

SCHEDULE 34

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

Substitution of Article 4

5. For Article 4 (responsible person) substitute—

“Article 4

Responsible person

1. A cosmetic product may not be placed on the market unless there is a responsible person established in the United Kingdom in respect of the cosmetic product.
2. Subject to paragraphs 6 and 7, a manufacturer of a cosmetic product is the responsible person in respect of that product where—
 - (a) the manufacturer is established in the United Kingdom; and
 - (b) the cosmetic product—
 - (i) is manufactured in the United Kingdom; and
 - (ii) after manufacture but prior to placing on the market is not exported and imported back into the United Kingdom.
3. Where paragraph 4 applies the manufacturer must ensure that—
 - (a) there is a person established in the United Kingdom designated by written mandate as the responsible person in respect of the cosmetic product; and
 - (b) that person has agreed in writing to be the responsible person in respect of that cosmetic product.
4. This paragraph applies where—
 - (a) a manufacturer of a cosmetic product is established in a country outside the United Kingdom; and
 - (b) the cosmetic product—
 - (i) is manufactured in the United Kingdom; and
 - (ii) after manufacture but prior to placing on the market is not exported and imported back into the United Kingdom.
5. Subject to paragraphs 6 and 7, any importer placing a cosmetic product on the market is the responsible person in respect of that cosmetic product.
6. An importer or a manufacturer established in the United Kingdom may by written mandate designate a person established in the United Kingdom as the responsible person.
7. Where the person designated by the importer or the manufacturer under paragraph 6 accepts the designation in writing, that person is the responsible person.
8. A distributor is the responsible person in respect of a cosmetic product where that distributor—
 - (a) places a product on the market under the distributor’s name or trademark; or
 - (b) modifies a product already placed on the market in such a way that compliance with the applicable requirements may be affected.”.