

This Statutory Instrument has been made in consequence of a defect in SI 2008/1284 and is being issued free of charge to all known recipients of that Statutory Instrument.

S T A T U T O R Y I N S T R U M E N T S

2008 No. 2173

CONSUMER PROTECTION

The Cosmetic Products (Safety) (Amendment) Regulations 2008

<i>Made</i>	- - - -	<i>14th August 2008</i>
<i>Laid before Parliament</i>		<i>15th August 2008</i>
<i>Coming into force</i>	- -	<i>16th November 2008</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 11 of the Consumer Protection Act 1987(a).

In accordance with section 11(5) of that Act he has consulted such organisations as appear to him to be representative of interests substantially affected by the following Regulations, such other persons as he considered appropriate and the Health and Safety Executive.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Cosmetic Products (Safety) (Amendment) Regulations 2008 and shall come into force on 16th November 2008.

(2) In these Regulations “the Principal Regulations” means the Cosmetic Products (Safety) Regulations 2008(b).

Amendment to the Principal Regulations

2. The Principal Regulations are amended as follows—

(a) in regulation 2, after paragraph (1), insert—

“(1A) Cosmetic products which fail to comply with the restriction on the substance in entry number 102 in Part 1 of Schedule 4 may not be placed on the market by EEA manufacturers or by importers established within the EEA after 15 November 2008, and cosmetic products which fail to comply with this restriction may not be disposed of to the final consumer after 16 February 2009.”;

(b) in paragraph (b) of regulation 9, delete “, (d)”;

(c) in Schedule 2 (list of Directives implemented by the Principal Regulations) insert at the end—

“54. Commission Directive 2008/14/EC (O.J. No. L42, 16.2.2008, p.43).”;

(d) in Schedule 3—

(a) 1987 c.43. Section 11(1) has been amended by S.I. 2005/1803, and section 11(5) has been amended by S.I. 2008/960.
(b) S.I. 2008/1284.

- (i) in entry number 167, after “free amino group,” delete “with the exception of that given in Schedule 7, Part 2”;
- (ii) in entry number 419, for “Regulation (EC) No 1774/2002 of the European Parliament and of the Council and ingredients derived there from animal products⁽³⁾ and⁽⁴⁾”, substitute “Regulation (EC) No 1774/2002 of the European Parliament and of the Council⁽³⁾ and ingredients derived therefrom”;
- (e) in Part 1 of Schedule 4 (list of substances which cosmetic products must not contain except subject to restrictions and conditions), after entry 101, insert the entry in the Schedule to these Regulations; and
- (f) in Part 1 of Schedule 6, in column (d) of entry number 18, delete “See Schedule 6, Part 2, No 8”.

Malcolm Wicks

Minister of State for Energy

Department for Business, Enterprise & Regulatory Reform

14th August 2008

SCHEDULE

Regulation 2(e)

<i>Reference number</i>	<i>Substance</i>	<i>Restrictions</i>			<i>Conditions of use and warnings which must be printed on the label</i>
		<i>Field of application and/or use</i>	<i>Maximum authorised concentration in the finished cosmetic product</i>	<i>Other limitations and requirements</i>	
<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	<i>e</i>	<i>f</i>
102	Glyoxal (INCI) (CAS No 107-22-2)		0.01%		

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Cosmetic Products (Safety) Regulations 2008 (S.I. 2008/1284) (“the Principal Regulations”) to give effect to Commission Directive 2008/14/EC (O.J. No. L42, 16.2.08, p.43) (“the Directive”). The Directive amends Council Directive 76/768/EEC (O.J. No. L262, 27.9.76, p.169) on the approximation of the laws of the Member States on cosmetic products. Council Directive 76/768/EEC (as previously amended) has been implemented by the Principal Regulations.

Paragraph (e) of regulation 2 amends Schedule 4 to the Principal Regulations (substances subject to restrictions and conditions) to include an entry for glyoxal. Paragraph (a) provides that products which fail to comply with this restriction may not be placed on the market after 15 November 2008 by EEA manufacturers or importers established in the EEA, and may not be sold or otherwise disposed of to a final consumer after 16 February 2009. Paragraph (c) adds the Directive to the list of Directives implemented by the Principal Regulations. Paragraphs (b), (d) and (f) correct errors in the Principal Regulations.

An Impact Assessment of the effect that these Regulations will have on costs to businesses is available from the Consumer and Competition Policy Directorate of the Department for Business, Enterprise and Regulatory Reform, 1 Victoria Street, London SW1H 0ET and on the BERR website (www.berr.gov.uk). Copies of a transposition note relating to these Regulations have been placed in the libraries of both Houses of Parliament. Copies are also available to the public from the Consumer and Competition Policy Directorate of the Department for Business, Enterprise and Regulatory Reform, 1 Victoria Street, London SW1H 0ET.

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STATUTORY INSTRUMENTS

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