
STATUTORY INSTRUMENTS

1996 No. 1446

CONSUMER PROTECTION

The Cosmetic Products (Safety) (Amendment) Regulations 1996

<i>Made</i>	- - - -	<i>4th June 1996</i>
<i>Laid before Parliament</i>		<i>5th June 1996</i>
<i>Coming into force</i>		
<i>except as provided in</i>		
<i>regulation 1(2))</i>		<i>30th June 1996</i>

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 and in relation to indication of origin on imported goods:

Now, therefore, the Secretary of State in exercise of powers conferred on him by section 2 of the said Act of 1972 hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Cosmetic Products (Safety) (Amendment) Regulations 1996 and except as provided by paragraph (2) below shall come into force on 30th June 1996.

(2) Regulations 2(b), 2(d)(i) and 2(e) shall come into force—

- (a) on 1st July 1996 in relation to the supply of any cosmetic product by the manufacturer 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 30th June 1997; and
- (b) in all other cases on 30th June 1997.

2. The Cosmetic Products (Safety) Regulations 1989⁽³⁾ are hereby amended—

- (a) in regulation 2(1) in the definition of “the Directive” by the substitution of a comma for the word “and” between “Commission Directive No. 93/47/EEC^(m)” and “Commission Directive No. 94/32/EC⁽ⁿ⁾”, by the addition of the words “and Commission Directive

(1) S.I. 1972/1811, 1975/1707, 1993/2661.

(2) 1972 c. 68.

(3) S.I. 1989/2233, amended by S.I. 1990/1812, S.I. 1991/447, S.I. 1992/1525, S.I. 1993/1539, S.I. 1994/1529, S.I. 1995/1478.

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No. 95/34/EC(o)” at the end of the definition and by the insertion of the following corresponding footnote—

“(o) O.J. No. L167, 18.7.1995, p.19.”;

(b) in Schedule 1—

(i) by the insertion after entry number 77 of the following—

“77A	Benzethonium chloride (INN)	(87A)	415”;
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(ii) by the insertion after entry number 87 of the following—

“87A	Benzyl(dimethyl) (2-{2-[4-(1,1,3,3-tetramethylbutyl)-phenoxy]ethoxy}ethyl)-ammonium chloride	77A	415”;
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(iii) by the insertion after entry number 92 of the following—

“92A	Bergapten(e) (except natural content of essences). In sun protection and in bronzing products, furocoumarins content shall be below 1 mg/kg	(333)	358”;
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(iv) by the insertion after entry number 105 of the following—

“105A	3,3-Bis(4-hydroxyphenyl)-phthalide	520A	417”;
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(v) by the insertion after entry number 123 of the following—

“123A	4-tert-Butyl-3-methoxy-2,6-dinitrotoluene	457A	414”;
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(vi) by the insertion after entry number 142 of the following—

“142A	Cells, tissues or products of human origin	—	416”;
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(vii) by the deletion of entry number 332;

(viii) by the substitution for entry number 333 of the following—

“333	Furocoumarins (except natural content of essences). In sun protection and in bronzing products, furocoumarins content shall be below 1 mg/kg	92A, 434, 578A, 690	358”;
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(ix) by the substitution for entry number 434 of the following—

“434	Methoxypsoralens (except natural content of essences). In sun protection and in bronzing products, furocoumarins content shall be below 1 mg/kg	(333)	358”;
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(x) by the insertion after entry number 457 of the following—

“457A	Musk ambrette	123A	414”;
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(xi) by the insertion after entry number 520 of the following—

“520A	Phenolphthalein (INN)	105A	417”;
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(xii) by the insertion after entry number 578 of the following—

“578A	Psoralen (except natural content of essences). In sun protection and in bronzing products, furocoumarins content shall be below 1 mg/kg	(333)	358”;
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(xiii) by the substitution for entry number 690 of the following—

“690	Trioxysalen (INN) (except natural content of essences). In sun protection and in bronzing products, furocoumarins	(333)	358”;
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content shall be
below 1 mg/kg

- (c) in Schedule 2, Part II, by the deletion of entry number 7;
- (d) in Schedule 4, Part II—
- (i) by the deletion of entry number 15;
 - (ii) in entry numbers 2, 16, 21, 29 and 30 by the substitution for “30.6.1995” of “30.6.1996”;
- (e) in Schedule 5, Part I, by the addition after entry number 9 of the following—
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|-----|---|---------------------------------------|---|--------|
| “10 | 2-Ethylhexyl
2-cyano-3,3-
diphenylacrylate
(Octocrylene) | 10 per cent
(expressed as
acid) | — | —” and |
|-----|---|---------------------------------------|---|--------|
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- (f) in Schedule 5, Part II, by the substitution for “30.6.1995” in entry numbers 2, 5, 6, 12, 13, 17, 25, 26, 29, 32, 33 and 34 of “30.6.1996”.

4th June 1996

John M Taylor,
Parliamentary Under-Secretary of State,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Cosmetic Products (Safety) Regulations 1989 (S.I.1989/2233) (“the principal Regulations”) as amended by the Cosmetic Products (Safety) (Amendment) Regulations 1990 (S.I. 1990/1812), the Cosmetic Products (Safety) (Amendment) Regulations 1991 (S.I. 1991/447), the Cosmetic Products (Safety) (Amendment) Regulations 1992 (S.I. 1992/1525), the Cosmetic Products (Safety) (Amendment) Regulations 1993 (S.I. 1993/1539), the Cosmetic Products (Safety) (Amendment) Regulations 1994 (S.I. 1994/1529) and the Cosmetic Products (Safety) (Amendment) Regulations 1995 (S.I. 1995/1478).

They implement Commission Directive 95/34/EC (O.J. No. L167, 18.7.1995, p.19) by amending the principal Regulations to—

1. prohibit the use of furocoumarins (including bergapten(e), methoxypsoralens, psoralen and trioxysalen) in cosmetic products, except natural content of essences and except for furocoumarins in sun protection and bronzing products in which the furocoumarin content is below 1 mg/kg (regulation 2(b));
2. prohibit the use in cosmetic products of benzethonium chloride, cells, tissues and products of human origin, musk ambrette and phenolphthalein (regulation 2(b));
3. delete phenolphthalein from the list of substances provisionally allowed to be used in cosmetic products (regulation 2(c));
4. delete benzethonium chloride from the list of preservatives provisionally allowed to be used in cosmetic products (regulation 2(d));
5. extend until 30th June 1996 the permitted use in cosmetic products of five preservatives listed as entry numbers 2, 16, 21, 29 and 30 in Part II of Schedule 4 to the principal Regulations (regulation 2(d));
6. add octocrylene to the list of UV filters permitted for use in cosmetic products, subject to a maximum concentration of 10 per cent (expressed as acid) (regulation 2(e)); and
7. extend until 30th June 1996, subject to restrictions, the permitted use in cosmetic products of 12 UV filters listed as entry numbers 2, 5, 6, 12, 13, 17, 25, 26, 29, 32, 33 and 34 in Part II of Schedule 5 to the principal Regulations (regulation 2(f)).

A compliance cost assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies are also available from the Consumer Affairs and Competition Policy Directorate of the Department of Trade and Industry, Room 4.D.2, 1 Victoria Street, London SW1H 0ET.