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PART II

Statutory Notifications containing Rules and Orders issued by all Ministries and Divisions of the Government of Pakistan and their Attached and Subordinate Offices and the Supreme Court of Pakistan

GOVERNMENT OF PAKISTAN

MINISTRY OF CLIMATE CHANGE

[PAKISTAN ENVIRONMENTAL PROTECTION AGENCY]

NOTIFICATION

Islamabad, the 22nd July, 2019

S.R.O. 92(KE)/2019 :

In exercise of the powers conferred by section 33 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), the Pakistan Environmental Protection Agency, with the approval of the Federal Government, is pleased to make the following Regulations, namely:-

1. Short title, application and commencement. – (1) These Regulations shall be called the Pakistan Environmental Protection Agency Ban on (Manufacturing, Import, Sale, Purchase, Storage and Usage) Polythene Bags Regulations, 2019.

(2) These Regulations extend to the Islamabad Capital Territory (ICT).

(3) These Regulations shall come into force at once, except sub-regulation (1) of regulation 3 which shall come into force as specified therein.

(609)

Price : Rs. 20.00

2. **Definitions.** —(1) In these Regulations, —

- (a) **“Act”** means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) **“authorized officer”** means the person authorized by the Federal Agency for implementation of these regulations;
- (c) **“carrier bag”** means bag constructed with handles, with or without gussets.
- (d) **“distributor”** means the person who comes in between a manufacturer or importer and seller or retailer;
- (e) **“extended producer responsibility”** means an environmental policy approach in which a producer's responsibility for a product is extended to the post-consumer stage of a product's life cycle especially for the take-back, recycling and final disposal;
- (f) **“flat bags”** means polythene bags constructed without handles and with or without gussets;
- (g) **“Government”** means the Federal Government;
- (h) **“ICT”** means Islamabad Capital Territory;
- (i) **“import”** means the import of polythene bags in the territorial jurisdiction of ICT through any means including air, roads, and railways etc;
- (j) **“industrial packing”** means packing of raw materials for the next point of production;
- (k) **“permitted bag”** means the bag made of material other than polythene and includes but is not limited to bags made up of jute, paper, cloth, papyrus, 100 % degradable material like of potato starch etc;
- (l) **“polythene bag”** means polybag, polyethylene bag or pouch;
- (m) **“primary industrial packing”** means the packing of industrial product, edible or otherwise, in which the product is in direct contact with the bag;
- (n) **“Schedule”** means the schedules to these regulations; and
- (o) **“seller or retailer”** means the person who might or might not buy directly from manufacturer or importer but sells directly to the end customers or any other person who sells to end customers.

- (2) All other words and expressions used in these regulations but not defined herein shall have the same meanings as are assigned to them in the Act.

3. Ban on polythene bags.—(1) The polythene bags shall be banned in ICT as per following time lines, namely:-

- (a) all manufacturing, import and wholesale trading of polythene bags shall be banned from commencement of these regulations; and
- (b) all sale, purchase, supply, trade, storage, distribution and use of polythene bags other than those specified in clause (a) shall be banned from the 14th August, 2019.
- (2) After the given timelines in clauses (a) and (b) of sub-regulation (1), no person shall manufacture, import, sell, purchase, use, trade, supply, store and distribute polythene bags and any authorization or permission for manufacturing, import, sale, purchase, supply, trade, storage, distribution and use of polythene bags issued before commencement of these regulations shall cease to be operative.

4. Authorization to manufacture or import flat polythene bags.—

(1) Notwithstanding anything contained in sub-regulations (2) and (3) of regulation 3, the Federal Agency may allow the manufacture, import or use of polythene flat bags subject to terms and conditions specified by the Federal Agency, for following purposes, namely:-

- (a) industrial packing;
- (b) primary industrial packing;
- (c) municipal waste;
- (d) hospital waste; and
- (e) hazardous waste.

(2) An application for authorization to manufacture, import or sell polythene flat bags shall be made in accordance with **Schedule-I**.

(3) The application referred to in sub-regulation (2) shall be accompanied by the fee as prescribed under **Schedule-II**.

(4) An application to manufacture or import polythene flat bags shall not be considered unless the applicant submits a recycling plan to the Federal Agency.

- (5) The application fee shall be levied on every product produced or packaged by the applicant.
- (6) The fee collected under this regulation shall be deposited in the Government treasury by the applicant.
- (7) The Federal Agency shall respond to the application within sixty days and communicate its decision to the applicant in writing.
- (8) The Federal Agency may, after being satisfied with the application, issue an authorization on such terms and conditions as may be appropriate and necessary to facilitate sustainable development and sound environmental management.
- (9) The authorization issued under these regulations shall be valid for twelve months.
- (10) The Federal Agency may require an applicant, at his own expense, to submit additional information for purposes of ensuring that assessment of the application is as accurate and exhaustive as possible.

5. Review of an application. – (1) The Federal Agency may on application by any applicant or on its own accord, review its decision:

Provided that order in review of the Federal Agency at its own accord likely to affect an applicant shall not be passed unless the applicant is given an opportunity of being heard.

- (2) The Federal Agency shall respond to the application for review within a period of thirty days.

6. Criteria for exemption. – In determining whether to authorize the manufacture, import, sale or use for flat polythene bags for the purpose mentioned in sub-regulation (1) of regulation 4, the Federal Agency shall be guided to exempt them by the check list as per **Schedule-III**.

7. Recycling plan.–(1) Each manufacturer or importer shall develop a plan and thereafter maintain a plan under the principle of extended producer's responsibility (EPR) for supporting the collection and recycling of flat bags and shall submit the copy of this plan to the Federal Agency for posting on the Federal Agency's website.

- (2) Manufacturers or importers may develop and implement the plan under sub-regulation (1) individually or jointly with other manufacturers or importers.

- (3) The plan under this regulation shall describe the recycling program to be implemented throughout ICT, including collection locations, events, or both, and shall –
- (a) include a detailed description as to how the plan will be implemented;
 - (b) describe the performance measures that will be used to document collection efforts for polythene flat bags;
 - (c) include the public education plan on the reuse and recycling of polythene bags and polythene film product wrap;
 - (d) include the mailing address, email address and contact details of the manufacturer, exporter, importer for the submission of comments regarding the plan; and
 - (e) describe such other matters as the Federal Agency may require.

8. Recycling program report.—Each manufacturer or importer shall submit a report of the previous calendar year regarding recycling program including but not limited to—

- (a) the collection locations for polythene flat bags and polythene film products wrap;
- (b) the processing locations for the collected polythene flat bags and polythene film products wrap;
- (c) the weight in kilograms of polythene flat bags and polythene film product wrap, collected and processed for recycling;
- (d) the weight in kilograms and percentage of polythene flat bags manufactured or imported.
- (e) the percentage of polythene flat bags and polythene film product wrap collected and processed for recycling based on the weight in kilograms of polythene flat bags;
- (f) the amounts of pre-consumer recycled content and post-consumer recycled content in the polythene flat bags the manufacturer sold for use or distribution in ICT.
- (g) samples of education materials provided to consumers; and
- (h) such other matters as the Federal Agency may require.

9. Compliance assessment.—A manufacturer or importer shall conduct due diligence and document the assessment so made of any person with whom the manufacturer or importer contracts or arranges for a recycling collection location or collection, processing or transportation of polythene bags or polythene film product wrap or recycling of polythene flat bags and polythene film product wrap and the same shall be reported to the Federal Agency.

10. Collection point.—(1) For the benefit of assisting consumers who wish to find collection locations for recycling polythene flat bags, the Federal Agency shall post on its website the location of all collection sites identified to the Federal Agency by manufacturers or importers in their plans and annual reports.

(2) The Federal Agency shall post on its website the list of manufacturers and importers for which the Federal Agency has received a recycling plan in accordance with regulation 7.

(3) The Federal Agency shall post on its website the list of manufacturers and importers for which the Federal Agency has received an annual report in accordance with regulation 8.

11. Labeling.— (1) No manufacturer or importer shall sell or offer to sell polythene flat bags in ICT unless the name and contact details of the manufacturer or importer are printed on the bag so that the manufacturer's or importer's identity is readily available.

(2) The Federal Agency may on the application of the manufacturers or importers approve the use of any other identifiable mark in the place of the contact details of manufacturer or importer of the polythene flat bags.

(3) The manufacturer or importer shall print recycled content of polythene flat bags.

12. List of authorized manufacturers and importers.—The Federal Agency shall post on its website the list of manufacturers and importers that are authorized under these regulations.

13. Prohibition on purchase of polythene bags.—(1) No user shall purchase polythene flat bags directly from a manufacturer or importer for use or sale or storage or distribution in ICT unless the manufacturer or importer of the bags is authorized by the Federal Agency under these regulations.

(2) No user shall purchase polythene flat bags directly from a manufacturer or importer for use or sale or storage or distribution in ICT unless the name of manufacturer or importer of the bags is printed on the bags so that the manufacturer's or importer's identity is readily available.

14. Confidential information.—An applicant may specify what portion of information should be treated as confidential by the Federal Agency during processing of application for authorization to manufacture or import the polythene flat bags.

15. Records keeping.—(1) Every manufacturer or importer of polythene flat bags shall keep a record of quantities of materials manufactured or imported or exported.

- (2) The record kept under sub-regulation (1) shall be submitted to the Federal Agency in accordance with **Schedule IV**.

16. Inspection.—(1) Any authorized officer, subject to the provisions of the Act, shall be responsible for inspection of facilities of manufacture, import, offer for sale of any polythene packaging material to ensure adherence to the provisions of the Act and these regulations.

- (2) subject to the provisions of the Act, any authorized officer may enter and inspect and search at any reasonable time, any land, building, premises, vehicle or vessel or other place where or in which, there are reasonable grounds to believe that an offence under these regulations has been or is being committed.

17. Engagement with stakeholders.—The Federal Agency in consultations with the Metropolitan Corporation for ICT, Capital Development Authority, District Administration of ICT and other stakeholders shall, within six months of commencement of these regulations, provide guidance on measures to manage the existing polythene waste in the environment as well as that which will be generated from the exempted uses or applications.

18. Administrative Penalty.— (1) Subject to Section 17 of the Pakistan Environmental Protection Act, 1997, the minimum administrative penalty shall be as prescribed in **Schedule-V**.

- (2) The procedure for administrative penalty under this regulation will be in the manner as prescribed in Compounding of Offences and Payment of Administrative Penalty Rules, 2015.

19. Repeal.—The Prohibition of Non-degradable Plastic Products (manufacturing, sale and usage), Regulations 2013 are hereby repealed.

SCHEDULE-I

[See regulation 4(2)]

Application for Authorization

(All necessary documents shall be attached with the application for its acceptance)

Pakistan Environmental Protection Agency, Islamabad

Application for authorization to manufacture, import or use of polythene flat bags

Part-I DETAILS OF THE APPLICANT

Name (Individual/Firm/Company etc.)

Business Registration No. (if any).....

Sale Tax No./ NTN.....

Address.....

Telephone No. Cell No.

E-mail.....

Part-II CATEGORY (Tick the relevant)

(a) Manufacturer (b) Importer (c) User [As per regulations 4 (1)]

Nature of product (specify the details).....

Source of the Product (for non manufacturer).....

Expected duration of the use or consumption.....

Take back mechanism to be put in place.....

PART-III AUTHORIZATION FEE DETAILS (please attach the original challan)

Bank Name..... Branch Name.....
Fee Amount (in figures).....
in words).....

PART-IV DECLARATION BY THE APPLICANT

I, hereby certify that the particulars given above are correct and true to the best of my knowledge and belief. I understand my authorization may be suspended, varied or cancelled if any information given above is false, misleading, wrong or incomplete.

Name.....

Designation/Position.....

CNIC..... Signature.....

Date.....

Company or Entity Name and Seal and
Stamp.....
.....

PART-V FOR OFFICIAL USE

Approved/Not Approved.....

Comments.....
.....
.....
.....

Officer Name..... Signature.....

Date..... Stamp.....

SCHEDULE-II

[See regulation 4 (3)]

Authorization Fee

S. No.	Person applying for authorization	Fee for one year
1	Manufacturer or Importer	Rs. 10,000
2	Primary industrial user or industrial user	
3	Hospital user	

SCHEDULE-III

[See regulation 6]

Federal Agency shall be guided for exemption as per the following check list.

- (a) Whether the packaging is required for product preservation and public health concerns;
- (b) Whether the packaging is required as a security measure;
- (c) Whether the packaging is required for water and dust proofing;
- (d) Whether the packaging is required to maintain product integrity while on transit.
- (e) Whether the packaging constitute over-packing or not;
- (f) Whether there is any other reasonably feasible non-Polythene alternative packaging material available;
- (g) Whether the packaging is in accordance with International rules and standards which are applicable in Pakistan.
- (h) Any other criteria that may be determined by the Federal Agency,

THE SCHEDULE-IV

[See regulation 15 (2)]

Record keeping**Pakistan Environmental Protection Agency, Islamabad****Part-I DETAILS OF THE APPLICANT**

Name (Individual/Firm/Company etc.).....

Business Registration No.....

Sale Tax No./NTN.....

Address.....

.....

Telephone No. Cell No.

E-mail.....

Part-II CATEGORY (Tick the relevant)

(a) Manufacturer

(b) Importer

Nature of Product (specify the details).....

.....

Date of issue of authorization.....

Date of expiry of authorization.....

Quantity of the polythene packing material used in the given year.....

Destination of the Polythene packing material (local or

International).....

.....

PART-III DECLARATION BY THE APPLICANT

I, hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

Name.....

Designation/Position.....

CNIC..... Signature.....

Date.....

Company or Entity Name and Seal and Stamp.....

PART-IV FOR OFFICIAL USE

Receiving Officer Name.....

Officer Designation..... Signature.....

Date..... Stamp.....

THE SCHEDULE-V

[See Regulation 18]

S. No.	Person violating the Regulation	First time violation of the regulations	Second time violation of the regulations	More than two times violations of regulations
1	Manufacturer/Importer/Wholesaler	Rs. 100,000/-	Rs. 2,00,000/-	Rs. 500,000/-
2	Shop keeper/Hawker/Stall-holder	Rs. 10,000/-	Rs. 20,000/-	Rs. 50,000/-
3	Any other person involved in offence under these regulations.	Rs. 5000/- for each violation.		

[No. F.1(1-A)/96-L/E]

FARZANA ALTAZ SHAH,
Director General.