

Council Directive of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products (76/768/EEC) (repealed)

*[<sup>F1</sup>Article 8a*

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 The Member States shall forward to the Commission and to the other Member States the next 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, 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 [<sup>F2</sup>Scientific Committee for Cosmetic Products and Non-Food Products intended for Consumers] and in accordance with the procedure laid down in Article 10 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.]

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**Textual Amendments**

- F1** Inserted by [Council Directive of 17 May 1982 \(82/368/EEC\)](#).
- F2** Substituted by [Directive 2003/15/EC of the European Parliament and of the Council of 27 February 2003 amending Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products \(Text with EEA relevance\)](#).