

Regulatory Impact Assessment

Amendment to The Cosmetic Products (Safety) Regulations 2005

Proposal

To transpose Commission Directive 2005/9/EC into UK Law.

Purpose and intended effect of measure

Objective

The primary aim of the Cosmetic Products (Safety) Regulations is to protect public health by requiring cosmetic products to meet the provisions of the Regulations, including restricting the use of certain cosmetic ingredients. The Directive adds one approved UV filter to the list of approved UV filters in Schedule 7, Part 1 of the Regulations.

Risk Assessment

Options

Option (i): to fully implement the provisions of the proposed Directive, if adopted.

Option (ii): to request industry to adopt voluntary measures

Option (iii): to do nothing

Option (i) is the recommended option. The proposed Directive is consistent with UK policy and practice on these issues. It guarantees a high level of consumer safety, scheduling the availability of the additional UV filter.

Option (ii) under the Cosmetics Directive, UV filters have to be approved by the Scientific Committee and listed in a positive schedule. Voluntary measures would not guarantee knowledge of the availability of the ingredient.

Option (iii) would not make the information available. This could possibly restrict manufacturers and limit consumer choice.

Benefits

Economic

The Directive increases choice of UV filters available to manufacturers and to consumers. This should promote further innovation in the development of sun-care products.

Environmental

No specific benefits to the environment have been identified

Social

The Directive, if adopted, will increase the choice of UV filters available to consumers

Costs

The decision by manufacturers to use the newly available UV filter is discretionary. Any additional cost would only be for manufacturers choosing to use it. There would be no additional costs for consumers.

Equity & Fairness

The overriding consideration of the Directive is the safety of consumers. The Directive will impact equally across the particular sectors of industry affected and will be implemented in all Member States.

Consultation with small business: the Small Firms Impact Test

On the advice of the Small Business Service, stage one of the Small Firms Impact Test was carried out by contacting small businesses and the industry trade association. We were unable to identify any disproportionate impact on small firms as a result of this proposal. Nevertheless if, during the proposed consultation we identify impacts or unintended consequences of the proposal on small firms, further work to assess this impact will be undertaken and the position reviewed

Competition Assessment

Stage One of the Competition Assessment was undertaken. When applying the Competition Assessment filter, the results indicated that, as the proposed Directive would not introduce any restrictions, it is unlikely to have the effect of distorting or removing competition in the market. The Directive, if adopted, would not serve as a barrier to entry for potential entrants nor impose substantially more cost on some firms than others.

Enforcement & Sanctions

The Cosmetic Products (Safety) Regulations, of which this Amendment will form a part, are enforced by local authorities trading standards departments.

Consultation

Within Government

The relevant interested department: the Department of Health was consulted about these proposals during the consultation exercise.

Public Consultation

DTI conducted a full consultation for the implementation of the Cosmetic Product (Safety) Regulations 2004. An Initial Regulatory Impact Assessment has not identified any implementation costs or potential unintended consequences. Therefore, in line with the Cabinet Office Code of Practice on Consultation, DTI has decided to use its discretion and hold an informal consultation with key interested parties rather than conduct a formal written consultation exercise on this Amendment to the Cosmetics Regulations

Summary & Recommendation

Our recommendation is that the option chosen offers the best level of public health protection by increasing the range of UV filters available to manufacturers of sun-care products.

Our legal obligations under the Treaty of Rome compel us to implement this Directive into UK law.

Declaration:

I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.

Signed by the Minister responsible

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**(Parliamentary Under-Secretary of State for Employment Relations,
Competition and Consumers)**

Date

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