

Trading with the EU after 1st January 2021

Cosmetic Products

From 1st January 2021 the UK will become a 3rd country to the EU and the following requirements will come into force.

You must comply with these requirements if you are trading your goods in the EU. Non-compliant goods will be refused entry to the EU and stopped at the border.

THESE RULES APPLY WHEN TRADING YOUR GOODS IN THE EU. OTHER RULES MAY APPLY WHEN TRADING WITH THE UK.

Key Information

- Responsible Person (EU and UK)
- Labelling
- Safety Assessments
- Cosmetic Product Notification Portal (CPNP)
- Northern Ireland
- An important change
- Overview of information
- Further Advice

Responsible Person

The Responsible Person (RP) obligations are changing slightly.

If you wish to supply products in the UK, then you will need an RP who is based here.

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

Labelling requirements will be changing slightly.

- 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 exporting.
- 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 being sold without any specific deadline.
- Products placed on the UK market after the 1 January 2021 will be given two years to adapt the labelling.

Business 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 and that a cosmetic product safety report is drawn up and kept as part of the Product Information File (PIF)

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

As of the 1st 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 either appoint an assessor located within the EU or appoint a UK assessor with qualifications officially recognised by the EU as equivalent to the EU qualification. Recognition of equivalency must be provided by an appointed national body within at least one EU member state.

The 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

Business 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.

The UK portal is not yet available but will be coming soon, watch this space!

Businesses residing in the UK will not be able to access the European Portal from 1st January 2021.

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 once the UK has left the EU.

If you are going to use the same data that has already been uploaded to the CPNP, you can export it as a zip file from the CPNP to the new UK Portal.

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.

NB: The new portal will only be able to accept the information as zip files containing XML files, the new portal will not accept PDF files or ZIP files containing PDF.

Uploads can be made in bulk and individually.

From the 1st January, you must have transferred your existing notifications on the CPNP over to the UK notification portal.

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

Northern Ireland

The EU cosmetic regulations will continue to apply in Northern Ireland (NI) 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 1st 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 CPNP portal (in development)
- 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 in an EU member state
- Ensure you have safety assessments carried out by a UK and an EU qualified person or a UK assessor whose qualifications have recognised EU equivalency

- Submit notifications to the UK CPNP (in development) and to the EU CPNP (by your RP in the EU)
- 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 EU CPNP portal only (by your RP in the EU). 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

If you need advice to get your goods ready, ask Trading Standards.

<https://mailchi.mp/kent.gov.uk/trading-standards-transition>

For further information, please see the links below:

- www.gov.uk/transition
- www.businesscompanion.info

Act now to ensure you and your business are ready!