GOVERNMENT NOTICE NO. 4

ENVIRONMENT MANAGEMENT ACT

(CAP 60:02)

ENVIRONMENT MANAGEMENT (PLASTICS) REGULATIONS, 2015

ARRANGEMENT OF REGULATIONS

REGULATION

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IN EXERCISE of the powers conferred by section 37 of the Environment Management Act, I, ATUPELE MULUZI, Minister of Natural Resources, Energy and Mining, make the following Regulations—

Citation

1. These Regulations may be cited as the Environment Management (Plastics) Regulations, 2015.

Interpretation

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

"commercial distribution of plastics" means making plastic bags or sheets directly or indirectly available for various purposes including packaging of goods, carrying of goods or carrying waste, at a price;

"mark" includes any symbol, sign, drawing, design, badge, emblem, representation, heading, name, word, signature, letter or numeral, or any combination of two or more thereof;

"plastic bag" means—

(*a*) a plastic carrier bag with handles which is designed for the purpose of carrying goods;

(*b*) a plastic flat bag constructed with no handles and with or without gussets which is designated for the purpose of carrying goods; or

(*c*) a plastic refuse bag which is designed for the purpose of carrying wastes;

"plastic sheet" means a flat plastic sheet used for various purposes including wrapping fresh food products and construction works;

"primary packaging material" means the first level product packaging material that contains an item being sold;

"plastic wrap" means thin plastic film typically used for sealing

food items in containers to keep them fresh over a long period of time and includes cling film, stretch wrap, shrink wrap, cling wrap or food wrap;

"plastic bread wrapping" means a flimsy bread bag, a shrinklene bread bag and a wickered bread bag which are designed for the purpose of packaging bread;

"plastic film" means, a continuous, thin unwoven membranous skin or layer of flexible material made of polymers of ethylene or propylene and combinations thereof; and

"trade" means the sale of plastic bags or sheets to any person, including but not limited to manufacturers, wholesalers and retailers of goods for use in the Republic of Malawi.

Prohibition of certain plastic bags and sheets

3. The importation, manufacture, trade and commercial distribution of plastics, plastic bags and plastic sheets made of plastic film with a wall thickness of less than sixty micrometres is prohibited for use within Malawi.

Exemptions

4. The following plastics made of plastic film are exempted from the prohibition set out in regulation 3—

(*a*) plastic bread wrapping;

(*b*) plastic bags, plastic wrap and plastic sheets used solely to contain or wrap—

(i) fresh meat and fresh meat products;

(ii) fresh fish and fresh fish products; and

(iii) fresh poultry and fresh poultry products; whether pre-packaged or not;

(*c*) plastic bags used as primary packaging solely used to package—

(i) fruits or nuts;

(ii) confectionary products;

(iii) dairy products;

(iv) cooked food whether hot or cold;

(v) liquid or frozen products;

(vi) seeds;

(vii) small hardware items;

(viii) medicinal products; and

(ix) veterinary products;

(*d*) polythene tubes for seedlings;

(*e*) laundry dry cleaning bags;

(*f*) plastic bags used in waste storage and disposal such as bin liners and refuse; and

(*g*) any other plastic bags that the Minister may designate as exempt from the ban.

Marking of Plastic Bags

5.—(1) Each plastic bag shall have printed on it in English and a local language, the following information—

(*a*) the name and registration number of the manufacturer; and

(*b*) thickness of the plastic bag.

(2) Each recyclable plastic bag shall have written on it the words "recycled" or "reusable"or symbol indicating that it is recyclable or reusable.

Offences and penalties

6.—(1) Any person who imports, manufactures, trades or engages in commercial distribution of plastics, plastic bags and plastic sheets made of plastic film with a wall thickness of less than sixty micrometres, commits an offence and on conviction, shall be liable to imprisonment for a term of three months.

(2) The Court may, on conviction of a person for an offence under sub paragraph (1), further make an order for the confiscation or forfeiture of any equipment or property which is part of the subject matter of the offence.

Phased implementation of prohibition

7.—(1) The Minister, may enter into arrangements with manufactures, importers, distributors of plastics and other relevant stakeholders, for a phased implementation of the prohibition set out in regulation 3.

(2) The phased implementation of the prohibition shall be published in a newspaper of wide circulation in Malawi.

Made this 20th day of March, 2015.

A. MULUZI
Minister of Natural Resources, Energy and Mining

(FILE NO. EAD/99/02/01)