



5 February 2018

(18-0790)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>UNITED KINGDOM</u> If applicable, name of local government involved (Article 3.2 and 7.2): The Scottish Government
2. Agency responsible: Marine Litter Team Marine Scotland Scottish Government Area 1A South Victoria Quay Edinburgh EH6 6QQ Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: UK TBT Enquiry Point Trade Policy Group Department of International Trade 3 Whitehall Place London SW1A 2AW TBTUK_EP@trade.gsi.gov.uk
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Rinse off personal care products containing microbeads
5. Title, number of pages and language(s) of the notified document: The Environmental Protection (Microbeads) (Scotland) Regulations 2018 (5 page(s), in English)
6. Description of content: The draft regulations prohibit the use of microbeads as an ingredient in the manufacture of rinse-off personal care products and the sale of any such products containing microbeads. In the draft regulations: "microbead" means any water-insoluble solid plastic particle of less than or equal to 5mm in any dimension; and "rinse-off personal care product" means any substance, or mixture of substances, manufactured for the purpose of being applied to any relevant human body part in the course of any personal care treatment, by an application which entails at its completion the prompt and specific removal of the product (or any residue of the product) by washing or rinsing with water, rather than leaving it to wear off or wash off, or be absorbed or shed, in the course of time; and for this purpose: (a) a "personal care treatment" means any process of cleaning, protecting or perfuming a relevant human body part, maintaining or restoring its condition or changing its appearance; and

	<p>(b) a "relevant human body part" is—</p> <ul style="list-style-type: none"> (i) any external part of the human body (any part of the epidermis, hair system, nails or lips); (ii) the teeth; or (iii) mucous membranes of the oral cavity.] <p>Enforcement officers have powers of entry to carry out the necessary investigations in order to determine whether an offence has been committed.</p> <p>Breach of a prohibition is an offence, and a person guilty of an offence is liable</p> <ul style="list-style-type: none"> a) on summary conviction to a fine not exceeding £5000; b) on conviction on indictment, to a term of imprisonment not exceeding 2 years or a fine not exceeding £5,000 or both <p>The draft regulations apply to Scotland only.</p>
7.	<p>Objective and rationale, including the nature of urgent problems where applicable: We are proposing to introduce legislation to ban the manufacture and sale of "rinse-off" personal care products containing microbeads on the grounds that they cause harm to living species in the marine environment.</p> <p>Up to 680 tonnes of plastic microbeads are used in cosmetic products sold in the UK every year resulting in billions of tiny beads entering our seas annually. These microbeads do not biodegrade and accumulate in the marine environment because, once released in to the environment it is impossible to recover them. Although the precise scale of the impact from microbeads is unknown, there is evidence that microbeads can be ingested by marine animals which reduces their capacity to digest food and reproduce.</p> <p>Some businesses have already taken voluntary actions but others still continue to use microbeads. Engagement with the UK cosmetics industry indicates that more than 72% of major companies will have ceased to sell cosmetic products containing microbeads by 2017. In the cosmetics industry, there are suitable, economically feasible alternatives. Microbeads in cosmetics are therefore an avoidable source of marine pollution that should be minimised in keeping with scientific advice.</p> <p>A ban of this kind would help prevent further marine environment damage and address public concerns relating to marine environment impacts arising from such products.</p>
8.	<p>Relevant documents: The Draft Environmental Protection (Microbeads) (Scotland) Regulations 2018.</p>
9.	<p>Proposed date of adoption: To be determined</p> <p>Proposed date of entry into force: To be determined, however we anticipate an introduction of the ban on manufacture and sale of microbeads in rinse-off personal care products of 19 June 2018.</p>
10.	<p>Final date for comments: 90 days from notification</p>
11.	<p>Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>https://members.wto.org/crnattachments/2018/TBT/GBR/18_0680_00_e.pdf</p>