

## SCHEDULE 34

### Amendment of Regulation (EC) No 1223/2009 and related amendments

## PART 2

### Amendment of the Cosmetic Products Enforcement Regulations 2013

**29.** The Cosmetic Products Enforcement Regulations 2013(1) are amended in accordance with paragraphs 30 to 40.

#### **Amendment to regulation 2**

**30.** In regulation 2 (interpretation)—

- (a) in the definition of “the EU Cosmetics Regulation” omit “EU”;
- (b) in the definition of “officer” omit “EU”;
- (c) omit paragraph (2);
- (d) in paragraph (3) omit “EU” in both places in which it occurs.

#### **Amendment to regulation 3**

**31.** In regulation 3 (revocation and savings)—

- (a) in paragraph (2)(a) after “apply” insert “subject to the modification in paragraph 3,”;
- (b) in paragraph (2)(b) omit “EU”;
- (c) after paragraph (2)(b) insert—
  - “(c) enforcement authorities must keep information received under regulations 17 or 19 of the 2008 Regulations until 11th July 2020;
  - (d) a responsible person under those Regulations must keep the information collected under regulation 16 of those Regulations until 11th July 2020.”;
- (d) after paragraph (2) insert—
  - “(3) The modification referred to in paragraph (2)(a) is that any reference to “EEA” is to be read as including the United Kingdom.”.

#### **Insertion of regulation 3A**

**32.** After regulation 3, insert—

##### **“Transitional provisions in relation to EU Exit**

**3A.—(1)** In this regulation—

“pre-exit period” means the period beginning with 11 July 2013 and ending immediately before exit day;

“product” means a cosmetic product to which these Regulations apply.

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(1) [S.I. 2013/1478](#); regulation 7(1)(a) was amended and Schedule 2 was revoked by [S.I. 2015/1630](#).

(2) Subject to paragraph (3), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 34 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019(2)—

- (a) any obligation to which a person was subject and was enforced under these Regulations as they had effect immediately before exit day, continues to have effect as it did immediately before exit day, in relation to that product; and
  - (b) enforcement authorities continue to be under an obligation to enforce the obligations referred to in paragraph (a).
- (3) Paragraph (2) does not apply to—
- (a) any obligation of any competent authority to inform the European Commission or the member States of any matter; or
  - (b) any obligation to take action outside of the United Kingdom in respect of that product.”.

#### **Amendment to regulation 4**

- 33.** In regulation 4 (competent authority)—
- (a) in paragraph (1)—
    - (i) omit “Subject to paragraph (2)”;
    - (ii) omit “EU”;
  - (b) omit paragraph (2);
  - (c) in paragraph (3) omit “Notwithstanding paragraph (2),”.

#### **Amendment to regulations 5 to 8 and 10**

**34.** In regulations 5 to 8 and 10 each place in which it occurs and in the heading to regulation 8 omit “EU”.

#### **Omission of regulation 9**

**35.** Omit regulation 9.

#### **Amendment to regulation 10**

**36.** In regulation 10 (notification to the Secretary of State) omit the words from “,which is required” to “member States”.

#### **Amendment to regulation 11**

**37.** In regulation 11 for “regulation 9” substitute “Article 27(2) of the Cosmetics Regulation”.

#### **Amendment to regulations 12 to 15, 17, 19 to 21**

**38.** In regulations 12 to 15, 17 and 19 to 21 in each place in which it occurs omit “EU”.

#### **Amendment to regulation 26**

**39.** In regulation 26 in paragraphs (1) and (3) after “these Regulations” insert “and the Cosmetic Regulation”.

### **Amendment to Schedule 3**

- 40.** In Schedule 3 (sampling and testing) omit “EU” in each place in which it occurs.