

S.I. 37 of 2017

ENVIRONMENT PROTECTION ACT, 2016

*(Act 18 of 2016)***Environment Protection (Restriction on manufacturing, importation, distribution and sale of Plastic Bags) Regulations 2017**

In exercise of the power conferred by section 80 read with section 4(d) and section 41(c) of the Environment Protection Act, 2016 the Minister of Environment, Energy and Climate Change hereby makes the following Regulations—

1. These Regulations may be cited as the Environment Protection (Restriction on manufacturing, importation, distribution and sale of Plastic Bags) Regulations, 2017 and shall come into force on 1st July, 2017.

Citation and commencement

2. In these Regulations, unless the context otherwise requires—

Interpretation

“AS” means Australian Standard;

“ASTM” means the American Society for Testing and Materials;

“Biodegradable bag” means a bag that can be biologically broken down naturally by bacteria and other living organisms into natural elements in a normal environment leaving no toxicity in the soil;

“certificate of conformity” means a document, tag, label, or nameplate, provided to the buyer that attests the product compliance with standard;

“EN” means the European Standard;

“exempted plastic bag” means a plastic bag specified in the First Schedule;

“ISO” International Organisation for Standardisation;

“Ministry” means the Ministry responsible for Environment;

“plastic” means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins, multi-materials like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, Polybutylene terephthalate;

“plastic bag” means a bag made of plastic;

“Seychelles Bureau of Standards” means the Bureau established under section 3 of the Seychelles Bureau of Standard Act, 2014;

“standards” means the applicable standards specified in the Second Schedule or its equivalent;

“validation” means confirmation through the provision of objective evidence, that the specified requirements have been fulfilled.

Prohibited plastic bags

3. The manufacturing, importation, distribution and sale of plastic bags, for use within the Republic of Seychelles, which does not fall into the category of exempted plastic bag as specified in the First Schedule are hereby prohibited.

Issuance of permits

4.(1) The Ministry responsible for Finance and Trade, subject to the approval of the Ministry may issue import permits for —

- (a) exempted plastic bags; or
- (b) biodegradable bags

(2) Subject to subregulation (1)(b), upon submitting an import permit application, the importer shall submit a certificate of conformity to which shall stipulate the standard to which it is compliant to.

(3) Subject to subregulation (2) an application to import shall not be granted if the certificate of conformity is not validated by the Seychelles Bureau of Standards.

5. Any person who contravenes these Regulations shall be guilty of an offence and is liable on conviction to a fine not exceeding SCR20,000 or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Offence

6. Where a consignment of plastic bag has been imported in breach of these regulations, the consignment shall be dealt with in accordance with Section 246(1)(b) or 247(1) of the Customs Management Act 2011.

Imports in breach of regulation

7. The Environment Protection (Restriction on Plastic Bags) Regulations 2008 is hereby repealed.

Repeal of S.I. 39 of 2008

FIRST SCHEDULE

(see Regulation 3)

EXEMPTION LIST

Any plastic bag which is—

- (a) a bag designed to be used for the disposal of waste;
- (b) a zip-locked (re-sealable) bag for pharmaceutical dispensing or any other medical use;

- (c) a bag designed for agricultural purposes;
- (d) a bag used for the purpose of sampling or analysis;
- (e) 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;
- (f) a bag carried by a passenger disembarking from an aircraft or a ship for the purpose of carrying personal belongings;
- (g) a bag manufactured for export;
- (h) a bag used for perishables which has been portioned, pre packed and sold in frozen condition such as meat, poultry, fish, seafood, repacked whole or portioned vegetables and fruits (as clients need to see their quality);
- (i) a bag that constitutes or forms an integral part of the packaging in which goods are sealed prior to sale on the local market or for export such as ham, sausages and processed meat, meat products and other vacuumed packed products;
- (j) a bag used for repacked foods in granular forms such as pulses, sugar, rice, beans etc; and
- (k) a bag used for packaging snacks and products such as bread, banana chips, ice cakes etc. to preserve their freshness, prevent rancidity and mould growth and prevent contamination during storage and transportation.

SECOND SCHEDULE

STANDARDS

Type of Bags	Applicable Standards
Biodegradable Bags	AS 4736-2006
	ASTM D6400
	EN 13432
	ISO 14855

MADE this 30th day of June, 2017.

DIDIER DOGLEY
MINISTRY OF ENVIRONMENT, ENERGY
AND CLIMATE CHANGE
