

2006 No. 1198

CONSUMER PROTECTION

The Cosmetic Products (Safety) (Amendment) Regulations 2006

Made - - - - *27th April 2006*

Laid before Parliament *28th April 2006*

Coming into force - - *22nd May 2006*

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) and section 2 of the European Communities Act 1972(b).

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.

The Secretary of State is a Minister designated(c) for the purposes of section 2 of the European Communities Act 1972 in relation to measures for safety and consumer protection as respects cosmetic products and any provisions concerning the composition, and marketing of cosmetic products.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Cosmetic Products (Safety) (Amendment) Regulations 2006 and shall come into force on 22nd May 2006.

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

Amendment to the Principal Regulations

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

(2) In regulation 5(15)(a) for “under entry numbers 452 to 1132 (inserted into the Directive by Directive 2004/93/EC)” substitute “under entry numbers 452 to 614 and 617 to 1132 (inserted into the Directive by Directive 2004/93/EC with entry 687 as amended by Directive 2005/80/EC)”.

(3) After regulation 5(15)(b) insert—

“(c) under entry numbers 1137 to 1211 (inserted by Directive 2005/80/EC) shall be—

(i) placed on the market after 21st August 2006;

(a) 1987 c. 43.

(b) 1972 c. 68.

(c) S.I. 1972/1811 and 1993/2661.

(d) S.I. 2004/2152 as amended by 2004/2361, 2004/2988, 2005/1815 and 2005/3346.

(ii) supplied after 22nd November 2006.”

(4) In Schedule 2 (List of Directives amending Directive 76/867/EEC) at the end there is inserted—

“45. Commission Directive 2005/80/EC (O.J. No. L303, 22.11.2005, p.32)”.

(5) Schedule 4 Part 1 (Substances which cosmetic products must not contain except subject to restrictions) is amended as follows—

- (a) the name of the substance in entry 1a is replaced by “Boric acid, borates and tetraborates with the exception of the substance N,N-dimethylanilinium tetrakis(pentafluorophenyl)borate”;
- (b) the name of the substance in entry 8 is replaced by “p-Phenylenediamine, its N-substituted derivatives and its salts; N-substituted derivatives of o-Phenylenediamine (see Note 1), with the exception of those derivatives listed elsewhere in this Schedule”; and
- (c) entry 19 (Phenol and its alkali salts) is deleted and there is inserted in its place in Column 1 “ENTRY DELETED”.

27th April 2006

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

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 Directive 2005/80/EC (O.J. No. L303, 22.11.2005, p.32) which amends 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.

Regulation 2(2) and (3) amends the list of substances which cosmetic products may not contain by adding further substances which are classified as carcinogenic, mutagenic or toxic to reproduction. Regulation 2(5) amends the list of substances in Part 1 of Schedule 4 to the Principal Regulations which cosmetic products must not contain except subject to restrictions.

A regulatory impact assessment of the effect that these Regulations will have on costs to businesses is available 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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