts
220. Barbiturates
221. Mercury and its compounds, except those special cases included in Annexes V and VI, Part 1
222. 3,4,5-Trimethoxyphenethylamine and its salts
223. Metaldehyde
224. 2-(4-Allyl-2-methoxyphenoxy)-N,N-diethylacetamide and its salts
225. Coumetarol (\*)
226. Dextromethorphan (\*) and its salts
227. 2-Methylheptylamine and its salts
228. Isometheptene (\*) and its salts
229. Mecamylamine (\*)
230. Guaifenesin (\*)
231. Dicoumarol (\*)

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232. Phenmetrazine (\*) its derivatives and salts
233. Thiamazole (\*)
234. 3,4-Dihydro-2-methoxy-2-methyl-4-phenyl-2H, 5H, pyrano(3,2-c)-(1) benzopyran-5-one (cyclocoumarol)
235. Carisoprodal (\*)
236. Meprobamate (\*)
237. Tefazoline (\*) and its salts
238. Arecoline
239. Poldine metilsulfate (\*)
240. Hydroxyzine (\*)
241. 2-Naphthol
242. 1- and 2-Naphthylamines and their salts
243. 3-(1-Naphthyl)-4-hydroxycoumarin
244. Naphazoline (\*) and its salts
245. Neostigmine and its salts [e.g. neostigmine bromide (\*)]
246. Nicotine and its salts
247. Amyl nitrites
248. Inorganic nitrites, with the exception of sodium nitrite
249. Nitrobenzene
250. Nitrocresols and their alkali metal salts
251. Nitrofurantoin (\*)
252. Furazolidone (\*)
253. Propane-1,2,3-triyl trinitrate
254. Acenocoumarol (\*)
255. Alkali pentacyanonitrosylferrate (2-)
256. Nitrostilbenes, their homologues and their derivatives
257. Noradrenaline and its salts
258. Noscapine (\*) and its salts
259. Guanethidine (\*) and its salts
260. Oestrogens
261. Oleandrin
262. Chlortalidone (\*)
263. Pelletierine and its salts
264. Pentachloroethane
265. Pentaerithrityl tetranitrate (\*)
266. Petrichloral (\*)
267. Octamylamine (\*) and its salts
268. Picric acid
269. Phenacemide (\*)
270. Difencloxazine (\*)
271. 2-Phenylindan-1,3-dione (phenindione)

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272. Ethylphenacemide (\*)
273. Phenprocoumon (\*)
274. Fenyramidol (\*)
275. Triamterene (\*) and its salts
276. Tetraethyl pyrophosphate; TEPP (ISO)
277. Tritolyl phosphate
278. Psilocybine (\*)
279. Phosphorus and metal phosphides
280. Thalidomide (\*) and its salts
281. *Physostigma venenosum* Balf
282. Picrotoxin
283. Pilocarpine and its salts
284. Alpha-Piperidin-2-ylbenzyl acetate levorotatory threoform (levophacetoperane) and its salts
285. Pipradrol (\*) and its salts
286. Azacyclonol (\*) and its salts
287. Bietamiverine (\*)
288. Butopirine (\*) and its salts
289. Lead and its compounds, with the exception of that mentioned in Annex III, No 55 under the conditions stated
290. Coniine
291. *Prunus laurocerasus* L. ('cherry laurel water')
292. Metyrapone (\*)
293. Radioactive substances <sup>(1)</sup>
294. *Juniperus sabina* L. (leaves, essential oil and galenical preparations)
295. Hyoscine, its salts and derivatives
296. Gold salts
297. Selenium and its compounds with the exceptions of selenium disulphide under the conditions set out under reference No 49 in Annex III, Part 1
298. *Solanum nigrum* L. and its galenical preparations
299. Sparteine and its salts
300. Glucocorticoids
301. *Datura stramonium* L. and its galenical preparations
302. Strophantines, their aglucones and their respective derivatives
303. Strophantus species and their galenical preparations
304. Strychnine and its salts
305. Strychnos species and their galenical preparations
306. Narcotics, natural and synthetic: all substances listed in Tables I and II of the single convention on narcotic drugs signed in New York on 30 March 1961

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(<sup>1</sup>) The presence of natural radioactive substances and of radioactive substances caused by artificial contamination from the environment is permitted, provided that the radioactive substances are not enriched for the manufacture of cosmetic products and that their concentration falls within the limits set in the Directive laying down the basic standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiations (OJ No 11, 20. 2. 1959, p. 221/59).

307. Sulphonamides (sulphanilamide and its derivatives obtained by substitution of one or more H-atoms of the -NH<sub>2</sub> groups) and their salts
308. Sultiame (\*)
309. Neodymium and its salts
310. Thiotepa (\*)
311. *Pilocarpus jaborandi* Holmes and its galenical preparations
312. Tellurium and its compounds
313. Xylometazoline (\*) and its salts
314. Tetrachloroethylene
315. Carbon tetrachloride
316. Hexaethyl tetraphosphate
317. Thallium and its compounds
318. *Thevetia neriifolia* Juss., glycoside extract
319. Ethionamide (\*)
320. Phenothiazine (\*) and its compounds
321. Thiourea and its derivatives, with the exception of the one listed in Annex III, Part 1
322. Mephesisin (\*) and its esters
323. Vaccines, toxins or serums listed in the Annex to the Second Council Directive of 20 May 1975 on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products (OJ No L 147, 9.6.1975, p.13)
324. Tranylcypromine (\*) and its salts
325. Trichloronitromethane (chloropicrine)
326. 2,2,2-Tribromoethanol (tribromoethyl alcohol)
327. Trichlormethine (\*) and its salts
328. Tretamine (\*)
329. Gallamine triethiodide (\*)
330. *Urginea scilla* Stern. and its galenical preparations
331. Veratrine, its salts and galenical preparations
332. *Schoenocaulon officinale* Lind. (seeds and galenical preparations)
333. *Veratrum* spp. and their preparations
334. Vinyl chloride monomer
335. Ergocalciferol (\*) and cholecalciferol (vitamins D2 and D3)
336. Salts of O-alkyldithiocarbonic acids
337. Yohimbine and its salts
338. Dimethyl sulfoxide (\*)
339. Diphenhydramine (\*) and its salts
340. 4-tert-Butylphenol
341. 4-tert-Butylpyrocatechol
342. Dihydrotachysterol (\*)
343. Dioxane
344. Morpholine and its salts

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345. *Pyrethrum album* L. and its galenical preparations
346. 2-[4-Methoxybenzyl-N-(2-pyridyl)amino]ethyl dimethylamine maleate
347. Tripeleennamine (\*)
348. Tetrachlorosalicylanilides
349. Dichlorosalicylanilides
350. Tetrabromosalicylanilides
351. Dibromosalicylanilides
352. Bithionol (\*)
353. Thiuram monosulphides
354. Thiuram disulphides
355. Dimethylformamide
356. 4-Phenylbut-3-en-2-one
357. Benzoates of 4-hydroxy-3-methoxycinnamyl alcohol except for normal content in natural essences used
358. Furo (3,2-g)chromen-7-one and its alkyl-substituted derivatives [e.g. trioxysalan (\*) and 8-methoxypsoralen], except for normal content in natural essences used
359. Oil from the seeds of *Laurus nobilis* L.
360. Safrole except for normal content in the natural essences used and provided the concentration does not exceed:  
100 ppm in the finished product,  
50 ppm in products for dental and oral hygiene, and provided that Safrole is not present in toothpastes intended specifically for children
361. 5,5'-Di-isopropyl-2,2'-dimethylbiphenyl-4,4'-diyl dihydroiodide
362. 3'-ethyl-5',6',7,8'-tetrahydro-5',6',8',8'-tetramethyl-2'-acetonaphthone; Syn.: 1,1,4,4-tetramethyl-6-ethyl-7-acetyl-1,2,3,4-tetrahydronaphthalene (acetyl ethyl tetramethyl tetralin, AETT)
363. O-phenylenediamine and its salts
364. 4-Methyl-m-phenylenediamine and its salts
365. Aristolochic acid and its salts
366. Chloroform
367. 2,3,7,8-Tetrachlorodibenzo-p-dioxin
368. 2,6-Dimethyl-1,3-dioxan-4-yl acetate (Dimethoxane)
369. Pyrithione sodium (INN)
370. N-(Trichloromethylthio)-4-cyclohexene-1,2-dicarboximide (captan) (a)
371. 2,2'-Dihydroxy-3,3',5,5',6,6'-hexachlorodiphenylmethane (hexachlorophene) (a)
372. 6-(Piperidinyl)-2,4-pyrimidinediamine-3-oxide (Minoxidil) and its salts and derivatives (a)
373. 3,4',5-Tribromosalicylanide (Tribromsalan)
374. *Phytolacca* spp. and their preparations
375. Tretinoin (\*) (retinoic acid and its salts)
376. 1-Methoxy-2,4-diaminobenzene (2,4-diaminoanisole - CI 76050) and their salts
377. 1-Methoxy-2,5-diaminobenzene (2,5-diaminoanisole) and its salts
378. Colouring agent CI 12140
379. Colouring agent CI 26105

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380. Colouring agent CI 42555  
 Colouring agent CI 42555-1  
 Colouring agent CI 42555-2
381. Amyl 4-dimethylaminobenzoate, mixed isomers [Padimate A (INN)] (c)
382. Benzoyl peroxide (c)
383. 2-Amino-4-nitrophenol (c)
384. 2-Amino-5-nitrophenol (c)
385. 11 $\alpha$ -Hydroxypregn-4-ene-3, 20-dione and its esters (d)
386. Colouring agent CI 42640 (d)
387. Colouring agent CI 13065 (d)
388. Colouring agent CI 42535 (d)
389. Colouring agent CI 61554 (d)
390. Antiandrogens with steroid structure
391. Zirconium and its compounds, with the exception of the complexes under reference 50 in Annex III (Part 1) and of Zirconium lakes, salts and pigments of colouring agents listed with reference 3 in Annexe IV (Part 1) (d)
392. Thyrothricine (d)
393. Acetonitrile (d)
394. Tetrahydrozoline and its salts (d)

	Latest permitted date of manufacture and importation	Latest permitted date of sale to endconsumer
(a)		31.12.1990
(c)		31.12.1990
(d)	31.12.1990	31.12.1991

ANNEX III  
PART 1  
LIST OF SUBSTANCES WHICH COSMETIC PRODUCTS MUST NOT CONTAIN EXCEPT  
SUBJECT TO THE RESTRICTIONS AND CONDITIONS LAID DOWN

Note: For the substances marked with  $\Delta$ , see the list at the end of this Annex.

Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	e	f
1	Boric acid	(a) Talcs (b) Products for oral hygiene (c) Other products	(a) 5 % (b) 0,5 % (c) 3 %	(a) Not to be used in products for children under three years old	(a) Not to be used for children under three years of age
2a $\Delta$	Thioglycollic acid and its salts	(a) Hair waving or straightening products: — general use — professional use (b) Depilatories (c) Other hair-care products which are removed after application	— 8 % ready for use pH 7 to 9,5 — 11 % ready for use pH 7 to 9,5 — 5 % ready for use pH 7 to 12,7 — 2 % ready for use pH 7 to 9,5 The abovementioned percentages are calculated as thioglycollic acid	(a) (b) (c): The directions for use drawn up in the national or official language(s) must obligatorily incorporate the following sentences: — Avoid contact with eyes — In the event of contact with eyes, rinse immediately with plenty of water and seek medical advice — Wear suitable gloves [(a) and (c) only].	(a): — Contains thioglycolate — Follow the instructions — Keep out of reach of children — For professional use only  (b) and (c): — Contains thioglycolate — Follow the instructions — Keep out of reach of children
2b	Thioglycollic acid esters	Hair waving or straightening products: — general use	— 8 % ready for use pH 6 to 9,5	The directions for use drawn up in the national or official language(s) must obligatorily incorporate the following sentences: — May cause sensitization in the event of skin contact	— Contains thioglycolate — Follow the instructions — Keep out of reach of children

Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	c	f
2b (cont.)		— professional use	— 11 % ready for use pH 6 to 9,5 The abovementioned percentages are calculated as thioglycolic acid	— Avoid contact with eyes — In the event of contact with eyes, rinse immediately with plenty of water and seek medical advice — Wear suitable gloves	— For professional use only
3	Oxalic acid, its esters and alkaline salts	Hair care products	5 %		For professional use only
4	Ammonia		6 % calculated as NH <sub>3</sub>		Above 2 % : contains ammonia
5	Tosylchloramide sodium (*)		0,2 %		
6	Chlorates of alkali metals	(a) Toothpaste (b) Other uses	(a) 5 % (b) 3 %		
7	Dichloromethane		35 % (when mixed with 1,1,1-trichloroethane, total concentration must not exceed 35 %)	0,2 % as maximum impurity content	
8	m- and p-phenylenediamines, their N-substituted derivatives and their salts; N-substituted derivatives of o-phenylenediamines (1)	Oxidizing colouring agents for hair dyeing (a) general use  (b) professional use	6 % calculated as free base		(a) Can cause an allergic reaction. Sensitivity test advisable before use. Contains phenylenediamines. Do not use to dye eyelashes or eyebrows  (b) For professional use only. Contains phenylenediamines. Can cause an allergic reaction. Sensitivity test advisable before use

(1) These substances may be used singly or in combination provided that the sum of the ratios of the levels of each of them in the cosmetic product expressed with reference to the maximum level authorized for each of them does not exceed 1.



Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	e	f
9	Methylphenylenediamines, their N-substituted derivatives and their salts <sup>(1)</sup> with the exception of substance No 364 in Annex II	Oxidizing colouring agents for hair dyeing  (a) general use  (b) professional use	10 % calculated as free base		(a) Can cause an allergic reaction. Sensitivity test advisable before use. Contains phenylenediamines. Do not use to dye eyelashes or eyebrows  (b) For professional use only. Contains phenylenediamines. Can cause an allergic reaction. Sensitivity test advisable before use
10	Diaminophenols <sup>(1)</sup>	Oxidizing colouring agents for hair dyeing (a) general use  (b) professional use	10 % calculated as free base		(a) Can cause an allergic reaction. Sensitivity test advisable before use. Contains diaminophenols. Do not use to dye eyelashes or eyebrows  (b) For professional use only. Contains diaminophenols. Can cause allergic reaction. Sensitivity test advisable before use
11 △	Dichlorophen <sup>(2)</sup>		0,5 %		Contains dichlorophen

<sup>(1)</sup> These substances may be used singly or in combination provided that the sum of the ratios of the levels of each of them in the cosmetic product expressed with reference to the maximum level authorized for each of them does not exceed 1.

Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	e	f
12	Hydrogen peroxide	(a) Hair-care preparations (b) Skin-care preparations (c) Nail hardening preparations	12 % of H <sub>2</sub> O <sub>2</sub> (40 volumes) 4 % of H <sub>2</sub> O <sub>2</sub> 2 % of H <sub>2</sub> O <sub>2</sub>		(a) (b) (c) Contains hydrogen peroxide. Avoid contact with eyes. Rinse eyes immediately if product comes into contact with them
13	Formaldehyde	Nail hardeners	5 % calculated as formaldehyde		Protect cuticles with grease or oil. Contains formaldehyde (1)
14	Hydroquinone (2)	(a) Oxidizing colouring agent for hair-dyeing: 1. general use 2. professional use	2 %		(a) 1. Do not use to dye eyelashes or eyebrows. Rinse the eyes immediately if the product comes into contact with them. Contains hydroquinone 2. For professional use only. Contains hydroquinone. Rinse the eyes immediately if the product comes into contact with them

(1) Only if the concentration exceeds 0,05 %.

(2) These substances may be used singly or in combination provided that the sum of the ratios of the levels of them in the cosmetic product expressed with reference to the maximum level authorized for each of them does not exceed 2.

Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	e	f
14 (cont.)	Hydroquinone	(b) Agents for localized skin lightener	2 %		(b) — Contains hydroquinone — Avoid contact with the eyes — Apply to small areas — If irritation develops discontinue use — Do not use on children under the age of 12
15	Potassium or sodium hydroxide	(a) Nail cuticle solvent  (b) Hair straightener 1. general use  2. professional use  (c) pH adjuster — depilatories (d) Other uses as pH adjuster	(a) 5 % by weight <sup>(1)</sup>  (b) 1. 2 % by weight <sup>(1)</sup>  2. 4,5 % by weight <sup>(1)</sup>  (c) up to pH 12,7 (d) up to pH 11		(a) Contains alkali. Avoid contact with eyes. Can cause blindness. Keep out of reach of children  (b) 1. Contains alkali. Avoid contact with eyes. Can cause blindness. Keep out of reach of children  2. For professional use only. Avoid contact with eyes. Can cause blindness
16	$\alpha$ -naphthol	Colouring agent for hair dyeing	0,5 %		Contains $\alpha$ -naphthol.

<sup>(1)</sup> The sum of the two hydroxides expressed by weight as sodium hydroxide.

Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	e	f
17	Sodium nitrite	Rust inhibitor	0,2 %	Do not use with secondary and/or tertiary amines or other substances forming nitrosamines	
18	Nitromethane	Rust inhibitor	0,3 %		
19	Phenol and its alkali salts	Soaps and shampoos	1 % calculated as phenol		Contains phenol
20	Pyrogallol (1)	Oxidizing colouring agent for hair dyeing (a) general use  (b) professional use	5 %		(a) Do not use to dye eyelashes or eyebrows. Rinse eyes immediately if product comes into contact with them. Contains pyrogallol  (b) For professional use only. Contains pyrogallol. Rinse eyes immediately if product comes into contact with them
21	Quinine and its salts	(a) Shampoos  (b) Hair lotions	(a) 0,5 % calculated as quinine base (b) 0,2 % calculated as quinine base		
22	Resorcinol (1)	(a) Oxidizing colouring agent for hair dyeing 1. general use	(a) 5 %		(a)  1. Contains resorcinol. Rinse hair well after application. Do not use to dye eyelashes or eyebrows. Rinse eyes immediately if product comes into contact with them

(1) These substances may be used singly or in combination provided that the sum of the ratios of the levels of each of them in the cosmetic product expressed with reference to the maximum level authorized for each of them does not exceed 2.

Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	e	f
22 (cont.)		2. professional use			2. For professional use only. Contains resorcinol. Rinse eyes immediately if product comes into contact with them  (b) Contains resorcinol
23	(a) Alkali sulphides (b) Alkaline earth sulphides	(a) Depilatories (b) Depilatories	(a) 2 % calculated as sulphur pH $\leq$ 12,7 (b) 6 % calculated as sulphur pH $\leq$ 12,7		(a) Keep out of reach of children. Avoid contact with eyes (b) Keep out of reach of children. Avoid contact with eyes
24	Water-soluble zinc salts with the exception of zinc 4-hydroxybenzenesulphonate and zinc pyridithione		1 % calculated as zinc		
25	Zinc 4-hydroxybenzene sulphonate	Deodorants, antiperspirants and astringent lotions	6 % calculated as % of anhydrous substance		Avoid contact with eyes
26	Ammonium monofluorophosphate	Oral hygiene products	0,15 % calculated as F when mixed with other fluorine compounds permitted under this Annex, total F concentration must not exceed 0,15 %		Contains ammonium monofluorophosphate

Reference number	Substance	Restrictions				Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements		
a	b	c	d	e	f	
27	Sodium monofluorophosphate	Ditto	0,15 % Ditto		Contains sodium monofluorophosphate	
28	Potassium monofluorophosphate	Ditto	0,15 % Ditto		Contains potassium monofluorophosphate	
29	Calcium monofluorophosphate	Ditto	0,15 % Ditto		Contains calcium monofluorophosphate	
30	Calcium fluoride	Ditto	0,15 % Ditto		Contains calcium fluoride	
31	Sodium fluoride	Ditto	0,15 % Ditto		Contains sodium fluoride	
32	Potassium fluoride	Ditto	0,15 % Ditto		Contains potassium fluoride	
33	Ammonium fluoride	Ditto	0,15 % Ditto		Contains ammonium fluoride	
34	Aluminium fluoride	Ditto	0,15 % Ditto		Contains aluminium fluoride	
35	Stannous fluoride	Ditto	0,15 % Ditto		Contains stannous fluoride	
36	Hexadecyl ammonium fluoride	Ditto	0,15 % Ditto		Contains hexadecyl ammonium fluoride	
37	3-(N-Hexadecyl-N-2-hydroxyethylammonio) propylbis (2-hydroxyethyl) ammonium difluoride	Ditto	0,15 % Ditto		Contains 3-(N-Hexadecyl-N-2-hydroxyethylammonio) propylbis (2-hydroxyethyl) ammonium difluoride	
38	NN'N'-Tris(polyoxyethylene)-N-hexadecylpropylenediamine dihydrofluoride	Ditto	0,15 % Ditto		Contains NN'N'-tris(polyoxyethylene)-N-hexadecylpropylenediamine dihydrofluoride	
39	Octadecenyl-ammonium fluoride	Ditto	0,15 % Ditto		Contains octadecenyl-ammonium fluoride	

Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	e	f
40	Sodium fluorosilicate	Ditto	0,15 % Ditto		Contains sodium fluorosilicate
41	Potassium fluorosilicate	Ditto	0,15 % Ditto		Contains potassium fluorosilicate
42	Ammonium fluorosilicate	Ditto	0,15 % Ditto		Contains ammonium fluorosilicate
43	Magnesium fluorosilicate	Ditto	0,15 % Ditto		Contains magnesium fluorosilicate
44	1,3-Bis (hydroxy-methyl)imidazolidine-2-thione	(a) Hair-care preparations (b) Nail-care preparations	(a) Up to 2 % (b) Up to 2 %	(a) Prohibited in aerosol dispensers (sprays) (b) The pH of the product as applied must be less than 4	Contains 1,3-bis (hydroxy-methyl)imidazolidine-2-thione
45	Benzyl alcohol	Solvents, perfumes and flavourings			
46	6-Methylcoumarin	Oral hygiene products	0,003 %		
47	Nicomethanol hydrofluoride	Oral hygiene products	0,15 % calculated as F When mixed with other fluorine compounds permitted under this Annex, total F concentration must not exceed 0,15 %		Contains nicomethanol hydrofluoride

Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	e	f
48	Silver nitrate	Solely for products intended for colouring eyelashes and eyebrows	4 %		— Contains silver nitrate — Rinse the eyes immediately if product comes into contact with them
49	Selenium disulphide	Antidandruff shampoos	1 %		Contains selenium disulphide. Avoid contact with eyes or damaged skin
50	Aluminium zirconium chloride hydroxide complexes $Al_2Zr(OH)_4Cl_2$ and the aluminium zirconium chloride sydroxide glycine complexes	Antiperspirants	20 % as anhydrous aluminium zirconium chloride hydroxide 5,4 % as zirconium	1. The ratio of the number of aluminium atoms to that of zirconium atoms must be between two and 10 2. The ratio of the number of (Al+Zr) atoms to that of chlorine atoms must be between 0,9 and 2,1 3. Prohibited in aerosol dispensers (sprays)	Do not apply to irritated or damaged skin
51 △	Quinolin-8-ol and bis (8-hydroxy-quinolium) sulphate	Stabilizer for hydrogen peroxide in rinse-off hair-care preparations Stabilizer for hydrogen peroxide in non-rinse-off hair-care preparations	0,3 % calculated as base 0,03 % calculated as base'		



Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	e	f
52 △	Methanol	Denaturant for ethanol and isopropyl alcohol	5 % calculated as a % of ethanol and isopropyl alcohol		
53 △	Etidronic acid and its salts (1-hydroxyethylidene-di-phosphonic acid and its salts)	(a) Hair-care (b) Soap	1,5 % } expressed as 0,2 % } etidronic acid		
54 △	1-Phenoxy-propan-2-ol	— Rinse-off products only — Prohibited in oral hygiene products	2,0 %	As a preservative, see Annex VI, Part 1, No 43	
55 △	Lead acetate	Only for hair-dyeing	0,6 % calculated in lead		Keep away from children. Avoid all contact with the eyes. Wash hands after use. Contains lead acetate. Do not use to dye eyelashes, eyebrows or moustaches. If irritation develops, discontinue use

PART 2  
LIST OF SUBSTANCES PROVISIONALLY ALLOWED

Note: For the substances marked with  $\Delta$ , see the list at the end of this Annex.

Reference number	Substance	Restrictions				Conditions of use and warnings which must be printed on the label	Allowed until
		Field of application and/or use	Maximum authorized concentration in the finished cosmetic product	Other limitations and requirements			
a	b	c	d	e	f	g	
1 $\Delta$	Quinolin-8-ol and bis (8-hydroxy-quinolium) sulphate	(a) Preparations for skin hygiene not rinsed off after use (b) Foot hygiene preparations not rinsed off after use (c) Mouth hygiene products	0,02 % calculated as base  0,04 % calculated as base  0,01 % calculated as base		(a) (b) (c) Contains quinolin-8-ol	31.12.1990	
2 $\Delta$	1,1,1-Trichloroethane (methyl chloroform)	Aerosol spray	35 % When mixed with dichloromethane, total concentration must not exceed 35 %		Do not spray on a naked flame or any incandescent material	31.12.1990	
4 $\Delta$	2,2'-Dithiobis (pyridine 1-oxide), addition product with magnesium sulphate trihydrate	Only for hair-care products rinse off	1 %			31.12.1990	

Table of latest permitted dates for the placing on the market and sale to endconsumer of cosmetic products containing substances listed in Annex III, column (a), and which do not comply with the Directive

Reference number	Latest permitted date of manufacture and importation	Latest permitted date of sale to endconsumer
(a)	(b)	(c)
Annex III, Part 1:		
No 2		31.12.1991
No 11		31.12.1990
No 51		31.12.1991
No 52		31.12.1990
No 53		31.12.1991
No 54		31.12.1991
No 55	31.12.1991	31.12.1993
Annex III, Part 2:		
No 1	31.12.1990	31.12.1992
No 2	31.12.1991	31.12.1993
No 4	31.12.1991	31.12.1993

## ANNEX IV

## PART 1

LIST OF COLOURING AGENTS ALLOWED FOR USE IN COSMETIC PRODUCTS<sup>(1)</sup>

## Field of application

Column 1 = Colouring agents allowed in all cosmetic products.

Column 2 = Colouring agents allowed in all cosmetic products except those intended to be applied in the vicinity of the eyes, in particular eye make-up and eye-make-up remover.

Column 3 = Colouring agents allowed exclusively in cosmetic products intended not to come into contact with the mucous membranes.

Column 4 = Colouring agents allowed exclusively in cosmetic products intended to come into contact only briefly with the skin.

Note: For the substances marked with  $\Delta$ , see the list at the end of this Annex.

Colour index number or denomination	Colour	Field of application				Other limitations and requirements <sup>(2)</sup>
		1	2	3	4	
10006	Green				X	
10020	Green			X		
10316 <sup>(3)</sup>	Yellow		X			
11680	Yellow			X		
11710	Yellow			X		
11725	Orange				X	
11920	Orange	X				
12010	Red			X		
12075 <sup>(3)</sup>	Orange	X				
12085 <sup>(3)</sup>	Red	X				3 % Maximum concentration in the finished product
12120	Red				X	
12150	Red	X				
12370	Red				X	
12420	Red				X	
12480	Brown				X	
12490	Red	X				
12700	Yellow				X	
13015	Yellow	X				E 105
14270	Orange	X				E 103
14700	Red	X				
14720	Red	X				E 122

Colour index number or denomination	Colour	Field of application				Other limitations and requirements (2)
		1	2	3	4	
14815	Red	X				E 125
15510 (3)	Orange		X			
15525	Red	X				
15580	Red	X				
15585 (3)	Red		X			
15620	Red				X	
15630 (3)	Red	X				3 % Maximum concentration in the finished product
15800	Red			X		
15850 (3)	Red	X				
15865 (3)	Red	X				
15880	Red	X				
15980	Orange	X				E 111
15985 (3)	Yellow	X				E 110
16035	Red	X				
16185	Red	X				E 123
16230	Orange			X		
16255 (3)	Red	X				E 124
16290	Red	X				E 126
17200 (3)	Red	X				
18050	Red			X		
18130	Red				X	
18690	Yellow				X	
18736	Red				X	
18820	Yellow				X	
18965	Yellow	X				
19140 (3)	Yellow	X				E 102
20040	Yellow				X	Maximum 3,3'-dimethylbenzidine concentration in the colouring agent: 5 ppm
20170	Orange			X		
20470	Black				X	
21100	Yellow				X	Maximum 3,3'-dimethylbenzidine concentration in the colouring agent: 5 ppm
21108	Yellow				X	Ditto
21230	Yellow			X		
24790	Red				X	
27290 (3)	Red				X	
27755	Black	X				E 152
28440	Black	X				E 151
40215	Orange				X	
40800	Orange	X				
40820	Orange	X				E 160 e
40825	Orange	X				E 160 f
40850	Orange	X				E 161 g
△ 42045	Blue			X		
42051 (3)	Blue	X				E 131
42053	Green	X				
42080	Blue				X	

Colour index number or denomination	Colour	Field of application				Other limitations and requirements <sup>(2)</sup>
		1	2	3	4	
42090	Blue	X				
42100	Green				X	
42170	Green				X	
42510	Violet			X		
42520	Violet				X	5 ppm Maximum concentration in the finished product
42735	Blue			X		
△ 44045	Blue			X		
44090	Green	X				E 142
45100	Red				X	
45170 <sup>(3)</sup>	Red	X				
45170:1			X			
45190	Violet				X	
45220	Red				X	
45350	Yellow	X				6 % Maximum concentration in the finished product
45370 <sup>(3)</sup>	Orange	X				Not more than 1 % 2-(6-hydroxy-3-oxo-3H-xanthen-9-yl) benzoic acid and 2 % 2-(bromo-6-hydroxy-3-oxo-3H-xanthen-9-yl) benzoic acid
45380 <sup>(3)</sup>	Red	X				Ditto
45396	Orange	X				When used in lipstick, the colouring agent is allowed only in free acid form and in a maximum concentration of 1 %
45405	Red		X			Not more than 1 % 2-(6-hydroxy-3-oxo-3H-xanthen-9-yl) benzoic acid and 2 % 2-(bromo-6-hydroxy-3-oxo-3H-xanthen-9-yl) benzoic acid
45410 <sup>(3)</sup>	Red	X				Ditto
45425	Red	X				Not more than 1 % 2-(6-hydroxy-3-oxo-3H-xanthen-9-yl) benzoic acid and 3 % 2-(bromo-6-hydroxy-3-oxo-3H-xanthen-9-yl) benzoic acid
45430 <sup>(3)</sup>	Red	X				E 127 ditto
47000	Yellow			X		
47005	Yellow	X				E 104
50325	Violet				X	
50420	Black			X		
51319	Violet				X	
58000	Red	X				
59040	Green			X		
60724	Violet				X	
60725	Violet	X				
60730	Violet			X		
61565	Green	X				
61570	Green	X				
61585	Blue				X	
62045	Blue				X	
69800	Blue	X				E 130
69825	Blue	X				
71105	Orange			X		
73000	Blue	X				
73015	Blue	X				E 132
73360	Red	X				

Colour index number or denomination	Colour	Field of application				Other limitations and requirements (2)
		1	2	3	4	
73385	Violet	X				
73900	Violet				X	[See Annex IV, Part 2]
73915	Red				X	
74100	Blue				X	
74160	Blue	X				
74180	Blue				X	[See Annex IV, Part 2]
74260	Green		X			
75100	Yellow	X				
75120	Orange	X				E 160 b
75125	Yellow	X				E 160 d
75130	Orange	X				E 160 a
75135	Yellow	X				E 161 d
75170	White	X				
75300	Yellow	X				E 100
75470	Red	X				E 120
75810	Green	X				E 140 and E 141
77000	White	X				E 173
77002	White	X				
77004	White	X				
77007	Blue	X				
77015	Red	X				
77120	White	X				
77163	White	X				
77220	White	X				E 170
77231	White	X				
77266	Black	X				
77267	Black	X				
77268:1	Black	X				E 153
△ 77288	Green	X				[Free from chromate ions]
△ 77289	Green	X				[Free from chromate ions]
77346	Green	X				
77400	Brown	X				
77480	Brown	X				E 175
77489	Orange	X				E 172
77491	Red	X				E 172
77492	Yellow	X				E 172
77499	Black	X				E 172
77510	Blue	X				[Free from cyanide ions]
77713	White	X				
77742	Violet	X				
77745	Red	X				
77820	White	X				E 174
77891	White	X				E 171
77947	White	X				
Lactoflavin	Yellow	X				E 101
Caramel	Brown	X				E 150
Capsanthin, capsorubin	Orange	X				E 160 c

Colour index number or denomination	Colour	Field of application				Other limitations and requirements <sup>(2)</sup>
		1	2	3	4	
Beetroot red	Red	X				E 162
Anthocyanins	Red	X				E 163
Aluminium, zinc, magnesium and calcium stearates	White	X				
Bromothymol blue	Blue				X	
Bromocresol green	Green				X	
△ Acid red 195	Red			X		

(1) Lakes or salts of these colouring agents using substances not prohibited under Annex II or not excluded under Annex V from the scope of this Directive are equally allowed.

(2) Colouring agents whose number is preceded by the letter 'E' in accordance with the EEC Directive of 1962 concerning foodstuffs and colouring matters must fulfil the purity requirements laid down in those Directives. They continue to be subject to the general criteria set out in Annex III to the 1962 Directive concerning colouring matters where the letter 'E' has been deleted therefrom.

(3) The insoluble barium, strontium and zirconium lakes, salts and pigments of these colouring agents shall also be permitted. They must pass the test for insolubility which will be determined by the procedure laid down in Article 8.



## PART 2

LIST OF COLOURING AGENTS PROVISIONALLY ALLOWED FOR USE  
IN COSMETIC PRODUCTS <sup>(1)</sup>

## Field of application

Column 1 = Colouring agents allowed in all cosmetic products.

Column 2 = Colouring agents allowed in all cosmetic products except those intended to be applied in the vicinity of the eyes, in particular eye make-up and eye-make-up remover.

Column 3 = Colouring agents allowed exclusively in cosmetic products intended not to come into contact with the mucous membranes.

Column 4 = Colouring agents allowed exclusively in cosmetic products intended to come into contact only briefly with the skin.

Note: For substances marked with  $\Delta$ , see the list at the end of this Annex.

Colour index number or denomination	Colour	Field of application				Other limitations and requirements <sup>(2)</sup>	Authori- zation valid until
		1	2	3	4		
$\Delta$ 26100	Red	X					31.12.1990
$\Delta$ 73900	Violet			X		See Annex IV, Part 1	31.12.1990
$\Delta$ 74180	Blue			X		See Annex IV, Part 1	31.12.1991
$\Delta$ Solvent yellow 98	Yellow			X		Only in nail care preparations, max. 0,5 % in the final product	31.12.1991

<sup>(1)</sup> Lakes or salts of these colouring agents using substances not prohibited under Annex II or not excluded under Annex V from the scope of this Directive are equally allowed.

<sup>(2)</sup> Colouring agents whose number is preceded by the letter 'E' in accordance with the EEC Directive of 1962 concerning foodstuffs and colouring matters must fulfil the purity requirements laid down in those Directives. They continue to be subject to the general criteria set out in Annex III to the 1962 Directive concerning colouring matters where the letter 'E' has been deleted therefrom.

**Table of latest permitted dates for the placing on the market and sale to endconsumer of cosmetic products containing substances listed in Annex IV, column (a), and which do not comply with the Directive**

Reference number	Latest permitted date of manufacture and importation	Latest permitted date of sale to endconsumer
a	b	c
<b>Annex IV, Part 1:</b>		
77288		31.12.1990
77289		31.12.1990
Acid Red 195		31.12.1991
42045	31.12.1991	31.12.1993
44045	31.12.1991	31.12.1993
<b>Annex IV, Part 2:</b>		
26100	31.12.1991	31.12.1993
73900	31.12.1991	31.12.1993
74180	31.12.1991	31.12.1993
Solvent Yellow 98	31.12.1991	31.12.1993

## ANNEX V

## LIST OF SUBSTANCES EXCLUDED FROM THE SCOPE OF THE DIRECTIVE

5. Strontium and its compounds, with the exception of strontium sulphide under the conditions laid down in Annex III, Part 1, and of strontium salts, lakes and pigments of the colouring agents listed with reference (3) in Annex IV, Part 1.
  7. Thiomersal(\*) and phenylmercuric compounds (for use as preservatives in concentrated shampoos and creams containing non-ionic emulsifiers which render other preservatives ineffective; maximum concentration 0,003 % calculated as Hg).
  8. Lidocaine (\*).
-

## ANNEX VI

## LIST OF PRESERVATIVES WHICH COSMETIC PRODUCTS MAY CONTAIN .

## PREAMBLE

1. Preservatives are substances which may be added to cosmetic products for the primary purpose of inhibiting the development of micro-organisms in such products.
  2. The substances marked with the symbol (+) may also be added to cosmetic products in concentration other than those laid down in this Annex for other specific purposes apparent from the presentation of the products, e.g. as deodorants in soaps or as anti-dandruff agents in shampoos.
  3. Other substances used in the formulation of cosmetic products may also have anti-microbial properties and thus help in the preservation of the products, as, for instance, many essential oils and some alcohols. These substances are not included in this Annex.
  4. For the purposes of this list:
    - 'salts' is taken to mean: salts of the cations sodium, potassium, calcium, magnesium, ammonium and ethanolamines; salts of the anions chloride, bromide, sulphate, acetate,
    - 'esters' is taken to mean: esters of methyl, ethyl, propyl, isopropyl, butyl, isobutyl, phenyl.
  5. All finished products containing formaldehyde or substances in this Annex and which release formaldehyde must be labelled with the warning 'contains formaldehyde' where the concentration of formaldehyde in the finished product exceeds 0,05 %.
-

PART 1  
LIST OF PRESERVATIVES ALLOWED

Note: For substances marked with  $\Delta$ , see the list at the end of this Annex.

Reference number	Substance	Maximum authorized concentration	Limitations and requirements	Conditions of use and warnings which must be printed on the label
a	b	c	d	e
1	Benzoic acid, its salts and esters (+)	0,5 % (acid)		
2	Propionic acid and its salts (+)	2 % (acid)		
3	Salicylic acid and its salts (+)	0,5 % (acid)	Not to be used in preparations for children under three years of age, except for shampoos	Not to be used for children under three years of age <sup>(1)</sup>
4	Sorbic acid (hexa-2,4-dienoic acid) and its salts (+)	0,6 % (acid)		
5	Formaldehyde paraformaldehyde	0,2 % (except for products for oral hygiene) 0,1 % (products for oral hygiene) expressed as free formaldehyde	Prohibited in aerosol dispensers (sprays)	
7	Biphenyl-2-ol (o-phenylphenol) and its salts (+)	0,2 % expressed as the phenol		
8	Pyrrithione zinc (INN) (+)	0,5 %	Authorized in products rinsed off Forbidden in products for oral hygiene	
9	Inorganic sulphites and hydrogen-sulphites (+)	0,2 % expressed as free SO <sub>2</sub>		
10	Sodium iodate	0,1 %	Rinse-off products only	
11	Chlorobutanol (INN)	0,5 %	Prohibited in aerosol dispensers (sprays)	Contains chlorobutanol
12	4-Hydroxybenzoic acid and its salts and esters (+)	0,4 % (acid) for 1 ester 0,8 % (acid) for mixtures of esters		
13	3-Acetyl-6-methylpyran-2,4 (3H)-dione (Dehydroacetic acid) and its salts	0,6 % (acid)	Prohibited in aerosol dispensers (sprays)	
14	Formic acid (+)	0,5 % (acid)		

<sup>(1)</sup> Solely for products which might be used for children under three years of age and which remain in prolonged contact with the skin.

Reference number	Substance	Maximum authorized concentration	Limitations and requirements	Conditions of use and warnings which must be printed on the label
a	b	c	d	e
15	3,3'-Dibromo-4,4'-hexamethylene-dioxydibenzamidine (Dibromohexamidine) and its salts (including isethionate)	0,1 %		
16	Thiomersal (INN)	0,007 % (of Hg) If mixed with other mercurial compounds authorized by this Directive, the maximum concentration of Hg remains fixed at 0,007 %	For eye make-up and eye make-up remover only	Contains thiomersal
17	Phenylmercuric salts (including borate)	Ditto	Ditto	Contains phenylmercuric compounds
18	Undec-10-enoic acid and salts (+)	0,2 % (acid)		
19	Hexetidine (INN) (+)	0,1 %		
20	5-Bromo-5-nitro-1,3-dioxane	0,1 %	Rinse-off products only Avoid formation of nitrosamines	
21	Bronopol (INN) (+)	0,1 %	Avoid formation of nitrosamines	
22	2,4-Dichlorobenzyl alcohol (+)	0,15 %		
23	Triclocarban (INN) (+)	0,2 %	Purity criteria: 3,3'-4,4'-Tetrachloroazobenzene < 1 ppm 3,3'-4,4'-Tetrachloroazoxybenzene < 1 ppm	
24	4-Chloro-m-cresol (+)	0,2 %	Prohibited in the products intended to come into contact with mucous membranes	
25	Tricolosan (INN) (+)	0,3 %		
26	4-Chloro-3,5-xyleneol (+)	0,5 %		
27	3,3'-Bis (1-hydroxymethyl)-2,5-dioximidazolidin-4-yl)-1,1'-methylenediurea ('Imidazolidinyl urea') (+)	0,6 %		

Reference number	Substance	Maximum authorized concentration	Limitations and requirements	Conditions of use and warnings which must be printed on the label
a	b	c	d	e
28	Poly (1-hexamethyleneguanide hydrochloride) (+)	0,3 %		
29	2-Phenoxyethanol (+)	1,0 %		
30	Hexamethylenetetramine (+) (methenamine) (INN)	0,15 %		
31	Methenamine 3-chloroallylochloride (INN)	0,2 %		
32	1-(4-Chlorophenoxy)-1-(imidazol-1-yl)-3,3-dimethylbutan-2-one (+)	0,5 %		
33	1,3-Bis (hydroxymethyl)-5,5-dimethylimidazolidine-2,4-dione (+)	0,6 %		
34	Benzyl alcohol (+)	1,0 %		
35	1-Hydroxy-4-methyl-6 (2,4,4-trimethylpentyl) 2-pyridon and its monoethanolamine salt (+)	1,0 % 0,5 %	Products rinsed off For other products	
36	1,2-Dibromo-2,4-dicyanobutane	0,1 %	Not to be used in cosmetic sunscreen products	
37	6,6-Dibromo-4,4-dichloro 2,2'-methylene-diphenol (Bromochlorophen) (+)	0,1 %		
38	Isopropyl-m-cresol	0,1 %		
39 △	Mixture of 5-Chloro-2-methyl-isothiazol-3(2H)-one and 2-methylisothiazol-3(2H)-one with magnesium chloride and magnesium nitrate	0,0015 % of a mixture in the ratio 3:1 of 5-chloro-2-methylisothiazol 3(2H)-one and 2-methylisothiazol-3 (2H)-one		
40 △	2-Benzyl-4-chlorophenol (chlorophene)	0,2 %		
41 △	2-Chloroacetamide	0,3 %		Contains chloroacetamide
42 △	Chlorhexidine (INN) and its digluconate, diacetate and dihydrochloride (+)	0,3 % expressed as chlorhexidine		
43 △	1-Phenoxypropan-2-ol	1,0 %	Only for rinse-off products	

PART 2  
LIST OF PRESERVATIVES PROVISIONALLY ALLOWED

Note: For substances marked with  $\Delta$ , see the list at the end of this Annex.

Reference number	Substance	Maximum authorized concentration	Limitation and requirements	Conditions of use and warnings which must be printed on the label	Allowed until
a	b	c	d	e	f
2 $\Delta$	Chlorphenesin (INN)	0,3 %			31.12.1990
4 $\Delta$	Alkyl (C12-C22) trimethyl-ammonium bromide and chloride (including Cetrimonium bromide (INN) (+))	0,1 %			31.12.1990
6 $\Delta$	4,4-Dimethyl-1,3-oxazolidine	0,1 %	Rinse-off products only. The pH of the finished product shall not be lower than 6		31.12.1990
15 $\Delta$	Benzethonium chloride (INN) (+)	0,1 %	Prohibited in the products intended to come into contact with mucous membranes		31.12.1990
16 $\Delta$	Benzalkonium chloride (INN), bromide and saccharinate (+)	0,25 %			31.12.1990
17 $\Delta$	1-[1,3-Bis (hydroxymethyl)-2,5-dioxoimidazolidin-1-yl]-1,3-bis (hydroxymethyl) urea	0,5 %			31.12.1990
20 $\Delta$	Hexamine (INN) and its salts (including isethionate and 4-hydroxybenzoate) (+)	0,1 %			31.12.1990
21 $\Delta$	Benzylhemiformal (a 1:1 mixture of benzyloxymethanol and (benzyloxymethoxy) methanol)	0,2 %			31.12.1990
26 $\Delta$	Glutaraldehyde	0,1 %	Prohibited in aerosols (sprays)	Contains glutaraldehyde where the glutaraldehyde concentration in the finished product exceeds 0,05 %	31.12.1991
27 $\Delta$	3-Deceyloxy-2-hydroxy-1-amino propane-hydro-chloride (Decominol) (INN)	0,5 %			31.12.1990



Tabled of latest permitted dates for the placing on the market and sale to endconsumer of cosmetic products containing substances listed in Annex VI, column (a), and which do not comply with the Directive

Reference number	Latest permitted date of manufacture and importation	Latest permitted date of sale to endconsumer
a	b	c
Annex VI, Part 1:		
No 39	31.12.1990	31.12.1992
No 40		31.12.1990
No 41		31.12.1991
No 42		31.12.1991
No 43		31.12.1991
Annex VI, Part 2:		
No 2	31.12.1991	31.12.1993
No 4	31.12.1991	31.12.1993
No 6	31.12.1991	31.12.1993
No 15	31.12.1991	31.12.1993
No 16	31.12.1991	31.12.1993
No 17	31.12.1991	31.12.1993
No 20	31.12.1991	31.12.1993
No 21	31.12.1991	31.12.1993
No 26	31.12.1990	31.12.1992
No 27	31.12.1991	31.12.1993

## ANNEX VII

## LIST OF UV FILTERS WHICH COSMETIC PRODUCTS MAY CONTAIN

For the purposes of this Directive, UV filters are substances which, contained in cosmetic sunscreen products, are specifically intended to filter certain UV rays in order to protect the skin from certain harmful effects of these rays.

These UV filters may be added to other cosmetic products within the limits and under the conditions laid down in this Annex.

Other UV filters used in cosmetic products solely for the purpose of protecting the product against UV rays are not included in this list.

## PART I

## LIST OF PERMITTED UV FILTERS WHICH COSMETIC PRODUCTS MAY CONTAIN

Reference No	Substances	Maximum authorized concentration	Other limitations and requirements	Conditions of use and warnings which must be printed on the label
a	b	c	d	e
1	4-Aminobenzoic acid	5 %		
2	<i>N,N,N</i> -Trimethyl-4-(2-oxoborn-3-ylidenemethyl) anilinium methyl sulphate	6 %		
3	Homosalate (INN)	10 %		
4	Oxybenzone (INN)	10 %		Contains oxybenzone <sup>(1)</sup>
5	3-Imidazol-4-ylacrylic acid and its ethyl ester	2 % (expressed as acid)		
6	2-phenylbenzimidazole-5-sulphonic acid and its potassium, sodium and triethanolamine salts	8 % (expressed as acid)		

<sup>(1)</sup> Not required if concentration is 0,5 % or less and when it is used only for product protection purposes.

## PART 2

## LIST OF UV FILTERS WHICH COSMETIC PRODUCTS MAY PROVISIONALLY CONTAIN

Reference number	Substances	Maximum authorized concentration	Other limitations and requirements	Conditions of use and warnings which must be printed on the label	Allowed until
a	b	c	d	e	f
1	N-Propoxylated ethyl-4-aminobenzoate (mixed isomers)	5 %			31.12.1991
2	Ethoxylated ethyl-4-aminobenzoate	10 %			31.12.1991
4	Glycerol 1-(4-aminobenzoate)	5 %	Free from benzocaine (INN)		31.12.1991
5	2-Ethylhexyl 4-dimethylaminobenzoate	8 %			31.12.1991
6	2-Ethylhexyl salicylate	5 %			31.12.1991
12	Isopentyl-4-methoxycinnamate (mixed isomers)	10 %			31.12.1991
13	2-Ethylhexyl 4-methoxycinnamate	10 %			31.12.1991
16	2-Hydroxy-4-methoxy-4'-methylbenzophenone (mexenone)	4 %		Contains mexenone (1)	31.12.1991
17	2-Hydroxy-4-methoxybenzophenone-5 sulphonic acid and sodium salt (Sulisobenzone and Sulisobenzone sodium)	5 % (expressed as acid)			31.12.1991
24	Alpha-(2-Oxoborn-3-ylidene) toluene-4-sulphonic acid and its salts	6 % (expressed as acid)			31.12.1991
25	3-(4'-Methylbenzylidene)-d-1-camphor	6 %			31.12.1991
26	3-Benzylidene camphor	6 %			31.12.1991
28	4-Isopropyl-dibenzoylmethane	5 %			31.12.1991
29	4-Isopropylbenzyl salicylate	4 %			31.12.1991
31	1-(4-tert-Butylphenyl)-3-(4-methoxyphenyl)propane-1,3-dione	5 %			31.12.1991
32	2,4,6-Trianiilino-(p-carbo-2'-ethylhexyl-1'-oxi)-1,3,5-triazine	5 %			31.12.1991

(1) Not required if concentration is 0,5 % or less and when it is used only for product protection purposes.

Table of latest permitted dates for the placing on the market and sale to endconsumer of cosmetic products containing substances listed in Annex VII, column (a), and which do not comply with the Directive

Reference number	Latest permitted date of manufacture and importation	Latest permitted date of sale to endconsumer
a	b	c
Annex VII, Part 2	31.12.1990	31.12.1992

## ANNEX VIII

LIST OF DIRECTIVES AMENDING DIRECTIVE 76/768/EEC  
AND THEIR DATES OF IMPLEMENTATION BY THE MEMBER STATES

	Date of implementation
Council Directive 76/768/EEC of 27 July 1976 (OJ No L 262, 27.9.1976, p. 169)	30 January 1978
<i>amended by:</i>	
— Council Directive 79/661/EEC of 24 July 1979 (OJ No L 192, 31.7.1979, p. 35)	26 July 1979
— Commission Directive 82/147/EEC of 11 February 1982 (OJ No L 63, 6.3.1982, p. 26)	31 December 1982
— Council Directive 82/368/EEC of 17 May 1982 (OJ No L 167, 15.6.1982, p. 1)	31 December 1983
— Second Commission Directive 83/191/EEC of 30 March 1983 (OJ No L 109, 26.4.1983, p. 25)	31 December 1984
— Third Commission Directive 83/341/EEC of 29 June 1983 (OJ No L 188, 13.7.1983, p. 15)	31 December 1984
— Fourth Commission Directive 83/496/EEC of 22 September 1983 (OJ No L 275, 8.10.1983, p. 20)	31 December 1984
— Council Directive 83/574/EEC of 26 October 1983 (OJ No L 332, 28.11.1983, p. 38)	31 December 1984
— Fifth Commission Directive 84/415/EEC of 18 July 1984 (OJ No L 228, 25.8.1984, p. 31)	31 December 1985
— Sixth Commission Directive 85/391/EEC of 16 July 1985 (OJ No L 224, 22.8.1985, p. 40)	31 December 1986
— Seventh Commission Directive 86/179/EEC of 28 February 1986 (OJ No L 138, 24.5.1986, p. 40)	31 December 1986
— Eighth Commission Directive 86/199/EEC of 26 March 1986 (OJ No L 149, 3. 6. 1986, p. 38)	31 December 1986
— Ninth Commission Directive 87/137/EEC of 2 February 1987 (OJ No L 56, 26.2.1987, p. 20)	31 December 1987
— Tenth Commission Directive 88/233/EEC of 2 March 1988 (OJ No L 105, 26.4.1988, p. 11)	30 September 1988
— Council Directive 88/667/EEC of 21 December 1988 (OJ No L 328, 31.12.1988, p. 46)	31 December 1989
— Eleventh Commission Directive 89/174/EEC of 21 February 1989 (OJ No L 64, 8.3.1989, p. 10)	31 December 1989
— Council Directive 89/679/EEC of 21 December 1989 (OJ No L 398, 30.12.1989, p. 25)	21 December 1989
— Twelfth Commission Directive 90/121/EEC of 20 February 1990 (OJ No L 71, 17.3.1990, p. 40)	31 December 1990

## ANNEX IX

## CORRELATION TABLE

Directive 76/768/EEC	This Directive
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8	Article 8
Article 8 (a)	Article 9
Article 9	Article 10
Article 10	Article 11
Article 11	Article 12
Article 12	Article 13
Article 13	Article 14
Article 14	Article 15
Article —	Article 16
Article 15	Article 17

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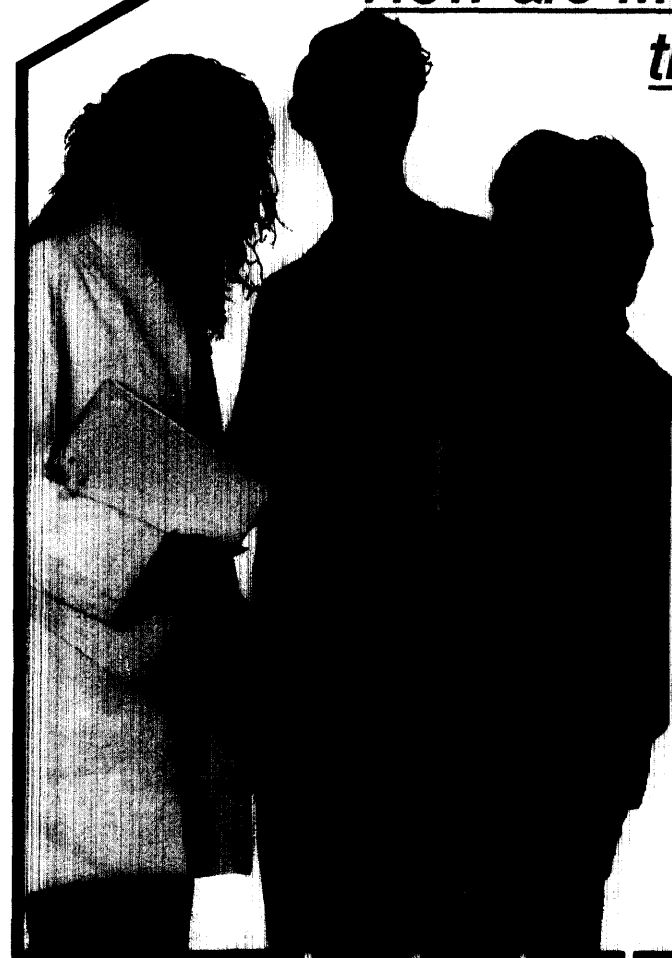
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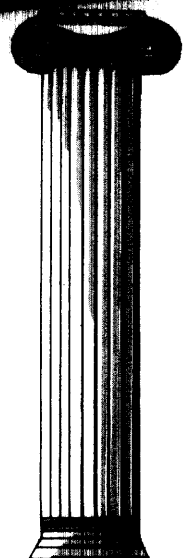
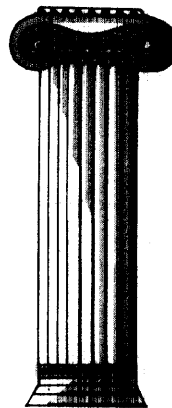
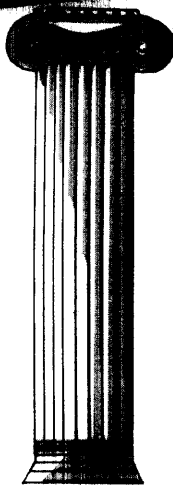
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