



10 April 2024

(24-3021)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>UNITED KINGDOM</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Department for Business and Trade: Office for Product Safety and Standards Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: UK TBT Enquiry Point Trade Policy, Implementation and Negotiations Department for Business and Trade Old Admiralty Building London SW1A 2DY tbtenquiriesuk@businessandtrade.gov.uk
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [], 7.2 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Cosmetics products are defined by Article 2(1)(a) of Regulation (EC) No 1223/2009. ESSENTIAL OILS AND RESINOIDS; PERFUMERY, COSMETIC OR TOILET PREPARATIONS (HS code(s): 33); Cosmetics. Toiletries (ICS code(s): 71.100.70)
5. Title, number of pages and language(s) of the notified document: The Cosmetic Products (Restriction of Chemical Substances) (No. 2) Regulations 2024; (6 page(s), in English)
6. Description of content: These measures would amend Regulation (EC) No 1223/2009 as applicable in GB ("the Cosmetics Regulation") as they apply in [England, Wales and Scotland]. The amendments would prohibit or restrict the use of certain chemical substances in cosmetic products. We plan to amend the Cosmetics Regulation to permit the use of kojic acid for use at a maximum concentration of up to 1% in the following cosmetic products: face and hand products. We will also amend the Cosmetic Regulation to prohibit the use of chemicals classified as CMR substances under Regulation (EC) No 1272/2008 (the GB CLP Regulation).

7. Objective and rationale, including the nature of urgent problems where applicable: The Cosmetics Regulation contains technical annexes that establish limits and prohibitions on the use of specified chemicals. The Government has powers to amend the various annexes when certain conditions are met. The objective of the measure is to amend the permitted use of specific chemicals in order to ensure that only cosmetics products that are considered safe can be placed on the market.

The measure requires amending a technical annex of the Cosmetics Regulation to change the permitted level of use of a specific chemical. This decision has been informed by the expert advice of the Scientific Advisory Group on Chemical Safety (SAG-CS). The SAG-CS' primary purpose is to provide the UK Government with independent scientific advice on chemical risk.

Government has considered the recent advice from SAG-CS and made the decision to amend the Cosmetics Regulation on the use of kojic acid to permit a maximum concentration of up to 1% in the following cosmetic products: face and hand products.

Carcinogen Mutagen and Reprotoxic substances (CMRs) - Under the Cosmetics Regulation, Government is prohibiting a set of chemicals that have been classified as CMRs under the GB CLP Regulation. We will amend an additional technical annex to the Cosmetic Regulation to reflect the CLP classification.; Protection of human health or safety

8. Relevant documents:

SAG-CS opinions can be found [using this link](#)

The Cosmetic Products (Restriction of Chemical Substances) (No. 2) Regulations 2024

9. Proposed date of adoption: 25 June 2024

Proposed date of entry into force: 1. Placing on the market – 20 April 2025 (10 months after laying date).

2. Products made available before this date can continue to be made available until 20 August 2025 (14 months after laying date).

10. Final date for comments: 60 days from notification

11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:

UK TBT Enquiry Point
Trade Policy, Implementation and Negotiations
Department for Business and Trade
Old Admiralty Building
London
SW1A 2DY

tbtenquiriesuk@businessandtrade.gov.uk

https://members.wto.org/crnattachments/2024/TBT/GBR/24_02536_00_e.pdf