STATUTORY INSTRUMENTS

2010 No. 1927

CONSUMER PROTECTION

The Cosmetic Products (Safety) (Amendment No. 2) Regulations 2010

Made - - - -	*25th July 2010*
Laid before Parliament	*29th July 2010*
Coming into force	
Regulations 1, 2(1), 2(2) and 2(4)	*27th August 2010*
Regulation 2(3)	*1st December 2010*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 11 of the Consumer Protection Act 1987(**1**).

In accordance with section 11(5) of that Act the Secretary of State has consulted such organisations as appear to him to be representative of interests substantially affected by the following Regulations, such other persons as are 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 No. 2) Regulations 2010.

(2) These Regulations come into force on 27th August 2010 except for regulation 2(3), which comes into force on 1st December 2010.

(3) In these Regulations "the Principal Regulations" means the Cosmetic Products (Safety) Regulations 2008(**2**).

Amendment to the Principal Regulations

2.—(1) The Principal Regulations are amended as follows.

(2) For "preparation" and "preparations" wherever they appear in the following provisions substitute "mixture" and "mixtures" respectively—

(**1**) 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.
(**2**) S.I. 2008/1284, as amended by S.I. 2008/2173, S.I. 2008/2566, S.I. 2009/796, S.I 2009/1346, S.I. 2009/2562, S.I. 2009/3367 and S.I. 2010/1150.

(a) the definitions of "cosmetic ingredient" and "cosmetic product" in regulation 3 (interpretation);

(b) regulation 12(2)(b)(ii) (labelling requirements);

(c) Schedule 3 (list of substances which must not form part of the composition of cosmetic products (unless otherwise specified));

(d) Part 1 of Schedule 4 (list of substances which cosmetic products must not contain except subject to restrictions and conditions); and

(e) Part 1 of Schedule 6 (list of preservatives which cosmetic products may contain).

(3) For regulation 16(4) (information to be made publicly accessible) substitute—

"(4) For the purposes of paragraph (3), the quantitative information required under paragraph (1)(a) shall be limited to information relating to substances fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16th December 2008 on classification, labelling and packaging of substances and mixtures(**3**)—

(a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

(b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(c) hazard class 4.1; and

(d) hazard class 5.1.".

(4) In Schedule 2 at the end insert—

"**67.** Directive 2008/112/EC (OJ No L 345, 23.12.2008, p 68)"

Edward Davey
Minister for Employment Relations, Consumer and Postal Affairs
Department for Business, Innovation and Skills

25th July 2010

(**3**) OJ L 353, 31.12.2008, p 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose paragraphs 1 and 4 of Article 1 of Directive 2008/112/EC of the European Parliament and the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (OJ No L 345, 23.12.2008 p68), ("the Amending Directive"), by amending the Cosmetic Products (Safety) Regulations 2008 (SI 2008/1284) ("the Principal Regulations"). The Principal Regulations implemented Council Directive 76/768/EEC of 27 July 1976 (OJ No L 262, 27.9.1976, p169) on the approximation of the laws of the Member States on cosmetic products ("the Cosmetics Directive").

Article 1 of the Amending Directive amends the Cosmetics Directive in order to adapt it to the system introduced by Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (OJ L 353, 31.12.2008, p1). That Regulation provides for the harmonisation of the classification and labelling of substances and mixtures by aligning existing EU legislation with the United Nations Globally Harmonised System or GHS.

Regulations 1, 2(1), 2(2) and 2(4) shall apply from 27th August 2010.

Regulation 2(2) replaces references to "preparation" and "preparations" with references instead to "mixture" and "mixtures" throughout the Principal Regulations.

Regulation 2(3) applies from 1st December 2010 and amends regulation 16(4) of the Principal Regulations (information which must be made publicly accessible) so that the information required is limited to quantitative information relating to any substance which fulfils the criteria for certain stated hazard classes or categories in Annex I of Regulation (EC) No 1272/2008 instead of quantitative information relating to any dangerous substances covered by Council Directive 67/548/EEC (OJ No 196, 16.8.67, p 1).

Regulation 2(4) adds the Amending Directive to Schedule 2 to the Principal Regulations, namely, the list of Directives implemented by the Principal Regulations.

An impact assessment has not been produced for this instrument as it has no significant impact on the costs of business, charities and voluntary bodies.

A transposition note is available from the website of the Department for Business, Innovation and Skills (www.bis.gov.uk). A copy is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website (www.opsi.gov.uk). A copy has also been placed in the Libraries of both Houses of Parliament.