



Brussels, 29 November 2018

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF COSMETIC PRODUCTS

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that as from 30 March 2019, 00:00h (CET) ('the withdrawal date')¹ the United Kingdom will be a 'third country'.²

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the uncertainties surrounding the ratification of the Withdrawal Agreement, all interested parties, and especially economic operators, are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to the transition period provided for in the draft Withdrawal Agreement,³ as of the withdrawal date, the EU rules in the field of cosmetic products, in particular Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products⁴, no longer apply to the United Kingdom. This has in particular the following consequences for cosmetic products placed on the EU market as of the withdrawal date:

1. RESPONSIBLE PERSON

According to Article 4 of Regulation (EC) No 1223/2009, only cosmetic products for which a legal or natural person is designated within the EU as 'responsible person' shall be placed on the market. The responsible person shall ensure

¹ In accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

² A third country is a country not member of the EU.

³ Cf. Part four of the draft *Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community*, as agreed at negotiator's level on 14 November 2018 (https://ec.europa.eu/commission/publications/draft-agreement-withdrawal-uk-eu-agreed-negotiators-level-14-november-2018-including-text-article-132_en)

⁴ OJ L 342, 22.12.2009, p. 59.

compliance with the relevant obligations set out in Article 5 of Regulation (EC) No 1223/2009.

According to Article 4(3) of Regulation (EC) No 1223/2009, for cosmetic products manufactured within the EU, the responsible person shall be the manufacturer established within the EU (by default) or a person who is established within the EU and is designated by written mandate by the manufacturer and has accepted in writing.

According to Article 4(5) of Regulation (EC) No 1223/2009, for cosmetics imported into the EU from a third country, the importer becomes the responsible person (by default) or can designate by written mandate another person to be the responsible person, also established within the EU, who shall accept in writing.

As of the withdrawal date, responsible persons can no longer be established in the United Kingdom. Rather:

- If the cosmetic product is manufactured in the United Kingdom, the importer in the EU-27 becomes the responsible person (by default) or can designate by written mandate another person to be the responsible person, also established within the EU, who shall accept in writing.
- The same applies if the cosmetic product is manufactured in another third country, imported into the United Kingdom and subsequently imported into the EU-27.

Where, currently, a responsible person established in the United Kingdom is designated by an EU-27 manufacturer/importer, that manufacturer/importer should take the necessary measures to ensure that, after the withdrawal date, a responsible person is established in the EU-27

2. NOTIFICATION IN THE COSMETIC PRODUCT NOTIFICATION PORTAL

According to Article 13(1) of Regulation (EC) No 1223/2009, prior to placing the cosmetic product on the market, the responsible person shall notify a list of information relating to the cosmetic product to the Commission, through the Cosmetic Product Notification Portal⁵ (CPNP).

As of the withdrawal date, prior to placing a cosmetic product on the EU-27 market, the new responsible person in the EU-27 will have to make product notifications in the CPNP.

As regards existing notifications made before the withdrawal date by a responsible person established in the United Kingdom, the CPNP offers the possibility to transfer notifications to another responsible person. Thus, a UK-based responsible person can transfer an existing notification to the future EU-27 responsible person. This EU-27 responsible person will then be able to edit the notification and complete it by adding its own required information, such as the name and address of the responsible person (Article 13(1)(b) of Regulation (EC) No 1223/2009), and the new labelling (Article 13(2) of Regulation (EC) No 1223/2009; see also the section

⁵ https://ec.europa.eu/growth/sectors/cosmetics/cpnp_en.

4 of this notice). However, this transfer in CPNP is only possible until the withdrawal date. As of the withdrawal date, the former UK-based responsible person will no longer have access to the CPNP.

New responsible persons established in the EU-27 can already indicate before the withdrawal date that cosmetic products manufactured in the United Kingdom will be, as of the withdrawal date, imported into the Union from the United Kingdom as a country of origin.

3. PRODUCT INFORMATION FILE (PIF)

According to Article 11 of Regulation (EC) No 1223/2009, when a cosmetic product is placed on the market, the responsible person shall keep a product information file (PIF) for the cosmetic product for a period of ten years.

The PIF shall be readily accessible in electronic or other format at the address of the responsible person, as indicated on the label of the cosmetic product, to the competent authority of the Member State in which the PIF is kept. The information in the PIF shall be available in a language that can be easily understood by the competent authority of the Member State.

As of the withdrawal date, the PIF has to be made available at the address of the responsible person in the EU-27 and adapted in terms of the language requirements of the Member State in question.

4. LABELLING

According to Article 19 of Regulation (EC) No 1223/2009, the name and address of the responsible person shall be indicated on the label of cosmetic products. The country of origin shall be specified for imported cosmetic products.

As of the withdrawal date, cosmetic products manufactured in the United Kingdom and placed on the EU market will be a cosmetic product imported into the EU-27 from a third country. The country of origin will need to be specified for these imported cosmetic products.

The website of the Commission on Regulation (EC) No 1223/2009 (http://ec.europa.eu/growth/sectors/cosmetics/legislation_en) provides general information concerning cosmetics. These pages will be updated with further information, where necessary.

European Commission
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs