

STATUTORY INSTRUMENTS

2019 No. 671

**EXITING THE EUROPEAN UNION
CONSUMER PROTECTION
ENVIRONMENTAL PROTECTION
PUBLIC HEALTH**

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

Made - - - - 21st March 2019

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 ^{M1}.

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Marginal Citations

M1 [2018 c.16.](#)

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Detergents (Safeguarding) (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

Commencement Information

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

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 ^{M2}.

Commencement Information

I2 Reg. 2 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Marginal Citations

M2 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.

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 ^{M3} 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;
 - ^{F1} ...”.

(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 ^{M4});
- 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 ^{M5});
- ^{F2} ...

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).

^{F3}6.

^{F3}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.”.

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)**

Changes to legislation: There are currently no known outstanding effects for the The Detergents (Safeguarding) (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)

Commencement Information

I3 Reg. 3 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

Marginal Citations

M3 S.I. 2005/1803.

M4 1998 c. 46.

M5 2006 c. 32; section 58A was inserted by section 19 of the [Government of Wales Act 2017 \(c. 4\)](#).

Department for Environment, Food and Rural
Affairs

Thérèse Coffey
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) in order to address failures of retained EU law relating to detergents to operate effectively and other deficiencies (including those set out in paragraphs (b), (d) and (g) of section 8(2) of the 2018 Act which apply to this instrument) arising from the withdrawal of the UK from the European Union.

They amend Article 15 (the safeguard clause) of direct EU legislation (Regulation [\(EC\) No 648/2004](#) (OJ No L104, 8.4.2004, p.1) and the corresponding legislation adopted under the EEA agreement.

An impact assessment has not been produced for this instrument as no, or no significant impact on the private or voluntary sector is foreseen.

Changes to legislation:

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