



STATUTORY INSTRUMENTS.

**S.I. No. 440 of 2010**

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EUROPEAN COMMUNITIES (COSMETIC PRODUCTS)  
(AMENDMENT) (NO. 3) REGULATIONS 2010

**(Prn. A10/1339)**

EUROPEAN COMMUNITIES (COSMETIC PRODUCTS)  
(AMENDMENT) (NO. 3) REGULATIONS 2010

I, MARY HARNEY, Minister for Health and Children, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Council Directive 76/768/EEC of 27 July 1976<sup>1</sup> (as amended) on the approximation of the laws of the Member States relating to cosmetic products and to Article 10 of Commission Directive 95/17/EC of 19 June 1995<sup>2</sup> laying down detailed rules for the application of Council Directive 76/768/EEC as regards the non-inclusion of one or more ingredients on the list used for the labelling of cosmetic products, hereby make the following regulations:

*Citation*

1. These Regulations may be cited as the European Communities (Cosmetic Products) (Amendment) (No. 3) Regulations 2010.

*Commencement*

2. These Regulations shall come into operation on 1st October 2010.

*Construction and collective citation*

3. (1) These Regulations shall be construed together as one with the European Communities (Cosmetic Products) Regulations 2004 to 2010.

(2) The collective citation “the European Communities (Cosmetic Products) Regulations 2004 to 2010” shall include these Regulations.

*Definition*

4. In these Regulations, “Principal Regulations” means the European Communities (Cosmetic Products) Regulations 2004 (S.I. No. 870 of 2004).

*Amendment of Regulation 4 of Principal Regulations*

5. Regulation 4(1) of the Principal Regulations is amended by deleting the definition of “Minister”.

*Amendment of Regulation 5 of Principal Regulations*

6. Regulation 5 of the Principal Regulations is amended by substituting “The Irish Medicines Board shall be the competent authority” for “The Minister shall be the competent authority”.

*Amendment of Regulation 19 of Principal Regulations*

7. Regulation 19(1) of the Principal Regulations is amended by deleting subparagraph (a).

<sup>1</sup>OJ L262, 27.09.1976, p.169

<sup>2</sup>OJ L14, 23.06.1995, p.26

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 17th September, 2010.*

*Amendment of Regulation 21 of Principal Regulations*

8. Regulation 21 of the Principal Regulations is amended by substituting “prosecuted by” for “prosecuted by the Minister.”.

*Amendment of Schedule 10 to Principal Regulations*

9. Schedule 10 to the Principal Regulations is amended, in Part 2, in paragraph 1, by substituting “competent authority” for “Minister”.

*Transitional and savings provisions*

10. (1) In this Regulation—

“relevant date” means 1 October 2010;

“relevant functions” means the Minister’s functions as the competent authority referred to in Regulation 5 of the Principal Regulations as in force before the relevant date;

“Minister” means the Minister for Health and Children.

(2) Anything commenced but not completed before the relevant date by or under the authority of the Minister may, in so far as it relates to the performance of the relevant functions, be carried on or completed by the Irish Medicines Board.

(3) Every document (including any certificate) granted or made, and every register (if any) established, in the performance of the relevant functions before the relevant date shall, if and in so far as it was operative immediately before the relevant date, have effect on and after that date as if it had been granted or made, or established, as the case may be, by the Irish Medicines Board.

(4) Where, immediately before the relevant date, any legal proceedings are pending to which the Minister is a party wholly or partly in consequence of the performance of the relevant functions, then the name of the Irish Medicines Board shall, in so far as the Minister is such a party wholly or partly in consequence of the performance of the relevant functions, be substituted in the proceedings for that of the Minister or added in the proceedings, as may be appropriate, and the proceedings shall not abate by reason of such substitution.



GIVEN under my Official Seal,  
13 September 2010.

MARY HARNEY,  
Minister for Health and Children.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations amend the European Communities (Cosmetic Products) Regulations 2004 to 2010. The effect of these Regulations is the replacement of the Minister for Health and Children by the Irish Medicines Board as the National Competent Authority for cosmetic products. These Regulations may be cited as the European Communities (Cosmetic Products) (Amendment) (No. 3) Regulations 2010.

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