



Notification Number: 2019/9/UK

## The Environmental Protection (Cotton Buds) (Scotland) Regulations 2019

Date received : 10/01/2019  
End of Standstill : 11/04/2019 ( 13/01/2020)  
Issue of comments by : Commission  
Postponement : Yes

### Message

Message 001

Communication from the Commission - TRIS/(2019) 00065

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 : 2019/0009/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 késésket - 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: 201900065.EN)

#### 1. Structured Information Line

MSG 001 IND 2019 0009 UK EN 10-01-2019 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

Department for Business, Energy & Industrial Strategy  
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#### 3. Originating Department



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

2019/0009/UK - S50E

#### **5. Title**

The Environmental Protection (Cotton Buds) (Scotland) Regulations 2019

#### **6. Products Concerned**

Description of content:

The draft regulations prohibit the manufacture and sale of plastic-stemmed cotton buds.

In the draft regulations:

“plastic” means a synthetic polymeric substance that can be moulded, extruded or physically manipulated into various solid forms and that retains its final manufactured shape during use in its intended applications;

“plastic-stemmed cotton bud” means a rod of plastic which has cotton wrapped around both ends;

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

Breach of a prohibition is an offence, and a person guilty of an offence is liable

a) on summary conviction to a fine not exceeding £5000;

b) on conviction on indictment, to a term of imprisonment not exceeding 2 years or a fine not exceeding £5,000 or both

The draft regulations apply to Scotland only.

#### **7. Notification Under Another Act**

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#### **8. Main Content**

The regulations prohibit the manufacture and sales of plastic-stemmed cotton buds. Breach of a prohibition is an offence.

The date of prohibition on the manufacture and sale of such products is to be determined, but expected in the summer of 2019.

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



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- a) on summary conviction to a fine not exceeding £5000;
- b) on conviction on indictment, to a term of imprisonment not exceeding 2 years or a fine not exceeding £5,000 or both

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## 9. Brief Statement of Grounds

We are proposing to introduce legislation to ban the manufacture and sale of plastic-stemmed cotton buds on the grounds that they cause harm to living species in the marine environment. The plastic stems of cotton buds are consistently in the top ten items of litter found on Scottish beaches.

Behaviour change campaigns have failed to stop the disposal of plastic-stemmed cotton buds down toilets. The buds can then pass through sewage treatment works and reach the marine environment. Once there, they threaten the health of wildlife when whole and their fragmentation by ultra-violet light exposure extends their impact across the ecosystem. It is impossible to recover this fragmented plastic, it does not biodegrade and instead accumulates in the marine environment. There are suitable non-plastic alternatives which can be used in cotton bud stems, so they are an avoidable source of pollution. Some businesses have already taken voluntary actions to switch to alternatives but others still continue to use the plastic products. Therefore there is a market failure rationale for intervention based on externalities given that the environmental costs caused by plastics to the environment are not taken fully into account by these businesses. A public consultation indicated widespread support for the approach.

A ban of this kind would help prevent further marine environment damage and address public concerns relating to marine environment impacts arising from such products.

## 10. Reference Documents - Basic Texts

References of the Basic Texts: 1. Consultation document of public consultation on our proposals to ban plastic-stemmed cotton buds that may cause harm to the marine environment  
2. Public consultation response report

## 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

An Assessment for the Regulations is available on request.



## 16. TBT and SPS aspects

TBT aspect

Yes

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

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European Commission

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