

2024 No.

CONSUMER PROTECTION

**The Cosmetic Products (Restriction of Chemical Substances)
Regulations 2024**

Made - - - -

Laid before Parliament

Coming into force in accordance with regulation 1(2) and (3)

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 2024.

(2) These Regulations come into force 21 days after the day on which they are made.

(3) 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) At the end of the table in Annex 3 (list of substances which cosmetic products must not contain except subject to the restrictions laid down), insert the entry set out in the Schedule to these Regulations.

Transitional Provisions

3. Notwithstanding the amendment in regulation 2(2), a cosmetic product that is placed on the market prior to 6th October 2024 can continue to be made available on the market until 6th February 2025.

(a) EUR 1223/2009 was incorporated into domestic law by virtue of section 3(1) of the European Union (Withdrawal) Act 2018 (c. 16) with relevant amendments made by S.I. 2019/696, 2019/696, 2022/659 and S.I. 2023/764.

(L.S)

Dd/mm/yyyy

Placeholder
Parliamentary Under Secretary of State
Department for Business and Trade

DRAFT

SCHEDULE

Regulation 2(2)

Amendment to Annex 3

322	2,6-di-tert-butyl-4-methylphenol	Butylated hydroxytoluene	128-37-0	204-881-4	(a) Toothpaste (b) mouthwash (c) leave-on oral care products (d) other leave-on and rinse-off products	(a) 0.1% (b) 0.001% (c) 0.001% (d) 0.8%
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend retained EU legislation, Regulation (EC) No 1223/2009 (“the Cosmetics Regulation”) following advice from the Scientific Advisory Group on Chemical Safety on the safety of using butylated hydroxytoluene in cosmetic products.

Regulation 2 and the Schedule to these Regulations amend the technical annexes to the Cosmetics Regulation to restrict the use of butylated hydroxytoluene in cosmetic products.

Regulation 3 provides for transitional arrangements for cosmetics products containing butylated hydroxytoluene and provides that where products were already placed on the market prior to 5th September 2024, they can continue to be made available on the market until 5th January 2025.

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.