

OFFICIAL PARTY

- DECREES AND DECREES -

A - TEXT OF GENERAL SCOPE

MINISTRY OF TRADE AND SUPPLIES

Decree n ° 2011-485 of July 20th, 2011

regulating production, import, marketing and the use of plastic bags, sachets and plastic films

The president of the Republic,

Given the Constitution; Having regard to Law No. 003-91 of 23 April 1991 on the protection of the environment ; Considering the law n ° 6-94 of June 1, 1994 laying down regulations prices, commercial standards, finding and repression of fraud; Given the law n ° 19-2005 of 24 November 2005 regulating the practice of the profession of trader Republic of Congo ; Given the law n ° 3-2007 of 24 January 2007 regulating imports, exports and re-exports in the Republic of Congo; Having regard to Decree No 2009-335 of 15 September 2009 appointment of members of the Government; Having regard to Decree No 2009-394 of 13 October 2009 on the powers of the Minister of the Interior and the decentralization, Having regard to Decree No 2009-396 of 13 October 2009 on the powers of the Minister of Sustainable Development, forest economics and the environment; Having regard to Decree No. 2010-36 of 28 January 2010 organization of the Ministry of Commerce and Supplies; Having regard to Decree No 2010-316 of 24 April 2010 on attributions of the Minister of Industrial Development and the promotion of the private sector.

In the Council of Ministers,

Decrees:

Article 1: Production, import, marketing and the use of plastic bags for the sale of food, water and any other drink, are prohibited in the Republic of Congo.

Article 2: Production, import, marketing and use of plastic bags, bags and films called oxo-biodegradable are also prohibited.

Article 3: Production, import, marketing and use are authorized:

- plastic bags, sachets and films intended for medical use;
- plastic bags, sachets and films intended for agricultural activities;
- plastic bags used for garbage collection ;
- plastic films used in the building and public works;
- plastic films for packaging or packaging hygienic products inside production units, especially handkerchiefs of paper, napkins and toilet paper.

Article 4: The import and marketing of raw materials for the manufacture of the products referred to in Article 3 of this decree are also authorized.

Article 5: Import, Marketing and Use of bags, films and raw materials referred to in Articles 3 and 4 of this Decree, are subject to obtaining a special authorization from the Minister responsible for trade.

Article 6: The production of bags, sachets and films referred to in Article 3 of this Decree is conditioned by obtaining an approval issued by the Minister responsible for industry, upon presentation of a file comprising:

- the identity of the applicant;
- product specifications;
- the impact study or the environmental audit.

Article 7: Bags, sachets and films made of plastic or Imported oxo-biodegradable plastic, products, marketed or used in violation of the provisions of this decree, are seized by the competent public authorities.

Article 8: Treatment/handling of seized products in application Article 7 of this Decree, falls within the scope of competence of an interministerial commission composed of the representatives of the administrations: ministries in charge of trade, industry, environment, interior and finances.

Article 9: Fees for treatment/handling by the administration of products seized pursuant to Article 7 of this decree are the responsibility of the offender.

Article 10: Producers, Importers and Distributors of bags, sachets and plastic films have six months from the date of the publication of this decree, to withdraw from the market any product referred to in Articles 1 and 2 of this decree.

Article 11: This decree, which repeals all previous provisions to the contrary, will be registered and published in the Official Journal of the Republic of Congo.

Done at Brazzaville on July 20th, 2011

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