
STATUTORY INSTRUMENTS

2004 No. 2152

The Cosmetic Products (Safety) Regulations 2004

Interpretation

3.—(1) In these Regulations—

“agent” means an agent established within the Community appointed by a manufacturer of a cosmetic product to act on his behalf in relation to these Regulations;

“alternative method” means a testing method which is listed in Schedule 12 to these regulations;

“approved supply list” shall have the same meaning as in regulation 2(1) of the CHIP Regulations;

“the CHIP Regulations” means in Great Britain the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 and in Northern Ireland the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002 ;

“common ingredients nomenclature” means the labelling nomenclature designated in the inventory of ingredients employed in cosmetic products, drawn up in accordance with the provisions of the Directive and contained in Commission Decision [96/335/EC\(1\)](#), as amended or substituted from time to time;

“the Community” means the European Community and other States in the European Economic Area;

“the Confidentiality Directive” means Commission Directive [95/17/EC\(2\)](#);

“the 1987 Act” means the Consumer Protection Act 1987;

“cosmetic ingredient” means any chemical substance or preparation of synthetic or natural origin, except for perfume and aromatic compositions, used in the composition of a cosmetic product;

“cosmetic product” means any substance or preparation intended to be placed in contact with any part of the external surfaces of the human body (that is to say, the epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours except where such cleaning, perfuming, protecting, changing, keeping or correcting is wholly for the purpose of treating or preventing disease;

“cosmetic product intended to come into contact with the mucous membranes” means a cosmetic product intended to be applied in the vicinity of the eyes, on the lips, in the oral cavity or to the external genital organs, and does not include any cosmetic product which is intended to come into only brief contact with the skin;

“the Directive” means Council Directive [76/768/EEC\(3\)](#) as amended by the Community instruments set out in Schedule 2;

(1) O.J. No. L132, 1.6.96, p.1.

(2) O.J. No L140, 23.6.95, p. 26.

(3) O.J. No. L262, 27.9.76, p. 169.

“EEA Agreement” means the Agreement on the European Economic area signed at Oporto on 2nd May 1992 as amended from time to time;

“finished cosmetic product” means the cosmetic product in its final formulation as placed on the market and made available to the final consumer, or its prototype;

“market research experiment” means any activity conducted for the purpose of ascertaining the opinion of persons of—

- (a) any cosmetic product;
- (b) anything in, on or with which the cosmetic product is supplied;
- (c) the appearance or any other characteristic of the cosmetic product or any such thing; or
- (d) the name or description under which the cosmetic product is supplied;

but a cosmetic product is not the subject of a market research experiment unless—

- (i) any person to whom a cosmetic product is supplied in the course of the experiment is informed, at or before the time at which it is supplied to him, that it is supplied for the purpose of a market research experiment; and
- (ii) no consideration in money or money’s worth is given by such a person for the cosmetic product or any other cosmetic product supplied to him for comparison;

“Member State” means a State which is a Contracting Party to the EEA Agreement;

“preservative” means a substance which is added to a cosmetic product for the primary purpose of inhibiting the development of micro-organisms in that product;

“prototype” means a first model or design that has not been produced in batches and from which the finished cosmetic product is copied or finally developed;

“supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly; and

“UV filter” means a substance which is added to a sunscreen cosmetic product for the primary purpose of filtering ultra violet rays for the purpose of protecting the epidermis of the user from harmful effects of such ultra violet rays.

(2) Unless the contrary intention appears, references in these Regulations to a numbered regulation or Schedule are references to the regulation or Schedule so numbered in these Regulations.