

2007 No. 1623

CONSUMER PROTECTION

The Cosmetic Products (Safety) (Amendment) Regulations 2007

Made - - - - *7th June 2007*

Laid before Parliament *8th June 2007*

Coming into force - - *3rd July 2007*

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) Regulations 2007 and shall come into force on 3rd July 2007.

(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 (3) there is substituted—

“(3) Subject to paragraph (4) below, no person shall supply a cosmetic product which contains any of the substances defined as Category 1 material or Category 2 material in Articles 4 and 5 of Regulation (EC) No 1774/2002 of the European Parliament and of the Council or any ingredient derived from any of those substances.”.

(3) Paragraphs (5) and (6) of regulation 5 are revoked.

(4) Schedule 8 is revoked.

(5) In Schedule 2 (List of Directives amending Directive 76/768/EEC) at the end there is inserted—

“47. Commission Directive 2006/78/EC (O.J. No. L271, 30.9.2006, p.56).”.

(a) 1987 c.43; relevant amendment was made to section 11 by S.I. 2005/1803.

(b) S.I. 2004/2152; relevant amending instruments are 2004/2988, 2005/1815, 2005/3346, 2006/1198 and 2006/2231.

7th June 2007

Jim Fitzpatrick
Parliamentary Under-Secretary of State for
Employment Relations and Postal Services
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 prohibit the supply of cosmetic products that include a substance listed as category 1 material or category 2 material in Regulation (EC) No 1774/2002 (O.J. No. L273, 10.10.2002, p.1) (there are no relevant amendments to this instrument).

They give effect to Commission Directive 2006/78 (O.J. No. L271, 30.9.2006, p.56) 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 Principal Directive”). The Principal Directive has been implemented by the Principal Regulations.

Regulation 2(2) substitutes a new prohibition on the use of certain animal by products in cosmetic products for that in regulation 5(3) of the Principal Regulations. The new prohibition applies to cosmetic products containing any of the specified animal by products, whatever the country of source. Regulations 2(3) and 2(4) consequentially repeal regulation 5(5), 5(6) and Schedule 8 of the Principal Regulations.

A regulatory impact assessment of the effect that these Regulations will have on costs to businesses together with a transposition note is available from the Consumer and Competition Policy Directorate of the Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET, from the DTI website (www.dti.gov.uk) and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website (www.opsi.gov.uk).

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