

BURKINA FASO IVE REPUBLIC

UNITE-PROGRES-JUSTICE FIFTH LEGISLATURE

NATIONAL ASSEMBLY

LAW N ° 017-2014 / YE

PROHIBITING PRODUCTION, IMPORT, MARKETING AND THE DISTRIBUTION OF
NON-BIODEGRADABLE PLASTIC PACKAGING AND PLASTIC BAGS

THE NATIONAL ASSEMBLY

Given the Constitution; Having regard to Resolution No. 001-2012 / AN of 28 December 2012, validating the mandate of the deputies; deliberated at its meeting of May 20, 2014 and passed the law, the content of which follows:

CHAPTER 1: GENERAL PROVISIONS

Article 1:

The purpose of this Act is to prohibit the production, import, marketing and distribution of non-biodegradable plastic packaging and plastic bags in Burkina Faso.

Article 2:

It aims to:

- eliminate the spread in the natural environment of plastic waste generated by the unsustainable use of non-biodegradable plastic packaging and plastic bags;
- further protect public health and hygiene;
- preserve the quality of soil, water and air;
- to improve the living environment of the populations;
- promote the use of biodegradable plastic packaging and bags.

Article 3:

This Act applies to:

- any producer of non-biodegradable plastic packaging and plastic bags on the national territory;
- any importer of non-biodegradable plastic packaging and plastic bags on the national territory;
- any distributor of non-biodegradable plastic packaging and plastic bags on the national territory;
- any natural or legal person who carries on a commercial activity, industrial, artisanal or professional use requiring the use of plastic packaging and bags.

Article 4:

Under this Act, the following terms mean:

- plastic packaging: any plastic product intended to contain and to protect objects, goods or articles in order to facilitate their handling, transportation or transportation;
- plastic bag: any variety of biodegradable plastic packaging or non-biodegradable, low density, composed of several chemical molecules;
- biodegradable packaging or plastic bag: any packaging or plastic bag composed of organic matter or not, of low density likely to decompose sixty months at the most, under the action of the heat, oxygen, ultraviolet rays, living things and others natural molecules;
- non-biodegradable plastic packaging or bag: any packaging or plastic bag made of organic matter or not, of low density which can not decompose after sixty months, under the action of the heat, oxygen, ultraviolet rays, living things and others natural molecules.

CHAPTER 2: PROHIBITIONS

Article 5:

Any production, import, marketing and distribution of non-biodegradable plastic packaging and bags on the national territory.

Article 6:

Also prohibited:

- any abandonment of packaging or plastic bags in the natural environment, public roads or in places other than landfills provided for by competent public authorities;
- any spill or release of plastic packaging and bags into Streets and other public places, in urban and rural areas, in infrastructures sanitation networks, on trees, in rivers and lakes and on their surroundings;
- any deposit of solid or liquid products packaged in packaging and plastic bags on the public domain, including inland waters;
- any immersion of solid or liquid products packaged in packaging and plastic bags in inland waters, dams and rivers;
- any rejection or abandonment in internal waters of packs and sachets plastics;
- all production, import, marketing, distribution of packaging and unapproved plastic bags.

CHAPTER 3: SANCTIONS

Article 7:

Is punishable by imprisonment from three months to five years and a fine of one hundred thousand (100,000) to ten million (10,000,000) CFA francs, or one of these two penalties, whoever produces, imports, markets or distributes non-biodegradable plastic packaging and plastic bags in violation of the provisions of this law. In case of recidivism, the penalty is doubled.

Article 8:

Without prejudice to criminal penalties, the competent authorities environment and remediation may set fines and impose administrative fines.

Article 9:

Without prejudice to criminal and administrative sanctions, the Minister in charge of industry, commerce and crafts can take the necessary measures to suspend the work or activities of any offender.

Article 10:

A decree issued by the Council of Ministers fixes the amount of the contraventions, administrative fines as well as the methods of collection and management, on proposal of the Minister in charge of the environment.

CHAPTER 4: DEROGATORY MEASURES

Article 11:

Notwithstanding the provisions of Articles 5, 6 and 7 above, the use of plastic packaging and bags directly into the packaging manufactures whose list is fixed by joint order of the Ministers in the environment, industry, trade and crafts, health, economy and finance.

Article 12:

The production, import, marketing and distribution of biodegradable plastic packaging and bags are only allowed after approval by the competent departments of the ministries responsible for the environment and sustainable development, industry, trade and crafts.

Article 13:

The production, importation, marketing or distribution of non-biodegradable plastic packaging and plastic bags intended directly for sanitary activities, scientific and experimental research or for the purpose of security and national security, are subject to a special authorization issued by the Minister charge of industry, commerce and craftsmanship after the opinion of the Minister in charge environment and sustainable development. The conditions of use, recovery and disposal of such packaging and non-biodegradable plastic bags are determined by order of the Minister in the environment and sustainable development.

CHAPTER 5: TRANSITIONAL AND FINAL PROVISIONS

Article 14:

A period of six months is granted to producers, importers, traders and distributors of plastic packaging and bags to comply with provisions of this Law, from the date of publication in the Official Journal of Faso.

Article 15:

This law shall be executed as the law of the State.

Thus done and deliberated in public session,
in Ouagadougou, May 20, 2014.