



14 May 2018

(18-2881)

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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): Northern Ireland, United Kingdom
2. Agency responsible: Department of Agriculture, Environment and Rural Affairs Marine and Fisheries Division Klondyke Building Gasworks Business Park Belfast BT7 2JA Email: MarineStrategy@daera-ni.gov.uk Tel.: 02890 569268 Website: www.daera-ni.gov.uk 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 for International Trade 3 Whitehall Place London SW1A 2AW TBTUK_EP@trade.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): Cosmetics and Personal Care Products
5. Title, number of pages and language(s) of the notified document: The Environmental Protection (Microbeads) (Northern Ireland) Regulations 2018
6. Description of content: The draft regulations prohibit the use of plastic 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

(b) a "relevant human body part" is —

(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.

Breach of the prohibition is an offence.

Enforcement officers have powers of entry to carry out the necessary investigations in order to determine whether an offence has been committed.

The draft regulations apply to Northern Ireland, however, the UK administrations have developed this legislation collaboratively to ensure the definition of the ban is consistent. The difference between Northern Ireland and England and Wales is in the enforcement regime. Civil sanctions will not apply in Northern Ireland. England have completed a separate notification for Regulations applicable to England (ref: G/TBT/N/GBR/28). The Devolved Administrations of Scotland and Wales have also committed to introducing a ban on microbeads and have separate notifications on 1 February 2018 and 29 January 2018 respectively.

7. Objective and rationale, including the nature of urgent problems where applicable: Protection of animal or plant life or health; Protection of the environment;

We are proposing to introduce legislation to ban the manufacture and sale of "rinse-off" cosmetics and personal care products containing microbeads on the grounds that they cause harm to living species in the marine environment.

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 impacts from microbeads is unknown, there is evidence that microbeads can be ingested by marine animals which reduces their capacity to digest food and reproduce.

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 which should be minimised in keeping with scientific advice.

There are no manufacturers of rinse off cosmetics using microbeads in Northern Ireland that we are aware of so it is our intention to have both bans coming into force at the same time. The overall objective is that the ban on microbeads will eventually apply across the UK. It is the intention of the Department of Agriculture, Environment and Rural Affairs that the ban will come into force in Northern Ireland in the autumn of 2018.

The purpose of the ban is to protect animal and plant life and health and also to protect the marine environment.

The ban will help to improve the state of the marine environment and address public concerns relating to environmental impacts arising from such cosmetics products.

8.	Relevant documents: The Draft Environmental Protection (Microbeads) (Northern Ireland) Regulations 2018.
9.	Proposed date of adoption: September 2018 Proposed date of entry into force: The prohibition on the manufacture of relevant products and the prohibition on the sale of relevant products will come into force in September 2018.
10.	Final date for comments: 90 days from notification
11.	Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body: UK TBT Enquiry point Trade Policy Group Department of International Trade 3 Whitehall Place London SW1A 2AW Email: TBTUK_EP@trade.gov.uk https://members.wto.org/crnattachments/2018/TBT/GBR/18_2440_00_e.pdf