

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. XX OF 2009

The Environmental Protection and Pollution Control Act
(Act No. 12 of 1990)

The Extended Producer Responsibility Regulations, 2009

IN EXERCISE of the powers contained in section *ninety-six* of the Environmental Protection and Pollution Control Act and in consultation with the Council, the following Regulations are hereby made:

PART I
PRELIMINARY

These Regulations may be cited as the Extended Producer Responsibility Regulations, 2009.

1. In these Regulations unless the context interpretation otherwise requires-

“**Act**” means the Environmental Protection and Pollution Control Act, 1990;

“**Alternative shopping bag**” means a carrier bag that is designed to be used on a regular basis over a period of approximately 1 year or is of a kind brought within the ambit of this definition by the regulations.

“**Commercial distribution**” means making available of plastic bags, conical cartons, non-returnable glass and plastic bottles directly or indirectly for packaging or carrying goods or carrying waste.

“**Conical carton**” means packaging made from polyethylene-coated paperboard and sometimes, foil laminates used for packaging liquid beverages for commercial distribution, for which a refundable deposit is not paid and which cannot be returned for reuse.

“**Inspector**” means a person appointed inspector under section *eighty three* of the Act

“Non returnable glass bottles” means a glass container intended for use in packaging of beverages for commercial distribution, for which a refundable deposit is not paid and which cannot be returned for reuse

“Non returnable plastic bottles” means a plastic container intended for use in packaging of beverages for commercial distribution, for which a refundable deposit is not paid and which cannot be returned for reuse

“Person” means an individual, partnership, corporate body or association.

“Packaging material” means a conical carton, plastic carrier bag, plastic flat bag, non returnable glass or plastic bottle used for the general purpose of carrying goods.

“Plastic carrier bag” means a bag, made of "plastic film", with handles, and with or without gussets, having the properties specified in *Zambian Standard on Plastic Carrier Bags and Flat Bags*.

“Plastic flat bag” means bag, made of plastic film, without handles, and with or without gussets, having the properties specified in *Zambian Standard on Plastic Carrier Bags and Flat Bags*.

“Plastic film” means a continuous, thin, non-woven membraneous skin or layer of flexible material made of thermoplastic materials;

“Prescribed day” means for the purposes of these regulations April 1, 2009.

“Producer responsibility measures” means actions that extend a person’s financial or physical responsibility for a product to the post consumer stage of the product and include waste minimisation programmes; financial contributions to any fund that has been established to promote the minimisation, recovery, re-use or recycling of waste; awareness programmes to inform the public of the impacts of waste emanating from the product on human health and the environment and any other measures to reduce the potential impacts of the product on human health and the environment.

“Trade” means the sale of conical cartons, non-returnable glass bottle, plastic containers, plastic carrier bags or plastic flat bags to any person, including but not limited to manufacturers, wholesalers and retailers of goods, for use within the Republic of Zambia.

PART II

PRINCIPLE OF EXTENDED PRODUCER RESPONSIBILITY

2. (1) The Council may, other than a product or class of products listed in the first schedule of these regulations, by way of a notice in the gazette, identify:
 - (a) A product or class of products;
 - (b) The producer responsibility measures that must be taken in respect of that product or class of products; and
 - (c) The category of persons who must take those measures.
- (2) The Council may, in terms of subsection (1):
 - (a) Specify the requirements in respect of the implementation and operation of a waste minimisation programme, including the requirements in respect of the avoidance of waste generation, recovery, re-use and recycling;
 - (b) Determine the financial arrangements of a waste minimisation programme;
 - (c) establish institutional arrangements for the administration of a waste minimisation programme.
 - (d) indicate the percentage of products that must be recovered under a waste minimisation programme;
 - (e) specify labelling requirements;
 - (f) prohibit or restrict the sale of any product or classes of products in such circumstances as may be prescribed;
 - (g) require the producer of a specified product or class of product to carry out a life cycle assessment in relation to the product, in such manner or in accordance with such standards or procedures as may be specified; and
 - (h) specify the requirements that must be complied with in respect of the design, composition or production of a product or packaging, including a requirement that :
 - (i) cleaner production measures be implemented;
 - (ii) the composition, volume or weight of packaging be restricted; and
 - (iii) packaging be designed, produced and used so as to be capable of being recovered, recycled or reused.

(3). Prohibition of certain Packaging materials

The manufacture, trade and commercial distribution of domestically produced and imported plastic carrier and flat bags, for use within the Republic of Zambia, other than those having the properties in the Zambian Standard on Plastic Carrier Bags and Flat Bags is hereby prohibited.

PART III

REGISTRATION

3. (1) Any person who intends to manufacture, import, trade or commercially distribute packaging materials in Zambia as specified in the first Schedule shall:

- (a) Apply for registration in form PM 1 set out in the fourth schedule
- (b) Pay the appropriate fee set out in the second schedule

(2) An application for a registration made under sub regulation (1) shall be submitted to the Council at least one month prior to the commencement of operations.

(3) Any person manufacturing, importing, trading or commercially distributing packaging materials in Zambia as specified in the first Schedule prior to the commencement of these regulations shall, within six months from the date of commencement of these regulations, apply for registration specified in regulation 3 (1).

Person must provide alternative shopping bag until prescribed day

4. (1) From the day on which these regulations come into operation until the day immediately preceding the prescribed day, a person who at any premises makes plastic carrier bags or flat bags available to customers as a means of carrying goods purchased, or to be purchased, from the person must:

(a) be in a position to provide an alternative shopping bag to a customer who requests that the person provide him or her with such a bag; and

(b) display a notice, or notices, in the premises in accordance with the requirements prescribed by regulation 6.

(2) This regulation does not prevent a person from requiring a customer to pay a fee for the provision of an alternative shopping bag.

Person not to provide plastic carrier bag or flat bag not complying with regulations

5. (1) On or after the prescribed day no person shall provide a plastic carrier bag or flat bag not complying with these regulations to a customer as a means of carrying goods purchased, or to be purchased from the person.

(2) This regulation applies whether or not a fee is charged to the customer for provision of the plastic carrier bag or flat bag.

6. Pursuant to paragraph (b) of regulation 4(1), a person to whom that regulation applies must display, in a prominent position at each point of sale in the person's premises, a notice that:

(a) subject to sub regulation (2), is of at least A4 size; and

(b) includes the following words in legible letters: "The Zambian Government is banning the manufacture, trade and commercial distribution of domestically produced and imported plastic carrier and flat bags, for use within the Republic of Zambia, other than those having the properties in the Zambian Standard on Plastic Carrier Bags and Flat Bags from April 1, 2009. In the lead up to the ban, this retail outlet will supply or sell alternative shopping bags on request."

(2) The requirement for a notice to be of at least A4 size does not apply in relation to a notice in electronic form.

7. (1) Where the Inspector has reasonable cause to believe that a person has contravened any of the provisions of the registration condition the Inspector shall serve an enforcement notice on that person.

(2) An enforcement served under sub-regulation (1) shall:-

(a) State the provisions or conditions of the registration which have been contravened or are likely to be contravened;

(b) Specify the steps that have to be taken to remedy the contravention or avoid the contravention, as the case may be; and

(c) Specify the time limit within which the steps described under paragraph (b) should be taken.

8. (1) Any person who intends to manufacture, import, trade or commercially distribute recyclable plastic packaging materials in Zambia as specified in the first Schedule shall also be required to ensure that a Plastic Identification Code (PIC) as specified in the third schedule is available at the base or at the side of the plastic packaging and containers.

(2) The PIC shall appear inside a three-chasing arrow recycling symbol. The symbol shall indicate whether the plastic can be recycled into new products.

(3) The PIC shall, however, not be present on plastic packaging films, as it is not practical to collect and recycle most of this type of waste.

9. Offences and penalties

(1) Any person who contravenes any condition of a registration after an enforcement notice has been issued under these regulations or any part of these regulations:

(a) shall have their registration suspended or cancelled; and

(b) commits an offence and is liable upon conviction to a fine or conviction as set out in section *ninety-one* of the Act.

10. Commencement date

These regulations will come into effect on April 1, 2009.

FIRST SCHEDULE

(Regulation 3)

Item No.	Type of Packaging Material
1	Conical Cartons
2	Non returnable glass bottles
3	Non returnable plastic bottles
4	Plastic Carrier and Flat Bags complying with Zambian Standard on Plastic Carrier Bags and Flat Bags

SECOND SCHEDULE

(Regulation 3)

PRESCRIBED FEES

Item No.	Type of Packaging Material	Fee Unit/ton		
		Manufacturing	Retailing	Importation
1	Non returnable Glass Bottles	5	2	10
2	Non returnable Plastic Bottles	50	100	100
3	Conical Cartons	300	75	600
4	Plastic Carrier and Flat Bags	75	10	150

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Third Schedule (Regulation 8)			
Plastic Identification Code	Type of plastic polymer	Properties	Common Packaging Materials
	<u>Polyethylene Terephthalate</u> (PET, PETE)	Clarity, strength, toughness, barrier to gas and moisture.	Soft drink, water and salad dressing bottles; peanut butter and jam jars
	<u>High Density Polyethylene</u> (HDPE)	Stiffness, strength, toughness, resistance to moisture, permeability to gas.	Milk, juice and water bottles; trash and retail bags.
	<u>Polyvinyl Chloride</u> (PVC)	Versatility, clarity, ease of blending, strength, toughness.	Juice bottles; cling films; PVC piping
	<u>Low Density Polyethylene</u> (LDPE)	Ease of processing, strength, toughness, flexibility, ease of sealing, barrier to moisture.	Frozen food bags; squeezable bottles, e.g. honey, mustard; cling films; flexible container lids.
	<u>Polypropylene</u> (PP)	Strength, toughness, resistance to heat, chemicals, grease and oil, versatile, barrier to moisture.	Reusable microwaveable ware; kitchenware; yogurt containers; margarine tubs; microwaveable disposable take-away containers; disposable cups and plates.
	<u>Polystyrene</u> (PS)	Versatility, clarity, easily formed	Egg cartons; packing peanuts; disposable cups, plates, trays and cutlery; disposable take-away containers;
	Other (often <u>polycarbonate</u>)	Dependent on polymers or combination of polymers	Beverage bottles; baby milk bottles; electronic casing.

FOURTH SECHDULE

PRESCRIBED FORMS

Form PM1

REPUBLIC OF ZAMBIA

Environmental Council

Environmental Protection and Pollution Control Act
(Laws, Volume 12 Cap. 204)

The Extended Producer Responsibility Regulations, 2009

Application to Register Packaging Materials

(Regulation 3)

To: The Chief Inspector (Pollution Control)
Environmental Council of Zambia
P O Box 35131
LUSAKA

1. Name of applicant:.....

2. Address of applicant:.....

Physical:.....

Postal:

Telephone no:.....

Fax no:.....

Telex:.....

E-mail:

3. Line of Business.....

4. Details of the packaging materials handled:

Type of Packaging Materials	Quantities of Packaging Materials Per Annum (Tonnes)	Source of packaging material	Colour of Packaging Materials

5. Number of year's firm has been handling the said Packaging Materials No.years.
6. Cost of manufacture, importation, or purchasing the PM per ton (K).....
7. Future extended producer responsibility strategy.....
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8. Any other company information.
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.....
.....
9. I hereby certify that the above particulars are to the best of my knowledge, true and correct.

..... Chief Executive Officer Signature Official Date Stamp
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FOR OFFICIAL USE ONLY:

Received by:
 Title:
 Date:
 Signature:

ATTACHMENTS:

1. Samples of each packaging materials listed

LUSAKA
January 1, 2009

Catherine Namugala
*Minister of Tourism, Environment and
Natural Resources [MTENR]*