STATUTORY INSTRUMENTS

2026 No. 109

CONSUMER PROTECTION

The Cosmetic Products Regulation (EC) No 1223/2009 (Restriction of Chemical Substances) (Amendment and Transitional Provisions) (No. 2) Regulations 2026

Made - - - -	*4th February 2026*
Laid before Parliament	*9th February 2026*
Coming into force in accordance with regulation 1(2) and (3)	

The Secretary of State makes these Regulations in exercise of the powers conferred by Articles 31(1)(f), 31(1)(g)(i) and 32(1) of Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products(**a**) ("the Cosmetic Regulation").

In accordance with Article 31(1)(f) of the Cosmetic Regulation, the substances set out in Schedule 1 to these Regulations have been classified as CMR(**b**) substances of category 1B or 2 under Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures(**c**) ("the CLP Regulation").

In accordance with Article 31(1)(g)(i) of the Cosmetic Regulation, hexyl 2-hydroxybenzoate has been classified as a CMR substance of category 2 under the CLP Regulation and the Secretary of State considers there is sufficient scientific evidence that this substance is safe for use in cosmetic products.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Cosmetic Products Regulation (EC) No 1223/2009 (Restriction of Chemical Substances) (Amendment and Transitional Provisions) (No. 2) Regulations 2026.

(2) Subject to paragraph (3), these Regulations come into force on 15th August 2026.

(3) Regulation 2(2) comes into force on 23rd March 2027.

(4) These Regulations extend to England and Wales and Scotland.

(5) In these Regulations "the Cosmetic Regulation" means Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products.

(**a**) EUR 2009/1223; relevant amending instruments are S.I. 2022/659, 2023/836, 2024/455, 2024/1334, 2025/413 and 2026/23.
(**b**) For the definition of "CMR" see Article 2(1)(va) of Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products.
(**c**) EUR 2008/1272, to which there are amendments not relevant to these Regulations.

Amendments to the Cosmetic Regulation

2.—(1) The Cosmetic Regulation is amended as follows.

(2) At the end of the table in Annex 2 (list of substances prohibited in cosmetic products), insert the entries set out in Schedule 1 to these Regulations.

(3) At the end of the table in Annex 3 (list of substances which cosmetic products must not contain except subject to the restrictions laid down), insert the entry set out in Schedule 2 to these Regulations.

Transitional Provisions

3.—(1) Despite the amendment made by regulation 2(2) of these Regulations, a cosmetic product placed on the market before 23rd March 2027 containing any of the substances inserted into Annex 2 to the Cosmetic Regulation by regulation 2(2) may continue to be made available on the market until the end of 22nd September 2027.

(2) Despite the amendment made by regulation 2(3) of these Regulations, a cosmetic product placed on the market before 15th August 2026 containing the substance inserted into Annex 3 to the Cosmetic Regulation by regulation 2(3) may continue to be made available on the market until the end of 14th February 2027.

Kate Dearden
Parliamentary Under-Secretary of State
Department for Business and Trade

4th February 2026

SCHEDULE 1

Regulation 2(2)

Entries to be inserted into Annex 2

“1761	Sodium 3-(allyloxy)-2-hydroxypropanesulphonate	52556-42-0	258-004-5
1762	N,N’-Methylenediacrylamide	110-26-9	203-750-9
1763	Reaction mass of 1,3-dioxan-5-ol and 1,3-dioxolan-4-ylmethanol		
1764	1,4-Dichloro-2-nitrobenzene	89-61-2	201-923-3
1765	Pyraclostrobin (ISO); methyl N-{]2-{[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxymethyl}phenyl[} N-methoxy carbamate	175013-18-0	605-747-1
1766	*Tert*-Butyl 2-ethylperoxyhexanoate	3006-82-4	221-110-7
1767	Fenpropidin (ISO); (R,S)-1-[3-(4-*tert*-butylphenyl)-2-methylpropyl]piperidine	67306-00-7	
1768	2-Ethylhexanoic acid, monoester with propane-1,2-diol	85114-00-7	285-503-5
1769	α,α’-Propylenedinitrilodi-o-cresol	94-91-7	202-374-2
1770	Ozone	10028-15-6	233-069-2
1771	2-Phenylpropene; α-methylstyrene	98-83-9	202-705-0
1772	Silver (nano) [particle diameter > 1 nm ≤ 100 nm] Silver (massive) [particle diameter ≥ 1 mm]	7440-22-4	231-131-3
1773	Dinitrogen oxide	10024-97-2	233-032-0”

SCHEDULE 2

Regulation 2(3)

Entry to be inserted into Annex 3

“325	Hexyl 2-hydroxybenzoate	Hexyl Salicylate	6259-76-3	228-408-6	(a) Fragrance products (spray and non-spray) (b) Rinse-off skin and hair products	(a) (1) 0.1% (products intended for children 0–3 years) (2) 2% (products intended for children		

					(c) Leave-on skin products (except fragrance products, face makeup products, lip products and deodorants (spray and non-spray)) (d) Lip products (e) Deodorant (spray and non-spray) (f) Leave-on hair products (spray and non-spray) (g) Face makeup products (h) Toothpaste and mouthwash (i) Nail products	above 3 years and adults) (b) (1) 0.1% (products intended for children 0–3 years) (2) 0.5% (products intended for children above 3 years and adults) (c) (1) 0.1% (products intended for children 0–3 years) (2) 0.3% (products intended for children above 3 years and adults) (d) (1) 0.1% (products intended for children 0–3 years) (2) 0.3% (products intended for children above 3 years and adults) (e) 0.3% (products intended for children above 3 years and adults) (f) 0.3% (products intended for children above 3 years and adults) (g) 0.3% (products intended for		

						children above 3 years and adults) (h) 0.001% (i) 0.5% (products intended for children above 3 years and adults)"		

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products ("the Cosmetic Regulation") to prohibit or restrict the use of certain substances in cosmetic products.

Regulation 2(2) and Schedule 1 amend Annex 2 to the Cosmetic Regulation (list of substances prohibited in cosmetic products) to add substances that have been classified as category 1B or 2 carcinogenic, mutagenic or toxic for reproduction ("CMR") substances under Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, prohibiting these substances from use in cosmetic products. This amendment applies from 23rd March 2027.

Regulation 2(3) and Schedule 2 amend Annex 3 to the Cosmetic Regulation (list of substances which cosmetic products must not contain except subject to the restrictions laid down) to add hexyl 2-hydroxybenzoate (commonly known as "hexyl salicylate") to restrict its use in cosmetic products, to ensure that different types of cosmetic products contain safe levels of hexyl salicylate in accordance with advice from the Scientific Advisory Group on Chemical Safety of Non-Food and Non-Medicinal Consumer Products. This amendment applies from 15th August 2026.

Regulation 3 sets out the transitional arrangements for cosmetic products containing these substances.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or business sectors is foreseen. An Explanatory Memorandum is published alongside these Regulations on www.legislation.gov.uk.

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