

BERR

Department for Business
Enterprise & Regulatory Reform

**THE COSMETIC PRODUCTS
(SAFETY) (AMENDMENT)
REGULATIONS 2008**

**Consultation on
proposals to implement an
EC Directive amending
the Cosmetic Products
(Safety) Regulations 2008**

JUNE 2008

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Annex A: Draft Cosmetic Product (Safety) (Amendment)
Regulations 2008

Annex B: Commission Directive 2008/14/EC

Annex C: Code of Practice

1. Executive Summary

The proposed Cosmetic Products (Safety) (Amendment) Regulations 2008 will implement an EC technical Directive on the safety of cosmetics. The Regulations will be introduced using powers in the Consumer Protection Act 1987 and will amend the Cosmetic Products (Safety) Regulations 2008.

The technical Directive originates from an opinion of the Scientific Committee on Consumer Products, and will implement Commission Directive 2008/14/EC (OJ No. L 042 of 16.2.2008 pages 43-44).

The directive sets a safe limit on the level of glyoxal which may remain as a trace element in cosmetics. Glyoxal is an intermediary substance which might be used in the preparation of a range of other substances, but would not be added to cosmetic products in its own right. Essentially the Directive clarifies the limits for the presence of glyoxal as a trace substance only. Manufacturers who use glyoxal as an intermediary substance will have to ensure they respect this limit of 100ppm.

Full details are in the “proposal” section below.

How to Respond?

The Department for Business, Enterprise and Regulatory Reform invites comments on the draft Regulations, but not on the Directive itself.

When responding please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Responses to this consultation and supporting evidence must be received by **11 August 2008**. You are invited to send comments, or address any questions about the issues discussed, preferably by e-mail to:

Tony Eden-Brown
Department for Business, Enterprise & Regulatory Reform
Consumer and Competition Policy Directorate
Room 428
1 Victoria Street
London SW1H 0ET
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Additional Copies

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Printed copies of this consultation document may be obtained by post from:

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Electronic versions may be viewed on the BERR website at:

<http://www.berr.gov.uk/consultations/index.html>,

Confidentiality and Data Protection

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system, or included as a general statement in your fax cover sheet, will not, of itself, be regarded as binding on the Department and will be taken to apply therefore only to information in your response for which confidentiality has been requested.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Help with Queries

If you have comments or complaints about the way this consultation has been conducted, these should be sent to:

Vanessa Singhateh
Consultation Coordinator
Better Regulation team
Department for Business, Enterprise and Regulatory Reform
1 Victoria Street
London SW1H 0ET
☎ 020 7215 0346
Email: Vanessa.Singhateh@berr.gsi.gov.uk

Consultation

A copy of the Government's Code of Practice on Consultations is at Annex C and may be viewed at the following website address:

<http://bre.berr.gov.uk/regulation>

Additional Consultees

Please tell us if you know of others who would be interested in receiving this consultation. It is also available by request from the address listed above and on the BERR website at: www.berr.gov.uk

What happens next?

We intend for the Regulations to be laid before Parliament before 16 August after the consultation has closed.

Consultation questions

The following are general questions for consultees:

- i.** Do consultees, particularly those whose trade includes the manufacture, importation or sale of cosmetics, believe that this proposed amendment to the Regulations will affect their business?
- ii.** Are there any consequences of these Regulations, which we have not anticipated?
- iii.** Will the changes brought about by the new Directives have a significant impact on competition or profitability?
- iv.** If you are a small or medium sized enterprise, what costs or other burdens are associated with the changes to the Regulations?
- v.** Do you consider this consultation exercise to be an effective means of disseminating information to those affected by the changes? How else could BERR ensure these Regulations are implemented effectively?
- vi.** What would be the result if these proposals are not implemented?

All comments in relation to the proposed Regulations and the proposed Impact Assessment are most welcome.

2. Proposals

The main objective of introducing the amendment to the Cosmetic Products (Safety) Regulations 2008 is to implement a technical Directive, which amends Council Directive 76/768/EEC, the base Directive, on the safety of cosmetic products.

A copy of the amending Directive can be found at the back of this document, Directive 2008/14/EC (OJ No. L 042 of 16.2.2008 pages 43-44).

The aim of the Directive and the implementing Regulations is to protect public health in the Member States by requiring cosmetic products to meet the provisions of the Directive, including restricting the use of certain cosmetic ingredients, and to harmonise the market for cosmetic products.

Member States are required to take all necessary measures to ensure that cosmetic products may only be placed on the market subject to conditions specified in the Directives.

The Scientific Committee on Cosmetic Products and Non-Food Products intended for Consumers (SCCNFP) stated in its opinion of 25 September 2001 that substances classified pursuant to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances as carcinogenic (except substances only carcinogenic by inhalation), mutagenic or toxic for reproduction, of category 1 or 2, and substances with similar potential, must not be intentionally added to cosmetic products, and that substances classified pursuant to Directive 67/548/EEC as carcinogenic, mutagenic or toxic for reproduction, of category 3, and substances with similar potential, must not be intentionally added to cosmetic products unless it can be demonstrated that their levels do not pose a threat to the health of the consumer.

Following an Opinion by the SCCP the Regulations would implement Commission Directive 2008/14/EC (OJ No. L 042 of 16.2.2008 pages 43-44). The SCCP considered that glyoxal, although a category 3 CMR (carcinogenic, mutagenic or toxic to reproduction), was safe to include in products as long as it was in a concentration of no more than 100 parts per million, (0.01%). The provisions apply to all goods placed on the market from 16 November 2008 and all non-compliant products must not be sold or disposed of to the final consumer after 16 February 2009.

Summary: Intervention & Options

Department /Agency: Department for Business, Enterprise & Regulatory Reform	Title: Impact Assessment of the Cosmetic Products (Safety) (Amendment) Regulations 2008	
Stage: Consultation	Version:	Date: 27 June 2008
Related Publications: (OJ No. L 042 of 16.2.2008 pages 43-44).		

Available to view or download at:

<http://www.berr.gov.uk/consultations/open-consultations/index.html>

Contact for enquiries: Tony Eden-Brown

Telephone: 020 7215 0360

What is the problem under consideration? Why is government intervention necessary?

The Commission Directive 2008/14/EC, following the advice of the Scientific Committee on Consumer Products (SCCP), clarifies the limit for the presence of glyoxal as a trace substance only. The Government needs to transpose this Directive into UK law to ensure that consumers are not exposed to a higher level of glyoxal which is suspected to be a mutagenic substance. Government intervention is necessary, as consumers do not appreciate the potential health risks of the products, leading to a market failure due to information asymmetry.

What are the policy objectives and the intended effects?

The measures overall conform to UK policy on consumer safety to protect public health. The new technical amendment will contribute to consumer safety (detailed on the assessment sheets below) and should have a positive effect on health, although marginal.

What policy options have been considered? Please justify any preferred option.

- (i)- to implement the directives in full
- (ii)- to do nothing

There is nothing to justify non implementation of the Directive in full. Exporters would need to fulfil the obligations anyway, and UK consumers might be exposed to a potentially mutagenic substance, which they should not. The Commission would also take infraction proceedings against the UK.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? The overall Regulations will be reviewed when the European Regulation (which is a recast of the existing Directive) comes into force in around 3 years.

Ministerial Sign-off For consultation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

.....Date:

Summary: Analysis & Evidence

Policy Option: (i)	Description: full implementation
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups' The requirement is intended to ensure there are no significant levels of glyoxal left in a cosmetic after manufacture. The only foreseeable costs would be in quality control measures which should already be in place.		
	One-off (Transition) Yrs			
	£ 0			
	Average Annual Cost (excluding one-off)			
	£ 0	Total Cost (PV)	£ 0	
Other key non-monetised costs by 'main affected groups'				

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups'		
	One-off Yrs			
	£ 0			
	Average Annual Benefit (excluding one-off)			
	£ 0	Total Benefit (PV)	£ 0	
Other key non-monetised benefits by 'main affected groups' There will be a marginal positive impact on public health over time. Companies will also benefit marginally from the continuing equality of market requirements across the EEA.				

Key Assumptions/Sensitivities/Risks That the substance is not present in existing products manufactured or imported into the UK.

Price Base Year	Time Period Years	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £ 0
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What is the geographic coverage of the policy/option?	UK			
On what date will the policy be implemented?	16/11/2008			
Which organisation(s) will enforce the policy?	Trading Standards			
What is the total annual cost of enforcement for these organisations?	£ N/A			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	No			
What is the value of the proposed offsetting measure per year?	£ -			
What is the value of changes in greenhouse gas emissions?	£ -			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro 0	Small 0	Medium 0	Large 0
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of	£ 0	Decrease of	£ 0
Net Impact			£ 0

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

EVIDENCE BASE

Overview

The Scientific Committee on Cosmetic Products and Non-Food Products intended for Consumers (SCCNFP) stated in its opinion of 25 September 2001 that substances classified pursuant to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances as carcinogenic (except substances only carcinogenic by inhalation), mutagenic or toxic for reproduction, of category 1 or 2, and substances with similar potential, must not be intentionally added to cosmetic products, and that substances classified pursuant to Directive 67/548/EEC as carcinogenic, mutagenic or toxic for reproduction, of category 3, and substances with similar potential, must not be intentionally added to cosmetic products unless it can be demonstrated that their levels do not pose a threat to the health of the consumer.

Following an Opinion by the SCCP the Regulations would implement Commission Directive 2008/14/EC (OJ No. L 042 of 16.2.2008 pages 43-44). The SCCP considered that glyoxal, although a category 3 CMR (carcinogenic, mutagenic or toxic to reproduction), was safe to include in products as long as it was in a concentration of no more than 100 parts per million. The provisions apply to all goods placed on the market from 16 November 2008 and all non-compliant products must not be sold or disposed of to the final consumer after 16 February 2009.

Glyoxal is an intermediary substance which might be used in the preparation of a range of other substances, but would not be added in its own right. Essentially the Directive clarifies the limits for the presence of glyoxal as a trace substance only. Manufacturers who use glyoxal as an intermediary substance will have to ensure they respect this limit. However it is unlikely that it is widely used in the first place.

Any costs will be very limited and are not likely to attract high levels of political or media interest.

The Cosmetic Products (Safety) Regulations 2008, the overriding Regulation to which this technical change amends lists some thousands of substances which may not be used in cosmetics and sets limits for many others. Technical changes are frequent as the SCCP continues to evaluate substances over which there are concerns.

Policy Options

The new amendments arise from opinions of the SCCP, and are solely technical in nature. The Directives are consistent with UK policy and practice on these issues. They guarantee a high level of consumer safety by restricting the use of certain ingredients, and allow conformity to market harmonisation objectives.

There are two options:

1. To fully implement the Directives, which would allow enforcement agencies (Trading Standards) to remove potentially dangerous products from the market, and ensure that products on the market

are as safe as scientific knowledge allows, whilst harmonising the internal market for such products.

2. Do nothing. As glyoxal is not allowed within the current Directive it should not be present in products at the moment. The do nothing option would leave a grey area of uncertainty which this Directive addresses. It would also lead to infraction proceedings by the Commission.

Benefits and Costs of Options

(i)- to fully implement the provisions of the Directives

Benefits

Impact on consumers

The overriding consideration of the Directive is the safety of consumers, and these amendments will improve consumer protection. The Directive will impact equally across the particular sectors of industry affected and will be implemented in all Member States. Consumers will have a marginally safer choice of product.

Impact on producers

It is important to stress at the onset that it was difficult to quantify the costs on producers of implementing this proposals due to non-availability of data. The only foreseeable costs would be in quality control measures which should already be in place. There will be some marginal benefit to manufacturers in being sure that their products can be sold without problems throughout the EEA.

Costs

Impact on producers

Glyoxal is classified as a CMR and is therefore prohibited as an ingredient in a cosmetic, however, its use as an intermediate chemical and complete reaction during the manufacturing stage should mean there is no glyoxal remaining in the cosmetic. To ensure the public is protected from any unreacted glyoxal in a cosmetic product, a prescribed residual safe level of 100 mg/kg has been set. This should not require the reformulation of any products and, in any case, manufacturers should already be monitoring cosmetic products using glyoxal as an intermediate chemical to ensure no glyoxal is present as part of their quality control processes.

Impact on the public sector

The Cosmetic Products (Safety) Regulations 2008 are enforced by local authorities' trading standards departments. It is the responsibility of the manufacturers of cosmetic products made in the EU or importers of finished cosmetic products to ensure that products comply with the Regulations. Trading Standards will have to enforce these additional requirements which are marginal in terms of the total list of banned product components. There are no reasons to believe these additions to the Regulations will have any substantive impact on their enforcement burdens.

Impact on distributors and retailers

The distribution chain would have to dispose of products containing a higher level of glyoxal than 100ppm. However there should be no impact given that there should not be any such products on the market in the first place.

(ii)- to do nothing

Costs

Impact on producers

Many manufacturers would have to conform to the new Directives in order to export to the rest of the EU, so the vast majority of costs would still exist for them.

Impact on the public sector

The Commission would take infraction proceedings against the UK Government, and Trading Standards would have more difficulty in proving a product containing a higher level of glyoxal than 100ppm should be taken off the market.

Impact on distributors and retailers

Distributors and retailers would find themselves in a grey area of legal uncertainty regarding the appropriate levels of glyoxal, which this Directive addresses.

Identifying the extent to which the Regulations interact with other legislative provisions

Two legislative provisions are relevant:

- The General Product Safety Regulations 2005 (GPSR) set the general safety requirement of a product by requiring that no producer may place, offer to place on the market, supply, agree to supply, expose or possess a product for supply if the product is intended for use by consumers unless the product is safe in normal and foreseeable use. Specifically, the GPSR place certain obligations on producers and distributors, including a requirement to provide adequate warnings and instructions for use, and to notify local authorities when they become aware that a product placed on the market/supplied presents a risk to consumers.
- Consumer Protection Act 1987 (the “CPA”): This provides the legal basis for much of the consumer safety legislation introduced in the UK, including the Regulations. Infringement of the Regulations would attract enforcement action either under the CPA or under the GPSR, depending on the circumstances.

Identifying the unique aspects of the Regulations

The Cosmetic Products (Safety) Regulations 2008 specifically ban or limit substances which may be used in cosmetics and set out the steps and requirements manufacturers and importers must meet to place products on the market.

Impact on competition

The Directive will apply in all Member States of the EU and the countries that are members of the EEA, and affects all cosmetic products placed on the market in the EEA.

Given the particular nature of their usage, one of the purposes of the consultation is to establish further information about the scale of the impact of the Directive on the costs to manufacturers of these products.

Impact on small firms

No costs are being imposed on small firms. Given that a product must meet the requirements of the Directive to be placed on the market, there is no way to offer small firms a derogation from having to meet the full requirements of the Cosmetic (Safety) Regulations 2008, including this amendment. However, there are no reasons to believe there will be any impact on small firms, because nobody should currently be producing products containing glyoxal.

Gender, Race, Disability

After initial screening as to the potential impact of this policy/regulation on race, disability and gender equality it has been decided that there will not be a major impact upon minority groups in terms of numbers affected or the seriousness of the likely impact, or both.

Consultation within Government

The relevant interested department, the Department of Health, and the Health and Safety Commission will be consulted about these proposals during the consultation exercise.

Public consultation

This is an EU Directive and there is a requirement to adopt the amendment by 16 August 2008. Therefore, the Government proposes to conduct a six week consultation. So far, we have been consulting informally with the key stakeholders and they are aware that this Directive was on the way. We are aware that most will have already taken steps to comply if necessary.

Key stakeholders such as the Cosmetics, Toiletries and Perfumery Association, and those who have responded to consultations to previous amendments to the Cosmetic Regulations will be contacted directly. The consultation will be published on the BERR website.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	Yes	No
Disability Equality	Yes	No
Gender Equality	Yes	No
Human Rights	No	No
Rural Proofing	No	No

Annexes

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SCHEDULE

Regulation 2(3)

<i>Reference number</i>	<i>Substance</i>	<i>Restrictions</i>			<i>Conditions of use and warnings which must be printed on the label</i>
		<i>Field of application and/or use</i>	<i>Maximum authorised concentration in the finished product</i>	<i>Other limitations and requirements</i>	
<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	<i>e</i>	<i>f</i>
102	Glyoxal (INCI) (CAS No 107-22-2)		0.01%		

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Cosmetic Products (Safety) Regulations 2008 (S.I. 2008/1284) (“the Principal Regulations”) to give effect to Commission Directive 2008/14/EC (O.J. No. L42, 16.2.08, p.43) (“the Directive”). The Directive amends Council Directive 76/768/EEC (O.J. L262, 27.9.76, p.169) on the approximation of the laws of the Member States on cosmetic products. Council Directive 76/768/EEC (as previously amended) which has been implemented by the Principal Regulations.

Regulation 2(3) amends Schedule 4 to the Principal Regulations (substances subject to restrictions and conditions) to include an entry for glyoxal. Products which fail to comply with this amendment may not sold or otherwise disposed of to a final consumer after 16 February 2009.

A regulatory impact assessment of the effect that these Regulations will have on costs to businesses is available from the Consumer and Competition Policy Directorate of the Department for Business, Enterprise and Regulatory Reform, 1 Victoria Street, London SW1H 0ET and on the BERR website (www.berr.gov.uk). Copies of a transposition note relating to these Regulations have been placed in the libraries of both Houses of Parliament. Copies are also available to the public from the Consumer and Competition Policy Directorate of the Department for Business, Enterprise and Regulatory Reform, 1 Victoria Street, London SW1H 0ET.

Commission Directive 2008/14/EC of 15 February 2008 amending Council Directive 76/768/EEC, concerning cosmetic products, for the purpose of adapting Annex III thereto to technical progress Text with EEA relevance

Official Journal L 042 , 16/02/2008 P. 0043 - 0044

Commission Directive 2008/14/EC

of 15 February 2008

amending Council Directive 76/768/EEC, concerning cosmetic products, for the purpose of adapting Annex III thereto to technical progress

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products [1], and in particular Article 8(2) thereof,

Whereas:

(1) Directive 76/768/EEC prohibits the use in cosmetic products of substances classified as carcinogenic, mutagenic or toxic for reproduction (hereinafter CMR), of category 1, 2 and 3, under Annex I to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances [2]. However, the use of substances classified in category 3 pursuant to Directive 67/548/EEC may be allowed subject to evaluation and approval by the Scientific Committee on Consumer Products (SCCP).

(2) In so far as the SCCP considers that glyoxal, a substance classified as CMR of category 3 under Annex I to Directive 67/548/EEC represents a negligible risk when present up to 100 ppm in cosmetic products, Annex III to Directive 76/768/EEC needs to be amended accordingly.

(3) Directive 76/768/EEC should therefore be amended accordingly.

(4) In order to ensure a smooth progression from the existing formulae of cosmetic products to formulae which comply with the requirements laid down in this Directive, it is necessary to provide for appropriate transitional periods.

(5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Part 1 of Annex III to Directive 76/768/EEC is amended in accordance with the Annex to this Directive.

Article 2

Member States shall take all necessary measures to ensure that products which fail to comply with this Directive are not sold or disposed of to the final consumer after 16 February 2009.

Article 3

1. Member States shall adopt and publish, by 16 August 2008 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of

those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 16 November 2008.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4

This Directive shall enter into force on the 20th day following its publication in the Official Journal of the European Union.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 15 February 2008.

For the Commission

Günter Verheugen

Vice-President

[1] OJ L 262, 27.9.1976, p. 169. Directive as last amended by Commission Directive 2007/67/EC (OJ L 305, 23.11.2007, p. 22).

[2] OJ 196, 16.8.1967, p. 1. Directive as last amended by Directive 2006/121/EC of the European Parliament and of the Council (OJ L 396, 30.12.2006, p. 850), as corrected by OJ L 136, 29.5.2007, p. 281.

ANNEX

In Part 1 of Annex III to Directive 76/768/EEC the following entry for glyoxal is added:

Reference number | Substance | Restrictions | Conditions of use and warnings which must be printed on the label |

Field of application and/or use | Maximum authorised concentration in the finished cosmetic product | Other limitations and requirements |

a | b | c | d | e | f |

"102 | Glyoxal Glyoxal (INCI) CAS No 107-22-2 EINECS No 203-474-9 | | 100 mg/kg" | | |

Annex C

Code of Practice on Consultations

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.