

## STATUTORY INSTRUMENTS

# 2019 No. 671

## The Detergents (Safeguarding) (Amendment) (EU Exit) Regulations 2019

### PART 2

#### Amendment of retained direct EU legislation

#### Interpretation

2. In this Part—

“Contracting Parties” has the meaning given to that expression in the EEA agreement;

“Regulation (EC) No 648/2004” means—

- (a) Regulation (EC) No 648/2004 of the European Parliament and of the Council on detergents;
- (b) the corresponding act made part of the internal legal order of the Contracting Parties under Article 7(a) of the EEA agreement<sup>M1</sup>.

#### Commencement Information

**II** Reg. 2 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

#### Marginal Citations

**M1** See Decision Nos 144/2005, 15/2007, 66/2010, 106/2012 and 140/2013 of the EEA Joint Committee and point 12u in Chapter 15 of Annex 2 to the EEA agreement available at [www.efta.int/eea-lex](http://www.efta.int/eea-lex).

#### Amendment of Article 15 of Regulation (EC) No 648/2004

3.—(1) Article 15 of Regulation (EC) No 648/2004 is amended as follows.

(2) In paragraph 1—

- (a) in the first subparagraph, for “a Member State”, substitute “an appropriate authority with the necessary competence”;
- (b) for the second subparagraph, substitute—

“Manufacturers and other natural or legal persons involved in the distribution, supply and sale of detergents must comply with provisional measures taken under this Article.”;
- (c) after the second subparagraph, insert—

“In any particular case, provisional measures may not be imposed for a period of more than ninety days.

After that ninety day period has ended, the General Product Safety Regulations 2005 <sup>M2</sup> are to apply to the specific detergents in respect of which provisional measures have been taken under this Article as if, in regulation 2 of those Regulations:

- in the definition of “product”, at the end, there were inserted ““product” includes the specific detergents in respect of which provisional measures have been taken from time to time under Article 15 of Regulation (EC) No 648/2004 of the European Parliament and of the Council on detergents;”;
- in the definition of “safe product”, at the end of the first sentence, there were inserted “and for the environment”;

(3) For paragraph 2, substitute—

“2. In this Article:

- ‘Appropriate authority’ means the Secretary of State or the devolved authority;
- ‘Devolved authority’ means:
  - in Scotland, the Scottish Ministers;
  - in Wales, the Welsh Ministers;
  - <sup>F1</sup> ...”.

(4) After paragraph 2, insert—

“3. The Secretary of State may impose provisional measures if and to the extent that the exercise of the function to impose those measures:

- relates to England;
- relates to Scotland and is not within devolved competence (within the meaning of section 54 of the Scotland Act 1998 <sup>M3</sup>);
- relates to Wales and is not within devolved competence (within the meaning of section 58A(7) and (8) of the Government of Wales Act 2006 <sup>M4</sup>);
- <sup>F2</sup> ...

4. The Scottish Ministers have competence to impose provisional measures if and to the extent that the exercise of the function to impose those measures is within devolved competence (within the meaning of section 54 of the Scotland Act 1998).

5. The Welsh Ministers have competence to impose provisional measures if and to the extent that the exercise of the function to impose those measures is within devolved competence (within the meaning of sections 58A(7) and (8) of the Government of Wales Act 2006).

<sup>F3</sup>6. ....

<sup>F3</sup>7. ....

8. When an appropriate authority takes provisional measures in accordance with paragraph 1:
- it must immediately inform the other appropriate authorities, giving reasons for its action and submitting the scientific or technical information on which it is based;
  - the other appropriate authorities must decide whether or not to impose the same provisional measures within their respective areas of competence.”.

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**Textual Amendments**

- F1** Words in reg. 3(3) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Detergents \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1617\)](#), regs. 1(2), **3(2)(a)**
- F2** Words in reg. 3(4) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Detergents \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1617\)](#), regs. 1(2), **3(2)(b)(i)**
- F3** Words in reg. 3(4) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Detergents \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1617\)](#), regs. 1(2), **3(2)(b)(ii)**

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**Commencement Information**

- I2** Reg. 3 in force on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1

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**Marginal Citations**

- M2** [S.I. 2005/1803](#).
- M3** [1998 c. 46](#).
- M4** [2006 c. 32](#); section 58A was inserted by section 19 of the [Government of Wales Act 2017 \(c. 4\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Detergents (Safeguarding) (Amendment) (EU Exit) Regulations 2019, PART 2.