



Notification Number: 2016/542/F

Decree prohibiting the placement on the market of cotton buds for domestic use which have a plastic stem, provided for in the second paragraph of point III of Article L541-10-5 of the Environmental Code

Date received : 12/10/2016

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Issue of comments by : Commission

Message

Message 002

Communication from the Commission - TRIS/(2016) 03140

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2016/0542/F

No abre el plazo - Nezaħajuje 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 - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201603140.EN)

1. Structured Information Line

MSG 002 IND 2016 0542 F EN 12-10-2016 F NOTIF

2. Member State

F

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4. Notification Number

2016/0542/F - S00E

5. Title

Decree prohibiting the placement on the market of cotton buds for domestic use which have a plastic stem, provided for in the second paragraph of point III of Article L541-10-5 of the Environmental Code

6. Products Concerned

Cotton buds for domestic use which have a plastic stem, with the exception of the devices defined in Articles L5211-1 and L5221-1 of the Public Health Code

7. Notification Under Another Act

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8. Main Content

This Decree defines the conditions of application of the legislative provisions of the Environmental Code aimed at prohibiting the placement on the market of cotton buds for domestic use which have a plastic stem, from 1 January 2020, with the exception of the devices defined in Articles L5211-1 and L5221-1 of the Public Health Code. In this context, it sets out the application procedures for the second paragraph of point III of Article L541-10-5 of the Environmental Code and, in particular, the definitions and characteristics of these cotton buds. An Order of the Minister for the Environment will subsequently define the composition of the stem of the cotton buds to which the prohibition applies, as well as applicable biodegradability conditions.

9. Brief Statement of Grounds

This regulatory provision is issued pursuant to a legislative provision aimed at reducing the production of plastic marine litter and thereby contributing to achieving the good environmental status of marine waters to which France is committed under its international and European obligations (Marine Strategy Framework Directive (MSFD) of 17 June 2008). Marine litter is one of the 11 descriptors for determining good environmental status defined in the MSFD.

Furthermore, litter on beaches is a common indicator for monitoring the quality of the marine environment in the context of the OSPAR convention (for the protection of the north-east Atlantic). The plastic stems of cotton buds are among the 10 litter items most commonly found on beaches (source: beach cleaning associations), as they are not stopped by water treatment plants. These stems therefore constitute a source of pollution against which France wishes to fight in order to achieve the objective of good environmental status of marine waters by 2020. The draft regulation is therefore necessary.

Moreover, this pollution on beaches results in significant additional cleaning and maintenance costs. It also has a strong impact on tourism. Finally, the impacts are also ecological and environmental, since ingestion of such



waste can have adverse effects on the physical condition of marine animals, or even cause their death. On the other hand, alternatives to the plastic stems of cotton buds do exist (paper stems, for example), which would have a lesser impact on marine ecosystems due to their biodegradability. Prohibiting plastic cotton buds would also have the consequence of stimulating innovation and would only have a small impact on production costs for undertakings. These costs would be passed on to households, but to an acceptable degree, since the cost of these products is relatively low. The draft regulation is therefore also proportionate. Finally, this measure would apply in France to all parties placing cotton buds on the market (producers, distributors, etc.), across the board. It is therefore non-discriminatory.

10. Reference Documents - Basic Texts

Reference(s) to basic text(s): - Article 124 of Act No 2016-1087 of 8 August 2016 on the restoration of biodiversity, nature and the countryside, amending Article L541-10-5 of the Environmental Code.

- Article L541-10-5 of the Environmental Code, as amended.

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 neither a sanitary nor phytosanitary measure.

European Commission

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