

## Moving Forward Following our departure from the EU

### Cosmetic Products

These are challenging times ahead, not only are we all dealing with a global pandemic, but we are also embarking on a new trading relationship with the EU.

There are a number of key areas that must be addressed in order for cosmetic products to be legally compliant within the UK and the EU now that we've left.

#### Key Information

- Responsible person (EU and UK)
- Labelling
- Safety Assessments
- Cosmetic Product Notification Portal (CPNP) & Submit a Cosmetic Product Notification (SCPN)
- Northern Ireland
- An Important Change
- Overview of Information
- Further Advice

#### Responsible Person (RP)

The responsible person obligations are changing.

If you wish to supply products in the UK then you will need an RP who is based in the UK to take responsibility for your products.

If you wish to supply to the EU you will need a separate RP who is based in the EU.

The UK responsible person can be one of the following:

*- the manufacturer within the UK (or they can nominate someone else in writing to be the responsible person)*

*- a person in the UK designated by written mandate by a manufacturer that is outside the UK*

*- a distributor, where they place a cosmetic product on the market under their name or trademark, or modify a product already placed on the market in such a way that compliance with the applicable requirements may be affected - for example, repackaging or relabelling*

*- the importer (established in the UK who places a product from a country outside the UK on the UK market)*

## Labelling

- Businesses will need the name and address of the responsible person in the UK on the product,

and

- The country of origin if you are looking to export.
- The language on the product will need to be in English.

### Name and address

If your business is selling in the UK, the name and address of the UK responsible person must be on the container (such as a tube, bottle or jar) and the packaging (for example, the box or outer carton) for traceability purposes.

Where the product is manufactured outside the UK, the country of origin must also be given.

If you are exporting to the EU, the labelling will need to be in the language where the product is being placed on the market.

Two deadlines have been given with regards to the transition into the UK legislative framework:

- Products placed on the market (into circulation) before the 31 December 2020 will be able to continue to be being sold, although they must be listed on the SCNP by 31<sup>st</sup> March 2021.)
- Products placed on the market after the 1 January 2021 will be given two years to adapt the labelling changes and must be listed on the SCNP.

Businesses must ensure they have made the changes required to their labels in the time frames set out in the legislation.

It is an offence to supply an incorrectly labelled cosmetic product.

## Safety Assessments

The EU cosmetic regulations state that the responsible person shall, prior to placing a

cosmetic product on the market, ensure that the cosmetic product has undergone a safety assessment on the basis of the relevant information and that a cosmetic product safety report is drawn up to be kept as part of the Product Information File (PIF)

The Safety assessments must be carried out by a qualified person.

As of the 1<sup>st</sup> January 2021, UK qualifications and assessors will no longer automatically be recognised in the EU.

If you only supply to the UK, then you must ensure you have a qualified assessor based in the UK.

If you wish to continue to supply to the EU, you must appoint an assessor located within the EU or apply to have the UK qualification officially recognised in the EU. For this to happen, the qualification must be recognised officially by the relevant appointed national bodies within at least one of the EU member states in which the product will be sold.

The Product Information File (PIF) will need to be in English if supplying in the UK and if exporting to Europe, it must be available with the RP located within the EU and in the language of the Country you are supplying.

## **Product Notification Portals**

Businesses in the UK will need to ensure they have registered their cosmetic products on the UK portal, an equivalent to the Cosmetic Product Notification Portal (CPNP) for European cosmetics.

### [Portal - UK](#)

Businesses should download their technical information from the CPNP ahead of time, in preparation to be uploaded onto the UK portal.

Businesses will have 90 days to transfer information onto the UK portal. All transfers must be completed by 31<sup>st</sup> March 2021.

If a business does not have access to their EU notification files, they will need to enter the product information manually onto the UK database.

Any products you wish to place on the UK market must be registered on the UK portal (SCNP) and any products you wish to export to the EU must be registered on the EU portal (CPNP) by your responsible person in the EU.

## Northern Ireland (NI)

The EU cosmetic regulations will continue to apply in Northern Ireland after we leave.

Therefore, products sold in NI must comply with EU law:

- Products must have an EU RP which can be located in NI or in another EU27 Member State.
- The EU RP's name and address must be included on the label (both primary and secondary).
- Products must be notified to the EU CPNP under the EU RP

- Products which are sold in the UK (which includes Great Britain and Northern Ireland) must comply with both the EU and UK laws.

- Products which are sold exclusively in Great Britain must only comply with UK laws.

## An Important Change

There are some distributors who will, from the 1<sup>st</sup> January become the first importer, (those that currently import goods from European countries.)

Anyone importing directly from an EU member state will become the first importer and will have the responsibilities that come with being the producer/importer. This will include (but not be limited to) ensuring the labelling, the PIF and safety assessments have all been carried out correctly, ensuring your RP has access to this information and ensuring all your products have been uploaded to the UK portal.

## Overview of Information

If you sell to the UK only you will need to:

- Ensure your RP is located in the UK
- Ensure your safety assessment has been carried out by a qualified person in the UK
- Submit notification via UK SCNP [portal](#)
- Ensure a UK address is included on the label

If you sell to the UK and the EU markets, you will need to:

- Assign an RP in the UK and an RP in an EU member state.
- Ensure you have safety assessments carried out by a UK and an EU qualified person or you have got the UK qualification officially recognised in the EU.
- Submit notifications to the UK SCNP and to the EU CPNP.
- Ensure a UK and EU address is included on the label

If you sell to the EU but not the UK, you will need to:

- Ensure your RP is located in an EU member State (not the UK)
- Ensure your safety assessment has been carried out by a qualified person within the EU.
- Submit notification via the EU CPNP portal only. Submission to UK CPNP not required.
- Ensure an EU member state address is included on the label. A UK address is not required.

## Further Advice

For further advice please see the links below.

[www.gov.uk/transition](http://www.gov.uk/transition)

[www.businesscompanion.info](http://www.businesscompanion.info)

You can contact Kent Trading standards at: [TSbusinessadvice@kent.gov.uk](mailto:TSbusinessadvice@kent.gov.uk)