

2005 No. 3346

CONSUMER PROTECTION

**The Cosmetic Products (Safety) (Amendment) (No. 2)
Regulations 2005**

<i>Made</i> - - - -	<i>5th December 2005</i>
<i>Laid before Parliament</i>	<i>7th December 2005</i>
<i>Coming into force</i> - -	<i>31st December 2005</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred upon him 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 considers appropriate and the Health and Safety Commission.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Cosmetic Products (Safety) (Amendment) (No.2) Regulations 2005 and shall come into force on 31st December 2005.

(2) In these Regulations “the Principal Regulations” means the Cosmetic Products (Safety) Regulations 2004^(b).

Amendment to the Principal Regulations

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

(2) In regulation 5 for paragraph 15 there is substituted—

“(15) No cosmetic product containing any substance listed in Annex II to the Directive—

(a) under entry numbers 452 to 1132 (inserted into the Directive by Directive 2004/93/EC) shall be—

(i) placed on the market after 1st January 2005;

(ii) supplied after 1st April 2005;

(b) under entry numbers 1133 to 1136 (inserted into the Directive by Directive 2005/42/EC) shall be placed on the market or supplied after 30th March 2006.”.

(3) In Schedule 2 at the end there is inserted—

“43. Commission Directive 2005/42/EC (O.J. No. L158, 21.6.2005, p.17)”; and

“44. Commission Directive 2005/52/EC (O.J. No. L234, 10.9.2005, p. 9)”.

(a) 1987 c. 43.

(b) S.I. 2004/2152 as amended by 2004/2361, 2004/2988 and 2005/1815.

- (4) In Schedule 3—
- (a) in Part 1 at the end there is inserted the entry in Part 1 of the Schedule to these Regulations;
 - (b) in Part 2 for the entry numbered 29 there is substituted “ENTRY DELETED”.
- (5) In Schedule 4 in Part 2—
- (a) in the entries numbered 1, 2, 8, 13, 15, 17, 23, 30, 34, 40, 41, 42, 43, 45, 46, 51, 52, 53, 54, 57, 59 and 60, for the date “31.12.2005” in the 7th column wherever it occurs there is substituted “31.8.2006”;
 - (b) in the entries numbered 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 16, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 39, 44, 47, 48, 49, 50, 55, 56 and 58, for the date “31.12.2005” in the 7th column wherever it occurs there is substituted “31.12.2006”.
- (6) The entries numbered 12150, 20170 and 27290 in Part 1 of Schedule 5 are omitted, subject to paragraph 7.
- (7) Paragraph (6) shall only have effect in relation to cosmetic products supplied after 30th March 2006.
- (8) In Schedule 6 in Part 1—
- (a) for the entry numbered 53 there is substituted the corresponding entry in Part 2 of the Schedule to these Regulations;
 - (b) at the end there is inserted the entry numbered 57 in Part 2 of the Schedule to these Regulations.

Gerry Sutcliffe
 Parliamentary Under Secretary of State
 for Employment Relations and Consumer Affairs
 Department of Trade and Industry

5th December 2005

SCHEDULE

Regulation 2

PART 1

Entry inserted at the end of Part 1 of Schedule 3 to the Principal Regulations

<i>(1)</i> <i>Number in this</i> <i>Schedule</i>	<i>(2)</i> <i>Name of Substance</i>	<i>(3)</i> <i>Cross-reference to</i> <i>this Schedule</i>	<i>(4)</i> <i>Cross-reference to</i> <i>Annex II of the</i> <i>Directive</i>
770	Methyleugenol (except for normal content in the natural essences used, and provided that the concentration does not exceed: (a) 0.01 per cent in fine fragrance; (b) 0.004 per cent in eau de toilette;	-	451

(c) 0.002 per cent in
 fragrance cream;
 (d) 0.001 per cent in
 rinse-off products; and
 (e) 0.0002 per cent in
 other leave-on
 products and oral
 hygiene products)

PART 2

Entries inserted into Part 1 of Schedule 6 to the Principal Regulations

<i>(1)</i> <i>Reference</i> <i>Number</i>	<i>(2)</i> <i>Name of</i> <i>Substance</i>	<i>(3)</i> <i>Purpose of</i> <i>Substance or</i> <i>type of</i> <i>product</i>	<i>(4)</i> <i>Maximum</i> <i>concentration</i> <i>of substance</i> <i>in product</i>	<i>(5)</i> <i>Other</i> <i>requirements</i>	<i>(6)</i> <i>Required</i> <i>information</i>
53	Benzethonium Chloride (INCI)	(a) Rinse-off products	0.1%		
		(b) Leave-on products other than for oral care use	0.1%		
57	Methylisothia- zolinone (INCI)		0.01%		

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Cosmetic Products (Safety) Regulations 2004 (“the Principal Regulations”) to give effect to Commission Directives 2005/42/EC (O.J. No. L158, 21.6.2005, p.17) and 2005/52/EC (O.J. No. L234, 10.9.2005, p. 9) which amend Council Directive 76/768/EEC (O.J. L262, 27.9.1976, p.169) on the approximation of the laws of the Member States on cosmetic products (“the Directive”). The Directive has been implemented by the Principal Regulations.

Directive 2005/42/EC amends the Directive by adding 4 substances to the list of banned substances in Annex II and deletes 3 substances from the list of permitted colouring agents in Annex IV with the result that cosmetic products containing these substances will be prohibited (the prohibition on the use of colouring agents does not extend to cosmetic products containing colouring agents intended solely to colour hair). Directive 2005/42/EC also amends the list of permitted preservatives in Part 1 of Annex VI to the Directive by amending entry 53 and by inserting entry 57.

Regulation 2 amends regulation 5, Schedule 5 and 6 respectively in the Principal Regulations to give effect to the above amendments. In accordance with Directive 2005/42/EC, the substances prohibited by these Regulations will be prohibited from 30th March 2006.

Directive 2005/52/EC amends Part 2 of Annex III (list of substances permitted subject to restrictions) to the Directive by changing the date until which substances specified in regulation 2(5)(a) and (b) are permitted to 31st August 2006 and 31st December 2006 respectively. Regulation 2 amends Schedule 4, Part 2 to the Principal Regulations which implements Annex III to give effect to these amendments.

These Regulations also delete entry 29 from Part 2 of Schedule 3 to the Principal Regulations (substances banned for use in fragrances) and inserts it into Part 1 of that Schedule (substances banned for use in all cosmetic products) with the result that the substance in question is now prohibited for all purposes in cosmetic products.

A regulatory impact assessment of the effect that these Regulations will have on costs to business is available from the Consumer and Competition Policy Directorate of the Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET. 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 of Trade and Industry, 1 Victoria Street, London SW1H 0ET and on the DTI website (www.dti.gov.uk).

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E1720 12/2005 151720T 19585