

The Regulatory Company – December 1st 2020

Brexit Update and Preparation Cosmetics (EU >>> UK)

Current Status

The negotiations between the EU and the UK are still ongoing with the date of January 1st 2021 approaching. As of January 1st 2021 UK law will be applicable for products sold in Great Britain (England, Scotland, Wales) excluding Northern Ireland (under the Northern Ireland Protocol). UK law will be applicable and independent from the outcome of the ongoing negotiations.

The UK regulatory framework has been published in the Statutory Instruments including the UK Cosmetics Regulation (UKCR) in Schedule 34. In general, the requirements as under the EU Cosmetics Regulation 1223/2009 and its subsequent amendments will apply under the UK Cosmetics Regulation as well. Over time more and differentiated requirements and non-EU aligned regulated substances are expected.

The Regulatory Company (TRC) has prepared to continue to provide regulatory compliance and safety assessment services including servicing as the Responsible Person in both the EU as well as in the UK. To that end, TRC has set up office in the UK under the company The Regulatory Company UK (TRC UK).

TRC invites all EU-based Responsible Persons (e.g. manufacturers/brand-owners/exporters/distributors) to contact TRC for a regulatory Prescan; and a custom made offer for UK Responsible Person services. The Prescan will give you immediate insights in the possibilities, steps to take, lead-times and the resources needed to have your products notified in the UK notifications system by TRC.

UK Cosmetics Regulation (UKCR) - Requirements and Preparations

Several requirements will apply in the UK and need preparation to be able to continue to sell in the UK.

- 1) **UK Responsible Person:** non-UK companies selling into the UK need to decide on a UK Responsible Person (UK RP). Every direct importer into the UK will be considered to be the UK RP for the products it imports with all the duties and responsibilities that come with it. Alternatively, TRC UK can be appointed as the single RP for the UK as we currently are for the EU as a whole. In that case, direct importers into the UK will have to mandate TRC UK to be the UK RP on their behalf and no confidential information needs to be shared with UK importers/distributors.

>>> Contact TRC for UK RP contractual details and service fees

>>> Once you have appointed TRC UK as your UK RP, TRC UK will sign RP mandates with the direct importer(s) of your products into the UK

- 2) **UK product notifications:** products sold on the UK market need to be notified prior to sale as of January 1st 2021. Existing products currently sold on the UK market need to be notified within 90 days from January 1st 2021.

>>> Once you have appointed TRC UK as your UK RP, TRC UK will prepare to notify your products in the UK Notification Portal within 90 days from January 1st 2021

- 3) **Product Information File (PIF):** for the UK the PIF needs to be in English including the safety assessment reports (CPSRs) with reference to the UKCR and available to UK authorities upon request at the UK RP address

>>> As your UK RP, TRC UK will have the CPSRs adjusted and ready with reference to the UKCR whenever inspection takes place

4) **Labelling:** it is assumed that all products available on the UK market throughout the entire supply chain will carry adjusted labels at the end of the 2-year grace period. We urgently advice to adjust labelling as short term as feasible. As of January 1st 2021 it is possible to include both the RP for the EU and for the UK on a single label provided that the label is multi-lingual and includes all the applicable languages for the countries where the product is sold.

- New products: product labels must include the UK RP details on the label as of January 1st 2021 and must include the country of origin on the label also for products manufactured within the EU (e.g. Made in the Netherlands).
- Existing products placed on the market before December 31st 2020: no need for re-labelling
- Existing products placed on the market from January 1st 2021: label adjustments required within the 2-year grace period (advice to adjust short term)

>>> Contact TRC for the TRC UK RP details to be included on the label and other potential label adjustments that may be required before you redesign your labels

Other relevant topics to consider

Not only the UK Cosmetics Regulation applies when selling into the UK after January 1st 2021. Other relevant regulations and topics to consider are:

- UK Customs and Tariffs
- UK REACH
- The Northern Ireland Protocol

More information

You may also find it useful to visit the Brexit Public Advice page on the website of the UK Cosmetic, Toiletry and Perfumery Association (CTPA) at <https://www.ctpa.org.uk/brexit-advice>. In this page companies and individuals in the cosmetic and personal care industry can access CTPA public advice on Brexit.

For the (draft) UK Cosmetics Regulation you can find more information at <https://www.legislation.gov.uk/uksi/2019/696/contents/made>. Schedule 34 translates current EU Cosmetics Regulation into UK Cosmetics Regulation.

Contact The Regulatory Company

Feel free to contact your current TRC project manager or expert any time with any questions you may have. For general questions and/or contractual details contact with

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