STATUTORY INSTRUMENTS

1997 No. 2914

CONSUMER PROTECTION

The Cosmetic Products (Safety) (Amendment) Regulations 1997

Made - - - -	*6th December 1997*
Laid before Parliament	*9th December 1997*
Coming into force (except as provided in regulation 1(2))	*31st December 1997*

Whereas the Secretary of State is a Minister designated(**1**) for the purpose of section 2 of the European Communities Act 1972(**2**) in relation to measures for safety and consumer protection as regards cosmetic products and any provisions concerning the composition, labelling, marketing, classification or description of cosmetic products:

Now, therefore, the Secretary of State in exercise of the powers conferred on her by section 2 of that Act hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Cosmetic Products (Safety) (Amendment) Regulations 1997 and, except as provided by paragraph (2) below, shall come into force on 31st December 1997.

(2) Regulation 2(f)(ii) and (iii) shall come into force—

(a) on 1st July 1998 in relation to the supply of any cosmetic product by the manufacturer in or importer into the United Kingdom, or in the case of a cosmetic product manufactured or imported into the United Kingdom on behalf of another person, by that other person, except where the cosmetic product is supplied by retail in which case they shall come into force on 1st July 1999; and

(b) in all other cases on 1st July 1999.

2. The Cosmetic Products (Safety) Regulations 1996(**3**) are amended as follows—

(a) in regulation 1(8) by substituting the date "30th June 2000" for the date "1st January 1998";

(b) in regulation 2(1), in the definition of "the Directive", by deleting the word "and" before "Commission Directive 96/41/EC" and by adding the words ", Commission Directive 97/18/EC(**4**), and Commission Directive 97/45/EC(**5**)" at the end of the definition;

(**1**) S.I. 1972/1811, 1975/1707, 1993/2661.
(**2**) 1972 c. 68.
(**3**) S.I. 1996/2925.
(**4**) O.J. No. L114, 1.5.1997, p. 43.
(**5**) O.J. No. L196, 24.7.1997, p. 77.

(c) in regulation 4(3) by substituting the date "30th June 2000" for the date "1st January 1998";

(d) in regulation 7(1) by inserting after the words "For the purposes of regulations 8" the words "(except regulation 8(3) and (3A))";

(e) by substituting the following for regulation 8(3)—

"(3) The person referred to in sub-paragraph (e) of paragraph (1) above must be—

(a) subject to paragraph (3A) below, the holder of an appropriate European diploma within the meaning of section 4A of the Pharmacy Act 1954(**6**) or any other person who has the right, granted by a competent authority in a member State, to take up and pursue the activities of a pharmaceutical chemist;

(b) subject to paragraph (3A) below, a person who is entitled to be registered under section 3(1) of the Medical Act 1983(**7**) as a fully registered medical practitioner and who has the right, granted by a competent authority in a member State, to take up and pursue the activities of a doctor; or

(c) the holder of a diploma within the meaning of regulation 2(1) of the European Communities (Recognition of Professional Qualifications) Regulations 1991(**8**) showing that the holder has the qualifications required to practise as a chartered biologist or that he has the qualifications required to practise as a chartered chemist or that he has the qualifications required to practise a profession equivalent to the profession of chartered biologist or chartered chemist in a member State other than the United Kingdom.

(3A) Any diploma or other evidence of qualification required for the purposes of paragraph (3)(a) or (b) above shall satisfy that requirement only if—

(a) the education and training attested were received mainly within the European Economic Community; or

(b) the holder has spent at least three years in lawful pursuit in a member State of the relevant profession, and such professional experience has been certified by a competent authority in a member State (being a State which recognised a diploma or other evidence of qualification obtained in a non-member State).";

(f) in Schedule 1—

(i) by deleting entry numbers 81 and 92;

(ii) by adding the following after entry number 195—

"195A	Coal tar, crude and refined	217A	420"; and

(iii) by adding the following after entry number 217—

"217A	Crude and refined coal tars	195A	420";

(g) in Part I of Schedule 4, by adding the following after entry number 52—

"53	Benzethonium chloride (INN)	0.1 per cent	rinse-off products only	—";

(**6**) 1954 c. 61.
(**7**) 1983 c. 54.
(**8**) S.I. 1991/824, to which there is an amendment not relevant to these Regulations.

	[Benzethonium chloride]		

(h) in Part II of Schedule 4, by substituting "30.6.1998" for "30.6.1997" in entry numbers 16, 21 and 29;

(i) in Part I of Schedule 5, by adding the following after entry number 11—

"12	2-Ethylhexyl4-methoxycinnamate [Octyl methoxycinnamate]	10 per cent	—	—"; and

(j) in Part II of Schedule 5—

(i) by deleting entry number 13 and substituting the words "ENTRY DELETED"; and

(ii) by substituting "30.6.1998" for "30.6.1997" in reference numbers 2, 5, 6, 12, 17, 25, 26, 29 and 32.

Nigel Griffiths
Parliamentary Under-Secretary of State for
Competition and Consumer Affairs,
Department of Trade and Industry

6th December 1997

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Cosmetic Products (Safety) Regulations 1996 (S.I.1996/2925) ("the principal Regulations").

The Regulations implement Commission Directive 97/18/EC (O.J. No. L114, 1.5.1997, p. 43). The principal Regulations contained a prohibition, due to come into force on 1 January 1998, on the supply of cosmetic products which contain ingredients or combinations of ingredients tested on animals, where such testing takes place after 1 January 1998 and is undertaken in order that the products may satisfy the requirements of the principal Regulations. The date 1st January 1998 is changed by these Regulations to 30th June 2000, which is also the date on which this prohibition will now come into force (regulation 2(a) and (c)).

The Regulations also implement Commission Directive 97/45/EC (O.J. No. L196, 24.7.1997, p. 77) by making technical amendments to Schedules 1, 4 and 5 of the principal Regulations (regulation 2(f) to (j)).

Finally, the Regulations amend the principal Regulations so as to allow the safety assessments referred to in regulation 8(1)(d) of the principal Regulations to be carried out by doctors and pharmacists who have specified qualifications and by persons holding specified diplomas showing that they have the necessary qualifications to practise as chartered biologists or chartered chemists or the qualifications required to practise equivalent professions in other States within the European Economic Area (regulation 2(e)). This is in accordance with the requirements of Council Directive 76/768/EEC (O.J. No. L262, 27.9.1976, p. 169), as amended by Council Directive 93/35/EEC (O.J. No. L151, 23.6.1993, p. 32).