

REPOBLIKAN'I MADAGASU <ARA

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MINISTRY OF THE ENVIRONMENT, ECOLOGY AND FORESTS DECREE N ° 2017-010

Prohibiting the production, import, marketing, creation and use of plastic bags in the national territory.

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Given the Constitution; Having regard to Law No. 98-022 of January 20, 1999, on Madagascar's ratification of the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal;

Considering the Law n ° 2011-002 of July 15th, 2011 bearing Code of the Public Health;
Having regard to Law No. 2015-003 of 19 February 2015 on the updated Environmental Charter;
Having regard to Law No. 2015-014 of 10 August 2015 on Guarantees and Consumer Protection;
Considering the Decree n ° 2015-1308 fixing the National Policy of the Environment for the Development sustainable;

Having regard to Decree No. 2016-250 of 10 April 2016 on the appointment of the Prime Minister, Head of the Government

Considering the Decree n ° 2016-265 of April 15th, 2016 modified and completed the decrees n ° 2016-460 of May 11th, 2016 and • 2016-1147 of 22 August 2016, appointing members of the Government;

Considering the Decree n ° 2016- 298 of 26 April 2016 setting the attributions of the Minister of the Environment, Ecology and Forestry as well as the General Organization of its Ministry;

On the proposal of the Minister of the Environment, Ecology and Forests, In Government Council,

DECREED:

1- GENERAL PROVISIONS

Article 1: In application of the general provisions of the updated Environmental Charter, the National Environment Policy for Sustainable Development, and the Basel Convention on control of transboundary movements of hazardous wastes and their disposal, this Order fixes the regulations of the prohibition of the production, the import, the marketing, the creation and the use of plastic bags on the national territory.

Article 2: Plastic bags and bags are classified as dangerous by this Decree. By their nature and their quantity, they constitute threats on the one hand for human health by possessing the following properties: toxic, asphyxiant, oxidizing, infectious, teratogenic, carcinogenic and on the other hand a threat to the environment because of their impact on public sanitation facilities, watercourses, soil, shorelines and the sea as well as biodiversity and ecosystems. They are subject to special management requirements in order to eliminate or reduce the risk they entail.

11- FIELD OF APPLICATION

Article 3: All bags and plastic bags with a thickness less than or equal to 50 microns, whatever the density, size, shape and manufacturing are subject to the provisions of this Decree. However, plastic packaging incorporated into imported finished products or local products, bags made of plastic packaging for pharmaceutical products and plastic bags and bags used for sampling for analysis at the

research laboratory or the medical laboratory are not covered by the provisions of this Decree. The name or distinctive emblem of the laboratory or pharmacy must appear on these bags and plastic bags.

III- PRODUCTION, IMPORT, MARKETING, DISTRIBUTION AND USE OF PLASTIC BAGS

Article 4: Import, production for the local market, marketing, distribution, creation and the use of the plastic bags and bags referred to in Article 3 of this Decree are prohibited on the national territory.

IV - TRACEABILITY AND MANDATORY NOTES

Article 5: From 01 April 2017, the identity of the producer and the thickness in micron must appear on all plastic bags with a thickness greater than 50 microns circulating on the national territory. The words "to be reused to preserve our environment" must also appear on these products. For plastic bags over 50 microns thick imported, the identity of the distributor Madagascar must be mentioned.

V- BREACHES AND SANCTIONS

Article 6: In case of import, without prejudice to the customs penalties that may be taken against them, importers of plastic bags covered by Article 3 of this Decree are obligated return these products to the country of origin within a maximum of 30 days, at their expense. In the event of a repeat offense, an exclusion for a fixed period of time from the authorization to import or export is pronounced.

In the event of production of the plastic bags referred to in Article 3 of this Decree, the Ministry responsible for industry suspends the activity, the temporary or permanent closure of the establishment in compliance with the legislation in force. In the case of marketing or stockpiling of plastic bags and bags referred to in Article 3 of decree, notwithstanding the penalties provided by Law No. 2015-014 of 10 August 2015 on guarantees and consumer protection, the Ministry of Commerce carries out the seizure of goods, the withdrawal of accreditation for the exercise of a professional activity, suspension of activity, temporary closure of the establishment.

VI- PUBLIC EDUCATION AND AWARENESS

Article 7: In collaboration with the stakeholders, the Environment Ministry Will carry out education and awareness-raising activities for the general public on the negative impacts of in plastics on human health and the environment and lead development actions and eco-citizenship.

VII- TRANSITIONAL PROVISIONS

Article a: A transitional period is granted until 31 March 2017 for marketing and use plastic bags and bags not exceeding 50 microns in thickness, without straps or handles.

VII- FINAL PROVISIONS

Article 9: All prior provisions contrary to this Decree, in particular those of Decree No. 2014-1587 of 07 October 2014 prohibiting the production, import, marketing and the use of plastic bags and bags on the national territory are and remain abrogated.

Article 10: The Minister of Finance and Budget, the Minister of Industry and Sector Development Private, the Minister of Commerce and Consumer Affairs, the Minister of the Environment, Ecology and Forests, are each responsible for the execution of this Decree which will be published in the Journal Official of the Republic of Madagascar.

Article 11: Due to the urgency and in accordance with the provisions of Article 6 of Ordinance No. 62-041 of 19 September 1962 on the general provisions of domestic law and private international law, the present Decree shall enter into force immediately upon receipt of its publication regardless of its insertion in Official Journal of the Republic. Done in Antananarivo on 03 January 2017

BY THE FIRST MINISTER, HEAD OF GOVERNMENT MAHAFAL Y Solonandrasana Olivier

Minister Of Finance And Budget Minister Of Industry And Development

From the Private Sector

RAKOTOARIMANANA Francois Maurice Gervais NOURDINE Chabani

The Minister Of Trade, And Consumption The Minister Of The Environment, Of The Environment

And Drills TAZ.AFY Armand NDAHIMANANJARA Johanita

FOR CONFORMING AMPLIFICATION