1. Legal provisions

Article 6 paragraph 1 (g) of Directive 76/768/EEC provides that:

“A list of ingredients in descending order of weight at the time they are added. That list shall be preceded by the word ‘ingredients’. Where that is impossible for practical reasons, an enclosed leaflet, label, tape or card must contain the ingredients to which the consumer is referred either by abbreviated information or the symbol given in Annex VIII, which must appear on the packaging.

The following shall not, however, be regarded as ingredients:

– impurities in the raw materials used,
– subsidiary technical materials used in the preparation but not present in the final product,
– materials used in strictly necessary quantities as solvents or as carriers for perfume and aromatic compositions.

Perfume and aromatic compositions and their raw materials shall be referred to by the word ‘perfume’ or ‘aroma’. However, the presence of substances, the mention of which is required under the column ‘other limitations and requirements’ in Annex III, shall be indicated in the list irrespective of their function in the product”.

In Annex III, part 1 to the Cosmetics Directive, for 26 entries (from 67 to 92)\(^1\) it is then mentioned that “the presence of the substance must be indicated in the list of ingredients referred to in Article 6 (1)(g) when its concentration exceeds:

- 0.001 % in leave-on products
- 0.01 % in rinse-off products.”

The parts in bold were introduced by directive 2003/15/EC of the European Parliament and of the Council of 27 February 2003 amending Council directive 76/768/EEC, so called 7th amendment. Recital 15 of this directive provides that:

“Certain substances have been identified as an important cause of contact-allergy reactions in fragrance-sensitive consumers. In order to ensure that such consumers are adequately informed, it is therefore necessary to amend the provisions of Directive 76/768/EEC to require that the presence of these substances be mentioned in the list of ingredients. This information will improve the diagnosis of contact allergies among such consumers and will enable them to avoid the use of cosmetic products which they do not tolerate”.

2. Interpretation

Some Member States expressed worries that those provisions would be misinterpreted and that the presence of those 26 substances would be then wrongly labelled.

All ingredients have to be listed on the labelling, whatever is their concentration, except:

- those which shall not be regarded as ingredients (impurities in the raw materials used, subsidiary technical materials used in the preparation but not present in the final product or materials used in strictly necessary quantities as solvents or as carriers for perfume and aromatic compositions).
- those which are perfumes, aromatic compositions and their raw materials, which shall be referred as ‘parfum’ or ‘aroma’\(^2\). However for the 26 substances their presence should also be mentioned, in addition to the generic mention of ‘parfum’ or ‘aroma’, when it is

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\(^1\) Situation on 13.06.2007
\(^2\) Minutes of the Standing Committee of 14-15 February 2005, point 6 Labelling of cosmetic products (ingredients, aroma, parfum) request from Hungary

“COM explained that in 1995 Member States agreed to use the terms ‘ingredients’, ‘aroma’ and ‘parfum’ without translation for the application of article 6 introduced in the Cosmetics directive by the 6th amendment (05-ENTR-COS-06)

HU requested that this agreement is reiterated between the 25 Member States, as when new Member States transposed the ‘acquis communautaire’ in cosmetic field they are bound by the current wording of article 6.

No Member States expressed any restriction on such reiteration of the agreement, therefore it was concluded that:
- the term ‘ingredients’ will be used to refer to ingredients,
- the term ‘parfum’ will be used to refer to perfume compositions and
- the term ‘aroma’ will be used to refer aromatic compositions.

No translation of those terms would be necessary.”
specified under the relevant entries in Annex III to the Cosmetics Directive. This requirement is linked with presence limit of the substance in the product (limit of 0.001 % in leave-on products and of 0.01 % in rinse-off products.) It concerns the use of those substances as perfumes, aromatic compositions and their raw materials in order to avoid that only the generic mention ‘parfum’ or ‘aroma’ for this type of use is mentioned.

the same logic applies for cases where ingredients are not supposed to be labelled. It is the case for substances which are parts of a mixture (for example botanical extracts and essential oils). For the 26 substances their presence should be mentioned when it is specified under the relevant entries in Annex III to the Cosmetics Directive. This requirement is linked with presence limit of the substance in the product (limit of 0.001 % in leave-on products and of 0.01 % in rinse-off products.). It concerns the presence of those substances in mixtures in order to avoid that only the name of the mixture is mentioned.