

Republic of Benin

[...]

Presidency of the Republic

Law No. 2017-39 OF 26 DECEMBER 2017

Prohibiting the production, import, export, commercialization, possession, distribution, and use of non-biodegradable plastic bags in the Republic of Benin.

[...]

// Preamble not included

// Section 1 - Definitions omitted

// Section 2 - Objectives omitted

Chapter II

Prohibitions

Article 4: The operations of production, import, export, marketing, distribution, possession and use of non-biodegradable bags are prohibited in the Republic of Benin.

Article 5: Are also prohibited, the discard, the throwing out of plastic bags in the streets, the public roads, the surroundings of the houses and other public places, in urban and rural environment, in the infrastructures of the sewerage networks, in the courses and water bodies, the sea and their surroundings, overboard vehicles.

Article 6: The management and recycling of authorized plastic bags are specified by order of the Minister in charge of the environment.

Article 7: The production, import, export, marketing and distribution of biodegradable bags are authorized after approval by the competent services of the Directorate-General for the Environment.

The conditions of approval are fixed by decree of the Minister in charge of the Environment.

Article 8: Notwithstanding the provisions of Article 4, the use of bags entering directly into the packaging of manufactured products is permitted.

The list of manufactured products concerned is fixed by interministerial order.

Article 9: The production, import, export, marketing or distribution of non-biodegradable bags for use in health, medical, military, war, scientific and experimental research or for public health measures, National security and safety is subject to special authorization issued by the Minister of the Environment.

CHAPTER III

CONTROLS

Article 10: Are empowered to monitor the quality of plastic bags used on the national territory: sworn officers of the administrations in charge of the protection of the environment, the officers and agents of judicial police and all other agents empowered by the special laws.

Article 11: Biodegradable bags manufactured or imported in the Republic of Benin are subject to the control of the General Directorate for the Environment before their use or marketing.

CHAPTER IV

CRIMINAL PROVISIONS

Article 12: Any natural or legal person who produces, imports or exports plastic bags in contravention of the provisions of Article 4 is liable to a fine of five million (5,000,000) to fifty million (50000000) CFA francs , without prejudice to the additional penalties of withdrawal of authorization or authorization, the freezing and confiscation of assets, provisional or definitive closure which may be pronounced.

Representatives of this person are subject to a term of imprisonment of three (03) months to six (06) months. In cases of recidivism, these penalties are doubled.

Article 13: Anyone who sells, distributes or holds plastic bags in contravention of the provisions of Article 4 of this Law shall be liable to a fine of one hundred thousand (100000) to five million (5000000) francs and a term of imprisonment of three (03) months to six (06) months.

Article 14: Anyone who diverts or discards plastic bags in the infrastructures of sewage networks, in the sea, the courts and bodies of water and their surroundings, is punished with a fine of twenty five

thousand (25000) CFA francs has a million (one million) CFA francs and a prison sentence of three (03) months to six (06) months.

In case of recidivism the fine is doubled.

Article 15: Any natural or legal person who sells or gives away, unauthorized bags is punished with a fine ranging from ten thousand (10000) to five hundred thousand (500000) CFA francs and imprisonment from three (03) months to six (06) months.

Article 16: Any unauthorized physical or moral person who uses a non-biodegradable bag, is punished with a fine ranging from five thousand (5000) to five hundred thousand (500000) CFA francs and imprisonment of three (03) months to six (06) months.

Article 17: Anyone who throws a plastic bag out of a vehicle and in the street, is punished with a fine ranging from five thousand (5000) to one hundred thousand (100000) CFA francs and a penalty of imprisonment from three (03) months to six (06) months.

The driver of the vehicle over which the plastic bags are thrown is also fined twenty thousand (20000) CFA francs.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

Article 18: Any natural or legal person who produces, imports, exports, markets, distributes or holds in stock the non-biodegradable bags, has a period of six (06) months to comply with the provisions of this law.

In any case, no import is allowed during the transitional period.

After this period, any non-biodegradable bag in circulation in contravention of the provisions of this Act shall be seized and destroyed in accordance with the required procedures.

Article 19: Producers and importers of biodegradable plastic bags have a system for the collection and recycling of waste from these bags.

Article 20: The present law, which enters into force from its publication in the Official Journal of the Republic of Benin, will be executed as the law of the State.

Cotonou, December 26, 2017

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