



Notification Number: 2016/543/F

Decree prohibiting the placement on the market of rinse-off cosmetic products for exfoliation or cleaning that contain solid plastic particles, provided for in the third paragraph of point III of Article L541-10-5 of the Environmental Code

Date received : 12/10/2016

End of Standstill : 13/01/2017

Issue of comments by : Commission

Message

Message 002

Communication from the Commission - TRIS/(2016) 03143

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2016/0543/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: 201603143.EN)

1. Structured Information Line

MSG 002 IND 2016 0543 F EN 12-10-2016 F NOTIF

2. Member State

F

3. Department Responsible

Direction générale des entreprises – SQUALPI – Bât. Sieyès -Teledoc 151 – 61, Bd Vincent Auriol - 75703

PARIS Cedex 13

d9834.france@finances.gouv.fr

tél : 01 44 97 24 55

3. Originating Department



MEEM/DGALN/DEB/SDLM/LM3

92055 La Défense Cedex

Emilie PLEYBER-LE FOLL – chef du bureau

emilie.pleyber@developpement-durable.gouv.fr

Tél : 01 40 81 67 57

Arthur DE CAMBIAIRE – adjoint à la chef de bureau

arthur.de-cambiaire@developpement-durable.gouv.fr

Tél : 01 40 81 32 10

4. Notification Number

2016/0543/F - S00E

5. Title

Decree prohibiting the placement on the market of rinse-off cosmetic products for exfoliation or cleaning that contain solid plastic particles, provided for in the third paragraph of point III of Article L541-10-5 of the Environmental Code

6. Products Concerned

Rinse-off cosmetic products for exfoliation or cleaning that contain solid plastic particles. Exception is made for particles of natural origin not liable to persist in the environment, release active chemical or biological ingredients thereinto, or affect animal food chains.

An Order of the Minister for the Environment will subsequently specify:

1. the time and conditions of degradation of particles of natural origin not liable to persist in the environment or release active chemical or biological ingredients thereinto;
2. the list of classifications of particles of natural origin not liable to affect animal food chains, either on the grounds of risk to the environment, or risk to human health.

7. Notification Under Another Act

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8. Main Content

Rinse-off cosmetic products for exfoliation or cleaning that contain solid plastic particles. Exception is made for particles of natural origin not liable to persist in the environment, release active chemical or biological ingredients thereinto, or affect animal food chains.

An Order of the Minister for the Environment will subsequently specify:

1. the time and conditions of degradation of particles of natural origin not liable to persist in the environment or release active chemical or biological ingredients thereinto;
2. the list of classifications of particles of natural origin not liable to affect animal food chains, either on the grounds of risk to the environment, or risk to human health.

7. Notification under another Community act ('One-stop shop'): NO

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 rinse-off cosmetic products for exfoliation or cleaning that contain solid plastic particles, from 1 January 2018. Exception is made for particles of natural origin not liable to persist in the environment, release active chemical or biological ingredients therein, or affect animal food chains.

In this context, it sets out the application procedures for the third paragraph of point III of Article L541-10-5 of the Environmental Code and, in particular, the definitions and characteristics of these cosmetic products.

An Order of the Minister for the Environment will subsequently specify:

1. the time and conditions of degradation of particles of natural origin not liable to persist in the environment or release active chemical or biological ingredients therein;
2. the list of classifications of particles of natural origin not liable to affect animal food chains, either on the grounds of risk to the environment, or risk to human health.

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, the plastic microbeads contained in rinse-off cosmetics are not stopped by water treatment plants and can therefore end up in marine environments, which is a cause for concern since these microplastics constitute a potential route for dangerous chemical products to enter the food chain. These solid plastic particles are therefore a primary source of pollution (microbeads may represent up to 10 % of the volume of the cosmetic product and some eight billion plastic microbeads are poured into the seas and oceans every day (source: study published in the Environmental Science & Technology journal)), even though alternatives exist that do not have an impact on marine ecosystems.

It therefore seems necessary to resort to a regulatory provision in order to combat this pollution and enable the objective of good environmental status of marine waters to be achieved by 2020.

Moreover, this measure would be proportionate as it will have virtually no impact on undertakings or consumers, given the existence of low-cost alternatives.

Finally, this measure would apply in France to all parties placing rinse-off cosmetics for exfoliation or cleaning containing plastic microbeads 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

-

16. TBT and SPS aspects

TBT aspect

Yes

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

Contact point Directive (EU) 2015/1535

Fax: +32 229 98043

email: grow-dir83-189-central@ec.europa.eu