

Commission Directive 2005/80/EC of 21 November 2005 amending Council Directive 76/768/EEC, concerning cosmetic products, for the purposes of adapting Annexes II and III thereto to technical progress (Text with EEA relevance)

COMMISSION DIRECTIVE 2005/80/EC

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amending Council Directive 76/768/EEC, concerning cosmetic products, for the purposes of adapting Annexes II and III thereto to technical progress

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products⁽¹⁾, and in particular Article 4b and Article 8(2) thereof,

After consulting the Scientific Committee on Consumer Products,

Whereas:

- (1) Directive 76/768/EEC, as amended by Directive 2003/15/EC of the European Parliament and of the Council⁽²⁾, prohibits the use in cosmetic products of substances classified as carcinogenic, mutagenic or toxic for reproduction (CMR), of category 1, 2 and 3, under Annex I to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁽³⁾, but allows the use of substances classified in category 3 pursuant to Directive 67/548/EEC subject to evaluation and approval by the Scientific Committee on Cosmetic products and Non-Food Products intended for consumers SCCNFP, replaced by the Scientific Committee on Consumer Products (SCCP) by Commission Decision 2004/210⁽⁴⁾.
- (2) Directive 67/548/EEC has been amended by Directive 2004/73/EC, and it is therefore necessary to adopt measures so as to bring Directive 76/768/EEC in line with the provisions of Directive 67/548/EEC.
- (3) In so far as some of the substances classified as CMR of category 1 and 2 under Annex I to Directive 67/548/EEC are not yet listed in Annex II to Directive 76/768/EEC, it is necessary to include them in that Annex. Substances classified as CMR of category 3 under Annex I to Directive 67/548/EEC should also be included in Annex II to Directive 76/768/EEC, except if they have been evaluated by the SCCP and found acceptable for use in cosmetic products.
- (4) Substances classified as CMR of category 1 and 2 listed in Annex III, Part 1 to Directive 76/768/EEC should be deleted, since these substances are now listed in Annex II to

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Directive 76/768/EEC and therefore must not form part of the composition of cosmetic products.

- (5) Commission Directive 2004/93/EC⁽⁵⁾ provided for the insertion in Annex II to Directive 76/768/EEC of certain substances which were already listed there. That Annex should therefore be amended for the sake of clarity.
- (6) Directive 76/768/EEC should therefore be amended accordingly.
- (7) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS DIRECTIVE:

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- (1) [OJ L 262, 27.9.1976, p. 169](#). Directive as last amended by Commission Directive 2005/52/EC ([OJ L 234, 10.9.2005, p. 9](#)).
- (2) [OJ L 66, 11.3.2003, p. 26](#).
- (3) [OJ 196, 16.8.1967, p. 1](#). Directive as last amended by Commission Directive 2004/73/EC ([OJ L 152, 30.4.2004, p. 1](#)).
- (4) [OJ L 66, 4.3.2004, p. 45](#).
- (5) [OJ L 300, 25.9.2004, p. 13](#).