

STATUTORY INSTRUMENTS

2013 No. 1478

The Cosmetic Products Enforcement Regulations 2013

PART 1

Introduction

Citation and Commencement

- 1.—(1) These Regulations may be cited as the Cosmetic Products Enforcement Regulations 2013.
- (2) They come into force on 11th July 2013.

Interpretation **E+W+S**

- 2.—(1) In these Regulations—

“2008 Regulations” means the Cosmetic Products (Safety) Regulations 2008 ^{M1};

“the ^{F1}... Cosmetics Regulation” means Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products (recast) ^{M2}, as amended from time to time;

“enforcement authority” means—

- (i) in England and Wales and Scotland, the Secretary of State or a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985 ^{M3}; and
- (ii) in Northern Ireland, any district council;

“officer”, in relation to an enforcement authority, means a person authorised in writing to assist the authority in carrying out its functions under or for the purposes of the enforcement of the ^{F2}... Cosmetics Regulation and these Regulations;

“RAMS” means Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 ^{M4}.

^{F3}(2)

- (3) Other expressions used in these Regulations which are used in the ^{F4}... Cosmetics Regulation have the same meaning as in the ^{F4}... Cosmetics Regulation.

Extent Information

E1 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

F1 Word in [reg. 2\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 34 para. 30\(a\)](#) (with [regs. 2, 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2, 3](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

- F2** Word in [reg. 2\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 34 para. 30\(b\)](#) (with [regs. 2, 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2, 3](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)
- F3** [Reg. 2\(2\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 34 para. 30\(c\)](#) (with [regs. 2, 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2, 3](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)
- F4** Word in [reg. 2\(3\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 34 para. 30\(d\)](#) (with [regs. 2, 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2, 3](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Marginal Citations

- M1** [S.I. 2008/1284](#).
- M2** [OJ No L 342](#), 22.12.2009, p 59.
- M3** [1985 c. 72](#), [section 69](#) was amended by [Schedule 1, Part IV, section 1\(1\) of the Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), [Schedule 16 paragraph 75 of the Local Government \(Wales\) Act 1994 \(c. 19\)](#), and [Schedule 13 paragraph 144 of the Local Government etc \(Scotland\) Act 1994 \(c. 39\)](#).
- M4** [OJ No L 218](#), 13.08.2008, p 30.

Interpretation **N.I.**

2.—(1) In these Regulations—

“2008 Regulations” means the [Cosmetic Products \(Safety\) Regulations 2008](#)^{F15};

“the EU Cosmetics Regulation” means [Regulation \(EC\) No 1223/2009](#) of the European Parliament and of the Council on cosmetic products (recast)^{F16}, as amended from time to time;

“enforcement authority” means—

(i) ^{F17}...

(ii) in Northern Ireland, any district council;

“officer”, in relation to an enforcement authority, means a person authorised in writing to assist the authority in carrying out its functions under or for the purposes of the enforcement of the EU Cosmetics Regulation and these Regulations;

“RAMS” means [Regulation \(EC\) No 765/2008](#) of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing [Regulation \(EEC\) No 339/93](#)^{F18}.

(2) References to a notification made or information received under [Directive 76/768/EEC](#)^{F19} in the EU Cosmetics Regulation shall be understood to include notifications under regulation 17 and information collected or received under regulations 16 and 19 of the 2008 Regulations.

(3) Other expressions used in these Regulations which are used in the EU Cosmetics Regulation have the same meaning as in the EU Cosmetics Regulation.

Extent Information

- E4** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F15** [S.I. 2008/1284](#).
- F16** [OJ No L 342](#), 22.12.2009, p 59.
- F17** Words in [reg. 2\(1\)](#) omitted (N.I.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 6 para. 1\(2\)](#)

- F18** OJ No L 218, 13.08.2008, p 30.
F19 OJ No L 262, 27.09.1976, p 169.

Revocation and savings **E+W+S**

- 3.—(1) The Regulations listed in Schedule 1 are revoked.
- (2) Where the 2008 Regulations applied to any cosmetic product placed on the market before 11 July 2013—
- (a) the 2008 Regulations shall continue to apply [^{F5}subject to the modification in paragraph 3,] in relation to the enforcement of obligations that arose under the 2008 Regulations;
 - (b) obligations under the ^{F6}... Cosmetics Regulation and regulation 5 of these Regulations which arise after the placing on the market of the Cosmetic Product apply.
 - [^{F7}(c) enforcement authorities must keep information received under regulations 17 or 19 of the 2008 Regulations until 11th July 2020;
 - (d) a responsible person under those Regulations must keep the information collected under regulation 16 of those Regulations until 11th July 2020.]
- [^{F8}(3) The modification referred to in paragraph (2)(a) is that any reference to “EEA” is to be read as including the United Kingdom.]

Extent Information

- E2** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F5** Words in [reg. 3\(2\)\(a\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 34 para. 31\(a\)](#) (with [regs. 2, 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2, 3](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F6** Word in [reg. 3\(2\)\(b\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 34 para. 31\(b\)](#) (with [regs. 2, 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2, 3](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F7** [Reg. 3\(2\)\(c\)\(d\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 34 para. 31\(c\)](#) (with [regs. 2, 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2, 3](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F8** [Reg. 3\(3\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 34 para. 31\(d\)](#) (with [regs. 2, 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2, 3](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Revocation and savings **N.I.**

- 3.—(1) The Regulations listed in Schedule 1 are revoked.
- (2) Where the 2008 Regulations applied to any cosmetic product placed on the market before 11 July 2013—
- (a) the 2008 Regulations shall continue to apply in relation to the enforcement of obligations that arose under the 2008 Regulations;
 - (b) obligations under the EU Cosmetics Regulation and regulation 5 of these Regulations which arise after the placing on the market of the Cosmetic Product apply.

Extent Information

E5 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F9}Transitional provisions in relation to EU Exit

3A.—(1) In this regulation—

“pre-exit period” means the period beginning with 11 July 2013 and ending immediately before IP completion day;

“product” means a cosmetic product to which these Regulations apply.

(2) Subject to paragraph (3), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 34 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019—

- (a) any obligation to which a person was subject and was enforced under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that product; and
- (b) enforcement authorities continue to be under an obligation to enforce the obligations referred to in paragraph (a).

(3) Paragraph (2) does not apply to—

- (a) any obligation of any competent authority to inform the European Commission or the member States of any matter; or
- (b) any obligation to take action outside of the United Kingdom in respect of that product.]

F9 Reg. 3A inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 34 para. 32** (with regs. 2, 3) (as amended by [S.I. 2020/852](#), regs. 2(2), 4(2), [Sch. 1 para. 1\(t\)\(vii\)](#) and [S.I. 2020/676](#), regs. 1(1), 2, 3); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Competent authority **E+W+S**

4.—(1) ^{F10}..., the Secretary of State and the enforcement authority are the competent authorities for the purposes of the ^{F11}... Cosmetics Regulation.

^{F12}(2)

(3) ^{F13}... the Secretary of State may from time to time authorise such person as the Secretary of State thinks fit to be a United Kingdom competent authority, or to perform certain functions of a competent authority, in addition to or in substitution for the Secretary of State.

Extent Information

E3 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

F10 Words in [reg. 4\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 34 para. 33(a)(i)** (with regs. 2, 3) (as amended by [S.I. 2020/676](#), regs. 1(1), 2, 3); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

- F11** Word in [reg. 4\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 34 para. 33\(a\)\(ii\)](#) (with [regs. 2, 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2, 3](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F12** [Reg. 4\(2\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 34 para. 33\(b\)](#) (with [regs. 2, 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2, 3](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F13** Words in [reg. 4\(3\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 34 para. 33\(c\)](#) (with [regs. 2, 3](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2, 3](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Competent authority **N.I.**

4.—(1) Subject to paragraph (2), the Secretary of State and the enforcement authority are the competent authorities for the purposes of the EU Cosmetics Regulation.

(2) The following are not a competent authority for the purposes of Articles 23(2), 23(3) and 23(4) (Communication of serious undesirable effects), 25(4), 25(5) subparagraph 2, and 25(6) (non-compliance by the responsible person), 27(2) (safeguard clause) and 38 (repeal and retention of information) of the EU Cosmetics Regulation—

^{F20}(a)

(b) in Northern Ireland, any district council.

(3) Notwithstanding paragraph (2), the Secretary of State may from time to time authorise such person as the Secretary of State thinks fit to be a United Kingdom competent authority, or to perform certain functions of a competent authority, in addition to or in substitution for the Secretary of State.

Extent Information

E6 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

F20 [Reg. 4\(2\)\(a\)](#) omitted (N.I.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 6 para. 1\(3\)](#)

Labelling

5.—(1) Where cosmetic products are not pre-packaged, or are packaged at the point of sale at the purchaser's request, information required to be provided in accordance with Article 19(1) (which provides for labelling) of the [F14EU] Cosmetics Regulation must appear on the container in which the product is exposed for supply or on a notice in immediate proximity to that container;

(2) Where cosmetic products are pre-packaged for immediate sale, the information required to be provided in accordance with Article 19(1) of the [F14EU] Cosmetics Regulation must appear on an attached label, tag, tape or card, or in an enclosed leaflet. Where this is impossible for practical reasons this information must appear on a notice in immediate proximity to the container in which the cosmetic product is exposed for sale.

(3) A responsible person must not make a cosmetic product available on the market unless the information required by paragraphs (1)(b) to (d), (1)(f) and (2) to (4) of Article 19 of the [F14EU] Cosmetics Regulation is provided in English, whether or not it is also in another language.

Changes to legislation: *There are currently no known outstanding effects for the The Cosmetic Products Enforcement Regulations 2013, PART 1. (See end of Document for details)*

F14 Word in regs. 5-8 omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 34 para. 34** (with regs. 2, 3) (as amended by S.I. 2020/676, regs. 1(1), 2, 3); 2020 c. 1, **Sch. 5 para. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Cosmetic Products Enforcement Regulations 2013, PART 1.