

Seychelles

Environment Protection Act, 2016

Environment Protection (Restriction on importation, distribution and sale of Plastic Utensils and Polystyrene Boxes) Regulations, 2017

Statutory Instrument 38 of 2017

Legislation as at 30 June 2017

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Environment Protection (Restriction on importation, distribution and sale of Plastic Utensils and Polystyrene Boxes) Regulations, 2017

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Statutory Instrument 38 of 2017

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In exercise of the powers conferred by section 80 read with section 4(d) and section 41(c) of the Environment Protection Act, 2016 the Minister responsible for Environment, Energy and Climate Change hereby makes the following Regulations—

1. Citation and commencement

These Regulations may be cited as the Environment Protection (Restriction on importation, distribution and sale of Plastic Utensils and Polystyrene Boxes) Regulations 2017 and shall come into force on 1st July, 2017.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**AS**” means Australian Standard;

“**ASTM**” means the American Society for Testing and Materials;

“**biodegradable boxes**” means a takeaway food container that can be biologically broken down naturally by bacteria and other living organisms into natural elements in a normal environment leaving no toxicity in the soil;

“**biodegradable utensils**” means cutlery, food and drink containers that can be biologically broken down naturally by bacteria and other living organisms into natural elements in a normal environment leaving no toxicity in the soil;

“**certificate of conformity**” means a document, tag, label, or nameplate, provided on delivery to the buyer that attests the product compliance with standard;

“**EN**” means the European Standard;

“**Ministry**” means the Ministry responsible for Environment;

“**plastic**” means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins, multi-materials like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, Polybutylene terephthalate;

“**Seychelles Bureau of Standards**” means the Bureau established under section 3 of the Seychelles Bureau of Standard Act, 2014;

“**standards**” means the applicable standards specified in the Schedule;

“**plastic utensil**” includes fork, spoon, knives, plates, bowls, cups and trays made of plastic;

“**Polystyrene**” means a polymer made from the styrene monomer;

“**Polystyrene boxes**” includes takeaway box used for containing food;

“**validation**” means confirmation through the provision of objective evidence, that the specified requirements has been fulfilled.

3. Clearance of existing stock

The manufacturing, importation, distribution and sale of plastic utensils and Polystyrene boxes for use within the Republic of Seychelles is hereby prohibited.

4. Issue of permits

- (1) The Ministry responsible for Finance and Trade, subject to the approval of the Ministry responsible for environment may issue import permits for the importation of—
 - (a) Biodegradable utensils; or
 - (b) Biodegradable boxes.
- (2) Subject to subsection (1), upon submitting an import permit application the importer shall submit a certificate of conformity which shall stipulate the standard and or technical regulation to which it is compliant to.
- (3) The Seychelles Bureau of Standards shall be designated by the Ministry as the responsible body to undertake the validation of the certificate of conformity.
- (4) Subject to subsection (2) an application to import shall not be granted if the certificate of conformity is not validated by the Seychelles Bureau of Standards.

5. Offences

Any person who contravenes these Regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding SCR20,000 or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

6. Import in breach of regulation

Where a consignment of plastic utensil or polystyrene box has been imported in breach of these regulations, the consignment shall be dealt with in accordance with Section 246 (1)(b) or 247(1) of the Customs Management Act 2011.

Schedule
Standards

Item	Applicable standards
Biodegradable boxes	AS 4736-2006
	ASTM D6400
	EN 13432
	ISO 14855
Biodegradable utensils	AS 4736-2006
	ASTM D6400
	EN 13432
	ISO 14855