

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

NOTIFICATION.

Dated Quetta, the 22nd July, 2023.

No.PAB/Legis:V(07)/2023/111. The Balochistan use of Plastic Shopping and Flat Bags, Bill 2023 (Bill No. 07 of 2023), having been passed by the Provincial Assembly of Balochistan on 17th July, 2023 and assented to by the Governor Balochistan, on 21st July, 2023 is hereby published as an Act of the Balochistan Provincial Assembly.

**THE BALOCHISTAN USE OF PLASTIC SHOPPING AND FLAT BAGS, ACT
2023, ACT NO.VII OF 2023.**

**AN
ACT**

to regulate the manufacturing, sale, purchase, store, display, use and import of the plastic Shopping and Flat bags.

Preamble.

Whereas, it is expedient to regulate and prohibit manufacturing, sale, purchase, store, display, use and import of the plastic Shopping and Flat bags for the purposes hereinafter appearing.

It is hereby enacted as follows: -

**Short title,
extent and
Commencement.**

1. (1) This Act may be called as “the Balochistan Use of Plastic Shopping and Flat Bags Act 2023”.
- (2) It shall extend to whole of the Balochistan
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or content, -
 - (a) “**Accused**” means the person, manufacturer, shop keeper or customer, who is using, selling, purchasing, storing, displaying or importing plastic Shopping and Flat bags in violation of this Act, or not complying with the provisions of the Act;
 - (b) “**Act**” means the Balochistan Plastic Shopping and Flat bags Act,2023;
 - (c) “**Additive or Fillers**” means the combination of all additives (Fillers like calcium carbonate, Antistatic, Slip or Anti block Agents, UV Stabilizers or alike) in a plastic shopping bag cannot exceed more than 5-10% of the total weight;
 - (d) “**Advisory Committee**” means the committee constituted under section 3 of this Act;
 - (e) “**Authorized/accredited Laboratories**” means scientific Laboratories as authorized by EPA under this Act for; testing of samples of plastic Shopping and Flat bags based on the analysis of filler content (ASTM D5630), color, dimensions (ASTM D6988), virginity test (ASTM E1252), density (ASTM D792), identification of raw materials (base polymer) (ASTM E1252), etc., and issuance of laboratory results through a certificate;

- (f) “**Authorized Officer**” means the officer of the relevant Departments not below the rank of Inspector or equivalent, empowered by the Climate Change and Environment Department through a notification by the relevant Department, in the official Gazette, to discharge functions and exercise powers under the Act;
- (g) “**Certificate**” means the certificate issued by the authorized laboratories as per procedure specified in Section 20, based on test results specified in Section 2(e) of this Act;
- (h) “**Certified Plastic Bags**” means the plastic bags produced/manufactured under certification of the authorized laboratories as per procedure specified in Section 20, based on test results specified in Section 2(e) of this Act;
- (i) “**Chief Minister**” means the Chief Minister of Balochistan;
- (j) “**Director General**” means the Director General of EPA Balochistan.
- (k) “**Disposal**” means the disposal of plastic Shopping and Flat bags’ waste material in any shape and kind, hard or elastic, thin or thick through incineration or any other scientific manner as may be notified by the relevant department;
- (l) “**District Administration**” means Deputy Commissioner of the Districts and Assistant Commissioners of concerned Tehsil/Sub-division;
- (m) “**Environmental Tribunal**” means the Balochistan Environmental Protection Tribunal constituted under section 28; of the Balochistan Environmental Protection Act, 2012;
- (n) “**EPA**” means Balochistan Environmental Protection Agency established under section 5 of the Balochistan Environmental Protection Act, 2012 (Act VIII of 2012).
- (o) “**Extended Producer’s Responsibility**” means the responsibility of a producer for the environmentally sound management of the plastic Shopping and Flat bags products until the end of its life;
- (p) “**Government**” means the Government of Balochistan;
- (q) “**Law Enforcing Agencies**” means Government Agency, Department, Force, responsible for enforcing the law i.e. Police, Levis etc. within their own jurisdiction;
- (r) “**Manufacturing Unit**” means the project, unit, site or premises, having appropriate relevant machinery to operate for manufacturing of plastic Shopping and Flat bags;
- (s) “**person**” means any natural or legal person or entity including any individual or group, firm, company, association, partnership, society, corporation, Government agency, department, authority or public functionary;

- (t) **“Plastic”** means material which contains an essential ingredient as 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, etc.;
- (u) **“Plastic Shopping Bag”** means the bag having self-carrying feature, manufactured from the virgin/recycled plastic or polymeric materials such as low-density polyethylene, high density polyethylene, polypropylene, ethylene vinyl acetate, ethylene vinyl alcohol, polylactic acid, or any other biopolymers in single, multilayer, woven, non-woven, or sheet configuration, to be used for carrying commodities, but shall not include bags which are used in packaging of goods.
- (v) **“Flat Bags”** means a bag, made of plastic without handles, with or without gussets;
- (w) **“Plastic Waste Management”** means the collection, storage, transportation, reduction, recovery, recycling, composting or disposal of plastic waste in a manner which shall not adversely affect the environment and health;
- (x) **“Prescribed”** means prescribed by rules or regulations framed under the Act;
- (y) **“Prohibition Order”** means an order or direction passed or issued, in writing, by the officer of the relevant Department authorized in this regard, after inspection, to prohibit, stop, seal, or seize a factory, unit, premises, site, business place, shop, store or display, being used or allowed to be used for any activity prohibited under the Act;
- (z) **“recycling”** means the recovery process of plastic Shopping and Flat bags or related scrap or waste and reprocessing of the material into any kind, shape and size of useful product/s not injurious to health and environment, as may be prescribed;
- (aa) **“relevant department”** means the Local Government and Rural Development Department, Municipal authorities, Environment Protection Agency, Balochistan Food Authority, and any other Administrative Department, Agency or Authority notified as such by the Government to perform functions or exercise powers under the Act;
- (bb) **“Single Use Plastics”** means the goods that are made primarily from plastic material and are meant to be disposed of right after use, such as shopping and flat bags.
- (cc) **“Virgin plastic”** means plastic material which has not been subjected to use earlier and has also not been blended with scrap or waste; and
- (dd) **“Uncertified Plastic Bags”** means the plastic bags prohibited under Section 6 of this Act, which is not produced/manufactured under certification of the authorized laboratories as per pm procedure specified in Section 20, based on test results specified in Section 2(e) of this Act;

**Advisory
Committee.**

3.

The Provincial Government shall, by notification in the official Gazette, establish a Committee to be known as the Advisory Committee on sound management of plastic consisting of: -

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|---|------------------|
| (a) Minister or Advisor to Chief Minister Balochistan on Climate Change & Environment Department. | Chairperson |
| (b) Secretary Climate Change and Environment Department. | Vice chairperson |
| (c) Secretary Industries Department. | Member |
| (d) Secretary Local Government Department. | Member |
| (e) Secretary Planning and Development Department. | Member |
| (f) Commissioner Quetta Division. | Member |
| (g) Director General EPA. | Member/Secretary |
| (h) Deputy Inspector General of police; and | Member |

Such other persons not exceeding five (5) as the Climate Change and Environment Department may appoint, with the following representation:

One from the Balochistan Chamber of Commerce and Industries and one from Anjuman-e-Tajiran Balochistan, one Environment experts/Scientist, two from Academia (Having academic qualification and experience in Environment Management and Environmental Engineering.

(2) The Members of the Advisory Committee, other than ex-officio members, shall be appointed in accordance with the prescribed procedure and shall hold office for a term of two years.

(3) The Advisory Committee may constitute sub-committees of its members and entrust them with such functions as it may deem fit, and the recommendations of the sub-committees shall be submitted to the Advisory Committee for approval. The Advisory Committee or any of sub-committee may seek assistance from any Government Department or expert in the relevant field in performance of its functions.

(4) In case of absence of Minister, the Secretary Climate Change & Environment Department may chair the meeting.

**Functions and
Powers of
the Advisory
Committee.**

4.

(1)

The Advisory Committee shall: -

- (a) co-ordinate and supervise enforcement of the provisions of this Act; and
- (b) give advice and provide guidelines to the implementing Authorities/Agencies/Departments under this Act;

- (c) the Advisory Committee shall hold meetings, as and when necessary;
- (d) the Advisory Committee shall explore alternate ways to plastic management;
- (e) the Advisory Committee may recommend initiation of research on any plastic related issues;
- (f) the Advisory Committee may formulate legislation for alternate to the plastic bags within two (2) years.

Phase out Plan with Complete Ban. 5.

- (1) The phasing out of prohibited plastic shopping and Flat bags shall be;
- (a) after the date of promulgation of this Act and up till the expiry of first 03 months, there shall be a complete ban on manufacturing and import of Uncertified plastic Shopping & Flat bags;
- (b) after the expiry of a second 03 months period, there shall be a complete ban on sale and purchase of the uncertified plastic Shopping and Flat bags;
- (c) upon expiry of two 02 months period, there shall be complete ban on use, display and storage of uncertified plastic Shopping and Flat bags.
- (d) any license or permit issued to any person or company or firm or industrial unit for manufacturing, sale, transport, import etc. under law, for the time being enforce, shall cease to be effective and the holder of any such license or permit shall not commence or carry on business of the banned plastic as prescribed in this Act.

The legislation for alternate to the plastic bag will be made within two (2) years by the Advisory Committee.

Prohibition. 6.

- (1) No person shall manufacture, sell, purchase, store, display, burn or import the plastic Shopping and Flat bags;
- (a) without having certificate as provided in Section 20 of this Act;
- (b) having thickness less than 50-micron (each side)
- (c) not having printed on them the prescribed label and identification about manufacturer, raw material and filler used, certificate number, virgin or recycled and prescribed warning thereon;
- (d) without having certificate from the authorized laboratories that the same are manufactured with approved and non-hazardous or non-injurious material and additives;
- (e) having characteristics of the combination of additives or filler beyond permissible limits as prescribed by the authorized laboratories and identified in laboratory tests;

- (f) having oxo-biodegradable characteristics due to presence of metals in additives and its disintegration multiplicity, etc. unless completely characterized, assessed and recommended by the authorized laboratories;
- (g) except for manufacturing of all kinds of biodegradable and compostable bags, after proper testing and certification by the authorized laboratories, according to the specified International Standards e.g., ASTM/ ISO;
- (h) using for the purposes not permissible under this Act, rules or regulations made thereunder;
- (i) and/ or carry out disposal in the manner not allowed under the Act, the rules or regulations made there under; and
- (j) after expiry of phasing out time line provided under Section 5 of this Act;
- (k) not adhering to the principal of Extended producer's responsibility as defined in Section 2(o) of this Act; and
- (l) to carry prohibited edible article in it;

(2) Provisions of sub-section (1) shall not apply to
 (a) manufacturing, sale, purchase, store, display, hold, import or production of plastic Flat bags to be used for industrial packing, goods packaging, printed courier bags, printed hazardous, biomedical waste, plastic liners and printed garbage bags either for domestic, industrial or transportation use or for the purposes ancillary thereto.

(3) for the purpose of overall monitoring and implementation of the provisions of this Act, an individual person, wholesaler, Distributor or shop keeper who intends to import even the certified plastic Shopping and Flat bags from any other country or Province of Pakistan shall seek the approval from Balochistan EPA after submission of certificate fire bathe authorized laboratories for each plastic shopping bag consignment. The authorized officer under the provisions of this Act may crosscheck and reexamine the consignment at any time when deem necessary. In case of any violation the authorized officer may issue Prohibition Order or seal the site/business or seize the uncertified plastic Shopping and Flat bags and file case before the Balochistan Environmental Protection Tribunal.

Authorized officer. 7.

- (1) The Director General Balochistan EPA shall be the Authorized Officer under the provisions of this Act.
- (2) The powers and functions specified under this Act shall be exercised and performed by the Director-General.

**Powers of
Authorized Officer.**

8.

(1) An authorized officer may, - (a) reasonable time, enter into the manufacturing unit, factory, shop, business place or collection center or site or premises or recycling or disposal site or premises for inspections where the uncertified plastic bags being sold or stocked or distributed or used or manufactured or in production and allied actions for the purposes of this Act or the rules or the regulations made or framed thereunder;

(b) require any person to be present as witness in the course of search or seizure or for any other legal requirement;

(c) require any person to appear before him at any reasonable time and place to give statement, assistance or information relating to or in connection with the investigation of an offence;

(2) After inspection and on finding any contravention under Section 5, 6, 20 and 22 the authorized officer shall have the powers to pass or issue a Prohibition Order:

(a) to stop the manufacturing operation, sale, use, display, recycling or disposal or to take into possession any material manufactured, produced involved in commission of offence in contravention of any provisions of the Act, the rules and regulations framed thereunder;

(b) to seal or seize a manufacturing unit, site, premises, shop, business place, which in his opinion based on reasonable grounds, is being used for carrying out the business in contravention of any provision of the Act or the rules or regulation made or framed under the Act; and

(c) To initiate prosecution against the accused person, by filing complaint in the Balochistan Environmental Protection Tribunal.

(5) The Authorized officer may impose fine/administrative penalty up to rupees five hundred thousand on case to case basis.

(6) The Authorized officer may summon and enforce the attendance of any person and require him to supply any information or document needed for the conduct of any enquiry or investigation into any issue be relevant to this Act;

(7) The Director-General being the authorized officer under this Act may, by general or special order, delegate any of the powers and functions to any staff of EPA or any other Regional officer specifically authorized in this behalf by the Director General shall have the power to impose fine/administrative penalty up to rupees one hundred thousand from case to case basis.

Monitoring.	9.	The Authorized officers in collaboration with the district monitor the performance of authorized officer/officers whereas the District Administration shall extend all possible assistance and support for effective enforcement of this Act. The District Administration, Pakistan customs and Law Enforcing Agencies shall also monitor the import of uncertified Plastic Shopping & Flat bags from other Countries and other Provinces of Pakistan.
Penalty.	10.	(1) Any person who contravenes the provisions of Section 5, 6, 20 and 22 of this Act, shall be punished with the imprisonment for a term, which may extend to six months or with fine which may extend to rupees five hundred thousand or the both. (2) In case of continuous contravention the person or company or factory may be black listed and its accreditation may also be cancelled.
Distribution of Functions.	11.	The Director General Environment Protection Agency, after approval by the Climate Change and Environment Department, shall issue the notification, published in the official gazette, regarding the allocation and distribution of functions to be performed by the relevant Departments, as may be prescribed, to achieve the objectives of the Act. The relevant Department may notify further regulations or SOPs within their domain for exercising powers and to discharge functions that maybe allocated to them.
Indemnity.	12.	No suit, prosecution or other legal proceedings shall lie against any officer or official for anything which is done or intended to be done in good faith under the Act or the rules or regulations made or framed under this Act.
Cognizance And Trial.	13.	(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) or any other law for the time being in force, but subject to the provision of this Act, any offence under this Act, shall be triable and punishable by the court of First-Class Magistrate notified as such, on written complaint of the authorized officer, in a summary manner. (2) In case any contravention to the provisions of this Act and Environmental damage/damages caused by any person/company/factory/Wholesaler/ Distributor etc. The same shall be triable before the Environmental Tribunal on written complaint by EPA.
Synergy.	14.	The Balochistan Environmental Protection Act 2012 for issuing Protection orders and imposing penalty in case of any environmental damage or contravention to the in vogue Environmental laws by any person/company/factory/Wholesaler/ Distributor. The Environmental penalty shall be in addition to the penalty imposed under this Act.

Retrieval and Recycling.	15.	The Local Government Department and Municipal Authorities in collaboration with the Urban Planning and Development Department (QDA) and community/ Civil Society Organizations shall be responsible for development and setting up of an integrated solid waste management plan with approach for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on their own level or by exploring Public Private Partnership modalities within one year.
Removal of Difficulties	16.	In case any difficulty arises in giving effect to the provisions of the Act, the Government may issue such directions by notification in the official Gazette as may be necessary to remove the difficulty.
Appeal.	17.	Any person aggrieved by any order or direction of the Authorized officer/ Balochistan Environmental Protection Agency under any provision of this Act or Balochistan Environmental Protection Act, 2012 may file appeal to the Balochistan Environmental Protection Tribunal within thirty days of the date of communication of the impugned order or direction to such person.
Awareness and Education.	18.	The EPA Balochistan in collaboration with the relevant Departments shall, by all possible means, create public awareness and encourage the use of environment friendly bags.
Research on Alternatives and Recycling.	19.	The Advisory Committee may identify and recommend the potential areas of concern which should foster and facilitate the research to find out alternatives to existing Shopping and Flat bags and their recycling. The research work should be funded by the Government under the Sustainable Development Fund or PSDP or Non-developmental budget and may be carried out at various research organizations or institutes where relevant facilities and expertise are available.
Certification.	20.	<p>(1) The EPA Balochistan through the authorized laboratories, shall certify plastic Shopping and Flat bags permit-able parameters subject to terms and conditions as may be prescribed by EPA Balochistan.</p> <p>(2) Every applicant, after payment of prescribed fee, shall obtain a certificate regarding material or quantity or proportion to be used in manufacturing process and permissible size, kind as well as the list of items for which the plastic Shopping and Flat bags may be allowed to be used as defined/specified in Section 2 of this Act.</p>

Trans-boundary and inter Provincial movement of plastic shopping and flat bags. 21.

The Law enforcing agencies, Pakistan Custom, Pakistan Coast Guards shall halt the import and intrusion of uncertified plastic shopping and flat bags items as prescribed in this Act; the District Administration shall stop the movement and transportation of the uncertified plastic shopping and flat bags from other Provinces.

Registration of manufacturers, wholesalers and Distributors of the certified Plastic bags. 22.

(1) All manufacturers, wholesalers and Distributors of the certified Plastic bags with permit-able parameters products shall get themselves registered with the EPA within a period of three months from the date of commencement of this Act in such a manner or on such terms and conditions as may be specified of the Director General EPA.

(2) The registration may be cancelled if the terms and conditions are contravened by the manufacturers, wholesalers and Distributors of the certified Plastic bags.

(3) The application for registration of certified plastic bags shall contain the following documents, namely:-

(i) Test certificate from Authorized laboratories.

(ii) Certificate of membership of certified plastic bags Association.

(iii) Certification of ISO 9001 and ISO 14001.

Identification. 23.

All scheduled plastic bags made under certification shall be prominently marked "Certified Plastic Bags" and shall bear the identifying marks or logo of the supplier including with Bar Code of the Product.

Act to override other Laws. 24.

The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make Rules. 25.

The Government may by notification in the official Gazette, make rules to carry out the purposes of this Act.

Power to frame Regulations. 26.

(1) For carrying out the purposes of this Act, the EPA Balochistan may, by notification in the official Gazette and with the approval of the Government of Balochistan, make regulations not inconsistent with the provisions of this Act or the rules made thereunder.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for;

- (a) submission of monitoring reports, data or information by any Government agency, local authority or local council in respect of Plastic Bag related matters;
- (b) providing procedures for handling and trail of the Plastic bags along with certification mechanism.

Repeal and Savings. 27.

(1) "The Balochistan Prohibition on Use and Sale of Polythene Bags Ordinance, 2001 (V of 2001)" is hereby repealed.

(2) All actions taken, orders or directions made, any proceedings initiated under the repealed Ordinance or the rules or the regulations made or framed thereunder, by any authority, shall be deemed to have been done under this Act.

(TAHIR SHAH KAKAR)
Secretary.