EXPLANATORY MEMORANDUM TO

THE COSMETIC PRODUCTS (RESTRICTION OF CHEMICAL SUBSTANCES) REGULATIONS 2025

2025 No. 413

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Business and Trade and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Justin Madders MP, Parliamentary Under-Secretary of State (Minister for Employment Rights, Competition and Markets) at the Department for Business and Trade confirms that this Explanatory Memorandum meets the required standard.

2.2 Sophie George, Deputy Director for Product Sectors and Metrology Policy, Office for Product Safety and Standards, at the Department for Business and Trade confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Will Burrows at the Department for Business and Trade. Telephone: 07442998687 or email: will.burrows@businessandtrade.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends Regulation (EC) No 1223/2009 on cosmetic products ("the Cosmetics Regulation") to regulate the use of methyl salicylate in different types of cosmetic products in line with the uses found to be safe for human health following scientific assessment.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales and Scotland

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England, Wales, and Scotland.

5. Policy Context

What is being done and why?

5.1 The Government is responsible for ensuring only safe cosmetic products are placed on the market in Great Britain. As such, the Government is responsible for keeping the Cosmetics Regulation up to date and making amendments if scientific evidence suggests substances being used in cosmetic products may be unsafe for human health,

5.2 The Scientific Advisory Group for Chemical Safety in Consumer Products ("SAG-CS") provide the Secretary of State with scientific advice and risk assessment in the

areas of public health and safety. Following the publication of a SAG-CS opinion on methyl salicylate, this instrument amends the Cosmetics Regulation to restrict the use of methyl salicylate to specific concentrations in a number of cosmetic products. The concentrations vary depending on the cosmetic product type and age of the intended user.

5.3 Without these amendments to the Cosmetics Regulation, cosmetic products containing an ingredient that could have public health and safety implications due to the risks it poses to human health may continue to be manufactured.

5.4 This instrument includes transitional arrangements. Cosmetic products containing methyl salicylate that are placed on the market prior to 30th September 2025, may continue to be made available on the market until the end of 31st March 2026. This staggered timeline gives industry time to adapt to comply with the legislative requirements.

5.5 Restrictions on the use of methyl salicylate in cosmetic products are in place in the EU and apply to Northern Ireland under the Windsor Framework. There will be divergence from Northern Ireland principally relating to certain cosmetic products intended for children aged 0.5-1 years.

What was the previous policy, how is this different?

5.6 There is no change of policy. This instrument is being introduced to ensure that cosmetic products placed on the market in Great Britain are safe for human health. The technical amendments to the Cosmetic Regulation reflect the most up-to-date scientific evidence on the safe use of methyl salicylate in cosmetic products.

6. Legislative and Legal Context

How has the law changed?

6.1 The instrument amends the Cosmetics Regulation to regulate the use of methyl salicylate in cosmetic products.

6.2 Prior to the United Kingdom's (UK)'s exit from the European Union (EU), the Cosmetics Regulation was directly applicable EU Law. Under the European Union (Withdrawal) Act 2018, this became retained EU law, with deficiencies corrected by the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. No. 2019/696), and other related instruments, to provide powers for the Secretary of State to update the Cosmetics Regulation, in the same way that the European Commission can with respect to the relevant EU legislation, where there are technical or scientific developments or evidence affecting the assessment of safety of substances in cosmetic products.

6.3 Article 31(1)(g)(i) of the Cosmetics Regulation provides the Secretary of State with power to amend Annexes 3-6 to allow a substance classified as a carcinogenic, mutagenic or toxic for reproduction ("CMR") substance of category 2 under Regulation (EC) No 1272/2008 to be used in cosmetic products where the Secretary of State considers there is sufficient scientific evidence that the substance is safe for use in cosmetic products.

6.4 Methyl salicylate received a mandatory category 2 CMR classification under Article 37 of Regulation (EC) No 1272/2008. Following scientific assessment by SAG-CS, the Secretary of State considers there is sufficient scientific evidence that methyl salicylate is safe for use in cosmetic products subject to certain restrictions. This instrument amends Annex 3 to the Cosmetics Regulation to restrict the use of methyl

salicylate in cosmetic products to ensure that different types of cosmetic products contain safe levels of methyl salicylate in accordance with advice from SAG-CS.

Why was this approach taken to change the law?

6.5 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 A formal consultation was not undertaken given the instrument is limited to making technical amendments to the Cosmetics Regulation in order to reflect scientific assessment of the potential risks to human health of a substance in cosmetic products.

7.2 The Department for Business and Trade has, however, undertaken engagement with stakeholders, including trade associations and key members of the cosmetics industry.

8. Applicable Guidance

8.1 The Office for Product Safety and Standards has published, and regularly updates, a guide on the Cosmetics Regulation on gov.uk to support business, enforcement agencies and consumers[1].

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment not been prepared for this instrument because the impacts are expected to be de minimis with minor administrative costs for business anticipated.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the impact of this instrument is limited to reformulation, labelling and familiarisation costs for businesses associated with adapting to the updated legislation.

9.3 The legislation does not disproportionately impact small or micro businesses.

9.4 No specific action is proposed to minimise the regulatory burdens on small businesses. The legal requirements on the cosmetics industry do not differentiate between businesses in terms of their size and are dependent on the type and nature of products being manufactured and placed on the market. Therefore, we are unable to take any mitigating actions to reduce burdens on small businesses.

9.5 There is no, or no significant, impact on the public sector because the impact of this instrument is limited to businesses in the cosmetics industry.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach is not to monitor this legislation.

10.2 This instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Justin Madders MP has made the following statement:

[1] https://www.gov.uk/government/publications/cosmetic-products-enforcement-regulations-2013

"A review would not be appropriate, given the technical nature of the amendments. However, to ensure that cosmetic products placed on the market in Great Britain are safe, the government keeps the regulatory framework under constant review, including the use of specific chemicals in particular products."

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Parliamentary Under-Secretary of State (Minister for Employment Rights, Competition and Markets) at the Department for Business and Trade has made the following statement regarding Human Rights:

"In my view the provisions of the Cosmetic Products (Restriction of Chemical Substances) Regulations 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").