

Cosmetics & Brexit – Business Guidance

Do you supply cosmetic products to other businesses or direct to consumers in GB?

Do you supply cosmetic products to the NI or EU markets?

Are you up to date with the changes to the law since the end of EU Transition?

There are a number of changes that have occurred since we left the European Union, most of which have a transition period with regards to requirements in the UK. Some of those transitions have passed but there are still some in 2021 and 2022.

Cosmetic products are products that come into contact with external parts of the body or teeth with the view to cleaning, perfuming, changing their appearance, protection and keeping in good condition (for example: hair dye, deodorant, moisturisers, shampoo and make up). They are not medicines, which in the main aim to treat or prevent disease.

New rules for placing cosmetic products onto the GB market

- Currently (prior to placing on the market), cosmetic products are required to have information notified to the European Commission through the Cosmetic Product Notification Portal (CPNP). However, from now on GB businesses no longer have access to the EU notification portal, but have a duty to notify their cosmetic products (that they place on the GB market) onto the new UK Government portal – Submit Cosmetic Product Notification service (SCPN): [Submit a cosmetic product notification - GOV.UK \(www.gov.uk\)](https://www.gov.uk/submit-cosmetic-product-notification) **You have until 31st March 2021 to get products already placed on the GB market uploaded to the SCPN.**
- All **new** cosmetic products being placed on the GB market also need to be notified via this new GB portal (as of **1/1/21**)
- The deadline for ensuring goods are permanently labelled with the UK Name and address of the Responsible Person (RP) is **31/12/22**. Goods for the NI (and EU) market cannot have a GB RP address
- Businesses who bring cosmetic products into GB from an EU Member State, in most cases, become 'importers' where they would previously have been 'distributors'. The importer of a cosmetic product, whether from the EU or another country, becomes a Responsible Person by default, although they may appoint an agent to act as the Responsible Person for them. Find out more here: [Cosmetic Products Enforcement Regulations 2013 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/cosmetic-products-enforcement-regulations-2013)
- **Serious Undesirable Effect (SUE) notifications** – The 'Responsible Person' (RP) has a duty to notify the SoS of any SUE. After 1st Jan 2021 there are some changes to this notification process including the use of new forms and that the RP now notifies directly to the SoS via BEIS instead of via their local authority Trading Standards department. Further details can be obtained here:- [Cosmetic products: reporting SUEs - GOV.UK \(www.gov.uk\)](https://www.gov.uk/cosmetic-products-reporting-sues)

Continuing to supply the NI and /or EU market after 1st Jan 2021

- You will need to have an established address or a formal relationship with an Authorised Representative 'Responsible Person' (RP) in the EU or NI, as a GB address for cosmetic products will not be sufficient for these markets
- You would only need to have one address in the EU or NI (as well as your GB address) even if you trade with various EU countries and NI. However, on 16th July new regulations in the EU come into effect, so this may be reviewed.
- If you already have a distributor in the EU, they may be willing to become the legal Responsible Person in the EU (including NI). Otherwise you will need to setup your own legal entity or engage the services of a specialist Responsible Person business e.g a Freight Forwarder
- You will need to maintain access and continue to upload new products to the EU notification portal – CPNP. This can only be carried out by a business (RP) established in the EU or NI

Please contact **Hertfordshire Trading Standards business advice team** for further advice. Trading Standards Business Advice Hotline – 01707 281401 or by email: tradingstandards@hertfordshire.gov.uk

Guidance can be found at the following links:

<https://www.gov.uk/guidance/placing-manufactured-goods-on-the-eu-market-from-1-january-2021>

<https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-northern-ireland-from-1-january-2021>

[Placing manufactured goods on the market in Great Britain - GOV.UK \(www.gov.uk\)](#)

Cosmetic Products Regulations Guidance – [Cosmetic Products Enforcement Regulations 2013 - GOV.UK \(www.gov.uk\)](#)

GB Notification Portal submission: [Submit a cosmetic product notification - GOV.UK \(www.gov.uk\)](#)

Business Companion Cosmetic Products advice: [Cosmetic products | Business Companion](#)