
EXPLANATORY NOTE

(This note is not part of the Regulations)

These 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 (regulation 3). Breach of this prohibition is an offence (regulation 3). Definitions of “microbead” and “rinse-off personal care product” are contained in regulation 2. The prohibition on the manufacture and sale of any such products will come into force on 30th June 2018.

A civil sanctions regime is also introduced to enable the regulator to impose a range of civil sanctions (regulation 7 and the Schedule). These include variable monetary penalties, compliance notices and stop notices. The regulator may also accept enforcement undertakings. The Regulations make provision for the procedure relating to these sanctions and the available appeal mechanisms. Failure to comply with a stop notice is an offence (paragraph 16 of the Schedule). All appeals relating to a civil sanction are to the First-tier Tribunal.

Regulation 8 gives enforcement officers powers to carry out investigations for an authorised purpose (as defined in regulation 2).

Regulation 9 gives enforcement officers powers of entry to carry out an investigation for an authorised purpose (as defined in regulation 2).

Regulation 10 creates offences associated with enforcement officers’ powers in regulations 8 and 9.

Regulation 11 provides for publication of information on enforcement action taken by the regulator, and regulations 12 and 13 provide that guidance relating to the use of civil sanctions must be prepared and consulted on and specify information to be included in such guidance.

Regulation 14 contains provision for review of the Regulations.

Regulators are able to recover the costs of enforcement (paragraph 27 of the Schedule) in the case of variable monetary penalties, compliance notices and stop notices.

These Regulations were notified in draft to the European Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJNo. L 241, 17.9.2015, p. 1).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory assessment has been prepared as to the likely costs and benefits of complying with these Regulations in Wales. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Protection (Microbeads) (Wales) Regulations 2018.