

## Practical changes introduced the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 statutory instrument

### 1. Preparation of data for UK database

All cosmetic products will need a UK based responsible person who should take the necessary action to prepare their data to enable them to complete notification to the Secretary of State using the new UK cosmetic database.

The UK database will enable both individual and bulk upload of cosmetic product information. The UK database has been designed to receive the bulk uploading of product information in a specific format – zip files containing files in the .xml file format – it will not accept bulk uploads in other formats. Specific details of file formats and steps to upload them to the UK database are provided at the end of this letter.

**Key message:** *Responsible Persons based in the UK should prepare their data **now** from their own records and in preparation for the notification of product information required in a No Deal exit, ideally in the file format outlined.*

### 1. Notification requirements to the Secretary of State using the UK database

To ensure that market surveillance and public health bodies in the UK have continued access to information relating to cosmetic products on sale in the UK, a requirement has been included in the SI for the notification of product information to the Secretary of State. This mirrors the current requirements for how information is notified to the EU for these same purposes. There are notification requirements for all cosmetic products placed on the UK market after exit day, in the event of no deal.

Responsible persons will have 90 days to complete their notification where products were previously notified on CPNP prior to the UK exiting the EU and they place those same products on the UK market within 90 days of exit. There is also a reduced amount of information required to be submitted for these products to simplify the process. The information required is:

- the category of cosmetic product and its name
- the name of the responsible person
- the address at which the product information file is kept;
- contact details of a natural person to contact in case of urgency
- the product frame formulation.

Products that have not previously been placed on the market pre-exit, that were not notified to CPNP prior to exit, will be required to be notified by a responsible person to the Secretary of State, using the new UK cosmetics database prior to placing them on the UK market.

**Key message:** *responsible persons will have 90 days from exit to make notifications using the new database for existing products placed on the market in that period. New products being placed on the UK market after exit day will be required to make notifications prior to placing the product on the market. Further details will be provided when the database goes live and is able to accept notifications.*

## **2. Change in status relating to importers**

There will be a change in status for UK-based distributors who place products on the UK market from EEA states prior to exit, if the SI passes into law following a no deal exit. These distributors will become importers of products they place on the UK market. As under the EU regime, any importers of cosmetic products placing the product on the market will become a responsible person and will have to meet the obligations of responsible persons. For example, importers will be required to make a notification to the Secretary of State relating to the products they place on the market using the UK database. We recognise that this will be a new responsibility that these distributors did not previously have. We therefore wish to draw attention to this requirement to help ensure relevant distributors are aware of their new obligations.

**Message:** *Some 'Distributors' will become 'Importers' and they need to be aware of and understand their obligations if their status has changed due to the UK leaving the EU. Those impacted will effectively become a Responsible Person and **must** notify the correct (amount of) information via the new UK CPNP database.*

## **3. Product labelling**

The law currently requires product labels for cosmetics products to contain the name and address of the product's responsible person. For all new products placed on the market after the UK leaves the EU, the labelling must detail the UK Responsible Person details for that product.

In recognition of the impact of this change for products in the supply chain, there will be a transition period of two years from the date of exit for products on the market to adopt the new label requirements, as long as the EU labelling requirements (to have the name and address of the EU responsible person) have been met.

**Message:** *Cosmetic products are required to be labelled with the name and address of a UK responsible person. There will be a two year transition period from exit to make the change in labelling so it contains the name and address of a UK responsible person.*