

2009 No. 1346

CONSUMER PROTECTION

**The Cosmetic Products (Safety) (Amendment No.2) Regulations
2009**

Made - - - - - *30th May 2009*

Laid before Parliament *3rd June 2009*

Coming into force in accordance with regulation 1(2) to (5)

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 11 of the Consumer Protection Act 1987(a).

In accordance with section 11(5) of that Act the Secretary of State has consulted such organisations as appear to him to be representative of interests substantially affected by the following Regulations, such other persons as are considered appropriate and the Health and Safety Executive.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Cosmetic Products (Safety) (Amendment No. 2) Regulations 2009.

(2) Regulations 2(a) and 2(d)(ii) shall come into force on 8th July 2009.

(3) Regulations 2(b)(i) and 2(d)(i) shall come into force on 8th October 2009.

(4) Regulations 2(b)(ii) and 2(c), except in so far as it relates to item 185 of Schedule 2 to these Regulations, shall come into force on 5th November 2009.

(5) Regulation 2(c) in so far as it relates to item 185 of Schedule 2 to these Regulations shall come into force on 5th February 2010.

(6) In these Regulations “the Principal Regulations” means the Cosmetic Products (Safety) Regulations 2008(b).

Amendment to the Principal Regulations

2. The Principal Regulations are amended as follows—

(a) in Schedule 2 insert at the end—

“56. Commission Directive 2008/123/EC (O.J. No. L340, 19.12.2008, p. 71-72).

57. Commission Directive 2009/6/EC (O.J. No. L36, 5.2.2009, p. 15-17).”;

(b) in Schedule 3—

(a) 1987 c.43. Section 11(1) has been amended by S.I. 2005/1803, and section 11(5) has been amended by S.I. 2008/960.
(b) S.I. 2008/1284, as amended by S.I. 2008/2173, S.I. 2008/2566 and S.I. 2009/796.

- (i) for the wording in the second column of entry 167 substitute “4-amniobenzoic acid and its esters, with the free amino group”;
 - (ii) at the end insert the entries in Schedule 1 to these Regulations.
- (c) in Part 1 of Schedule 4 after entry 184 insert the entries in Schedule 2 to these Regulations; and
- (d) in Part 1 of Schedule 7—
 - (i) the entry relating to reference number 1 is deleted; and
 - (ii) in the entry relating to reference number 28, in column c the words “in sunscreen products” are deleted.

30th May 2009

Gareth Thomas
Parliamentary Under Secretary of State for Trade and Consumer Affairs
Department for Business, Enterprise & Regulatory Reform

SCHEDULE 1

Regulation 2(b)(ii)

<i>No.</i>	<i>Name of substance</i>	<i>EC No.</i>	<i>CAS No.</i>
1370	Diethylene glycol (DEG), for traces level see Schedule 4, Part 1 2,2'-oxydiethanol	203-872-2	111-46-6
1371	Phytonadione [INCI], phytomenadione [INN]	201-564-2'	84-80-0/81818-54-4

SCHEDULE 2

Regulation 2(c)

Reference number	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Maximum authorised concentration in the finished cosmetic product	Other limitations and requirements	
a	b	c	d	e	f
185	Toluene (CAS No 108-88-3) (EC No 203-625-9)	Nail products	25%		Keep out of reach of children To be used by adults only
186	Diethylene glycol (DEG) (CAS No 111-46-6) (EC No 203-872-2) 2,2'-oxydiethanol	Traces in ingredients	0.1%		
187	Butoxydiglycol (CAS No 112-34-5) (EC No 203-961-6) diethylene glycol monobutyl ether (DEGBE)	Solvent in hair dye products	9%	No use in aerosol dispensers (sprays)	
188	Butoxyethanol (CAS No 111-76-2) (EC No 203-905-0) ethylene glycol monobutyl ether (EGBE)	Solvent in oxidative hair dye products Solvent in non-oxidative hair dye products	4.0% 2.0%	No use in aerosol dispensers (sprays) No use in aerosol dispensers (sprays)	

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Cosmetic Products (Safety) Regulations 2008 (S.I. 2008/1284) (“the Principal Regulations”) to give effect to Commission Directives 2008/123/EC, (O.J. L. 340/71, 19.12.2008), (“the 2008 Directive”) and Commission Directive 2009/6/EC (O.J. L. 36/15, 5.2.2009), (“the 2009 Directive”). The 2008 Directive and the 2009 Directive amend Council Directive 76/768/EEC (O.J. No. L262, 27.9.76, p.169) on the approximation of the laws of the Member States on cosmetic products. Council Directive 76/768/EEC (as previously amended) has been implemented by the Principal Regulations.

Paragraph (a) of regulation 2 adds the 2008 Directive and the 2009 Directive to Schedule 2 to the Principal Regulations, the list of Directives implemented by the Principal Regulations.

Paragraph (b)(i) of regulation 2 amends the description of one entry in Schedule 3 to the Principal Regulations (List of Substances which must not form part of the composition of cosmetic products (unless otherwise specified)), and paragraph (b)(ii) adds certain substances to Schedule 3.

Paragraph (c) of regulation 2 adds certain substances to Part 1 of Schedule 4 to the Principal Regulations (List of substances which cosmetic products must not contain except subject to restrictions and conditions).

Paragraph (d) of regulation 2 deletes one entry in Part 1 of Schedule 7 to the Principal Regulations and makes a minor amendment to another entry.

An impact assessment has not been produced for this instrument as it has no significant impact on the costs of business.

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 for Business, Enterprise and Regulatory Reform, 1 Victoria Street, London SW1H 0ET.

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

STATUTORY INSTRUMENTS

2009 No. 1346

CONSUMER PROTECTION

The Cosmetic Products (Safety) (Amendment No.2) Regulations
2009

£4.00