



Notification Number: 2017/353/UK

## The Environmental Protection (Microbeads) (England) Regulations 2017

Date received : 28/07/2017

End of Standstill : 30/10/2017

Issue of comments by : Commission

### Message

Message 001

Communication from the Commission - TRIS/(2017) 01983

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 : 2017/0353/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμία 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: 201701983.EN)

#### 1. Structured Information Line

MSG 001 IND 2017 0353 UK EN 28-07-2017 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

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

Email: [technicalregulations@beis.gov.uk](mailto:technicalregulations@beis.gov.uk)

#### 3. Originating Department



Department for Environment, Food and Rural Affairs  
Environment, Rural and Marine Directorate  
9 Millbank c/o Nobel House  
17 Smith Square  
London, SW1P 3JR

Email: [\*\*\*]

#### **4. Notification Number**

2017/0353/UK - S00E

#### **5. Title**

The Environmental Protection (Microbeads) (England) Regulations 2017

#### **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**

-

#### **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 will come into force on 1 January 2018 and the prohibition on the sale of any such products will come into force on 30 June 2018.

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

A civil sanctions regime is introduced to enable the regulator to exercise a range of civil sanctions. These are



variable monetary penalties, compliance notices, stop notices and enforcement undertakings.

The regulations apply to England only.

## 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. 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.

A ban of this kind would help to improve the state of the marine environment and address public concerns relating to marine environment impacts arising from such cosmetics products.

## 10. Reference Documents - Basic Texts

References of the Basic Texts: 1. Draft statutory instrument

2. 2-page summary of Defra-funded study showing evidence of harm of microplastics such as microbeads in the marine environment

3. Consultation document of our public consultation on our proposals to ban cosmetic and personal care products containing microbeads that may cause harm to the marine environment

4. Government response to the consultation

## 11. Invocation of the Emergency Procedure

No

## 12. Grounds for the Emergency

-

## 13. Confidentiality

No

## 14. Fiscal measures

No

## 15. Impact assessment

Yes



**16. TBT and SPS aspects**

TBT aspect

Yes

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

\*\*\*\*\*

European Commission

Contact point Directive (EU) 2015/1535

Fax: +32 229 98043

email: [grow-dir2015-1535-central@ec.europa.eu](mailto:grow-dir2015-1535-central@ec.europa.eu)