

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(88) 324 final - SYN 139

Brussels, 13 June 1988

Proposal for a
COUNCIL DIRECTIVE
amending for the fifth time Directive 76/768/EEC on the
approximation of the laws of the Member States
relating to cosmetic products

(presented by the Commission)

EXPLANATORY MEMORANDUM

The second paragraph of Article 8(2) of Directive 76/768/EEC provides that the procedure involving the Committee on Adaptation to Technical Progress, shall in the case of Annexes III to VII, apply until 31 December 1988 and that a decision shall be taken by the Council not later than six months before that date in order to allow the Committee to continue its work.

In this context, the Commission has endorsed the declaration on the powers of implementation of the Commission adopted by the Conference of the Representatives of the Governments of the Member States when they signed the Single European Act, which reads as follows:

"The Conference asks the Community authorities to adopt, before the Act enters into force, the principles and rules on the basis of which the Commission's powers of implementation will be defined in each case.

In this connection the Conference requests the Council to give the Advisory Committee procedure in particular a predominant place in the interests of speed and efficiency in the decision-making process, for the exercise of the powers of implementation conferred on the Commission within the field of Article 100a of the EEC Treaty."

The Council adopted Decision 87/373/EEC of 13 July 1987 in pursuance of the above-mentioned declaration, and the attached amending directive is proposed in accordance with that Decision.

This proposal relates to the internal market (Article 100a) and is therefore covered by the declaration.

It is based on the principle that amendments should be made by means of a flexible procedure.

Proposal for a Council Directive amending for the fifth time Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products

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(Submitted by the Commission on 21 June 1988)

(88/C 214/06)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

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 Directive 76/768/EEC ⁽¹⁾, as last amended by Directive ..., establishes, for the purposes of adapting technical requirements laid down by the Directive to technical progress, a procedure for close cooperation between the Member States and the Commission within a Committee on the Adaptation to Technical Progress of the Directives on the Removal of Technical Barriers to Trade in the Cosmetic Products Sector;

Whereas, in the case of Annexes III to VII, the procedure involving that Committee applies until 31 December 1988;

Whereas experience has shown that there should be a procedure for rapidly adapting technical requirements laid down by the Directive to technical progress; whereas powers should therefore be conferred on the Commission to take action in the sector, with assistance from an Advisory Committee,

Article 1

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

1. The second paragraph of Article 8(2) is deleted.
2. Article 9 is replaced by the following:

'Article 9

The Commission shall be assisted by an Advisory 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', composed of representatives of the Member States and chaired by a representative of the Commission'.

3. Article 10 is replaced by the following:

'Article 10

Where the procedure laid down in this Article is to be followed, the following provisions shall apply:

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 2

This Directive is addressed to the Member States.

⁽¹⁾ OJ No L 262, 27. 9. 1976, p. 169.

I. Quelle est la justification principale de la mesure ? La proposition consiste à rendre la procédure du Comité pour l'adaptation au progrès technique de la directive 76/768/CEE définitive et profite de cette occasion et suivant les instructions de la Commission de proposer la procédure du Comité Consultatif.

II. Caractéristiques des entreprises concernées
En particulier :

- Y a-t-il un grand nombre de PME ? OUI
- note t'on des concentrations dans des régions :
 - éligibles aux aides régionales des E.M. ? NEANT
 - éligibles au Feder ? NEANT

III. Quelles sont les obligations imposées directement aux entreprises ?

NEANT

IV. Quelles sont les obligations susceptibles d'être imposées indirectement aux entreprises via les autorités locales ?

NEANT

V. Y a-t-il des mesures spéciales pour les PME ? ///

- Lesquelles ? NEANT

VI. Quel est l'effet prévisible ?

- sur la compétitivité des entreprises ?
- sur l'emploi ?

VII. Les partenaires sociaux ont-ils été consultés ?

- avis des partenaires sociaux : accord

L'Industrie des produits cosmétiques est très favorable à la procédure du Comité pour adapter au progrès technique la directive 76/768/CEE le plus rapidement possible.