

UK INTERPRETATIONS GROUP

The BTHA's interpretations group consisting of BTHA members, test laboratories, manufacturers, importers and retailers has agreed upon the following interpretation.

Interpretation no.	130
Date of submission	10 th September 2019
Standard/Directive	EN 71-13: 2014
Clause No	4.2.2
Clause Title	Substances and Mixtures

Question

Can the requirement in 4.2.2 of EN 71-13 that requires that all cosmetic kits shall only contains components that are cosmetics themselves be 'overruled' by the information in the annex A6 that refers to the fact that some substances which are not cosmetics should be labelled according to CLP 1272:2008?

4.2.2 Substances and mixtures

NOTE 1 With regard to the following requirements it is important to consider Regulation No:1272/2008 EC [16].

Cosmetic kits shall contain only components which are cosmetic products.

A.6 Explanations of Regulations relevant to this European Standard

Some substances and mixtures used in olfactory board games and cosmetic kits which are not food ingredients or cosmetic products, should be classified and labelled in accordance with Regulation (EC) No. 1272/2008 [16].

The precautionary classifications and labelling requirements should be reasonable for educational purposes and should ensure harmonized labelling and safety requirements.

It is understood that there is a revision of this standard underway to clarify the wording of the standard to make the requirement that ingredients should be safe for us as cosmetics, rather than actual cosmetics themselves but until that is in place, can the statement in the annex be used to justify an interpretation of the wording in the main requirements?

Interpretations Group Answer /Action

It is the understanding of this committee that the requirement intends to ensure all ingredients are permitted for cosmetic use according to the Cosmetic Product Regulations (CPR) and that the finished products are compliant with the CPR, but this "repetition of legislative requirements" cannot be included in a standard. Therefore, we interpret the requirement to mean

"All ingredients must be permitted for use in cosmetic products according to The Cosmetic Products Regulation, No. 1223/2009 and all finished products must also comply with the same regulation, when mixed according to the manufacturer's instructions and taking into account the foreseeable behaviour of children"

Although not directly addressing the use of raw ingredients, this committee notes that ensuring that the ingredients and finished products are subject to the Cosmetic Product Safety Assessment of article 10 of the CPR, is the best way of ensuring the safety of cosmetic kits.