
STATUTORY INSTRUMENTS

2013 No. 1478

The Cosmetic Products Enforcement Regulations 2013

PART 1

Introduction

Citation and Commencement

- 1.—(1) These Regulations may be cited as the Cosmetic Products Enforcement Regulations 2013.
(2) They come into force on 11th July 2013.

Interpretation

- 2.—(1) In these Regulations—

“2008 Regulations” means the Cosmetic Products (Safety) Regulations 2008⁽¹⁾;

“the EU Cosmetics Regulation” means Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products (recast)⁽²⁾, as amended from time to time;

“enforcement authority” means—

- (i) in England and Wales and Scotland, the Secretary of State or a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985⁽³⁾; and
(ii) in Northern Ireland, any district council;

“officer”, in relation to an enforcement authority, means a person authorised in writing to assist the authority in carrying out its functions under or for the purposes of the enforcement of the EU Cosmetics Regulation and these Regulations;

“RAMS” means Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93⁽⁴⁾.

(2) References to a notification made or information received under Directive 76/768/EEC⁽⁵⁾ in the EU Cosmetics Regulation shall be understood to include notifications under regulation 17 and information collected or received under regulations 16 and 19 of the 2008 Regulations.

(3) Other expressions used in these Regulations which are used in the EU Cosmetics Regulation have the same meaning as in the EU Cosmetics Regulation.

(1) S.I. 2008/1284.

(2) OJ No L 342, 22.12.2009, p 59.

(3) 1985 c. 72, section 69 was amended by Schedule 1, Part IV, section 1(1) of the Statute Law (Repeals) Act 1989 (c. 43), Schedule 16 paragraph 75 of the Local Government (Wales) Act 1994 (c. 19), and Schedule 13 paragraph 144 of the Local Government etc (Scotland) Act 1994 (c. 39).

(4) OJ No L 218, 13.08.2008, p 30.

(5) OJ No L 262, 27.09.1976, p 169.

Revocation and savings

3.—(1) The Regulations listed in Schedule 1 are revoked.

(2) Where the 2008 Regulations applied to any cosmetic product placed on the market before 11 July 2013—

- (a) the 2008 Regulations shall continue to apply in relation to the enforcement of obligations that arose under the 2008 Regulations;
- (b) obligations under the EU Cosmetics Regulation and regulation 5 of these Regulations which arise after the placing on the market of the Cosmetic Product apply.

Competent authority

4.—(1) Subject to paragraph (2), the Secretary of State and the enforcement authority are the competent authorities for the purposes of the EU Cosmetics Regulation.

(2) The following are not a competent authority for the purposes of Articles 23(2), 23(3) and 23(4) (Communication of serious undesirable effects), 25(4), 25(5) subparagraph 2, and 25(6) (non-compliance by the responsible person), 27(2) (safeguard clause) and 38 (repeal and retention of information) of the EU Cosmetics Regulation—

- (a) in England and Wales and Scotland, a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985; and
- (b) in Northern Ireland, any district council.

(3) Notwithstanding paragraph (2), the Secretary of State may from time to time authorise such person as the Secretary of State thinks fit to be a United Kingdom competent authority, or to perform certain functions of a competent authority, in addition to or in substitution for the Secretary of State.

Labelling

5.—(1) Where cosmetic products are not pre-packaged, or are packaged at the point of sale at the purchaser's request, information required to be provided in accordance with Article 19(1) (which provides for labelling) of the EU Cosmetics Regulation must appear on the container in which the product is exposed for supply or on a notice in immediate proximity to that container;

(2) Where cosmetic products are pre-packaged for immediate sale, the information required to be provided in accordance with Article 19(1) of the EU Cosmetics Regulation must appear on an attached label, tag, tape or card, or in an enclosed leaflet. Where this is impossible for practical reasons this information must appear on a notice in immediate proximity to the container in which the cosmetic product is exposed for sale.

(3) A responsible person must not make a cosmetic product available on the market unless the information required by paragraphs (1)(b) to (d), (1)(f) and (2) to (4) of Article 19 of the EU Cosmetics Regulation is provided in English, whether or not it is also in another language.