



13 April 2022

(22-3025)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>UNITED KINGDOM</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Department of Business, Energy and Industrial Strategy: Office for Product Safety and Standards Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: UK TBT Enquiry Point Trade Policy Group Department for International Trade Old Admiralty Building London SW1A 2DY TBTEnquiriesUK@trade.gov.uk
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [], 7.2 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Toys and cosmetics products. More detail on product coverage can be found in regulation 4 of the Toys (Safety) Regulations 2011 and cosmetic products are defined by Article 2(1)(a) of Regulation (EC) No 1223/2009. HS code: HS 95 (http://tariffdata.wto.org/ReportersAndProducts.aspx) for toys HS 33 http://tariffdata.wto.org/ReportersAndProducts.aspx for cosmetics ICS codes: ICS 97.200.50 https://www.iso.org/ics/97.200.50/x/ for toys ICS 71.100.70 https://www.iso.org/ics/71.100.70/x/ for cosmetics
5. Title, number of pages and language(s) of the notified document: The Toys and Cosmetic Products (Restriction of Chemical Substances) Regulations 2022; (5 page(s), in English)
6. Description of content: These measures will amend the Toys (Safety) Regulation 2011 as applicable in GB ("the Toys Regulations") and the Cosmetics Regulation 1223/2009 as applicable in GB ("the Cosmetics Regulations") as they apply in England, Wales and

Scotland. They will amend permitted levels of certain chemicals in both the Toys Regulations and the Cosmetics Regulations.

They will amend the Toy Regulations, to reduce the permitted limits of aluminium, aniline and formaldehyde as well as including provisions on three allergens used in fragrances, under the list of prohibited allergens in toys.

We will be amending the Cosmetics Regulations to permit the use of salicylic acid for uses other than as a preservative only in specific product types, prohibit the use of deoxyarbutin and a set of chemicals classified as Carcinogenic, Mutagenic or Reprotoxic (CMR) under GB Classification, Labelling and Packaging (CLP) Regulations.

7. Objective and rationale, including the nature of urgent problems where applicable: The Toys Regulations and the Cosmetics Regulations both contain technical annexes that establish limits and prohibitions on the use of specified chemicals. The Government has powers to amend the various annexes when certain conditions are met. The objective of the measure is to amend the permitted use of specific chemicals in order to ensure that only toys and cosmetics products that are considered safe can be placed on the GB market. A shorter entry into force period is necessary to avoid potential negative impacts of the use and limits of certain chemicals currently used in some toys and cosmetics. A longer delay is a potential risk to human health.

The measure requires amending the technical annexes of both the toys and cosmetics regulations to either amend the permitted level of use of a specific chemical or prohibit its use. In terms of the rationale, these chemicals can be considered in three categories:

1. Carcinogen Mutagen and Reprotoxic substances (CMRs)- Under the Cosmetics Regulations, Government is implementing a ban or restriction of chemicals that have been classified as CMRs. A set of chemicals have been classified as CMRs under GB CLP regulations. We are intending to amend the Cosmetic Regulations to reflect the CLP classification.

2. Fragrance allergens- Under the Cosmetics Regulations atranol and chloraranol have been prohibited and methyl heptine carbonate is restricted to 0.01 % in cosmetic products. These fragrances are also used in toys including fingerpaints and modelling clay where the exposure routes to the fragrances will be similar to those from cosmetics. In order not to jeopardise the safety or health of users or third parties (including children) we are amending the Toy Regulations to prohibit the use of these chemicals.

3. The Science Advisory Group-Chemical Safety (SAG-CS) reviews – The SAG-CS primary purpose is providing the UK Government with independent scientific advice on chemical risk.

The United Kingdom have considered the recent advice from SAG-CS and used this to inform the decisions to amend the Toys Regulations to reduce the permitted limits of aluminium, aniline and formaldehyde as well as amending the Cosmetics Regulations to permit the use of salicylic acid only in specific instances and prohibiting the use of deoxyarbutin.; Protection of human health or safety

8. Relevant documents:

SAG-CS opinions can be found [using this link](#)

Draft Toys and Cosmetic Products (Restriction of Chemical Substances) Regulations 2022

9. Proposed date of adoption: 15 June 2022

Proposed date of entry into force: 1. SAG review- 15 December 2022

2. CMR and fragrance allergens 15 October 2022

10. Final date for comments: 14 June 2022

11. Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:

UK TBT Enquiry PointTrade Policy Group
Department for International Trade
Old Admiralty Building
London
SW1A 2DY
TBTEnquiriesUK@trade.gov.uk

https://members.wto.org/crnattachments/2022/TBT/GBR/22_2823_00_e.pdf