

Government Notice No. 197 of 2020

THE ENVIRONMENT PROTECTION ACT

Regulations made by the Minister under section 96 of the Environment Protection Act

1. These regulations may be cited as the Environment Protection (Banning of Plastic Bags) Regulations 2020.
2. In these regulations –
 - “agriculture” includes aquaculture, livestock farming and animal breeding;
 - “ASTM” means the American Society for Testing and Materials;
 - “biodegradable plastic bag” means a plastic bag that –
 - (a) undergoes degradation as a result of the action of naturally occurring microorganisms such as bacteria, fungi and algae; but
 - (b) does not contain petroleum-based materials or their derivatives;
 - “BS” means the British Standard;
 - “certificate” means a certificate of registration;
 - “compostable plastic bag” means a plastic bag that –
 - (a) undergoes degradation by biological processes in any composting facility within a defined period not exceeding 7 months; but
 - (b) does not contain petroleum-based materials or their derivatives;

“degradable plastic” –

- (a) means a plastic designed to undergo a significant change in its chemical structure under specific environmental conditions resulting in a loss of some properties that may vary as measured by standard test methods appropriate to the plastic and the application in a period of time that determines its classification; and
- (b) includes oxidatively degradable and photodegradable plastic;

“Director” has the same meaning as in the Environment Protection Act;

“Director-General” means the Director-General of the Mauritius Revenue Authority;

“EN” means the European Standard;

“exempt plastic bag” means a plastic bag specified in Part I of the First Schedule;

“import” has the same meaning as in the Customs Act;

“ISO” means the International Organisation for Standardisation;

“non-woven polypropylene bag” means a bag made up of petroleum-based thermoplastic polymer material;

“oxidation” means the process promoted thermally or by irradiation in the presence of oxygen;

“oxidatively degradable plastic bag” means a degradable plastic bag in which degradation results from oxidation;

“photodegradable plastic bag” means a degradable plastic bag in which degradation results from the action of sunlight;

“plastic” means a petroleum-based material or its derivatives;

“plastic bag” –

- (a) means a bag of any size or type made of plastic, with or without handles or gussets, designed for carrying goods, materials or products and which is not biodegradable or compostable; and
- (b) includes –
 - (i) a non-woven polypropylene bag;
 - (ii) an oxidatively degradable plastic bag; and
 - (iii) a photodegradable plastic bag; but
- (c) does not include an exempt plastic bag;

“standard” means the appropriate standard specified in the Third Schedule.

3. These regulations shall not apply to the Island of Rodrigues.

4. (1) Subject to paragraph (2) and regulation 5, no person shall possess, use, distribute, sell, export, import, manufacture or supply a plastic bag.

(2) The Minister may, if it is in the public interest to do so, or in the case of a disaster or pandemic, allow the import, manufacture, sale or supply of a plastic bag.

5. (1) No person shall import or manufacture an exempt plastic bag unless he is registered with the Director.

(2) The importer or manufacturer of an exempt plastic bag shall ensure that the following information is conspicuously displayed on an exempt plastic bag –

- (a) the name and contact address of the manufacturer or importer;
- (b) the country of origin;
- (c) the batch number and production date; and
- (d) the type of exempt plastic bag as set out in Part II of the First Schedule.

(3) An application to be registered as an importer or a manufacturer of exempt plastic bags shall be made in the form set out in the Second Schedule, either electronically or in such manner as the Director may determine.

(4) The Director may register an applicant under paragraph (1) on such terms and conditions as he may determine.

(5) (a) Where the Director registers an applicant under paragraph (1), he shall issue a certificate of registration to the applicant.

(b) Every importer or manufacturer of an exempt plastic bag shall display in a conspicuous place the certificate issued under subparagraph (a).

(6) A certificate issued under paragraph (5)(a) –

- (a) shall be valid for a period of 3 years;
- (b) shall not be transferable; and
- (c) shall be issued on payment of a fee of 10,000 rupees.

6. (1) No person shall import or manufacture a biodegradable or compostable plastic bag unless he –

- (a) is registered with the Director; and

(b) has obtained clearance from the Director.

(2) An application to be registered as an importer or manufacturer of a biodegradable or compostable plastic bag under paragraph (1)(a) shall be made in the form set out in the Second Schedule either electronically or in such manner as the Director may determine.

(3) The Director may register an applicant under paragraph (1)(a) on such terms and conditions as he may determine.

(4) (a) Where the Director registers an applicant under paragraph (1)(a), he shall issue a certificate of registration to the applicant.

(b) Every importer of a biodegradable or compostable plastic bag shall display in a conspicuous place the certificate issued under subparagraph (a).

(5) A certificate issued under paragraph (4)(a) shall –

(a) be valid for a period of 3 years;

(b) not be transferable; and

(c) be issued on payment of a fee of 10,000 rupees.

(6) The importer or manufacturer of a biodegradable or compostable plastic bag shall ensure that the following information is conspicuously displayed on a biodegradable or compostable plastic bag –

(a) the name and contact address of the importer;

(b) the country of origin;

(c) the batch number and production date;

- (d) the standards complied with and the materials used; and
- (e) the expiry date of the bag.

(7) For the purpose of obtaining a clearance under paragraph (1)(b), an importer shall –

- (a) make an application in the form set out in the Fourth Schedule either electronically or in such manner as the Director may determine, at least 30 days prior to placing the order of the biodegradable or compostable plastic bag;
- (b) submit an original or a certified true copy or a scanned copy of the original certificate of conformity issued by the manufacturer; and
- (c) submit samples of the biodegradable or compostable plastic bag to be tested by such laboratory as the Director may approve.

(8) For the purpose of obtaining a clearance under paragraph (1)(b), a manufacturer shall –

- (a) make an application, in the form set out in the Fifth Schedule, by 31 March of every year, either electronically or in such manner as the Director may determine;
- (b) submit an original or a certified true copy or a scanned copy of the original certificate of conformity; and
- (c) submit samples of the biodegradable or compostable plastic bag to be tested by such laboratory as the Director may approve.

(9) The certificate of conformity referred to in paragraphs (7)(b) and (8)(b) shall –

- (a) be either in the English or French language;
- (b) describe the type of bag to be imported or manufactured;
- (c) be issued by an accredited body;
- (d) set out the appropriate standard of the biodegradable or compostable plastic bag specified in the Third Schedule;
- (e) certify that the biodegradable or compostable plastic bag does not contain plastic;
- (f) specify the name and contact address of the manufacturer;
- (g) set out the country of origin; and
- (h) list the raw materials used.

7. (1) Subject to paragraph (2) and regulation 6(1)(b), the Director-General shall not clear a consignment of biodegradable or compostable plastic bag unless –

- (a) the Director has caused a sample of the biodegradable or compostable plastic bag to be tested in the presence of the importer or his representative by such laboratory or by any such means as the Director may approve; and
- (b) the test results state that the bag contains no plastic.

(2) Where clearance has not been granted, the Director-General shall hand over the goods to the Director for disposal.

8. Where an imported biodegradable or compostable plastic bag does not comply with these regulations, the Director may order the importer to dispose of the bag at an approved local recycler within 14 days, at the importer's own expense, or in such other manner as the Director may determine.

9. Where –

(a) a biodegradable plastic bag or compostable plastic bag or an exempt plastic bag is landed and is not claimed within 2 months of being landed, the Director-General shall dispose of the biodegradable plastic bag or compostable plastic bag, as the case may be, in accordance with section 61 of the Customs Act;

(b) a plastic bag is landed, the Director-General shall hand over the plastic bag to the Director for disposal thereof.

10. No person shall import or manufacture a biodegradable or compostable plastic bag which is not in accordance with the clearance issued under regulation 6.

11. Where a manufactured biodegradable or compostable plastic bag does not comply with these regulations, the Director may order the manufacturer to dispose of the bag at an approved local recycler within 14 days, at the manufacturer's own expense, or in such other manner as the Director may determine.

12. Where the Director rejects an application made under regulations 5 and 6, he shall notify the applicant in writing, stating the reasons of the refusal.

13. An application for the renewal of a certificate of registration shall be –

- (a) made to the Director –
 - (i) at least 3 months prior to the expiry of the certificate; and
 - (ii) in the form set out in the Second Schedule;
- (b) dealt with in the manner specified in regulations 5 and 6.

14. Where any person –

- (a) possesses or uses a plastic bag he shall commit an offence and shall –
 - (i) on a first conviction, be liable to a fine not exceeding 2,000 rupees; and
 - (ii) on a second or subsequent conviction, be liable to a fine not exceeding 5,000 rupees;
- (b) possesses or uses for the purpose of trade, sells or supplies a plastic bag he shall commit an offence and shall –
 - (i) on a first conviction, be liable to a fine not exceeding 20,000 rupees; and
 - (ii) on a second or subsequent conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 3 months;
- (c) imports, exports or manufactures a plastic bag he shall commit an offence and shall –
 - (i) on a first conviction, be liable to a fine not exceeding 100,000 rupees; and

- (ii) on a second or subsequent conviction, be liable to a fine not exceeding 250,000 rupees and to imprisonment for a term not exceeding 2 years, including revocation of the certificate;
- (d) imports or manufactures a biodegradable or compostable plastic bag not in accordance with the clearance issued under regulation 6, he shall commit an offence and shall –
 - (i) on a first conviction, be liable to a fine not exceeding 100,000 rupees; and
 - (ii) on a second or subsequent conviction, be liable to a fine not exceeding 250,000 rupees and to imprisonment for a term not exceeding 2 years, including revocation of the certificate;
- (e) otherwise contravenes these regulations, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees.

15. The Environment Protection (Banning of Plastic Bags) Regulations 2015 are revoked.

16. Every existing importer or manufacturer of exempt plastic bag, biodegradable plastic bag or compostable plastic bag, shall, on the coming into operation of these regulations, make a fresh application to be registered as manufacturer or importer of exempt plastic bag, biodegradable plastic bag or compostable plastic bag, as the case may be.

17. These regulations shall come into operation on 1 March 2021.

Made by the Minister on 26 August 2020.

FIRST SCHEDULE
[Regulations 2 and 5(2)(d)]

PART I – EXEMPT PLASTIC BAG

A plastic bag –

- (a) designed to be used for the disposal of waste, including quarantine and clinical waste;
- (b) designed to be used for the purpose of agriculture;
- (c) designed to be used for medical purposes;
- (d) designed to be used for the purpose of sampling or analysis;
- (e) that constitutes, or forms an integral part of, the packaging in which goods, materials or products are sealed prior to sale on the local market or for export; and
- (f) a transparent re-sealable bag with security tamper used by a passenger to contain liquids, aerosols or gels at an airport or on board of an aircraft or carried by a transfer passenger.

PART II – TYPES OF EXEMPT PLASTIC BAG

- 1. Agriculture
 - 2. Medical
 - 3. Packaging
 - 4. Re-sealable bag
 - 5. Sampling or analysis
 - 6. Waste
-

SECOND SCHEDULE
[Regulation 5(3)]
REGISTRATION FORM

Name of applicant

Name of company, where applicable

Address

Office phone no. Mobile no.

Fax no. Email address

Name of contact person of applicant/contact person representing company

National Identity Card no.

Phone no. Mobile no.

Fax no. Email address

Please fill in as appropriate

TYPE OF APPLICATION

First application

Renewal application

DETAILS OF MANUFACTURER

(1) Business Registration number of manufacturer

(2) Date of issue and reference no. of PER Approval (Copy to be attached)

-
- (3) Date of issue and reference no. of Development Permit or Building and Land Use Permit (copy to be attached)
.....
 - (4) Recent copy of trade fee receipt (copy to be attached)
 - (5) Extract of company Constitution specifying the legal representative of the company (copy to be attached)
 - (6) Type of bag to be manufactured* –
 - A bag designed to be used for the disposal of waste, including quarantine and clinical waste
 - A bag designed to be used for the purpose of agriculture
 - A bag designed to be used for medical purposes
 - A bag to be used for the purpose of sampling or analysis
 - A bag that constitutes, or forms an integral part of, the packaging in which goods, materials or products are sealed prior to sale on the local market or for export
 - A transparent re-sealable bag with security tamper used by a passenger to contain liquids, aerosols or gels at an airport or on board of an aircraft or carried by a passenger
 - A biodegradable plastic bag
 - A compostable plastic bag

DETAILS OF IMPORTER

- (1) Business Registration no. of importer
- (2) Extract of Company Constitution specifying the legal representative of the Company (copy to be attached)

(3) Type of bag to be imported* –

- A bag designed to be used for the disposal of waste, including quarantine and clinical waste
- A bag designed to be used for the purpose of agriculture
- A bag designed to be used for medical purposes
- A bag designed to be used for the purpose of sampling or analysis
- A bag that constitutes, or forms an integral part of, the packaging in which goods, materials or products are sealed prior to sale on the local market or for export
- A transparent re-sealable bag with security tamper used by a passenger to contain liquids, aerosols or gels at an airport or on board of an aircraft or carried by a passenger
- A biodegradable plastic bag
- A compostable plastic bag

I apply to be registered as* –

- manufacturer of exempt plastic bags and/or biodegradable plastic bags and/or compostable plastic bags and/or
- importer of exempt plastic bags and/or biodegradable plastic bags and/or compostable plastic bags.

(*) Please tick as appropriate

I hereby confirm that I have taken cognizance of the Environment Protection (Banning of Plastic Bags) Regulations 2020 and I undertake to comply therewith.

.....

Date

Signature of applicant

FOR OFFICE USE ONLY

Registration no.

Issued on

Validity period

Reference

Name of officer Signature of officer

Date Stamp

.....

Name of Officer

Signature of Officer

.....

Date

Stamp

THIRD SCHEDULE

[Regulations 2 and 6(9)(d)]

**APPLICABLE STANDARDS OF BIODEGRADABLE
AND COMPOSTABLE PLASTIC BAG**

1. MS ISO 17088
 2. BS EN 13432
 3. ASTM D 6400
 4. AS 4736
 5. ISO 18606
 6. NF T 51-800
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FOURTH SCHEDULE

[Regulation 6(7)]

**APPLICATION FORM FOR CLEARANCE TO BE FILLED
BY AN IMPORTER OF BIODEGRADABLE/
COMPOSTABLE PLASTIC BAG**

Name of applicant

Name of company, where applicable

Certificate of Registration reference no.

Address

Office phone no. Mobile no.

Fax no. Email address

Name of contact person of applicant/contact person representing
company

National Identity Card no.

Phone no. Mobile no.

Fax no. Email address

Expected date for placing of order

Country of origin

Model(s) and quantity/units of bags to be imported* –

(a) Vest type Quantity

(b) Roll-on Quantity

(c) Gusset Quantity

- (d) Pocket type Quantity
- (e) Other (please specify) Quantity

Type of plastic bag to be imported** –

- Biodegradable plastic bag
- Compostable plastic bag

The clearance shall be subject to the following conditions –

- (a) the importer shall submit, to the Director, an original or a certified true copy or a scanned copy of the original certificate of conformity from the manufacturer for each item to be imported;
- (b) the certificate of conformity shall –
- (i) be in the English or French language;
 - (ii) describe clearly the type of items to be imported;
 - (iii) specify the standard complied with;
 - (iv) certify that the bag does not contain plastic;
 - (v) specify the country of origin, the name and contact address of the manufacturer; and
 - (vi) list the raw materials used.
- (c) the certificate of conformity shall be issued by an accredited body;
- (d) the importer shall submit to the Director, (5) samples of each item to be imported for the purpose of verification;
- (e) the sample(s) shall conspicuously display in normal font of at least size 14, the following information –

-
- (i) the name and contact address of the importer;
 - (ii) the country of origin;
 - (iii) the batch number and production date;
 - (iv) the standards complied with and the materials used; and
 - (v) the expiry date of the bag.

The Director may issue the clearance on such terms and conditions as he may determine.

The Director reserves the right to –

- (a) take samples of the biodegradable and compostable bags prior to clearing the consignment from the Customs Department, in the presence of the importer or his representative and the concerned authority(ies), for testing, as may be required;
- (b) take photos and videos of the bags;
- (c) keep any number of the bags he deems reasonable as exhibits;
- (d) request for any additional information from the applicant or any third party; and
- (e) contact the accredited body issuing the certificate of conformity in case of doubt.

DECLARATION

I/We consent that the National Environmental Laboratory shall carry out a test using the Fourier Transform Infrared Spectroscopy on a sample of the item or items to be imported to determine whether the sample contains plastic.

I/We undertake to strictly import only the item or items for which clearance is granted.

.....
Date

.....
Signature

(*) *Please fill in as appropriate*

(**) *Please tick as appropriate*

FOR OFFICE USE ONLY

Clearance no.

Reference

Issued on

.....
Name of Officer

.....
Signature of Officer

.....
Date

.....
Stamp

FIFTH SCHEDULE

[Regulation 6(8)]

**APPLICATION FORM FOR CLEARANCE TO BE FILLED
BY A MANUFACTURER OF BIODEGRADABLE/
COMPOSTABLE BAG**

Name of applicant

National Identity Card no.

Certificate of Registration reference no.

Address

Office phone no. Mobile no.

Fax no. Email address

Name of contact person of applicant/contact person representing
company

Model(s) of biodegradable or compostable bags to be manufactured –

(a) Vest type Quantity

(b) Roll-on Quantity

(c) Gusset Quantity

(d) Pocket type Quantity

(e) Other (please specify) Quantity

The clearance shall be subject to the following conditions –

- (a) the manufacturer shall submit, to the Director, an original or a certified true copy or a scanned copy of the original certificate of conformity for each item to be manufactured;

- (b) the certificate of conformity shall –
 - (i) be in the English or French language;
 - (ii) describe clearly the type of items to be manufactured;
 - (iii) specify the standard complied with;
 - (iv) certify that the bag does not contain plastic;
 - (v) specify the name and contact address of the manufacturer; and
 - (vi) list the raw materials used;
- (c) the certificate of conformity shall be issued by an accredited body;
- (d) the manufacturer shall submit to the Director, 5 samples of each item to be manufactured for the purpose of verification;
- (e) the sample(s) shall conspicuously display in normal font of at least size 14, the following information –
 - (i) the name and contact address of the manufacturer;
 - (ii) the country of origin;
 - (iii) the batch number and production date;
 - (iv) the standards complied with and the materials used; and
 - (v) the expiry date of the bag;
- (f) material used and frequency of production –
 - (i) materials to be used
 - (ii) frequency of production
 - (iii) weight of biodegradable pellets to be used (kg)

- (iv) expected quantity of biodegradable/compostable plastic bags to be produced

The Director reserves the right to –

- (a) take samples of the biodegradable and compostable plastic bags at any time, in the presence of the manufacturer or his representative and the concerned authority(ies), for testing, as may be required;
- (b) take photos and videos of the bags;
- (c) keep any number of the bags he deems reasonable as exhibits;
- (d) request for any additional information from the applicant or any third party; and
- (e) contact the accredited body issuing the certificate of conformity in case of doubt.

DECLARATION

I/We consent that the National Environmental Laboratory shall carry out a test using the Fourier Transform Infrared Spectroscopy on a sample of the item or items to be manufactured to determine whether the sample contains petroleum-based materials or their derivatives in my/our presence.

I/We undertake to strictly manufacture only the item or items for which clearance is granted.

.....
Signature of applicant Date

FOR OFFICE USE ONLY

Clearance no.

Reference

Issued on

.....
Name of officer

.....
Signature of officer

.....
Date

.....
Stamp
