



Brexit and the Future UK Landscape - Are You Ready?

Following the departure of the UK from the EU, the implementation period is set to finish on 31 December 2020. Therefore, new UK legislation will enter into force on the 1 January 2021 which will apply to the UK market, and which companies intending to continue to sell products into the UK market will need to consider. These requirements are independent from the ongoing negotiations between the UK and the EU on the future relationship and Free Trade Agreements, therefore companies are recommended to ramp up their preparations for 1 January 2021.

The UK cosmetics legislation

The UK Government has given confirmation that the Statutory Instrument (SI) [Product Safety and Metrology et. \(Amendment etc.\) \(EU Exit\) regulation 2019](#), which includes the UK Cosmetics Regulation (UKCR) within [Schedule 34](#), will form the basis of the future UK legislation. This legislation was set in place for the 'no deal' scenario, and will be amended to update the legal references before being published officially on the 14 October 2020.

The requirements to be able to continue to sell products on the UK market will be as follows:

- **UK RP:** EU companies intending to continue to sell in the UK will need to appoint a UK RP, who will take on the legal responsibilities outlined in the UKCR.
- **UK Notification Portal:** products on the UK market will need to be notified to the UK Notification Portal. For existing products, the process will have to be completed within 90 days from 1 January 2021; the .zip/.xml files associated to each notification in the EU CPNP should be downloaded as they can be uploaded in the UK database. However, for new products the process will have to be completed upon first placing in the UK market.
- **Product Information File:** must be made available in English.
- **Safety Assessor qualifications:** RPs should ensure that the qualifications for SA are recognisable in the UK.
- **Labelling:** The label content requirements will remain the same, meaning that the label must feature the UK RP, the country of origin (if the product is made outside of the UK) and the legally required parts must be in English. However, two deadlines have been given with regards to the transition into the UK legislative framework:
 - o Products placed on the market (into circulation) until the 31 December 2020 will be able to continue being sold without any specific deadline.
 - o Products placed on the market after the 1 January 2021 will be given two years to adapt the labelling, after which they will need to be withdrawn.
 - o Companies should ensure that the grace periods provided within the legislation are effectively used to comply with the future labelling requirements.

The chemical legislation: UK REACH

Manufacturers or importers of chemicals substances and mixtures into the UK will need to comply with the obligations established under the UK REACH framework, based on the [The REACH, etc \(Amendment etc.\) \(EU Exit\) Regulations 2019](#), as amended.

- **Registrations:** New chemicals being introduced will have to comply with the registration obligations from the 1 January 2021. Existing chemicals and mixtures which are currently registered under EU REACH must comply with the following requirements:

o **Registration holders:** EU REACH registration holders based in the UK will need to provide preliminary information to the Health and Safety Executive (HSE) before 30 April 2021. The full registration will then have to be completed within the timelines given with a starting point of 28 October 2021. EU Registration based in the UK will need to extend the registration to the UK REACH framework via a UK-based affiliate or by appointing a UK Only Representative.

o **Downstream users (DU):** could have new obligations under the UK REACH system if they continue to source ingredients from outside of the UK. For chemicals which have been registered under the UK REACH by suppliers or manufacturers, DUs will maintain this role and not have additional obligations. However, for those chemicals which have not been notified to the UK REACH system, a 300 day deadline has been given to complete a Downstream User Import Notification (DUIN), until the 28 October 2021. After this deadline, the full registration is to be completed. DUs are advised to map their supply chain and understand which chemicals are impacted.

- **Timelines:** The UK Government included revised timelines for the completion of the registration within the guidance published on 2 September 2020. These are as follows:

Deadlines (from 28 Oct 2021)	Tonnage	Hazardous Property
2 years	1000 tonnes or more per year	<ul style="list-style-type: none"> – Carcinogenic, mutagenic or toxic for reproduction (CMRs) - 1 tonne or more per year – Very toxic to aquatic organisms (acute or chronic) - 100 tonnes or more per year – Candidate list substances (as at 31 December 2020)
4 years	100 tonnes or more per year	Candidate list substances (as at 27 October 2023)
6 years	1 tonne of more per year	

The Northern Ireland Protocol

The Northern Ireland (NI) Protocol details in Annex II the EU regulations which will continue to apply to NI after the 31 December 2020. The list provided includes: the EU Cosmetics Regulation; the Registration, Evaluation and Authorisation of Chemicals (EU REACH) Regulation; and the Classification, Labelling and Packaging (CLP) Regulation. Compliance in NI will be enforced by the EU Commission and the EU Court of Justice with participation of other EU institutions.

Therefore:

- **Products sold in NI must comply with EU law:**
 - o Products must have an EU RP which can be located in NI or in another EU27 Member State.
 - o The EU RP name and address must be included in the label (both primary and secondary).
 - o 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 GB must only comply with UK laws.**

UK Customs and Tariffs

Goods entering into the UK from the EU will be subject to the [UK Global Tariffs plan](#), should there be no Free Trade Agreement between the UK and the EU. For details on customs procedures, please consult the '[Border Operating Model](#)' [guidance](#).

For more details on the CTPA Brexit advice, please visit [this page](#).

The Cosmetic Toiletry and Perfumery Association (CTPA) is the trade association for the UK cosmetic and personal care industry.

The Association's role is to advise manufacturers, distributors and suppliers about the strict legal framework for cosmetics, to represent industry views to UK Government, and external stakeholders and help promote information to the media on issues relating to the safety of cosmetic products. The CTPA is the voice of the British cosmetics industry and provides the most up-to-date interpretation of, and guidance on, regulatory matters affecting cosmetic products in the UK and Europe.

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CTPA The voice
 of the British
 cosmetics industry