NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** United Kingdom  **If applicable, name of local government involved (Article 3.2 and 7.2):** Scottish Government |
| **2.** | **Agency responsible:** Marine Litter Team Marine Scotland Atlantic Quay 150 Broomielaw Glasgow G2 8LU  **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:** UK TBT Enquiry Point  Trade Policy Group  Department for International Trade  3 Whitehall Place  London  SW1A 2AW  [TBTUK\_EP@trade.gov.uk](mailto:TBTUK_EP@trade.gov.uk) |
| **3.** | **Notified under Article 2.9.2 [ ], 2.10.1 [****], 5.6.2 [****], 5.7.1 [****], other:**Technical Regulation - Local Government (Article 3.2) |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Plastic-stemmed cotton buds |
| **5.** | **Title, number of pages and language(s) of the notified document:** The Environmental Protection (Cotton Buds) (Scotland) Regulations 2019 (5 page(s), in English) |
| **6.** | **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:   1. on summary conviction to a fine not exceeding £5000; 2. 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.** | **Objective and rationale, including the nature of urgent problems where applicable:** 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 in Scotland. 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 potential 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 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. |
| **8.** | **Relevant documents:** The Draft Environmental Protection (Cotton Buds) (Scotland) Regulations 2019. |
| **9.** | **Proposed date of adoption:**  To be determined.  **Proposed date of entry into force:**  To be determined, however we anticipate an introduction of the ban on plastic-stemmed cotton buds in summer 2019. |
| **10.** | **Final date for comments:** 90 days from notification |
| **11.** | **Texts available from: National enquiry point [ ]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  <https://www2.gov.scot/Topics/marine/marine-environment/litter/Initiatives> |