Government Notice No. 233 of 2015

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) (Amendment) Regulations 2015.

2. In these regulations –

"principal regulations" means the Environment Protection (Banning of Plastic Bags) Regulations 2015.

3. Regulation 2 of the principal regulations is amended –

(a) by deleting the definitions of "plastic" and "plastic bag";

(b) by inserting, in the appropriate alphabetical order, the following new definitions –

"ASTM" means the American Society for Testing and Materials;

"biodegradable plastic bag" means a plastic bag that undergoes degradation as a result of the action of naturally occurring microorganisms such as bacteria, fungi and algae;

"compostable plastic bag" means a plastic bag that undergoes degradation by biological processes during composting to yield carbon dioxide, water, inorganic compounds and biomass at a rate consistent with other known compostable materials and leave no visible, distinguishable or toxic residue;

"EN" means the European Committee for Normalisation;

"ISO" means the International Standards Organisation;

"plastic" means petroleum-based plastic material;

"plastic bag" –

(a) means a bag of any size or type made of plastic, with or without handles or gussets, designed for carrying goods; and

(b) includes a non-woven polypropylene bag; but

(c) does not include an exempted plastic bag;

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

"particulars" means –

(a) the name and contact address of the importer, as applicable;

(b) the name and contact address of the manufacturer, as applicable;

(c) the country of origin;

(d) the batch number and production date;

(e) the standard complied with;

"standard" means the appropriate standard specified in the Third Schedule.

4. Regulation 3 of the principal regulations is revoked and replaced by the following –

3. (1) These regulations shall apply to plastic bags designed to carry goods purchased at a point of sale.

(2) These regulations shall not apply to Rodrigues.

(3) In this regulation –

"point of sale " includes a wholesale or a retail outlet, a market, a fair and a hawker.

5. The principal regulations are amended by inserting, after regulation 5, the following new regulations –

5A. (1) No person shall import a biodegradable plastic bag or a compostable plastic bag unless he holds a clearance from the Director.

(2) For the purpose of obtaining the clearance under paragraph (1), an importer shall make an application to –

(a) the Director one month prior to the shipment of the consignment; and

(b) submit an original certificate of conformity or a certified copy of the original certificate of conformity to the appropriate standard, specified in the Third Schedule, issued by a body recognised by the Mauritius Standards Bureau .

5B. (1) Subject to paragraph (2) , the Director-General of the Mauritius Revenue Authority shall not release any consignment of biodegradable or compostable plastic bag which is in his custody unless the Director grants a clearance to the importer.

(2) Where the Director is satisfied that the failure to comply with regulation 5A was due to a reasonable cause, he may allow the consignment to be cleared and kept in the custody of the importer under seal of the Director pending the granting of the clearance.

5C. Where a consignment of plastic bag has been imported in breach of these regulations, the Director may order the importer to reship or dispose the consignment, at his own expense, in such manner as the Director may determine.

5D. Where a consignment of plastic bags has not been claimed, the Director-General of the Mauritius Revenue Authority shall

inform the Director who shall take over the consignment and dispose of it in such manner as the Director may determine.

5E. No person shall manufacture a biodegradable plastic bag or a compostable plastic bag which do not conform to the appropriate standard specified in the Third Schedule.

5F. Where any plastic bag is manufactured in breach of these regulations, the Director may order the manufacturer to dispose of the plastic bag, at his own expense, in such manner as he may determine.

6. The First Schedule to the principal regulations is amended by adding the following new paragraphs, the word "and" at the end of paragraph (h) being deleted and the full stop at the end of paragraph (i) being deleted and replaced by a semicolon –

(j) a biodegradable plastic bag on which particulars are conspicuously displayed; and

(k) a compostable plastic bag on which particulars are conspicuously displayed.

7. The Second Schedule to the principal regulations is revoked and replaced by the Second Schedule set out in the First Schedule to these regulations.

8. The principal regulations are amended by adding the Third Schedule set out in the Second Schedule to these regulations.

Made by the Minister on 4 December 2015.

FIRST SCHEDULE
[Regulation 7]

SECOND SCHEDULE
[Regulation 5(2)]

REGISTRATION FORM FOR MANUFACTURERS OR IMPORTERS OF BAGS SPECIFIED IN THE FIRST SCHEDULE

Name of applicant .....

Address .....

Office phone number .....

Mobile number .....

Fax number .....

Email address .....

Name of contact person of applicant .....

Please fill in as appropriate

1. Business Registration number of manufacturer .....

(1) Date of issue and reference number of PER Approval (Copy to be attached) .....

(2) Date of issue and reference number of Development Permit or Building and Land Use Permit (copy to be attached) .....

(3) Recent copy of trade fee receipt (copy to be attached)

(4) Type of bag to be manufactured .....

2. Business Registration number of importer .....

Type of bag to be imported .....

I apply to be registered as –

☐ manufacturer of exempted plastic bags and/or

☐ importer of exempted plastic bags.

Please tick as appropriate

I hereby confirm that I have taken cognizance of the Environment Protection (Banning of Plastic Bags) Regulations 2015 and I undertake to comply with the terms and conditions therein.

....

Date Signature of applicant

FOR OFFICE USE ONLY

Registration number .....

Issued on .....

Reference ..... Date .....

SECOND SCHEDULE
[Regulation 8]

THIRD SCHEDULE
[Regulations 2, 5A and 5F]

Type of plastic bags	Applicable standards
Biodegradable plastic bag	ASTM D5338-15
	ASTM D5988-12
	ASTM D6340-98
	ASTM D6954-04
	EN 13432
	EN 14046
	EN 14047
	EN 14048
	ISO 14851
	ISO 14852
	ISO 14855-1
	ISO 14855-2
	ISO 15985
	ISO 17556
Compostable plastic bag	ASTM D6400-12
	EN 13432
	EN 14045
	EN 14995
	ISO 16929
	ISO 17088
	ISO 20200