PROTOCOL FOR ENFORCEMENT ON BANNING OF PLASTIC BAGS

Environment Protection (Banning of Plastic Bags) Regulations 2015

Ministry of Environment, Sustainable Development, and Disaster and Beach Management

*This protocol is intended to be used as guidance by authorized officers to ensure enforcement in a harmonized manner.*
The regulations strictly ban the import, manufacture, sale, or supply of plastic bags including non-woven polypropylene bags, designed to carry goods purchased at a point of sale and exclude exempted plastic bags.

**PROVISION FOR OFFENCE**

Under Regulation 6 of Environment Protection (Banning of Plastic Bags) Regulations 2015

*Any person who contravenes these regulations shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.*

**Enforcement to be done at the level of**

1. Importers
2. Manufacturers
3. Sellers / traders / suppliers

**Officers authorized to enforce:-**

1. Police Officer
2. Authorized Officers of the Department of Environment
3. Authorized Officers of Local Authorities
REGULATIONS LIKELY TO BE BREACHED


1. Regulation 4(1)

   No person shall import, manufacture, sell or supply a plastic bag.

2. Regulation 5(1)

   No person shall carry on the business of manufacturing or importing exempted plastic bags unless he is registered as a manufacturer or an importer of exempted plastic bags.

3. Regulation 5(3) - Terms and Conditions of Registration as manufacturer or importer

   The Director may on such terms and conditions as he may determine, register a person as a manufacturer or an importer of exempted plastic bags.

(B) Environment Protection (Banning of Plastic Bags) (Amendment) Regulations 2015. GN No. 233 of 2015

4. Regulation 5A (1)

   No person shall import a biodegradable plastic bag or a compostable plastic bag unless he holds a clearance from the Director

5. Regulation 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
## OFFENCES

<table>
<thead>
<tr>
<th>Likely offence</th>
<th>Offender</th>
</tr>
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</table>
| 1. **Import, manufacture, sale or supply** of plastic bags not listed under the First Schedule and including non-woven polypropylene bags | Importer  
Manufacturer  
Seller / trader / supplier |
| **Note** :-  
Where the offence has occurred in a supermarket / enterprise / business / retail and wholesale outlet, the responsibility of the offence rests with the **owner or licensee** of that undertaking. |                                             |
| 2. **Import** or **manufacture** of exempted plastic bags **without registration certificate (one-off)** | Importer  
Manufacturer                                      |
| 3. **Import** of biodegradable and compostable plastic bags **without clearance** from the Director of Environment **(for each consignment)** | Importer                                       |
| 4. **Manufacture** of biodegradable and compostable plastic bags **not-conforming to appropriate standards** | Manufacturer                                   |
| 5. **Absence of particulars** or particulars not conspicuously displayed on biodegradable and compostable plastic bags | Importer  
Manufacturer  
Seller / trader / supplier |
| 6. **Supply** of non-biodegradable plastic bags for packing fruits and vegetables which are **sealed at weighing counters (not forming an integral part of packaging)** | Seller / trader / supplier                     |
| 7. Biodegradable and compostable plastic bags not complying to appropriate standards | Importer  
Manufacturer                                      |
| 8. Non-compliance with terms and conditions under registration as manufacturer / importer or clearance issued by Director of Environment | Importer  
Manufacturer                                      |
# DOCUMENTS FOR VERIFICATION DURING ENFORCEMENT

<table>
<thead>
<tr>
<th>Enforcement at Import</th>
<th>Verification by Customs Officer:-</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. To check <strong>Registration Certificate</strong> for exempted plastic bags</td>
</tr>
<tr>
<td></td>
<td>2. <strong>For biodegradable and compostable bags</strong>, to also check clearance from Director of Environment <em>for each consignment</em></td>
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<td></td>
<td><em>(See Protocol for Enforcement at Import)</em></td>
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<table>
<thead>
<tr>
<th>Enforcement at Manufacturer Level</th>
<th>Verification by Authorized Officer:-</th>
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<tbody>
<tr>
<td></td>
<td>1. To check <strong>Registration Certificate</strong> <em>(Original)</em> of manufacturer</td>
</tr>
<tr>
<td></td>
<td>2. <strong>For biodegradable and compostable bags</strong>, to also check</td>
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<tr>
<td></td>
<td>(i) Evidence with respect to standard complied with</td>
</tr>
<tr>
<td></td>
<td>(ii) Whether particulars on the biodegradable and compostable bags are conspicuously displayed</td>
</tr>
<tr>
<td></td>
<td><em>(In case plastic bags are manufactured for export, to check evidence / export related documents)</em></td>
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</tbody>
</table>

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<thead>
<tr>
<th>Enforcement at Point of Sale (wholesale or retail outlet, market, fair and hawker)</th>
<th>Verification by Authorized Officer:-</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Whether plastic bags being sold or supplied are exempted</td>
<td></td>
</tr>
<tr>
<td><strong>Special note:-</strong></td>
<td></td>
</tr>
<tr>
<td>• transparent roll-on plastic bags are SOLELY allowed to contain fresh, chilled or frozen seafood, meat, poultry or offal;</td>
<td></td>
</tr>
<tr>
<td>• the regulations allow for plastic bags that form an integral part of packaging, that is pre-packaged. Transparent roll-on plastic bags for fruits and vegetables, sealed at weighing counters, are NOT allowed;</td>
<td></td>
</tr>
<tr>
<td>• sale or supply of non-woven polypropylene bags is NOT allowed.</td>
<td></td>
</tr>
<tr>
<td>2. <strong>For biodegradable and compostable plastic bags</strong>, to check whether particulars are conspicuously displayed</td>
<td></td>
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</tbody>
</table>


REGISTRATION CERTIFICATES – sample

Special note: - All registration certificates are signed by Director of Environment with seal of the Director

Ministry of Environment, Sustainable Development, and Disaster & Beach Management

Registration for Manufacturers of exempted plastic bags

In accordance with Regulation 5 of the Environment Protection (Banning of Plastic Bags) Regulations 2015, XXXXXX Ltd of ......................... Port Louis represented by Mr. YYYY is hereby registered as a manufacturer of exempted plastic bags with the following Registration No. ENV/MEPB/017.

Types of exempted plastic bags to be manufactured:

i. Transparent roll-on bags solely used to contain fresh, chilled or frozen seafood, meat, poultry, or offal other than canned food or eggs;
ii. Bags designed to be used for the disposal of waste;
iii. Bags designed for agricultural purposes;
iv. Bags used for the purpose of sampling or analysis;
v. Bags 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;
vi. Transparent pocket type bags not exceeding 300 square centimetres in size;
vii. Transparent resealable bags 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; and
viii. Bags manufactured for export;

as provided under items (a), (b), (c), (d), (e), (f), (g) and (i) of the First Schedule of the Environment Protection (Banning of Plastic Bags) Regulations 2015.

(1) This registration is not transferable and is valid only for the types of exempted plastic bags mentioned above.

(2) A return on the amount of exempted plastic bags manufactured should be submitted to the Director of Environment every 6 months, by 31st January and 31st July at latest.

8 December 2015

....................................................
Director of Environment
SCENARIOS

TRADERS SELLING FRUITS AND VEGETABLES IN TRANSPARENT PLASTIC BAGS

Are the bags biodegradable or compostable with particulars printed thereon?

NO

OFFENCE
Non-biodegradable or non-compostable bags for packing fruits and vegetables are NOT exempted

COMPLIANCE
Bags are biodegradable or compostable

TAKE ACTION FOR OFFENCE

YES

Is there reasonable ground to believe that plastic bags are not to specified standard?

NO

COMPLIANCE
Bags are biodegradable or compostable

YES

Secure sample/information and report to the Department of Environment to trace back the importer or manufacturer for necessary action
TRADERS SELLING NON-WOVEN POLYPROPYLENE BAGS

OFFENCE
Non-woven polypropylene bags are NOT exempted

TAKE ACTION FOR OFFENCE

Inquire to trace back the manufacturer or supplier

Enforcement at level of manufacturer or supplier
DETECTING OFFENCE- CHECKLIST OF ACTIONS TO BE TAKEN

(A) OFFENCE: Sale/ Supply of Plastic Bags at Point Of Sale

1. Identify and describe type of activity
2. Introduce as Authorized Officer (by producing warrant card)
3. Warn offender of the offence committed and caution on spot. For administrative purposes, offence form at Annex 1 may be used.
4. Note particulars of offender (ascertain name and address if necessary)
5. Secure plastic bag (exhibit) + photograph (if necessary)
   (Seal in presence of offender; offender to sign on seal, note description in terms of type, colour of exhibit). For administrative purposes, seizure form at Annex 2 may be used.
6. Make entry in Occurrence Book/ Diary Book / File
7. Make entry in Exhibit Register and store exhibit at a safe place
8. Authorized officer / Offence detector to put up his statement
9. Statement of witness /es (if any)
(B) OFFENCE: 1. Manufacture of Plastic Bags
2. Manufacture of exempted plastic bags without registration Certificate
3. Manufacture of biodegradable and compostable plastic bags without evidence of conformity to standards

(Applies for planned site visits for enforcement at level of manufacturers)

1. Collect all information on the activity (Registration, permits, etc)
2. Entry of premises (In case of dwelling house, to obtain in prior a search warrant from magistrate)
3. Introduce as Authorized Officer (by producing warrant card)
4. Describe type of activity and offence
5. Warn offender of the offence committed and caution person in charge of activity on spot. For administrative purposes, offence form at Annex 1 may be used.
6. Note particulars of offender (ascertain name and address if necessary)
7. Secure plastic bag (exhibit) + photograph if necessary (Secure one sample for examination, where applicable; seal in presence of offender; offender to sign on seal; note description in terms of type, colour of exhibit). For administrative purposes, seizure form at Annex 2 may be used.
8. Make entry in Occurrence Book / Diary Book / File
9. Make entry in Exhibit Book and store exhibit at a safe place
10. Authorized officer / Offence detector to put up his statement
11. Statement of witness /es (if any)
12. Record defense of accused
13. Where applicable, authorized officer to channel sample to MSB/ NEL for testing
14. If in breach of regulations, Director of Environment may issue PROHIBITION NOTICE or STOP ORDER to manufacturing enterprise / activity, where applicable
### Documents required for prosecution by the Environmental Law and Prosecution Division

1. Statement of Authorized Officer / Offence detector
2. Statement of witness/es *(if any)*
3. Submit evidence – (i) exhibit (ii) photograph (iii) test results *(if applicable)*
4. Statement of defense, if applicable
5. Relevant permits, registration certificate, certificate of conformity, trade licence, Preliminary Environmental Report(PER) approval *(as applicable)*
6. Previous conviction of offender, PF15, if any.
OFFENCE FORM

To Mr ........................................................................................................................................................................

Holder of National Identity Card Bearing Number .................................................................................................

Residing at........................................................................................................................................................................

Take notice that you have been into contraventioon for the offence of ..........................................
........................................................................................................................................................................
........................................................................................................................................................................
on........................................................................at........................................................

Signature of issuing officer:................................. Signature of witness:.................................

Name: ................................................................. Name:.................................................................

Title: ........................................................................ Title: .................................................................

Signature of Offender:.........................................

Date :....................................................................
<table>
<thead>
<tr>
<th>No.</th>
<th>Articles seized &amp; Description (e.g. type, colour)</th>
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<tbody>
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<td>1.</td>
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<td>9.</td>
<td>........................................................................</td>
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<tr>
<td>10.</td>
<td>.......................................................................</td>
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</tbody>
</table>

Date: ................................................... Time: ...................................................

Place: ..........................................................................................................................

Name and Address of Offender: .................................................................

National Identity Card Bearing Number .....................................................

Signature of offender: ..............................................................................

Name of officer effecting seizure: ............................................................

Name of witness: .......................................................................................