



6 July 2017

(17-3623)

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Committee on Technical Barriers to Trade

Original: English

## NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

<b>1. Notifying Member:</b> <u>SWEDEN</u> <b>If applicable, name of local government involved (Article 3.2 and 7.2):</b>
<b>2. Agency responsible:</b> Swedish Ministry of the Environment and Energy <b>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:</b> National Board of Trade Sweden Address: Box 6803, 113 86 Stockholm, Sweden Phone: +46 690 48 00 Email: <a href="mailto:kommerskollegium@kommers.se">kommerskollegium@kommers.se</a>
<b>3. Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:</b>
<b>4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):</b> Rinse-off cosmetics that contain solid plastic particles which have been added for exfoliating, cleaning or polishing purposes
<b>5. Title, number of pages and language(s) of the notified document:</b> Förordning om ändring i förordningen (1998:944) om förbud m.m. i vissa fall i samband med hantering, införsel och utförsel av kemiska produkter (3 page(s), in Swedish)
<b>6. Description of content:</b> The placing on the market of rinse-off cosmetics that contain plastic particles which have been added for exfoliating, cleaning and polishing purposes is prohibited. An exception is made for plastic particles that consist only of naturally occurring polymers that have not been chemically modified. Derogations may be granted for plastic particles that have been produced with naturally occurring polymers as a raw material if it is shown that they biodegrade quickly to monomers in an aquatic environment and that they are not liable to cause damage to aquatic organisms.  Plastic particles is defined as solid particles of plastic which are 5 mm or less in size in any dimension and which are insoluble in water.  Plastic is defined as a polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council, to which additives or other substances may have been added.  The ban may enter into force on 1 January 2018 at the earliest. A transition rule will allow distributors to sell rinse-off cosmetics containing plastic particles for six months after the entry into force provided that the cosmetic products have been placed on the Swedish market before the date of entry into force.
<b>7. Objective and rationale, including the nature of urgent problems where applicable:</b> Protection of the environment; The purpose of the regulation is to reduce the discharge to sea, lakes and watercourses of plastic particles less than 5 mm in size in any dimension from rinse-off cosmetic products.

The growing amount of plastic waste and microplastics in the oceans represents one of the major threats to the marine plant and wildlife. Plastic particles of micrometer size or less can pass through the waste water treatment into the recipients and plastic particles can thus end up in sea, lakes and streams. Plastic particles accumulate in the marine environment. Microscopic plastic particles in the sea, lakes and streams can damage aquatic organisms and affect biodiversity. The ingestion by filtering aquatic animals of plastic particles also causes plastic particles to enter the nutrient chain. Microscopic plastic particles have been found among other things in cod, haddock, whiting and prawns. In Sweden, microscopic plastic particles have been found in common and commercially important species such as blue mussel and sea crayfish.

With today's technology it is impossible to capture and collect plastic particles that have reached the marine environment. It is therefore necessary to take measures at the source which will prevent plastic particles from reaching the marine environment.

Several countries have already introduced or are about to introduce measures aimed at reducing the discharge of microscopic plastic particles to sea, lakes and streams. In December 2015, the United States introduced a law prohibiting the manufacture and sale of rinse-off cosmetics containing microbeads (the Microbead Free Waters Act of 2015). In March 2017, France decided to prohibit the placing on the market of rinse-off cosmetics intended for exfoliation or cleaning that contain solid plastic particles less than 5 mm in size (Decree no 2017-291 of March 6, 2017, relatif aux conditions de mise en oeuvre de l'interdiction de mise sur le marché des produits cosmétiques rincés à use d'exfoliation the nettoyage comportant des particules plastiques solides et des bâtonnets ouatés à usage domestique dont la tige est en plastique). The ban will enter into force on 1 January 2018.

There are no less restrictive measures available which will achieve the purpose of the regulation. The proposed measures are proportionate and are necessary for reducing the risks to the environment caused by plastic particles in seas, lakes and streams. The rules apply to all parties making rinse-off cosmetics available on the Swedish market and are therefore not discriminatory.

<b>8.</b>	<b>Relevant documents:</b> Draft of the proposed technical regulation and regulatory impact assessment
<b>9.</b>	<p><b>Proposed date of adoption:</b> Not specified</p> <p><b>Proposed date of entry into force:</b> 1 January 2018. The ban may enter into force on 1 January 2018 at the earliest</p>
<b>10.</b>	<b>Final date for comments:</b> 90 days from notification
<b>11.</b>	<p><b>Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:</b></p> <p><a href="https://members.wto.org/crnattachments/2017/TBT/SWE/17_3072_00_x.pdf">https://members.wto.org/crnattachments/2017/TBT/SWE/17_3072_00_x.pdf</a></p>