



21 march 2023

(23-2034)

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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):
2. Agency responsible: Department for Environment, Food and Rural Affairs (DEFRA) 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 Business and Trade Old Admiralty Building London SW1A 2DY TBTEnquiriesUK@trade.gov.uk
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [], 7.2 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Tableware, kitchenware, other household articles and toilet articles, of plastics (excl. baths, shower-baths, washbasins, bidets, lavatory pans, seats and covers, flushing cisterns and similar sanitary ware) (HS code(s): 3924) <ul style="list-style-type: none">• single-use plastic cutlery• single-use balloon sticks• single-use expanded and extruded polystyrene food and beverage containers• single-use expanded and extruded polystyrene cups.• single-use plastic plates. bowls and trays that are not for packaging
5. Title, number of pages and language(s) of the notified document: The Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023; (20 page(s), in English)
6. Description of content: These regulations will apply to all businesses that operate in England. These regulations will introduce a ban on the supply of: <ul style="list-style-type: none">• single-use plastic cutlery

- single-use balloon sticks
- single-use expanded and extruded polystyrene food and beverage containers
- single-use expanded and extruded polystyrene cups.
- single-use plastic plates, bowls and trays that are not for packaging

The restriction will not apply to:

- plastic plates, bowls and trays that are used as packaging
- other single use plastic food and beverage containers
- other single use plastic cups

The definition of packaging is that used in regulation 3 of the Packaging (Essential Requirements) Regulations 2015 (b). For example, a plate, bowl, or tray pre-filled with food or a plate, bowl, or tray filled with food at the point of sale will not be banned.

Breach of these prohibitions will be an offence under the regulations. The regulations confer powers on enforcement authorities to impose civil sanctions, including monetary penalties and stop notices, in addition to criminal prosecution.

7. Objective and rationale, including the nature of urgent problems where applicable:

The proposed regulations are designed to prohibit or restrict the supply of certain plastic items on the grounds that they cause harm to the environment. Their durability ensures they can survive for centuries in landfill or as litter in the countryside or ocean.

These measures represent a step towards England's domestic target of eliminating avoidable plastic waste by 2042, as set out in our 25 Year Environment Plan and reemphasized in England's Environmental Improvement Plan.

They also represent a step towards our international commitments, such as UNEA resolution 5/14, which called on all Member States to continue and step-up activities to combat plastic pollution. They apply to single-use plastic plates, bowls, trays, cutlery and balloon sticks and single-use polystyrene food and beverage containers.

The draft impact assessment submitted along with the public consultation on this policy proposal estimated that in England 4.25 billion single-use cutlery items, 1.1 billion single-use plates, 679 million EPS food containers and 475 million EPS cups, 16 million balloon sticks are used annually.

We are taking action against these items as they are either commonly littered, not commonly recycled, or both. A ban was chosen as the policy measure as it will ensure the desired change and associated environmental benefits are felt quickly and ensure that these are sustained into the future.

Proposals have been, or are being, brought into force across Great Britain to tackle the issue of single-use plastic waste. The Senedd passed the Environmental Protection (Single-use Plastic Products) (Wales) Bill in December 2022, providing for the banning of certain single-use plastic products. In addition, Scotland have introduced the Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021. Both the regulations in Wales and Scotland ban very similar items to the scope of the ban, which will provide consistency throughout Great Britain.

8. Relevant documents:

The Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023 (Attached)

[Summary of responses to consultation on the ban](#)

[The Packaging \(Essential Requirements\) Regulations 2015](#)

9. Proposed date of adoption: May 2023

Proposed date of entry into force: October 2023

10. Final date for comments: 60 days from notification

11. Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:

UK TBT Enquiry Point
Trade Policy Group
Department for International Trade
Old Admiralty Building
London
SW1A 2DY

TBTEnquiriesUK@trade.gov.uk

https://members.wto.org/crnattachments/2023/TBT/GBR/23_2099_00_e.pdf