

2009 No. 796

CONSUMER PROTECTION

The Cosmetic Products (Safety) (Amendment) Regulations 2009

<i>Made</i> - - - -	<i>23rd March 2009</i>
<i>Laid before Parliament</i>	<i>30th March 2009</i>
<i>Coming into force</i> - -	<i>14th October 2009</i>

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) Regulations 2009 and shall come into force on 14th October 2009.

(2) 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 2008/88/EC (O.J. No. L256, 24.9.2008, p.12).”;

(b) in Schedule 3, after the entry relating to reference number 1328, the entries relating to reference numbers 1329 to 1369, as set out in the Schedule to these Regulations, are added; and

(c) in Schedule 4

(i) in Part 1—

(aa) the entry relating to reference number 10 is deleted;

(bb) in the entry in column (c) of reference number 14, item (a) is deleted;

(ii) in Part 2 the entries relating to reference numbers 59 and 60 are deleted.

(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 and S.I. 2008/2556.

23rd March 2009

SCHEDULE

Regulation 2(b)

No.	Name of Substance	EC No	CAS No.
1329	4-[(4-Aminophenyl)(4-iminocyclohexa-2,5-dien-1-ylidene)methyl]-o-toluidine and its hydrochloride salt (Basic Violet 14; CI 42510) when used as a substance in hair dye products		3248-93-9 632-99-5
1330	4-(2,4-Dihydroxyphenylazo)benzenesulphonic acid (and its sodium salt (Acid Orange 6; CI 14270) when used as a substance in hair dye products)		2050-34-2 547-57-9
1331	3-Hydroxy-4-(phenylazo)-2-naphthoic acid and its calcium salt (Pigment Red 64:1; CI 15800) , when used as a substance in hair dye products		27757-79-5 6371-76-2
1332	2-(6-Hydroxy-3-oxo-(3H)-xanthen-9-yl)benzoic acid; Fluorescein and its disodium salt (Acid yellow 73 sodium salt; CI 45350), when used as a substance in hair dye products		2321-07-5 518-47-8
1333	4',5'-Dibromo-3',6'-dihydroxyspiro[isobenzofuran-1(3H),9'-[9H]xanthene]-3-one; 4',5'-Dibromofluorescein; (Solvent Red 72) and its disodium salt (CI 45370) when used as a substance in hair dye products		596-03-2 4372-02-5
1334	2-(3,6-Dihydroxy-2,4,5,7-tetrabromoxanthen-9-yl)-benzoic acid; Fluorescein, 2',4',5',7'-tetrabromo-; (Solvent Red 43), its disodium salt (Acid Red 87; CI 45380) and its aluminium salt (Pigment Red 90:1 Aluminium lake) when used as a substance in hair dye products		15086-94-9 17372-87-1 15876-39-8
1335	Xanthylium, 9-(2-carboxyphenyl)-3-(2-methylphenylamino)-6-((2-methyl-4-sulphophenyl)amino)-, inner salt and its sodium salt (Acid Violet 9; CI 45190) when used as a substance in hair dye products		10213-95-3 6252-76-2
1336	3',6'-Dihydroxy-4',5'-diiodospiro(isobenzofuran-1(3H),9'-[9H]xanthene)-3-one; (Solvent Red 73) and its sodium salt (Acid Red 95; CI 45425) when used as a substance in hair dye products		38577-97-8 33239-19-9
1337	2',4',5',7'-Tetraiodofluorescein, its disodium salt (Acid Red 51; CI 45430) and its aluminium salt (Pigment Red 172 Aluminium lake) when used as a substance in hair dye products		15905-32-5 16423-68-0 12227-78-0
1338	1-Hydroxy-2,4-diaminobenzene (2,4-Diaminophenol) and its dihydrochloride salt (2,4-Diaminophenol HCl) when used as a substance in hair dye products		95-86-3 137-09-7
1339	1,4-Dihydroxybenzene (Hydroquinone) when used as a substance in hair dye products		123-31-9
1340	[4-[[4-anilino-1-naphthyl]][4-(dimethylamino)phenyl]methylene]cyclohexa-2,5-dien-1-ylidene]dimethylammonium chloride (Basic Blue 26; CI		2580-56-5

No.	Name of Substance	EC No	CAS No.
	44045) when used as a substance in hair dye products		
1341	Disodium 3-[(2,4-dimethyl-5-sulphonatophenyl)azo]-4-hydroxynaphthalene-1-sulphonate (Ponceau SX; CI 14700) when used as a substance in hair dye products		4548-53-2
1342	Trisodium tris[5,6-dihydro-5-(hydroxyimino)-6-oxonaphthalene-2-sulphonato(2-)-N5,O6]ferrate(3-) (Acid Green 1; CI 10020) when used as a substance in hair dye products		19381-50-1
1343	4-(Phenylazo)resorcinol (Solvent Orange 1; CI 11920) and its salts, when used as a substance in hair dye products		2051-85-6
1344	4-[(4-Ethoxyphenyl)azo]naphthol (Solvent Red 3; CI 12010) and its salts, when used as a substance in hair dye products		6535-42-8
1345	1-[(2-Chloro-4-nitrophenyl)azo]-2-naphthol (Pigment Red 4; CI 12085) and its salts when used as a substance in hair dye products		2814-77-9
1346	3-Hydroxy-N-(o-tolyl)-4-[(2,4,5-trichlorophenyl)azo]naphthalene-2-carboxamide (Pigment Red 112; CI 12370) and its salts when used as a substance in hair dye products		6535-46-2
1347	N-(5-Chloro-2,4-dimethoxyphenyl)-4-[[5-[(diethylamino)sulphonyl]-2-methoxyphenyl]azo]-3-hydroxynaphthalene-2-carboxamide (Pigment Red 5; CI 12490) and its salts when used as a substance in hair dye products		6410-41-9
1348	Disodium 4-[(5-chloro-4-methyl-2-sulphonatophenyl)azo]-3-hydroxy-2-naphthoate (Pigment Red 48; CI 15865) when used as a substance in hair dye products		3564-21-4
1349	Calcium 3-hydroxy-4-[(1-sulphonato-2-naphthyl)azo]-2-naphthoate (Pigment Red 63:1; CI 15880) when used as a substance in hair dye products		6417-83-0
1350	Trisodium 3-hydroxy-4-(4'-sulphonatonaphthylazo)naphthalene-2,7-disulphonate (Acid Red 27; CI 16185) when used as a substance in hair dye products		915-67-3
1351	2,2'-[(3,3'-Dichloro[1,1'-biphenyl]-4,4'-diyl)bis(azo)]bis[N-(2,4-dimethylphenyl)-3-oxobutyramide] (Pigment Yellow 13; CI 21100) when used as a substance in hair dye products		5102-83-0
1352	2,2'-[Cyclohexylidenebis[(2-methyl-4,1-phenylene)azo]]bis[4-cyclohexylphenol] (Solvent Yellow 29; CI 21230) when used as a substance in hair dye products		6706-82-7
1353	1-((4-Phenylazo)phenylazo)-2-naphthol (Solvent Red 23; CI 26100) when used as a substance in hair dye products		85-86-9
1354	Tetrasodium 6-amino-4-hydroxy-3-[[7-sulphonato-4-[(4-sulphonatophenyl)azo]-1-naphthyl]azo]naphthalene-2,7-disulphonate (Food Black 2; CI 27755) when used as a substance in hair dye products		2118-39-0
1355	Ethanaminium, N-(4-((4-(diethylamino)phenyl)(2,4-disulfophenyl)methylene)-2,5-cyclohexadien-1-ylidene)-N-ethyl-, hydroxide, inner salt, sodium salt (Acid Blue 1; CI 42045) when used as a substance in hair dye products		129-17-9
1356	Ethanaminium, N-(4-((4-(diethylamino)phenyl)(5-hydroxy-2,4-disulfophenyl)methylene)-2,5-cyclohexadien-1-ylidene)-N-ethyl-, hydroxide, inner salt, calcium salt (2:1) (Acid Blue 3; CI 42051) when used as a substance in hair dye products		3536-49-0

<i>No.</i>	<i>Name of Substance</i>	<i>EC No</i>	<i>CAS No.</i>
1357	Benzenemethanaminium, N-ethyl-N-(4-((4-(ethyl((3-sulfophenyl)methyl)amino)phenyl)(4-hydroxy-2-sulfophenyl) methylene)-2,5-cyclohexadien-1-ylidene)-3-sulfo-, hydroxide, inner salt, disodium salt (Fast Green FCF; CI 42053) when used as a substance in hair dye products		2353-45-9
1358	1,3-Isobenzofurandione, reaction products with methylquinoline and quinoline (Solvent Yellow 33; CI 47000) when used as a substance in hair dye products		8003-22-3
1359	Nigrosine (CI 50420) when used as a substance in hair dye products		8005-03-6
1360	8,18-Dichloro-5,15-diethyl-5,15-dihydrodiindolo[3,2-b:3',2'-m]triphenodioxazine (Pigment Violet 23; CI 51319) when used as a substance in hair dye products		6358-30-1
1361	1,2-Dihydroxyanthraquinone (Pigment Red 83; CI 58000) when used as a substance in hair dye products		72-48-0
1362	Trisodium 8-hydroxypyrene-1,3,6-trisulphonate (Solvent Green 7; CI 59040) when used as a substance in hair dye products		6358-69-6
1363	1-Hydroxy-4-(p-toluidino)anthraquinone (Solvent Violet 13; CI 60725) , when used as a substance in hair dye products		81-48-1
1364	1,4-bis(p-Tolylamino)anthraquinone (Solvent Green 3; CI 61565) when used as a substance in hair dye products		128-80-3
1365	6-Chloro-2-(6-chloro-4-methyl-3-oxobenzo[b]thien-2(3H)-ylidene)-4-methylbenzo[b]thiophene-3(2H)-one (VAT Red 1; CI 73360) when used as a substance in hair dye products		2379-74-0
1366	5,12-Dihydroquino[2,3-b]acridine-7,14-dione (Pigment Violet 19; CI 73900) when used as a substance in hair dye products		1047-16-1
1367	(29H,31H-Phthalocyaninato(2-)-N29,N30,N31,N32)copper (Pigment Blue 15; CI 74160) when used as a substance in hair dye products		147-14-8
1368	Disodium [29H,31H-phthalocyaninedisulphonato(4-)-N29,N30,N31,N32]cuprate(2-) (Direct Blue 86; CI 74180) when used as a substance in hair dye products		1330-38-7
1369	Polychloro copper phthalocyanine (Pigment Green 7; CI 74260) when used as a substance in hair dye products		1328-53-6

EXPLANATORY NOTE

(This note is not part of the Regulation)

These Regulations amend the Cosmetic Products (Safety) Regulations 2008 (S.I. 2008/1284) (“the Principal Regulations”) to give effect to Commission Directive 2008/88/EC (O.J. No. L256, 24.9.2008, p.12) (as amended by the corrigenda) (O.J. No. L263/26 of 2.10.2008) (“the Directive”). The Directive amends 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 Directive to the list of Directives implemented by the Principal Regulations in Schedule 2. Paragraph (b) adds certain substances to Schedule 3 to the Principal Regulations (list of substances which must not form part of the composition of cosmetic products (unless otherwise specified)) which must not be used as part of the composition of hair dyes after 14th October 2009. Paragraph (c) amends Part 1 of Schedule 4 (list of substances which cosmetic products must not contain except subject to restrictions and conditions) and Part 2 of Schedule 4 (substances listed in Part 2 of Annex III to the Directive which are provisionally allowed) to the Principal Regulations.

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.

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STATUTORY INSTRUMENTS

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