



Notification Number: 2018/205/UK

The Environmental Protection (Microbeads) (Northern Ireland) Regulations 2018

Date received : 10/05/2018

End of Standstill : 13/08/2018

Issue of comments by : Commission

Message

Message 001

Communication from the Commission - TRIS/(2018) 01172

Directive (EU) 2015/1535

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2018/0205/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201801172.EN)

1. Structured Information Line

MSG 001 IND 2018 0205 UK EN 10-05-2018 UK NOTIF

2. Member State

UK

3. Department Responsible

Department for Business, Energy and Industrial Strategy
Europe Directorate
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London, SW1H 0ET

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3. Originating Department



Department of Agriculture, Environment and Rural Affairs
Marine and Fisheries Division
Klondyke Building
Gasworks Business Park
Northern Ireland
BT7 2JA

4. Notification Number

2018/0205/UK - C20P

5. Title

The Environmental Protection (Microbeads) (Northern Ireland) Regulations 2018

6. Products Concerned

The regulations concern rinse-off personal care products containing microbeads.

"microbead" means any water-insoluble solid plastic particle of less than or equal to 5mm in any dimension.

"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.

7. Notification Under Another Act

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8. Main Content

The 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 (both as defined in Section 6 above). Breach of a prohibition is an offence.

The prohibition on the manufacture of such products and the prohibition on the sale of any such products will come into force in September 2018.

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

The 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



Wales and England is in the enforcement regime. England have completed a separate notification for regulations applicable to England. The Devolved Administrations of Scotland and Wales have also committed to introducing a ban on microbeads and have also submitted separate notifications.

9. Brief Statement of Grounds

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. 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.

Engagement with the UK cosmetics industry indicated that all companies contacted in a 2016 survey had stopped manufacturing rinse-off cosmetic products containing plastic microbeads ahead of the ban in England commencing on 9 January 2018. The companies further advised that either had no stocks remaining or were confident that they would be out of stocks by July 2018.

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 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.

10. Reference Documents - Basic Texts

No Basic Text exists

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures



No

15. Impact assessment

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16. TBT and SPS aspects

TBT aspect

Yes

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

European Commission

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