

2022 No.

CONSUMER PROTECTION

**The Cosmetic Products (Restriction of Chemical Substances)
Regulations 2023**

Made - - - - - ***

Laid before Parliament ***

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by Article 31(1)(b) of Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products (a).

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Cosmetic Products (Restriction of Chemical Substances) Regulations 2023.
- (2) These Regulations, except for regulation 2(2) come into force on 28th July 2023.
- (3) Regulation 2(2) comes into force on 6th July 2024.
- (4) These Regulations extend to England and Wales and Scotland.

Amendment to Regulation (EC) No 1223/2009

- 2.—(1) Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products is amended as follows.
- (2) In the table in Annex 3 (list of substances which cosmetic products must not contain except subject to the restrictions laid down), insert the entries set out in Part 1 of the Schedule to these regulations.
- (3) At the end of the table in Annex 6 (list of UV filters allowed in cosmetic products), insert the entries set out in Part 2 of the Schedule to these regulations.

Transitional Provisions

- 3.—Notwithstanding the amendments in regulation 2(2), cosmetic products that are placed on the market prior to 6th July 2024 can be made available on the market until 6th July 2026.

(a) EUR 1223/2009 was incorporated by virtue of section 3(1) of the European Union (Withdrawal) Act 2018 (c. 16). The powers provided for in Article 31(1)(b) were inserted by S.I. 2019/696 as that instrument was itself amended by S.I. 2019/1246. Other relevant amendments were made by S.I. 2019/696, S.I. 2019/1246 and S.I. 2022/659.

Name

Minister for Small Business, Consumers and Labour Markets
Department for Business, Energy and Industrial Strategy

SCHEDULE
Amendments to Annex 3 and 6

Regulation 2(2) and (3)

Part 1

Amendments to Annex 3

“321	Methyl-N-methylantranilate	85-91-6	201-642-6	Leave-on products	0.1 %	For leave on products only: Not to be used in sunscreen products and products marketed for exposure to natural or artificial UV light.	”
				Rinse-off products	0.2 %	For leave-on and rinse-off products Do not use with nitrosating agents Maximum nitrosamine content: 50 µg/kg Keep in nitrite-free containers	

Part 2

Amendments to Annex 6

“33	1,1'-(1,4-piperazinediyl)bis[1-[2-[4-(diethylamino)-2-hydroxybenzoyl]phenyl]-methanone	Bis-(Diethylamino)hydroxybenzoyl Piperazine	9198 03-06-8	485-100-6	10 %	In case of combined use of Bis-(Diethylamino)hydroxybenzoyl Piperazine and Bis-(Diethylamino)hydroxybenzoyl Piperazine (nano), the sum shall not exceed 10 %.	
34	1,1'-(1,4-piperazinediyl)bis[1-[2-[4-(diethylamino)-2-hydroxybenzoyl]phenyl]-methanone	Bis-(Diethylamino)hydroxybenzoyl Piperazine (nano)	9198 03-06-8	485-100-6	10 %	Only nanomaterials having the following characteristics are allowed: — Purity ≥ 97 %, — Median particle size D50 (50 %	

of the
number
below this
diameter): \geq
50 nm of
number size
distribution.

Not to be used in
applications that may
lead to exposure of
the end user's lungs
by inhalation.

In case of combined
use of Bis-
(Diethylaminohydroxy
benzoyl Benzoyl)
Piperazine and Bis-
(Diethylaminohydroxy
benzoyl Benzoyl)
Piperazine (nano), the
sum shall not exceed
10 %."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products to restrict the use of certain chemical substances in cosmetic products.

Regulation 2 amends the technical annexes to the retained EU legislation, Regulation (EC) No 1223/2009 ("the Cosmetics Regulation") to restrict the use of Methyl-N-methylantranilate, HAA299 and HAA299 (nano) in cosmetic products following advice from the Scientific Advisory Group on Chemical Safety.

Regulation 3 provides for transitional arrangements allowing cosmetics products containing Methyl-N-methylantranilate to be made available on the market after the coming into force of the Regulations if they were placed on the market prior to the coming into force of Regulation 2(2).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or business sectors is foreseen. An Explanatory Memorandum has been published alongside these Regulations and is available at www.legislation.gov.uk.