

**2012 No. 2263**

**CONSUMER PROTECTION**

**The Cosmetic Products (Safety) (Amendment) Regulations 2012**

*Made* - - - - *2nd September 2012*

*Laid before Parliament* *5th September 2012*

*Coming into force* - - *31st October 2012*

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 these Regulations, such other persons as he considers appropriate and the Health and Safety Executive.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Cosmetic Products (Safety) (Amendment) Regulations 2012.

(2) These Regulations come into force on 31st October 2012.

**Amendment to the Cosmetic Products (Safety) Regulations 2008**

2. The Cosmetic Products (Safety) Regulations 2008(b) are amended as follows—

- (a) in Schedule 2 at the end insert “69. Council Directive 2011/84/EU (OJ No L 283, 29.10.2011, p.36)”;
- (b) for entry 12 in Part 1 of Schedule 4, substitute the entry in the Schedule to these Regulations.

*Norman Lamb*

Parliamentary Under Secretary of State for Employment Relations, Consumer and Postal Affairs  
2nd September 2012

Department for Business, Innovation and Skills

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(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, S.I. 2009/796, S.I. 2009/1346, S.I. 2009/2562, S.I. 2009/3367, S.I. 2010/1150, S.I. 2010/1927 and S.I. 2011/3037.

# SCHEDULE

Regulation 2(b)

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	
12	Hydrogen peroxide and other compounds or mixtures that release hydrogen peroxide, including carbamide peroxide and zinc peroxide	<p>(a) Hair care mixtures</p> <p>(b) Skin care mixtures</p> <p>(c) Nail hardening mixtures</p> <p>(d) Oral products, including mouth rinse, tooth paste and tooth whitening or bleaching products</p> <p>(e) Tooth whitening or bleaching products</p>	<p>(a) 12% of H<sub>2</sub>O<sub>2</sub> (40 volumes), present or released</p> <p>(b) 4% of H<sub>2</sub>O<sub>2</sub>, present or released</p> <p>(c) 2% of H<sub>2</sub>O<sub>2</sub>, present or released</p> <p>(d) ≤ 0.1% of H<sub>2</sub>O<sub>2</sub>, present or released</p> <p>(e) &gt; 0.1% ≤ 6% of H<sub>2</sub>O<sub>2</sub>, present or released</p>	<p>(a) To be only sold to dental practitioners. For each cycle of use, first use by dental practitioners as defined under Directive 2005/36/EC (OJ L 255, 30.9.2005, p.22) or under their direct supervision if an equivalent level of safety is ensured. Afterwards to be provided to the consumer to complete the cycle of use.</p> <p>Not to be used on a person under 18 years of age.</p>	<p>(a) Wear suitable gloves.</p> <p>(a) (b) (c) (e)</p> <p>Contains hydrogen peroxide.</p> <p>Avoid contact with eyes.</p> <p>Rinse immediately if product comes into contact with them.</p> <p>(e) Concentration of H<sub>2</sub>O<sub>2</sub> present or released indicated in percentage.</p> <p>Not to be used on a person under 18 years of age.</p> <p>To be only sold to dental practitioners. For each cycle of use, the first use to be only done by dental practitioners or under their direct supervision if an equivalent level of safety is ensured. Afterwards to be provided to the consumer to complete the cycle of use.</p>

## 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 Council Directive 2011/84/EU amending Directive 76/768/EEC, concerning cosmetic products, for the purpose of adapting Annex III thereto to technical progress (OJ No L 283, 29.10.2011, p.36). The Principal Regulations implemented Council Directive 76/768/EEC (OJ No L 262, 27.9.1976, p.169) on the approximation of the laws of the Member States relating to cosmetic products.

Regulation 2(a) adds Council Directive 2011/84/EU to the list in Schedule 2 to the Principal Regulations of Directives implemented by those Regulations.

Regulation 2(b) substitutes the entry in the Schedule for entry 12 in Part 1 of Schedule 4 to the Principal Regulations. This increases the percentage of hydrogen peroxide allowed in tooth whitening or bleaching products to 6% subject to conditions which include first use by a dental practitioner.

An impact assessment has not been produced for this instrument as no impact on the costs of business or the voluntary sector is foreseen.

A transposition note setting out how the Government has transposed the Directive in the United Kingdom is available from the Electronic, Materials, Chemical and Product Regulations Team at the Department for Business, Innovation and Skills, 1 Victoria Street, London, SW1H 0ET and is also published with the Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

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STATUTORY INSTRUMENTS

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