

Government Notice No. 156 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 (Control of Single Use Plastic Products) Regulations 2020.

2. In these regulations –

“biodegradable single use product” means a product specified in the First Schedule, manufactured from any material other than plastic;

“certificate” means a certificate of registration;

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

“food service business” means any premises selling or providing ready, prepared or cooked food for consumption on or off the premises;

“home consumption” has the same meaning as in the Excise Regulations 1994;

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

“non-biodegradable single use plastic product” means a product specified in the Second Schedule, manufactured from plastic;

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

“reusable plastic product” means a product, containing plastic, which is specifically designed, manufactured and intended to be used more than once;

“single use plastic product” means a plastic product intended to be used once only before it is thrown away.

3. These regulations shall not apply to –
 - (a) the island of Rodrigues; and
 - (b) a reusable plastic product.
4. No person shall import for home consumption, manufacture, possess, sell, supply or use any non-biodegradable single use plastic product specified in Part I of the Second Schedule.
5. (1) No person shall import or manufacture a biodegradable single use product specified in the First Schedule unless he is registered with the Director.
 - (2) An application to be registered with the Director shall be made in the form set out in the Third Schedule.
 - (3) The Director may –
 - (a) require an applicant to furnish such other information or produce such additional document as he may consider necessary; and
 - (b) cause an authorised officer to make such investigation and carry out such inspection as he may consider appropriate.
6. The Director may register an applicant under regulation 5 on such terms and conditions as he may determine.
7. (a) Where the Director registers an applicant under regulation 5, he shall issue a certificate to the applicant.
 - (b) A certificate issued under paragraph (a) –
 - (i) shall be valid for a period of 3 years;

(ii) shall not be transferable; and

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

8. Where the Director rejects an application made under regulation 5, he shall notify the applicant in writing, stating the reasons of the refusal.

9. An application for the renewal of a certificate 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 Fourth Schedule;

(b) dealt with in the same manner as specified in regulations 5(3), 6, 7 and 8.

10. (1) Subject to paragraph (2), where the holder of a certificate fails to comply with these regulations, the Director may revoke that certificate.

(2) The Director shall not revoke a certificate unless he has requested the holder of the certificate to submit reasons, in writing, as to why the certificate should not be revoked.

11. (1) No person shall import a biodegradable single use product specified in the First Schedule unless he –

(a) is registered with the Director; and

(b) has obtained clearance from the Director.

(2) 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 Fifth Schedule, to the Director at least 30 days prior to

placing the order in respect of the biodegradable single use product;

- (b) submit an original certificate of conformity, or a certified true copy of the original certificate of conformity, issued by the manufacturer; and
- (c) submit a sample of the biodegradable single use product specified in the Second Schedule.

12. The certificate of conformity referred to in regulation 11(2) shall –

- (a) be in the English or French language;
- (b) specify –
 - (i) the country of origin; and
 - (ii) the name and contact address of the manufacturer;
- (c) certify that the biodegradable single use product does not contain plastic; and
- (d) list the raw materials used to manufacture the biodegradable single use product.

13. The Director-General shall not release a biodegradable single use product specified in the First Schedule unless –

- (a) the Director has caused a sample of the biodegradable single use product to be tested in the presence of the importer by such laboratory as he may approve; and
- (b) the test results state that the product contains no plastic.

14. Where the Director-General does not release a biodegradable single use product under regulation 13, the Director –

- (a) shall request the Director-General to seize the product; and

- (b) may order the importer to reship or dispose of the product, at his expense, in such manner as he may determine.

15. Where any goods specified in the First or Second Schedule are landed and not claimed or removed within 2 months of being landed, the Director-General shall –

- (a) in the case of goods specified in the First Schedule, cause the goods to be disposed of in accordance with section 61 of the Customs Act;
- (b) in the case of goods specified in the Second Schedule, cause the goods to be destroyed in such manner as the Director-General may determine.

16. Where any person –

- (a) possesses or uses, other than for the purpose of trade, a non-biodegradable single use plastic product specified in the Second Schedule, 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 non-biodegradable single use plastic product specified in the Second Schedule, 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 a non-biodegradable single use plastic product specified in the Second Schedule, he shall commit an offence and shall –
 - (i) on a first conviction, be liable to a fine not exceeding 50,000 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 2 years;
- (d) manufactures a non-biodegradable single use plastic product specified in the Second Schedule, he shall commit an offence and shall –
 - (a) on a first conviction, be liable to a fine not exceeding 100,000 rupees; and
 - (b) 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;
- (e) otherwise contravenes these regulations, he shall commit an offence and shall, on conviction, be liable to a fine not exceeding 25,000 rupees.

17. (1) These regulations shall come into operation on 15 January 2021.

(2) Notwithstanding paragraph (1), regulation 4, in so far as it relates to a non-biodegradable single use plastic product specified in Part II of the Second Schedule which forms an integral part of the packaging of another product, other than cooked or ready to be consumed food meant for immediate consumption, shall come into operation on 15 April 2021.

Made by the Minister on 15 July 2020.

FIRST SCHEDULE

[Regulations 2, 5(1), 11, 13 and 15]

BIODEGRADABLE SINGLE USE PRODUCTS

1. Cutlery (forks, knives, spoons, chopsticks)
 2. Plate
 3. Cup
 4. Bowl
 5. Tray
 6. Straw
 7. Beverage stirrer
 8. Hinged container
 9. Cup lid
 10. Receptacles of any shape, with or without lid, used to contain food which is intended for immediate consumption, either on the spot or take away and supplied by a food service business
-

SECOND SCHEDULE

[Regulations 2, 4, 15, 16 and 17]

NON-BIODEGRADABLE SINGLE USE PLASTIC PRODUCTS**PART I**

1. Plastic cutlery (forks, knives, spoons, chopsticks)
2. Plastic plate
3. Plastic cup
4. Plastic bowl
5. Plastic tray
6. Plastic straw, including sealed plastic straw forming an integral part of the packaging of another product
7. Plastic beverage stirrer
8. Plastic hinged container
9. Plastic lid for single use plastic products
10. Receptacles of any shape, with or without lid, used to contain food which is intended for immediate consumption, either on the spot or take away and supplied by a food service business

PART II

1. Plastic tray
 2. Plastic hinged container
 3. Sealed plastic straw forming an integral part of the packaging of another product
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THIRD SCHEDULE

[Regulation 5(2)]

**REGISTRATION FORM TO IMPORT OR MANUFACTURE A
BIODEGRADABLE SINGLE USE PRODUCT**

Name of applicant

Name of company, where applicable

Type of business

Address

Office phone no.

Mobile no.

Fax no.

Email address

Name of contact person acting on behalf of the applicant/company

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National Identity Card no.

Email address

Phone no. Mobile no.

Business Registration number of importer/manufacture

In case of company, please submit documentary evidence specifying the name and contact details of the authorised representative of the company

Type of biodegradable single use product to be manufactured

(Please tick as appropriate)

- Cutlery (forks, knives, spoons, chopsticks)
- Plate
- Cup
- Bowl
- Tray
- Straw
- Beverage stirrer
- Cup lid
- Receptacles of any shape, with or without lid, used to contain food which is intended for immediate consumption, either on the spot or take away and supplied by a food service business

Type of biodegradable single use product to be imported

(Please tick as appropriate)

- Cutlery (forks, knives, spoons, chopsticks)
- Plate
- Cup
- Bowl
- Tray
- Straw
- Beverage stirrer
- Cup lid
- Receptacles of any shape, with or without lid, used to contain food which is intended for immediate consumption, either on the spot or take away and supplied by a food service business

Raw materials used

Frequency of importation

I/We hereby confirm that I/we have taken cognisance of the Environment Protection (Control of Single Use Plastic Products) Regulations 2020 and I/we undertake to comply with the terms and conditions therein.

.....
Date

.....
Signature of applicant

FOR OFFICE USE ONLY

Registration number

Issued on

Validity period

Reference

.....
Name of officer

.....
Signature of applicant

.....
Date

.....
Stamp

FOURTH SCHEDULE

[Regulation 9]

**APPLICATION FORM FOR RENEWAL OF CERTIFICATE
OF REGISTRATION**

To: Director of Environment

I/We
(name)

hereby apply for the renewal of my/our registration bearing
registration reference

..... Name of contact person acting on behalf of the applicant/company Signature of applicant
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.....
Date

FOR OFFICE USE ONLY

New registration number

Issued on

Reference

..... Name of officer Signature of applicant
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..... Date Stamp
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FIFTH SCHEDULE

[Regulation 11(2)(a)]

**APPLICATION FORM FOR CLEARANCE BY AN IMPORTER
OF BIODEGRADABLE SINGLE USE PRODUCT**

Name of applicant

National Identity Card no.

Certificate of registration number

Specify type of business

Address

Office phone no.

Mobile phone no.

Fax no.

Email address

Name of contact person acting on behalf of the applicant/company ..
.....

National Identity Card no.

Email address

Phone no. Mobile no.

Business registration number

In case of company, please submit documentary evidence specifying the name and contact details of the authorised representative of the company

Type of biodegradable single use product to be imported

(Please tick as appropriate)

- Cutlery (forks, knives, spoons, chopsticks)
- Plate
- Cup
- Bowl
- Tray
- Straw
- Beverage stirrer
- Cup lid
- Receptacles of any shape, with or without lid, used to contain food which is intended for immediate consumption, either on the spot or take away and supplied by a food service business

Amount/unit to be imported

Expected date for placing of order

The clearance shall be subject to the following conditions –

- (a) the importer shall submit a certificate of conformity, or a certified true copy of the original certificate of conformity, issued by the manufacturer in respect of each item to be imported;
- (b) the certificate of conformity shall be –
 - (i) in the English or French language;
 - (ii) specify the country of origin and the name and contact address of the manufacturer;
 - (iii) certify that the product does not contain plastic; and
 - (iv) list the raw materials used to manufacture the product; and

(c) the importer shall submit 3 sets of the item or items to be imported as samples for testing purposes.

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.

.....
Signature Date

FOR OFFICE USE ONLY

Clearance no.

Reference

Issued on

.....
Name of officer Signature of officer

.....
Date Stamp
