

**Azad Jammu & Kashmir Prohibition of Non-degradable Plastic Products (manufacturing, sale and usage) Regulations, 2013**

1. **Short title, application and commencement:** -(1) These Regulations may be called the Azad Jammu & Kashmir Prohibition of Non-degradable Plastic Products (manufacturing, sale and usage) Regulations, 2013.

(2) They shall come into force at once.

2. **Definitions:-** In these Regulations, unless there is anything repugnant in the subject or context:

- a. **“Act”** means the Azad Jammu & Kashmir Environmental Protection Act, 2000;
- b. **“Agency”** means Azad Jammu & Kashmir Environmental Protection Agency (AJK-EPA) established under Section 5 of the Act.
- c. **“Court of jurisdiction”** means the court of Magistrate, Tribunal or any other Court having jurisdiction to try cases under section 16 of the Act;
- d. **“Director General”** means the Director General of the Agency and any person authorized by him in writing to act on his behalf;
- e. **“Distribute”** means to make any plastic product directly or indirectly available to users or intermediaries, with or without charge;
- f. **“Government”** means Azad Government of the State of Jammu & Kashmir ;
- g. **“Inspector”** means an inspector of the Agency or person authorized in writing for the purpose of these regulations by the Director General.
- h. **“Non-degradable plastic product”** means a plastic product that is not a product defined in clause (i).
- i. **“Oxo-biodegradable plastic product”** means a product made of polymer containing a pro-degradant additive supplied by an additive supplier registered with the Agency;
- j. **“Oxo-biodegradation”** means degradation resulting from oxidative and cell mediated phenomena, either simultaneously or successively;
- k. **“Pro-degradant additive”** means a chemical formulation containing a transition metal salt, except cobalt, which will cause the polymer, like plastic bags, to degrade by a process of oxo-biodegradation;
- l. **“Person”** includes a Company or Institution or Manufacturer ;

- m. **“Scheduled plastic product”** means all disposable plastic products, including those listed in the Schedule and made wholly or substantially of polyethylene or polypropylene or polystyrene;
  - n. **“Stockpile”** means to store for the purpose of trade or distribution;
  - o. **“Unit”** means a factory or any premises where polythene bags are manufactured, sold, used or imported, or where any suspected material is found which can be used in such manufacturing.
3. **Prohibition of manufacture, sale and use of non-degradable scheduled plastic products:** -(1) No person shall import, manufacture, stockpile, trade, supply, distribute, sell or use any scheduled plastic product which is non-degradable.
- (2) Any license or permission for the manufacture, sale, importation or distribution of non-degradable plastic products issued under any law before the commencement of these regulations shall cease to be effective and no holder of any such license or permission shall commence or carry on business of manufacturing, selling, importing or distributing non-degradable scheduled plastic products.
4. **Authorization:** -(1) No Pro-degradant additive shall be sold, distributed or imported by any person of scheduled plastic product without registration with the Agency. In order to obtain the registration of pro-degradant additive from the Agency, the applicant shall submit the following documents as a minimum, namely:-
- a. test certificates for additive from independent third party laboratory that is accredited in accordance with ISO 17025. Tests must be carried out in accordance with the test methods prescribed by Pakistan Standards and Quality Control Authority (PSQCA)/ ASTM D-6954 – 04 standard and the reports must clearly state the percentage of pro-degradant additive which must be consistent for all the tests namely degradation, bio-degradation and ecotoxicity;
  - b. certificate of membership of Oxo-biodegradable Plastics Association, and
  - c. Certificate of ISO 9001 and ISO 14001 accreditation.
  - d. An authorized officer may, by notice in writing, require a person to supply him within fifteen days with such samples, certificates, records and information as he may reasonably require for the purpose of ascertaining whether that person is complying with the provisions of these regulations.
- (2) Oxo biodegradable carry bags and containers made of virgin plastic shall be in a natural shade or white and containers used for purposes other than storing and packaging foodstuffs shall be manufactured using pigments and colorants as per ISO 787/1-1982. Entitled “General Methods of Test for Pigments and Extenders”. No scheduled plastic product shall be made in black color except for garbage sacks.

(3) Recycled scheduled plastic products shall be marked “Recycled plastic, unsafe for contact with food”.

5. **Identification:-** All scheduled plastic products made with oxo-biodegradable plastic and all packaging in which such products are offered for sale, shall be prominently marked” Oxo-biodegradable” and shall bear the identifying mark or logo of the supplier of the pro-degradant additive.

6. **Enforcement:-**(1) An inspector may, by notice in writing, require a person to supply him within fifteen days with such samples, certificates, records, and information as he may reasonably require for the purpose of ascertaining whether that person is complying with provisions of these regulations.

(2) Where an inspector has reasonable grounds to believe that a person has contravened any regulation, he may proceed against the offender in accordance with Section 16 of the Act.

7. **Power to enter and inspect:-**The Inspector, after getting approval from the Director General through the Director concerned, shall have power to enter and inspect the unit or its production, stockpile, manufacturing, sale point, delivery, transportation and documentary record, exhibition and displays or any other concerned activity, subject to existence of reasonable grounds to believe about the commission or likely to be commissioned offence under the regulation.

8. **Search warrant:-**If reasonable grounds exist and Authorized Officer or Inspector is satisfied either about commission of offence or its likelihood in public or private premises and if the inspector thinks inevitable to procure reasonable evidence through search warrant he may be filing a written application before the court of jurisdiction get the search warrants issued under the Code of Criminal Procedure, 1898 (V of 1898), as enforced in Azad Jammu & Kashmir under intimation to Director General through the Director concerned.

9. **Sealing:-**(1) If commission of offence is made out to the extent of manufacture, sale, use and import of plastic product, as specified under Schedule, which are non-degradable, the inspector shall have the power to seal such manufacturing works, sale-point, import stock, delivery, collection and transportation at once, with administrative help of the Senior Superintendent Police/ Superintendent Police officer of the district concerned under intimation to Director General through the Director concerned.

(2) The sealing officer shall paste a copy of sealing order at the spot and affix the sealing stamp thereon, and after recording evidence recover and material being involved in the commission of offence.

(3) The Senior Superintendent Police/ Superintendent Police officer or, as the case may be, the District Commissioner of the district concerned may be called for administrative help in writing by the Inspector under intimation to the Director General through the Director concerned for carrying the objectives of these rules.

(4) The inspector may institute a complaint before the Court of Jurisdiction under intimation to the Director General through the Director concerned.

**10. Confiscation:** -(1) If commission of offence is made out to the extent of manufacture, sale, use and import of plastic products as specified under Schedule, which are non-degradable, the Inspector shall have power to take into possession any article which he has reason to believe, has been or is involved in, or which may furnish evidence of the commission of offence. Recovered material may be retained within the office building, in safe custody and in sealed condition. The inspector shall file a complaint preferable within forty-eight hours, before the court of jurisdiction for proceeding under section 16 of the Act, against the person responsible for the offence.

(2) The Inspector, as the case may be, shall be responsible for quality, quantity and credibility of confiscated or recovered material.

(3) In case of acquittal of accused, on an application from the acquainted person, the recovered material may be returned to the owner or its legal claimant, on written order of the Court of Jurisdiction.

(4) A proper receipt record, order of the court, return statement and identification documents along with signatures of two witnesses shall be retained by the Authorized Officer or Inspector concerned.

(5) In case of conviction the convicted person shall lose his right to take back the recovered material and the material may be taken Govt. property and dealt with the relevant laws of the Azad Jammu & Kashmir.

**11. Procedure of trials:** - Court of jurisdiction shall try offences under Section 16 of the Act in accordance with the provisions of the Code of Criminal Procedure, 1898 and shall decide the complaint within 90 days from the date of the admission.

**12. Appeal:**-Any person aggrieved by any action taken under regulation by the Agency or an order of the court of jurisdiction may, within fifteen days of such order, prefer an appeal to the Court of Sessions whose decision thereon shall be final.

**13. Penalty:** -Whosoever contravenes provisions of regulations 3, 4 and 5 shall be punishable under Section 16 of the Act.