



Private Stakeholder Consultation Report

The East African Community Prohibition of
Manufacturing, Importation, Use and Sale of
Single-Use Plastics Bill, 2023

PREPARED BY:

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1. INTRODUCTION

This report summarises the consultation process with private stakeholders regarding the draft East African Community Prohibition of Manufacturing, Importation, Use and Sale of Single-Use Plastics Bill, 2023 (the Draft SUP Bill).

Various private stakeholders were invited to participate in a series of meetings aimed at explaining the objectives of the Draft SUP Bill and to provide written feedback on the same.

2. CONSULTATION PROCESS OVERVIEW

The consultation process included six meetings held between November 2024 and January 2025, each with specific objectives and agendas designed to facilitate stakeholder engagement and gather comprehensive feedback.

Attendees

The following stakeholder representatives were invited to participate in the consultation and share feedback on the Draft SUP Bill.

- Kenya Private Sector Organizations (KEPSA);
- Packaging Producer Responsibility Organization Limited (PAKPRO);
- Kenya Extended Producer Responsibility Organization (KEPRO);
- Kenya Association of Manufacturers (KAM); and
- East Africa Business Council (EABC)
- (together, the “Stakeholder Representatives”).

Summary of Meetings:

Meeting 1 (6 November 2024)

Objective: Kick-off workshop to introduce the EAC SUP Bill.

Agenda

- **Overview of the EAC SUP Bill and workshop objectives.**
- **Discuss the roles of stakeholders and confirm the technical team.**
- **Gather initial feedback from private sector representatives on key provisions.**

Attendees

Present: ALN Kenya, FlipFlopi Project, Takataka ni mali representatives from KAM, a representative from KEPSA, a representative from KEPRO, a representative from PAKPRO, a representative from EABC

In attendance: Adili Corporate Services Kenya LLP

Minutes of the meeting were circulated to all participants on 18 November 2024.

Meeting 2 (20 November 2024)

Objective: Enhance understanding of the EALA legislative process and promote awareness of the Draft SUP Bill's measures.

Agenda

- **Discuss EAC SUP bill process in the East Africa Legislative Assembly (EALA).**
- **Discuss awareness, incentive, and reporting measures outlined in the Draft SUP Bill.**

Attendees

Present: ALN Kenya, Takataka ni mali representatives from KEPSA, a representative from KEPRO

In attendance: Adili Corporate Services Kenya LLP

Absent with apology: PAKPRO

Absent without apology: KAM, EABC

Minutes of the meeting were circulated to all participants on 4 December 2024.

Meeting 3 (4 December 2024)

Objective: Explore recycling and circular economy pathways.

Agenda

- **Presentation by PepsiCo on substitutes to single-use plastics, challenges, and opportunities.**
- **Explore industry incentives and potential demand for sustainable substitutes and the need for research and data collection.**

Attendees

Present: ALN Kenya, East African Waste Management Coalition, Takataka ni mali, a representative from PAKPRO, representatives from KEPRO

In attendance: Adili Corporate Services Kenya LLP, representatives from Avery Dennison, representative of the EPR Waste Association of South Africa, representatives of DHL, and a representative of Bio Foods Kenya

Absent without apology: KEPSA, KAM, EABC

Minutes of the meeting were circulated to all participants on 12 December 2024.

Meeting 4 (13 December 2024)

Objective: Harmonisation of regional standards and eco-labelling.

Agenda

- **Presentation by Emmanouil Gitsis and Gwendoline Verkaik from Avery Dennison on challenges and opportunities.**
- **Review labelling requirements and alignment with existing regulations.**
- **Discuss the potential role of eco-labelling standards for single-use plastics.**
- **Develop a framework for harmonising the Draft SUP Bill across EAC member states.**

Attendees

Present: ALN Kenya, Africa Practice, the East African Waste Management Coalition, Takataka ni mali, representatives from KEPSA, a representative from PAKPRO, a representative from KEPRO

In attendance: Adili Corporate Services Kenya LLP, representatives from Pepsi Co

Absent without apology: KAM, EABC.

Minutes of the meeting were circulated to all participants on 23 January 2025.

Meeting 5 (24 January 2025)

Objective: Finalisation of the prohibited items list and sanctions.

Agenda

- **Confirm the list of single-use plastic items to be restricted or banned.**
- **Discuss sanctions, enforcement mechanisms, and roles of local authorities.**
- **Assess the balance between compliance incentives and penalties.**

Attendees

Present: ALN Kenya, Africa Practice, East African Waste Management Coalition, a representative from KAM, representatives from KEPRO, a representative from PAKPRO

In attendance: Adili Corporate Services Kenya, Magnus Løvold of the Norwegian Academy of International Law, representatives from DHL, a representative from EPR Waste Association of South Africa, a representative from Pepsi Co

Absent without apology: KEPSA, EABC

Minutes of the meeting were circulated to all participants on 30 January 2025.

Meeting 6 (31 January 2025)

Objective: Draft consolidation and stakeholder review.

Agenda

- **Present and review the draft recommendations with stakeholders.**
- **Gather final input and confirm any adjustments needed.**
- **Plan next steps for refining the draft in February ahead of the March presentation.**

Attendees

Present: ALN Kenya, Africa Practice, representatives from KEPRO, a representative from PAKPRO.

In attendance: Adili Corporate Services Kenya, Takataka ni mali, representatives from DHL, representatives from Pepsi Co

Absent without apology: KEPSA, KAM, EABC

Minutes of the meeting were circulated to all participants on 07 March 2025.

3. KEY THEMES AND STAKEHOLDER FEEDBACK

Key themes:

Throughout the consultation process, several important themes emerged:

- **Support for the Draft SUP Bill:** Stakeholders expressed strong support for the objectives of the EAC SUP Bill, recognising the urgent need to address plastic pollution.
- **Concerns about Economic Impact:** There were discussions regarding the potential economic implications for businesses reliant on single-use plastics, emphasising the need for support mechanisms during the transition.
- **Emphasis on Alternatives:** The need for viable alternatives and sustainable substitutes was highlighted, with stakeholders advocating for more research and development in this area.

FEEDBACK RECEIVED FROM STAKEHOLDERS:

ALN received written feedback on the draft SUP Bill from the following organisations:



PEPSICO



A record of all written feedback received during the consultation process is included in Annex 1 to this report. Oral feedback received on the draft SUP Bill during the course of the six consultation meetings has also been considered in preparing a revised version of the Draft SUP Bill, which is included in Annex 2 to this report.

4. CONCLUSION AND NEXT STEPS

The consultation process concluded on 31 January 2025. The consultation has provided valuable insights and feedback from private stakeholders on the Draft SUP Bill.

An updated version of the Draft SUP Bill, reflecting comments received from private stakeholders during the course of the consultation is included in Annex 2 to this report.

We thank all the participants of the consultation for their feedback and valuable contributions to the Draft SUP Bill. Ongoing collaboration and communication among stakeholders will be essential to ensure the Draft SUP Bill's successful implementation across the EAC member states.

ANNEX 1

WRITTEN FEEDBACK ON THE DRAFT EAC SUP BILL RECEIVED FROM PRIVATE STAKEHOLDERS

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback
1	PAKPRO	Title of the Draft SUP Bill	The use of the term prohibition is misleading as it may be interpreted to denote a total ban of all single use plastics, yet the objectives are to control.	Change the Title to Control of manufacturing, importation, Use and Single-Use Plastics Bill, 2023.	<p>We acknowledge the concern regarding the potential misinterpretation that the Draft Bill intends to ban all plastics given the use of the term 'prohibition'. However, it is important to note that the Draft SUP Bill clearly denotes that the prohibition applies in respect to single use plastics that have been clearly defined in the Bill. Rather than instituting a blanket prohibition on all plastics, the Draft SUP Bill adopts a targeted approach. On this basis, we believe the use of the term "prohibition" appropriately reflects the Draft SUP Bill's intended scope and objective within the East African region.</p> <p>In any event, the utilisation of the term 'prohibition' is evident in the titling of legislations across East Africa for instance Rwanda- <i>"Law No. 17/2019 Relating to the Prohibition of Manufacturing, Importation, Use and Sale of Plastic Carry Bags and Single-Use Plastic Items"</i>.</p>
Part I – Preliminary Provisions					

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback
2	PAKPRO	Commencement – Clause 2	The 3-year period provided for to eliminate all single-use plastics is too short and does not offer a just transition for manufacturers of these products to get alternatives.	To categorise the different SUPs into classes, with each class having its own transition period, with a minimum of 5 years for the least complex materials to substitute.	<p>We believe that the three-year period provided in the Draft SUP Bill is an adequate transition period. This is in consideration of the timeframe of the legislative process which will take a significant amount of time. This, combined with the three-year transitional period, will offer stakeholders ample opportunity to adapt, explore, and invest in alternative solutions.</p> <p>We note further that Clause 18 of the Draft SUP Bill provides just transition provisions for affected businesses and populations and requires Partner States to have appropriate measures for such transitions.</p> <p>We have also amended Clause 19 of the Draft SUP Bill to provide that the transition will be undertaken during the three-year transition period as provided for in Clause 2. On this basis, we propose to retain the existing commencement period.</p>
3	PAKPRO	Definition of Single Use Plastic Product	The current definition is too broad and includes products that can be refilled and/or re-used	In line with the European Union, the definition should exclude plastic products that are conceived, designed and placed on the market to accomplish within their life span multiple trips or rotations by being refilled or re-used for the same purpose for which they are conceived. Single-use plastic products are typically intended to be used just once or for a short period of time before being disposed of.	<p>We have updated the text of the Draft SUP Bill to refer specifically to “prohibited single-use plastic products” which are the items listed under the First Schedule of the Draft SUP Bill.</p> <p>We have retained the definition of ‘single-use plastic products’ to apply to broader obligations of Partner States (as defined in the Draft SUP Bill) such as promotion of sustainable alternatives and waste management provisions which is crucial in preserving a clean and healthy environment in the East African region.</p>

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback	
4	KEPRO	Definition of Single-Use Plastics	The Draft SUP Bill does not clearly distinguish between single-use non-recyclable plastics, which is crucial for effective waste management.	Recommend aligning definitions with 14021 and ISO 18600 standards, which define “100% recyclable” plastics based on recyclability criteria, ensuring that recyclable plastics are not unfairly restricted.		<p>We note that in practice, distinguishing between single-use plastics and non-recyclable plastics is challenging as many single-use plastics are often made from materials that are technically recyclable but are not recycled or re-used. Instead of making the distinction, the Draft SUP Bill has taken a more comprehensive approach by regulating the use of single use plastics generally and by banning the prohibited single-use plastics set out in the First Schedule of the Draft SUP Bill.</p> <p>The aim and underlying principle of the Draft SUP Bill is to regulate certain items made from SUPs due to their significant environmental impact. The proposed comprehensive approach is intended to advance this objective by promoting sustainability and environmental protection in the East African region.</p>
5	PAKPRO	Clause 2	From the dire economic landscape of most Partner states, completely phasing out SUP might take longer than the 1 year as most businesses even struggle to stay afloat	<p>In addition to the 6-month transitional period provided, let’s see how we can support businesses through affordable innovative technologies early enough that would serve as biodegradable replacement materials.</p> <p>2 years will be a suitable period for complete compliance and sustained productivity of businesses.</p>		Please refer to our comments under item 2 above.
6	DHL	Clause 2	(2) For avoidance of any doubt, the elimination of the single-use plastics shall be complete in all the Partner States within three (3) years from the coming into force of this Act.	<p>Increase transition timelines of the Act to 5 years.</p> <p>Include a transition clause that would allow legislators to come up with regulations in support of the Draft SUP Bill.</p>	5 years will make it possible for key stakeholders and large establishments to restructure their business practices and put-up compliance mechanisms.	Please refer to our comments under item 2 above.

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	ALN Feedback
7	NEMA	Clause 3	<p>Interpretation</p> <p>Add the following:</p> <ul style="list-style-type: none"> • Compostable • Substitute • Producer • EPR / PRO <p>I have a problem with the definition of plastic</p>	<p>We note that the term “producer” has not been defined under the Draft SUP Bill, in this respect we have updated the Draft SUP Bill to include the following definition:</p> <p><i>‘producer’ means an entity (irrespective of the selling technique used) that introduces goods, products and packaging into the country using authorised means by manufacturing, importing, converting, filling, refilling, repackaging or rebranding under their own name or trademark.</i></p> <p>Regarding the suggestion to include EPR obligations, the Draft SUP Bill calls on Partner States to promote EPR schemes under Clause 18. Moreover, we understand that there is currently an initiative for the promotion of a regional EPR framework which would align with the existing promotion of EPR under the Draft SUP Bill.</p> <p>Regarding the request for the inclusion of a definition of “compostable” in the Draft SUP Bill, we note that the term lacks uniformity across international frameworks, including the Global Plastics Treaty. While we acknowledge that industrial compostability conditions are outlined in EN 13432, the definition of “compostable” itself, along with criteria for home compostability, remain undefined and inconsistent across various standards.</p> <p>In our view, it is not appropriate at this stage to define “substitute” in the EAC SUP Bill. Providing a definition or list of substitutes in our view should be dependent on the availability of these products and resources in these jurisdictions. As a result, providing a closed and definitive list would be inappropriate and may limit innovation as the Partner States would not have the necessary flexibility to identify and promote alternatives and substitutes that are most appropriate to their specific national contexts.</p> <p>Furthermore, given the evolving nature of material innovation and the differing environmental, economic, and technological capacities across the region, a fixed or narrow definition could unintentionally limit the scope of sustainable solutions available.</p> <p>Moreover, the term “environmentally sound and sustainable non-plastic substitutes” already provides a guiding principle, encouraging Partner States to focus on alternatives that meet environmental and sustainability criteria. By avoiding a prescriptive definition, the Draft SUP Bill allows Partner States to tailor their regulatory and incentive frameworks in line with local conditions, priorities, and evolving scientific and market developments, as envisaged in Clauses 24 and 25.</p>

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback
8	DHL	Clause 3	Definition of Single Use Plastics Product	<p>We propose re-defining single-use plastic product to exclude plastic products made from more than 50% recycled plastics.</p> <p>The definition of single-use plastic product in the proposed bill is open-ended. It provides that single-use plastic product means a disposable plastic item that is made wholly or partly from plastic designed to be used once before it is discarded or recycled.</p> <p>Policy Examples from other jurisdictions.</p> <p>In the UK, The Environmental Protection (Plastic Plates etc. and Polystyrene Containers etc.) (England) Regulations 2023 don't provide a single, concise definition of "single-use plastic." Instead, they define it by specifying the types of single-use plastic items that are banned or restricted. The regulations provide a guideline on how UK would prepare for a ban on single use plastics.</p> <p>The guidelines explain what polystyrene products entails, that is to say, "a polymer made from styrene monomers" while specifying that only a polystyrene that has been through a forming process is within the scope of the ban. Polystyrene products specifically mentioned in the document, and covered by the ban, are those made from polystyrene that has been expanded prior to fusion (expanded polystyrene products - EPS) and those made from polystyrene that has first been extruded, then expanded (extruded polystyrene products - XPS).</p>	<p>We find that redefining single-use plastic products to exclude those made from more than 50% recycled plastics may undermine the primary goal of the Draft SUP Bill, which is to reduce environmental degradation caused by plastic in the East African region. Therefore, even if these products are made from recyclable materials, they nonetheless contribute to the pollution problem by being designed for single-use, which leads to high turnover and disposal rates.</p> <p>We re-iterate that the items listed in the First Schedule are the ones subject to the ban.</p>

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback	
9	DHL	Clause 3 and Schedule 2	Clause fails to recognise that there are partly disposable materials that are so crucial for essential uses such as packaging and shipping materials in the shipping and transport industry	Proposal to include Transport sector under schedule 2 (Excluded industries) of the Draft SUP Bill	<p>Items such as Bag seals, All tape/film that is 80% post-consumer resin (PCR), flyers with low- density polyethylene substrate (LDPE) that is predominantly manufactured with a stable quality, recycled post-consumer resin (PCR) – minimum two thirds (66%) second life content etc. are very essential in packing materials within the transport sector and contain partly disposable products.</p> <p>We proposal excluding these items under schedule 1 and 2 of the Draft SUP Bill.</p>	<p>We have included “essential packaging items used in the shipping and transport industry” on a transitional basis while the industry transitions to recyclable packaging/shipping options. This exemption has been included on the understanding that it serves as an interim measure, recognising current limitations in the availability of scalable alternatives for essential shipping and transport packaging. It is expected that industry stakeholders will progressively transition to compliant, recyclable, or reusable options in line with the objectives of this SUP bill.</p> <p>While certain jurisdictions, such as the UK, have adopted exemptions for single-use plastic items when used as packaging (e.g., plates, trays, or bowls), we have chosen not to include a similar blanket exemption in the EAC SUP Bill. This is because such a provision could significantly weaken the core objective of the legislation—namely, to reduce the production and consumption of problematic single-use plastics across all sectors. Incorporating a broad exemption for packaging risks creating a loophole whereby prohibited items may continue to be placed on the market simply by being repurposed or reclassified as packaging. Unlike more mature waste management contexts, many EAC Partner States may not yet have the infrastructure or regulatory mechanisms in place to ensure that these packaging materials are reused or recycled in practice. Furthermore, the definition of packaging under the UK’s Packaging (Essential Requirements) Regulations 2015 is tailored to a different legal and industrial context, making direct transposition into the EAC framework problematic and potentially inconsistent with regional sustainability goals. Instead, targeted transitional exemptions, such as for essential packaging in the shipping and transport sector, are included on a limited basis and with a clear expectation of eventual phase-out as alternatives become viable.</p> <p>Importantly, the SUP Bill includes a formal exemption mechanism under Clause 7, which allows the list of permitted uses to be reviewed and updated by the Assembly as needed. Therefore, any company or stakeholder seeking an exemption for additional use cases—such as packaging—should submit a formal request in accordance with the procedures outlined in the SUP Bill.</p>

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback
10	KEPRO	Scope (Clause 4)	The scope applies to “all types” of single-use plastics, which could unintentionally include recyclable and compostable plastics.	Suggest revising to exempt “100% recyclable” plastics as defined under internationally recognised standards, ensuring circular economy principles are maintained and investments in recycling infrastructure are not undermined.	<p>We acknowledge the importance of maintaining circular economy principles and supporting investments in recycling infrastructure. It is important to note that many single-use plastic products, even if made from 100% recyclable materials, still contribute significantly to waste generation due to their short lifespan and immediate disposal. The Draft SUP Bill is focused on regulating and reducing single-use plastics as a category, regardless of whether the materials used are recyclable, to minimise overall waste and prevent environmental harm while still promoting the necessary investments in recycling infrastructure, as outlined in Clause 15.</p> <p>Additionally, we find it important to highlight that the Draft SUP Bill only prohibits <i>unnecessary</i> single-use plastic products set out in the First Schedule.</p>
11	NEMA (David Ongare)	Clause 5 (Objective)	N/A	Consider to promoted circular economy	<p>The Draft SUP Bill already provides for and promotes a circular economy by incorporating provisions aimed at sustainable waste management and reducing environmental impact. Specifically, provisions such as Clause 11 ensure the safe and environmentally sound management of single-use plastic waste throughout its lifecycle, which is a fundamental principle of a circular economy.</p> <p>Additionally, Clause 15 emphasises investments in waste management infrastructure and incentivises behavioural changes throughout the value chain, supporting a shift towards more sustainable consumption and recycling practices. These measures, together with the promotion of recycling and waste minimisation, contribute to the long-term goal of creating a more circular and sustainable economy in.</p>
Part 2 – Regulation of Single-Use Plastics					

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback
12 PepsiCo	Clause 6 and First Schedule	Prohibition of manufacture, import, sale, or use of certain plastics	Removal of terminology referencing 'crisp packets' from the First Schedule	<p>There are currently no scalable alternatives for certain categories of plastic packaging which are food grade/food contact materials - essential to maintaining food safety, quality, convenience and shelf life for food products, such as chip packets. While substantial research is being conducted globally in an effort to find viable substitute material for crisp packets, trade-offs exist, from an emissions, machinability, cost etc. perspective, and all of these need to be carefully considered to limit unintended consequences. An outright ban on these materials without viable substitutes could severely disrupt industry, supply chains, impact human health and increase food waste.</p> <p>Specific guidelines such as the global Consumer Design Rules should be implemented to encourage a shift to more recycle-friendly materials. The language around beverage containers should be made more explicit – to clarify that PET bottles, which are widely recyclable, are not part of the First Schedule.</p>	<p>We have noted your recommendation regarding the packaging materials used for crisps packets. Crisp packets are typically made from multi-layered plastic materials that are non-biodegradable, non-recyclable and contribute to long-lasting pollution, often ending up in landfills, waterways, and oceans. Viable alternatives exist at scale, such as paper-based packaging enhanced with water barriers (such as wax or seaweed coating). The focus should be on finding solutions that balance environmental sustainability with practical feasibility. Alternatives such as biodegradable and ambient-compostable packaging made from plant-based materials, paper with biodegradable coatings, or even reusable packaging systems can provide more sustainable options without compromising the product's integrity. We therefore propose to maintain crisp packets in the list of prohibited plastics, we reinforce the need to move toward less polluting packaging solutions that significantly reduce environmental damage when materials are leaked into the environment.</p> <p>Regarding PET beverage bottles, our research has identified several viable environmentally preferred alternatives. At a minimum, these include bottles made from recycled PET (rPET) or with rPET content, plant-based plastics such as bio-PET, polylactic acid (PLA), or more ambitious, ambient compostable plastics such as Polyhydroxyalkanoates (PHAs). It is important that material alternatives are based on recognised standards. Glass bottle are also an option, given their already established reverse logistics in the EAC region. These alternatives are not only sustainable but also maintain the functionality and convenience of PET bottles and are already deployed in the EAC and in other world regions. By encouraging the adoption of these materials, we can further reduce the environmental impact of single-use plastic products in the region, aligning with our broader goals of promoting sustainability and lowering compliance costs across member countries. Given the dire need to drastically reduce pollution from beverage bottles, acting on this sector is critical for the SUP Bill's transformational impact in the region.</p>

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	ALN Feedback
13	KEPRO	Prohibition (Clause 6)	A blanket ban on single-use plastics without considering recyclability undermines existing recycling efforts and infrastructure.	<p>Recommend amending to allow for the controlled use of recyclable single-use plastics with extended producer responsibility (EPR) measures to enhance collection and recycling efforts.</p> <p>We propose to maintain the current wording in the Draft SUP Bill as it principally aims to regulate the use of single-use plastics to facilitate the EAC's transition toward more sustainable and environmentally friendly alternatives.</p> <p>The Draft SUP Bill does not impose a blanket ban on all plastics but rather targets specific unnecessary single-use plastic products listed in the First Schedule. This focused approach ensures that we address the most harmful and unnecessary forms of plastic waste while still allowing room for recyclable materials to be managed responsibly through existing infrastructure.</p>
14	KEPRO	Transboundary Movement (Clause 6.3)	The complete restriction on the transboundary movement of plastics may hinder regional recycling efforts and trade.	<p>Suggest revising the clause to allow the movement of recyclable plastics for processing in facilities with proven recycling capacity, aligning with Basel Convention provisions on the transboundary movement of recyclable waste.</p> <p>We propose to retain the provision as we consider that the transitional period provided for in the Draft SUP Bill will:</p> <ul style="list-style-type: none"> • adequately allow Partner States to fully phase out the use of the prohibited single-use plastic products in their respective territories; and • develop and strengthen local recycling and waste management infrastructure and capacity to ensure that waste from these products can be recycled, reused, and managed sustainably within the community itself. <p>This approach is consistent with the principles of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, as well as the Basel Protocol on Liability and Compensation. While the Convention primarily governs hazardous and certain other wastes, it also allows Parties to take measures through domestic legislation to prohibit the transboundary movement of other waste streams, including plastic waste, where such movement may undermine national waste management objectives or environmental integrity.</p> <p>Accordingly, once the EAC adopts the Draft SUP Bill and formally prohibits the single-use plastics listed in the First Schedule, it logically follows that all Partner States should prioritise phasing out these plastics within their territories. Furthermore, they should focus on developing in-country solutions for plastic waste management, rather than permitting the movement of prohibited plastic waste across borders within the Community.</p>

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback	
15	PAKPRO	Clause 6(3) and (4)	This clause does not consider marine plastics, most of which are composed of SUPs, especially for the countries along the coastline. Marine Plastic pollution is transboundary, and this clause discourages clean up efforts as well as any treatment options.	An exemption should be made for marine plastic pollution to allow for remediation activities, including the processing and trade of the same to encourage recovery and clean up.		The provision, as drafted, is designed to reduce the overall burden of SUPs by preventing the transboundary movement of these plastics and their associated waste. The primary aim of this provision is to curb the accumulation and movement of SUP waste, which is a significant contributor to environmental degradation, particularly in marine ecosystems. It is important to recognise that allowing the transboundary movement of SUP waste for remediation activities could unintentionally perpetuate a cycle of plastic pollution rather than solve it. By making exemptions for marine plastic waste, there is a risk that it could become an avenue for the continued illegal trade of SUP waste under the guise of remediation. This would undermine the goal of the provision, which is to phase out the use of unnecessary SUPs and prevent them from entering the environment in the first place.
16	PepsiCo	Clause 7 and Second Schedule	Exemptions	Limited exemptions should be permitted, and these should be clearly given to materials that have no economically and environmentally viable alternative (crisp packets) at present. These exemptions should be timebound and based on current scientific evidence.	<ul style="list-style-type: none"> • The only exemptions currently apply to medical, forensic, and scientific purposes. • However, developing scalable alternatives for essential food and beverage packaging will take several years (~7 years), as evidenced by ongoing global efforts in sustainable packaging innovation. • We therefore urge that a wider exemption mechanism is developed for packaging that does not have an immediate alternative. • This exemption could be time- based and should take into account the ramp up time required for investments to be made, R&D to be conducted and for viable alternative materials to be localised. • Incentive frameworks to support the above should be considered. 	<p>We appreciate your comments regarding the need for broader exemptions for packaging, especially in the context of food and beverage packaging, which currently lacks immediate alternatives. While we acknowledge that the transition to scalable alternatives for certain packaging materials may take some time, excluding them would undermine the need to find solutions that balance environmental sustainability with practical feasibility.</p> <p>However, recognising the evolving nature of sustainable packaging innovation, we have included a provision in the Draft SUP Bill to review the list of prohibited products every three years. This review will allow for the incorporation of packaging materials for which viable alternatives become available. Furthermore, we understand the importance of providing adequate time for investments in research and development (R&D) and the localisation of viable alternatives. While we are not introducing a blanket exemption, the scheduled review mechanism will ensure that new materials and packaging solutions are considered as they emerge.</p>

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback	
17	KEPRO	Exemptions (Clause 7)	The current exemptions focus only on specific sectors (e.g. medical, forensic), ignoring packaging applications that support a circular economy.	Propose expanding exemptions to include recyclable packaging materials that comply with circular economy principles, such as PET bottles and packaging materials with high recyclability rates.		<p>Our focus in the Draft SUP Bill is on addressing single-use products that are deemed unnecessary and have significant negative impacts on the environment, irrespective of the material they are made from. This approach was chosen to effectively target single-use plastic products that are harmful to the environment, while avoiding unnecessary complications related to the regulation of various materials.</p> <p>Moreover, the aim and underlying principle of the Draft SUP Bill is to regulate certain items made from SUPs due to their significant environmental impact regardless of the recycled content utilised in the production of these unnecessary single use products. The proposed comprehensive approach is intended to advance this objective by promoting sustainability and environmental protection in the East African region.</p> <p>On PET bottles see our response in item 12.</p>
18	PepsiCo	Clause 9	Collection of single-use plastic	Timeframes and specific investment commitments to support collection and recycling mechanisms need to be called out.	<ul style="list-style-type: none"> Timeframes for the authorities to place a collection, segregation and recycling mechanisms should be defined. Investments into separation at source need to be specifically concerned to incentivise true circularity and the inclusion of food grade recycled content into packaging materials. 	<p>The Draft SUP Bill intends to provide a guiding framework which provides the basic standards that are to be adhered to and implemented in each of the Partner States. As a result, the Draft SUP Bill recognises and grants the environmental authorities of each Partner States the power and the discretion to implement the provisions of the Bill in a manner that is feasible and appropriate for their respective contexts.</p> <p>In this respect, therefore, the timelines within which manufacturers, wholesalers and retailers are to set up their collection, segregation and recycling facilities is to be determined by the environmental authorities provided that the timelines prescribed do not contradict the Draft SUP Bill.</p>

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback
19	KEPRO	Waste Management (Clause 11 – 16)	There is insufficient emphasis on the role of Extended Producer Responsibility (EPR) frameworks in ensuring proper waste management.	Recommend strengthening EPR provisions to mandate producers to take responsibility for the collection, recycling, and proper disposal of plastic waste, in line with EU Circular Economy Action Plan (Directive 2019/904).	<p>The Draft SUP Bill recognises that an Extended Producer Responsibility (EPR) framework is imperative for the eradication of unnecessary SUPs. Clause 18(f) of the Draft SUP Bill recognises that the EPR framework will be instrumental in improving the infrastructure required to enable a fair, equitable and inclusive transition.</p> <p>Nonetheless, the introduction and provision of elaborate and detailed EPR obligations under the Draft SUP Bill will only complicate its implementation which will ultimately exasperate the implementation in the respective Partner States. We do however note that the regulators, based on discussions and conversations around circularity, have begun contemplating the regulation of EPR frameworks and schemes. For example, Kenya has already made significant strides in this area, having implemented the <i>Sustainable Waste Management Act</i> and gazetted <i>Extended Producer Responsibility (EPR) Regulations</i> in 2024.</p> <p>In this respect, and noting the foundation for circularity as will be provided by the Draft SUP Bill, we anticipate that the environmental authorities of the respective Partner States will implement appropriate EPR frameworks that consider their capacities, priorities, and contexts.</p>

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback	
20	PAKPRO	<p>Clause 17</p> <p>Each Partner State shall ensure that the single-use plastics set out under the Third Schedule bear a clearly visible and legible marking on its packaging or on the product itself informing consumers of the following:</p> <p>a. appropriate waste management options for the product or waste disposal means to be avoided for that product; and</p> <p>b. the presence of plastics in the product and the resulting negative impact of littering or other inappropriate means of waste disposal of the product on the environment.</p>	<p>b) Comes across as vague when describing the legible marking and not specifying it.</p>	<p>For emphasised guidance especially to manufacturers, we can give examples of the proposed markings to avoid a plea of ignorance when found non-compliant for (a) and (b) e.g. Product cannot be incinerated Faal to land and/or marine animals when ingested</p>	<p>The Draft SUP Bill intends to provide a guiding framework which provides the basic standards that are to be adhered to and implemented in each of the Partner States. We note that some of the provisions, such as Clause 17, will require consideration of the Partner States' context and environment.</p> <p>As a result, the Draft SUP Bill recognises and grants the environmental authorities of each Partner States the power and the discretion to implement the provisions of the Bill in a manner that is feasible and appropriate for their respective contexts.</p>	
21	PepsiCo	<p>Clause 13</p>	<p>Transitional period: existing stock</p>	<p>For packaging materials that have an economically and environmentally viable alternative – the longer of a minimum of 12 months or the existing shelf life at the time the Draft SUP Bill comes into effect should be provided to transition.</p> <p>For material types that do not have a viable alternative, a minimum of 7 years should be provided for, especially in the case of food contact flexible materials.</p>	<ul style="list-style-type: none"> • The Draft SUP Bill only allows 6 months to clear existing stock before the ban takes full effect. • Based on our experience, this timeframe is insufficient to transition supply chains, identify viable alternatives, and adjust packaging materials at scale. 	<p>The Draft SUP Bill provides that once it comes into force, the Partner States shall have three (3) years to eliminate SUPs within their respective jurisdictions.</p> <p>In this regard and for uniformity, we have amended the stock-clearing period from the initially proposed six-month period to a three-year period. We envisage that this period will be adequate for industry players to ensure compliance. Please refer to our comments in item 2.</p>

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback	
22	KEPRO	Marking Requirements (Clause 17)	Labelling requirements need to be harmonised with global standards to avoid trade barriers and compliance challenges for manufacturers.	Recommend harmonising labelling requirements with global standards such as the EU Packaging and Packaging Waste Directive (PPWD) and China's Circular Economy Promotion Law to ensure consistency and support cross-border trade within the EAC.		We note that there is yet to be a globally accepted labeling standard established as most labeling standards are either national or regional. In this respect we are of the view that the provision for Partner States to determine labeling requirements in line with the guidelines set out in the Draft SUP Bill is in line with this trend. Furthermore, the flexibility of allowing Partner States to establish and implement the labeling standards enables the incorporation of the specific national contexts and realities.
23	DHL	Clause 19	<ul style="list-style-type: none"> the sale, use or offer to sell is made within the period of twelve (12) months after the coming into force of this Act; and the time period is very short and impossible to huge establishments who usually order their stock in bulk way in advance. 	Delete 12 months and in its place replace with 24 months.	24 months will make it possible for key stakeholders and large establishments to restructure their business practices and put up compliance mechanisms.	The Draft SUP Bill, once law, will have a three-year transitional period which has been amended to cover the concerns highlighted. We envisage that this period will be adequate for industry players to ensure compliance. Please refer to our comments in item 2.

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback	
24	PAKPRO	N/A	There is no mandate on each member state to undertake a baseline survey of existing SUP stocks	Include the mandate for each member state to undertake baseline surveys of existing SUP stocks and report the same to the EAC.		We note that this concern is addressed through the quarterly reporting obligation for Partner States set out in Clause 16 of the Draft SUP Bill, which provides an opportunity for States to report on key items, including statistics on the production, use, and disposal of existing SUPs in their jurisdictions.
Part 4 – Awareness Raising Measures and Incentives						
25	KEPRO	Incentives (Clause 24 –27)	The incentives for alternatives lack clarity on promoting investment in recycling technologies and eco-design solutions.	Recommend including financial incentives (tax breaks, subsidies) for companies investing in recycling technologies and innovation in reusable packaging, similar to the EU's Green Deal initiatives and Japan's Plastic Smart Cities initiative.		<p>We believe that the creation of incentives to promote investment in recycling technologies and eco-design solutions shall be done by Partner States at domestic level to promote compliance with the provisions of the Bill in consideration of their unique contexts.</p> <p>Additionally, we have included a requirement for Partner States to promote the establishment and use of Special Economic Zones (SEZs) as strategic hubs for the production, distribution, and innovation of environmentally sound and sustainable alternatives to single-use plastics.</p>

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback	
26	PepsiCo	Clause 28 – 32	Sanctions and penalties	Review penalties in line with realistic packaging transition times.	<ul style="list-style-type: none"> The Draft SUP Bill proposes fines of up to \$20,000 or 10% of annual turnover for non-compliance. However, this does not account for the challenges businesses will face during and after the transition period, including sourcing alternatives, modifying supply chains, and ensuring regulatory alignment across EAC Partner States. Further, 10% of annual turnover could potentially be extremely severe and arbitrary in nature versus differing degrees of non-compliance. 	<p>We propose to retain the sanctions provided for in the Draft SUP Bill for the following reasons:</p> <ul style="list-style-type: none"> we adopted a uniform rate of 10% to ensure that we take an equitable approach towards sanctions for companies regardless of size and turnover; the sanctions were introduced to encourage compliance among Partner States and businesses, while also deterring non-compliant behaviour within the industry. industry players will be allowed adequate time to transition during the Draft SUP Bill's transitional period.
27	DHL	Clause 32	A requirement to pay a monetary penalty to the regulator of such amount as the regulator may determine ("an administrative fine") in accordance with the provisions of this Act; or This regulator is not defined in the Draft SUP Bill. Who is this regulator?	In the preamble add a definition of a regulator. Before clause 29 add a clause that details the functions of the regulator.	<p>Inclusion of an administrative office without defining the office and designating or defining its roles leaves room possible abuse of the law and misuse of power by those implementing the law.</p> <p>We have amended Clauses 28 and 29 to refer to 'relevant environment authority' rather than regulator as the term 'relevant environment authority' has been defined in the Draft SUP Bill to mean a government body designated by a Partner State to deal with environmental protection, management and compliance.</p> <p>Regarding DHL's second proposal, we envision that the specific functions of the respective environment authorities in each Partner State has been established under a specific law that provides for their functions, as a result we are of the opinion that prescribing detailed functions may result in a conflict between the Draft SUP Bill and the domestic law which may ultimately affect the implementation of the Bill. In any event, the Draft SUP Bill specifically outlines the obligations, duties and powers of the environmental authorities.</p>	
Part 5 – Sanctions and Enforcement						

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback
28 KEPRO	Enforcement & Compliance (Clause 28 – 42)	The penalties and enforcement measures may disproportionately affect small and medium enterprises (SMEs), limiting their ability to transition.	Recommend adopting a phased approach with technical support for SMEs, similar to Kenya's "assisted compliance" model under NEMA's EPR framework, providing compliance roadmaps and financial aid mechanisms. Additional references to Canada's Zero Plastic Waste Strategy can inform structured compliance support.	Clause will encourage corrupt administrators to abuse power; clause offends fair administrative action which obligates administrative authorities to issue sufficient notices to persons likely to be affected by an intended action.	<p>The scope and the timelines for the prohibition of prohibited products under the First Schedule of the Draft SUP Bill is focused on specific items thus not overly expansive as to limit companies' capacity to comply with the Draft SUP Bill once enacted into law. Furthermore, the transitional window provided in the Draft SUP Bill (3 years) is designed to afford businesses adequate time to comply. Note that the transitional window is in addition to the time for the legislative process to be completed before the Draft SUP Bill is enacted, during which time businesses can start aligning with the Draft SUP Bill.</p> <p>The Draft SUP Bill provides for a just transition in Partner States, obligating Partner States to promote and facilitate a fair, equitable and inclusive transition for affected populations and businesses.</p> <p>Lastly, we note that the penalties under the Draft SUP Bill are linked to an entity's turnover, which introduces a proportionality element by ensuring that businesses are penalised in a manner commensurate with their size and economic capacity. This structure accommodates the reasonable assumption that larger organisations are likely to have a greater plastic footprint and should therefore bear a higher level of responsibility in addressing the impact of SUPs.</p>
29 DHL	Clause 33	The non issuance of a compliance notice by a relevant environmental authority shall not be a defence to an enforcement action or sanction. Unfair administrative action. Clause introduces an illegality	Delete in its entirety.	Clause will encourage corrupt administrators to abuse power; clause offends fair administrative action which obligates administrative authorities to issue sufficient notices to persons likely to be affected by an intended action.	We disagree with the proposed recommendation to delete the clause concerning the issuance of compliance notices by relevant environmental authorities. The inclusion of this clause is critical for ensuring proper oversight and enforcement of the standards set out in the Draft SUP Bill. The deletion of this clause would strip the Draft SUP Bill of its principal oversight provisions. As regards the concerns of abuse of power, we believe that any such abuse would have remedies under both constitutional and administrative law.

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback	
30	DHL	Clause 34	<p>Notice is incomplete for not giving respondent channels of response of explanation.</p> <p>Clause presupposes that once a notice is given the only thing a respondent can do is to appeal. This is an incorrect view as some notices may have been given erroneously, or without factual basis for which only an explanation from the respondent would be enough.</p>	<p>Add a provision that a respondent can respond as a first instance to a notice whose facts they believe a response suffices.</p>	<p>Laws should as much as possible limit litigation. Before a respondent is given right to appeal (as done in clause 35 of the Draft SUP Bill), a chance to respond to the notice, should they have any reasonable responses, should be provided.</p>	<p>We propose to maintain the current provisions of the Draft SUP Bill considering that Clause 35 provides an opportunity for the recipient of a compliance notice to take remedial action following which they will be issued a compliance certificate confirming compliance.</p>
31	DHL	Clause 34	<p>The contents of compliance notice are incomplete for lack of timelines. Notice lacking timelines are invalid. What this means is that issuers of notices will act arbitrarily and there will be inconsistencies on timelines given.</p>	<p>Add a timeline of 28 days on the notice.</p>	<p>A notice is only a notice where timelines, for doing or refraining to do a thing, are given.</p> <p>28 days' notice is sufficient for a recipient to comply.</p>	<p>We envision that the exact format and content and compliance period for the compliance notice, shall be determined by each Partner State through their respective authorities. While the Draft SUP Bill outlines the core principles, the Draft SUP Bill recognises that each Partner State will have the flexibility to adapt the form of the compliance notice to fit their specific legal and regulatory frameworks and enforcement procedures.</p>
32	DHL	Clause 34	<p>The contents of compliance notice are incomplete for not providing for "quoting of the rules, legislation or act" relied on.</p>	<p>Add a portion on the face of the notice indicating the rules, law, legislation or statute relied on.</p>	<p>It is good practice and sound policy for valid notice to have on its face the rules, provisions of law or statute relied on for legitimacy purposes.</p>	

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback
33	PAKPRO	First Schedule	<p>Polythene Bag</p> <p>Manufacturing Plants use polyethene based shrink wrapping film to wrap the 12/24 set of bottles.</p> <p>If this polyethene film falls under schedule-1 category (polyethene Bag), then we advice not to ban since this is an essential part of our manufacturing operation.</p>	<p>The polyethene wrapping packaging material introduced to the market is taken care under extended producer responsibility obligations collectively.</p>	<p>The Draft SUP Bill has already accounted for these concerns. Specifically, it provides that any person wishing to manufacture, import, sell, or use any single-use plastic listed under the First Schedule for purposes outlined in the Second Schedule must apply for written authorisation from the relevant environmental authority. As part of this process, the applicant will need to provide detailed information about the use of the material, including its necessity within manufacturing operations. This provision ensures that essential materials, like polyethylene shrink wrapping film, can be assessed on a case-by-case basis to determine whether exemptions are necessary and this will be dependent on the environmental authorities assessment.</p>
34	PAKPRO	First Schedule	<p>Crisps packets, sweet and chocolate wrappers, bread bags and confectionary wrappers.</p> <p>Manufacturing Plants use laminate film for the manufacturing of Noodles & sachets for baking powder.</p> <p>If this material falls under Schedule-1 (Crisp packets, wrappers) then we advices not to ban since this is the only packing material can be used to pack the above food items</p>	<p>The laminates packaging material introduced to the market is taken care under the extended producer responsibility obligations collectively</p>	<p>We have noted your recommendation regarding the packaging materials used for crisps packets, sweets and chocolate wrappers, bread bags, and confectionary wrappers.</p> <p>Nonetheless, we note that there have been developments in respect of food packaging materials that have resulted in the manufacturing of biodegradable packaging materials. In Rwanda, for instance, following the ban on single use plastics which included plastic food wrappers, companies started producing biodegradable packaging materials. Moreover, there are growing trends and innovative technologies that have resulted in the production of sustainable crisps packets that are biodegradable and which are recycled in the same manner as paper (more on this here).</p> <p>We are of the view that the inclusion of packaging materials used for crisps packets, sweets and chocolate wrappers, bread bags, and confectionary wrappers, in the First Schedule will result in the further development of alternative packaging materials. We have therefore retained these items in the First Schedule.</p>

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback
35 DHL	Schedule	Paragraph 10 is so wide and ends up limiting and banning essential packaging materials	Add an exemption as follows "save for packaging and shipping materials used in the transport industry provided that the taps, sealants and fasteners occupy not more than 15 percent of the weight of the packaging material"	Essential packaging materials cannot be banned without causing substantial impact on businesses, investors, and persons whose livelihoods depend on the businesses. From the foregoing, we consider that packaging and shipping materials are indispensable in a well-functioning macro and micro economy that relies especially on international trade.	<p>We have considered the proposal and acknowledge that the market does not have readily available alternatives for essential packaging materials. In this respect we have deleted paragraph 10 from the First Schedule. Furthermore, we have included the following transitional exemption in the Second Schedule in respect of essential packaging:</p> <p><i>"Essential Packaging items used in the shipping transport industry, provided that this exemption is applied on a transitional basis to allow the sector reasonable time to adopt recyclable or otherwise environmentally sustainable packaging solutions."</i></p> <p>This exemption is transitional in order to provide an avenue for innovation. As part of this transition, we have included Clause 6(5) which enables the East African Legislative Assembly to review the First Schedule of the Draft SUP Bill to ensure that single-use plastic products with viable environmentally preferable alternatives are listed as prohibited single-use plastics under the First Schedule.</p>

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback
36 KEPRO	First schedule point 9 and 19	Inclusion of polystyrene as a specific material and reference to expanded polystyrene	<p>Refer to single use items like a cup of take away container not a specific material. Alternatives must be well proven on all accounts:</p> <ul style="list-style-type: none"> • LCA • Cost • Effectiveness • Recyclability - Benefits to consumer and environment to recycle. 	<ol style="list-style-type: none"> i. Full LCA to inform which material to target. ii. Unintended consequences of changes that might be worse than polystyrene, cost of item is important for consumers, has benefits like 2% polystyrene used in production and 98% air. Reduction of polymer use is unique. iii. Make EPR work through end market development to create a demand for polystyrene, polystyrene is 100% recyclable. iv. Create jobs and improve SMME businesses with international buyers and possible local end markets for recycled polystyrene. v. Implement take back schemes and work with waste pickers to ensure recycling of polystyrene. EPR funding is meant for this purpose. 	We have removed "polystyrene packaging materials" from the list of prohibited items included in the First schedule in order to keep the focus on specific SUP items instead of specific materials.

Stakeholder	Provision of the Draft SUP Bill	Issue of concern	Proposal	Justification	ALN Feedback
37	NEMA	N/A	N/A	Do we need a whole section again dealing with waste management?	<p data-bbox="1559 379 2040 584">Waste management is an issue that would need to be categorically addressed in a separate act or regulations. However, noting that the leakage of SUPs between the Partner States (in part as a result of the cross boundary movement of SUP waste), is an issue that needs to be addressed, the Draft SUP Bill has provided high level waste management obligations in an effort to reduce such leakages.</p> <p data-bbox="1559 612 2040 735">Moreover, the standards proposed under the Draft SUP Bill rely on the <i>Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal</i> to which each of the Partner States (with the exception of South Sudan) are signatories.</p>

ANNEX 2

UPDATED DRAFT EAC SUP BILL

THE EAST AFRICAN COMMUNITY

THE EAST AFRICAN COMMUNITY PROHIBITION OF MANUFACTURING, IMPORTATION, USE AND SALE OF SINGLE-USE PLASTICS BILL, 2023

MEMORANDUM

The Treaty for the Establishment of the East African Community sets out one of the objectives of the Community as the promotion of sustainable utilisation of the natural resources of the Partner States and the taking of measures that would effectively protect the natural environment of the Partner States. Further, Chapter 19 of the Treaty provides for the co-operation of the Partner States on environment and natural resources management which includes undertaking, through environmental management strategies, to co-operate and coordinate their policies and actions for the protection and conservation of natural resources and environment against all forms of degradation and pollution arising from developmental activities.

The Partner States of the East African Community have individually and jointly made great strides towards addressing plastic bags pollution in their respective jurisdictions. A great step was made through the passing of the East African Community Polythene Materials Control Bill at the East Africa Legislative Assembly level which focuses on polythene materials and specifically provides for the elimination of polythene bags in all the Partner States. However, there remains a pressing need for further legislative action with respect to addressing the impact that the manufacture, importation, use and sale of single-use plastics has had in each Partner State and to the East African Community as a whole.

Significant steps are being taken globally to address the pollution caused by single-use plastics through the implementation of legislation on both a national and regional level. The tide continues to swell with discarded single-use plastics in East Africa, partly as a result of shifting consumer habits in the region, partly as a result of the ocean tides bringing pollutants from Asia and partly as a result of the increased use of personal protective equipment in response to the global COVID-19 pandemic. There is a pressing need for further affirmative action to be taken by East African policymakers in order to preserve the health of its economy, environment and persons.

[Insert name of the EALA Member sponsoring/proposing the bill]

Member, East African Legislative Assembly

**THE EAST AFRICAN COMMUNITY PROHIBITION OF MANUFACTURING, IMPORTATION, USE AND
SALE OF SINGLE-USE PLASTICS BILL, 2023**

**THE EAST AFRICAN COMMUNITY PROHIBITION OF MANUFACTURING, IMPORTATION, USE AND
SALE OF SINGLE-USE PLASTICS BILL, 2023**

ARRANGEMENT OF CLAUSES

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**THE EAST AFRICAN COMMUNITY PROHIBITION OF MANUFACTURING, IMPORTATION, USE AND
SALE OF SINGLE-USE PLASTICS BILL, 2023**

A Bill for an Act

ENTITLED

**THE EAST AFRICAN COMMUNITY PROHIBITION OF MANUFACTURING, IMPORTATION, USE AND
SALE OF SINGLE-USE PLASTICS BILL, 2023**

**An Act of the Community to provide for the ban, control and regulation of the manufacturing,
importation, use and sale of single-use plastic products and for other related matters.**

ENACTED by the East African Community and assented to by the Heads of State.

PART 1 – PRELIMINARY PROVISIONS

Short Title

1. This Act may be cited as the East African Community Prohibition of Manufacturing, Importation, Use and Sale of Single-Use Plastics Bill, 2023.

Commencement

2. (1) This Act shall come into force on such date as the Council may, by notice published in the Gazette, appoint.

(2) For avoidance of any doubt, the elimination of the prohibited single-use plastics shall be complete in all the Partner States within three (3) years from the coming into force of this Act.

Interpretation

3. In this Act, unless the context otherwise requires –

“**Assembly**” means the East African Legislative Assembly established by Article 9 of the Treaty;

“**bio-degradable**” means a material or item that has the ability to break down or which can decompose back into the natural environment without causing harm;

“**Community**” means the East African Community established under Article 2 of the Treaty;

“**compliance notice**” means a notice prohibiting a person from carrying on an activity specified in the notice until the person has taken the steps specified in the notice;

“**Council**” means the Council of Ministers of the East African Community established by Article 9 of the Treaty;

“**East African Community Development Fund**” means the East African Community Development Fund to be established under the East African Community Development Fund Act;

“**Gazette**” means the Official Gazette of the Community;

THE EAST AFRICAN COMMUNITY PROHIBITION OF MANUFACTURING, IMPORTATION, USE AND SALE OF SINGLE-USE PLASTICS BILL, 2023

“import” means to bring or cause to be brought into the territories of the Partner States, any single-use plastic products from a foreign country;

“manufacture” means the transformation of raw material into finished goods for sale, or other use, including the intermediate processes involving production or finishing of semi-manufactured goods;

“medical purposes” means the purposes of preventative medicine, medical diagnosis, medical research and the provision of medical care and treatment;

“Partner State” means the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, the Republic of Uganda, the United Republic of Tanzania, the Democratic Republic of Congo and any other country granted membership to the Community under Article 3 of the Treaty;

“person” means an individual, a group of individuals, a company, an organisation or a cooperative with legal personality;

“plastic” means a material derived from petrochemicals that are lightweight, soft and non-compostable;

“plastic drink stirrer” means an implement made partly or wholly of plastic designed and intended for stirring drinks;

“plastic stemmed cotton bud” means an item that consists of a rod made wholly or partly of plastic with cotton wrapped around one or both ends and that is not designed or intended to be reused;

“plastic straw” means a straw that is made wholly or partly from plastic and that is not designed or intended to be reused;

“problematic plastics” means plastic packaging items, components, or materials where consumption could be avoided through elimination, reuse or replacement and items that, post consumption, commonly do not enter the recycling and/or composting systems, or where they do, are detrimental to the recycling or composting system due to their format, composition, or size;

“producer” means an entity (irrespective of the selling technique used) that introduces goods, products and packaging into a partner state using authorised means by manufacturing, importing, converting, filling, refilling, repackaging or rebranding under their own name or trademark;

“prohibited single-use plastics products” means the single-use plastic products listed in the First Schedule of this Bill;

“recidivism” means a habitual relapse into a similar offence;

“recycling” the process of collecting and processing plastic materials that would otherwise be thrown away as trash and turning them into new products;

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“relevant environment authority” means a government body designated by a Partner State to deal with environmental protection, management and compliance;

“relevant enforcement officer” means staff of the government body designated by a Partner State to deal with environmental protection, management and compliance or any other office authorised by any other law;

“scientific purposes” means diagnostic, educational or research purposes;

“single-use plastic product” means a disposable plastic item that is made wholly or partly from plastic designed to be used once before it is discarded or recycled;

“Treaty” means the Treaty for the establishment of the East African Community; and

“undertaking” means any business activity intended to be carried on, or carried on, for gain or reward by a person, a partnership or a trust.

Scope

4. This Act applies to all types of single-use plastic materials and products.

Objectives

5. The objectives of this Act are to –
 - (a) establish a legal framework for the control of the manufacture, importation, use and sale of single-use plastic products in the Community;
 - (b) promote the use of sustainable and non-toxic re-usable products and re-use systems in place of single-use plastic products, aiming first and foremost to reduce the quantity of waste generated in the Community;
 - (c) preserve and promote a clean and healthy environment and sustainable land use management for sustainable development;
 - (d) prevent any type of pollution, waste or litter caused by single-use plastic products in lakes, rivers and oceans;
 - (e) protect infrastructure, including drainage systems, biodiversity and livestock;
 - (f) promote recycling; and
 - (g) brand the East African Community as green and clean standard setter.

PART 2 – REGULATION OF SINGLE-USE PLASTICS AND EXEMPTIONS

Prohibition of manufacture, import, sale or use

6. (1) No person shall produce, manufacture, distribute, import, sell, use or offer to manufacture, export or sell any single-use plastic product set out under the First Schedule, in any Partner State.

THE EAST AFRICAN COMMUNITY PROHIBITION OF MANUFACTURING, IMPORTATION, USE AND SALE OF SINGLE-USE PLASTICS BILL, 2023

(2) No person shall pile or dispose of any single-use plastic product in any public place in any Partner State.

(3) No Partner State shall allow transboundary movement of any single-use plastic product set out under the First Schedule, including any waste generated from such single-use plastic products.

(4) Each Partner State shall prevent and eliminate illegal trade in single-use plastic products and the illegal trade in waste arising from single-use plastic products.

(5) The Assembly shall, every three years following the coming into force of the Act, review the list of prohibited single-use plastics listed in the First Schedule to ensure that single-use plastic products with viable environmentally friendly alternatives are added to the list as prohibited single-use plastics under the First Schedule.

(6) Single-use plastic products prohibited under subsection 5 above shall be deemed prohibited in all Partner States two (2) years after the date they are added to the list

Exemptions

7. Section 6(1) shall not apply to the production, manufacture, distribution, import, sale, export or use of any single-use plastic listed under the First Schedule for any of the purposes set out under the Second Schedule.
8. The list of exempted uses of the prohibited single-use plastics may be updated from time to time as the Assembly deems necessary.

Collection of single-use plastics

9. Every manufacturer, wholesaler or retailer of any single-use plastic products shall put in place mechanisms for the collection, segregation and recycling of its used single-use plastic products.
10. Each Partner State shall ensure that the manufacturers, wholesalers and retailers of any single-use plastic products comply with the requirements of section 9 of this Act.

Waste Management

11. Each Partner State shall ensure that any single-use plastic waste is managed in a safe and environmentally sound manner throughout its different stages, including handling, collection, transportation, storage, recycling and final disposal.
12. Each Partner State shall meet the requirements, including, where relevant, through a sectoral approach, taking into account relevant provisions, guidance and guidelines in other international agreements, including those developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.
13. Each Partner State shall prohibit waste management practices that may lead to the emissions and releases of hazardous substances and shall regulate the other allowed waste management practices that may lead to the emissions and releases of hazardous substances.

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14. Each Party shall take the necessary measures to prevent ocean dumping, littering and open burning of single-use plastic products.
15. Each Partner State shall take additional measures to:
 - (a) invest in waste management systems and infrastructure that enable environmentally sound management of plastic waste;
 - (b) promote investment and mobilize resources from all sources to cover financing gaps for waste management systems and infrastructure that enable environmentally sound management of plastic waste and enhance waste management capacity, in light of current and expected waste generation levels; and
 - (c) incentivize behavioural changes throughout the value chain and raise consumer awareness on sustainable consumption.
16. Each Partner State shall submit quarterly reports to the Council detailing the steps and measures taken by the Partner State to fulfil its obligations under sections 11, 12, 13, 14 and 15 of this Act.

Restrictions and Conditions

17. Each Partner State shall ensure that the single-use plastics set out under the First Schedule and the Third Schedule bear a clearly visible and legible marking on its packaging or on the product itself informing consumers of the following:
 - (a) appropriate waste management options for the product or waste disposal means to be avoided for that product; and
 - (b) the presence of plastics in the product and the resulting negative impact of littering or other inappropriate means of waste disposal of the product on the environment.

Transitional provisions and disposal of existing stock

18. Each Partner State shall promote and facilitate a fair, equitable and inclusive transition for affected populations and businesses, with special consideration for women and vulnerable groups, including children and youth, in the implementation of this Act, including:
 - (a) enabling policies and conditions to improve income, opportunities and livelihoods for impacted communities, including workforce training, development and social programmes, according to their needs and priorities;
 - (b) incentivizing the development of skills and job opportunities across the single-use plastics value chain, including for the development of reuse, repair, recycling, waste collection and sorting;
 - (c) promoting a clean, healthy and sustainable environment for communities and workers across the value chain, including workers in the waste management sector;
 - (d) improving working conditions for workers in the waste management sector;

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- (e) integrating workers in informal and cooperative settings into a safe plastics value chain, including by requiring plastic product producers, recycling and waste management companies to integrate plastics collected and sorted by them into their operation schemes; and
 - (f) requiring a portion of the fees collected through extended producer responsibility schemes to be used to improve infrastructure and improve the livelihoods and opportunities for, and develop the skills of, workers in the waste sector, including waste workers in informal and cooperative settings.
19. The sale, use or offer to sell of any single-use plastic product set out under the First Schedule, is not an offence under section 6(1) if –
- (a) the sale, use or offer to sell is made within the period of three (3) years after the coming into force of this Act; and
 - (b) the person selling or offering to sell the product obtained the product on or before the lapse of the three (3) year transitional period set out in section 2(2) of this Act.
20. Each Partner State shall take the necessary measures to align its national laws with the provisions of this Act within the period of twelve (12) months of coming into force of this Act.

Authorisation

21. (1) Any person who wishes to manufacture, import, sell or use any single-use plastic listed under the First Schedule for any purpose set out under the Second Schedule shall apply for a written authorisation from the relevant environment authority and shall provide the following information –
- (a) the reasons for the application;
 - (b) the quantities required and estimated period of use; and
 - (c) how the applicant intends to manage or dispose of the single-use plastic waste arising from their use.
- (2) the relevant environment authority shall, within a period not exceeding thirty (30) working days, determine the application under subsection (1) and inform the applicant accordingly.
- (3) In the event that the applicant is not satisfied with the decision of the relevant environmental authority, such applicant may seek redress from the appropriate appellate authority in its Partner State for redress.
- (4) The authorisation granted under section 19 may be revoked by the relevant authority if the relevant environmental authority confirms that it was obtained illegally, if the authority granted has been abused or for any other reason to be specified by the relevant environmental authority.

PART 3 – CONSUMPTION REDUCTION OF SINGLE-USE PLASTIC PRODUCTS AND PROBLEMATIC PLASTICS

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22. (1) Each Partner State shall take the necessary measures to ensure a sustained reduction in the consumption of all single-use plastic products and problematic plastics in its territory. Those measures shall achieve a measurable and progressive quantitative reduction, to be determined by the Council.
- (2) The Assembly and the Council shall adopt regulations laying down the methodology for the calculation and verification of the measurable quantitative reduction measures taken.
- (3) Every fiscal year, each Partner State shall prepare a report of the volume of single-use plastic products and problematic plastic produced, manufactured or imported into the Partner State and measures which they have adopted pursuant to section 22(1) and 22(2). The report shall include an assessment of the effectiveness of those measures in meeting the objectives of this Act and the challenges faced in implementing the measures.
- (4) Each Partner State shall submit the report to the Council and make it publicly available.
- (6) The measures may include –
- (a) Nationally determined consumption reduction targets;
 - (b) measures ensuring that re-usable alternatives to the single-use plastic products listed in the First Schedule are made available at the point of sale to the final consumer; and
 - (c) marketing restrictions.

PART 4 – AWARENESS RAISING MEASURES AND INCENTIVES

Awareness Raising Measures

23. Each Partner State shall, during the transitional period, take measures to inform and incentivise consumers, producers, retailers, manufacturers, and suppliers about the following–
- (a) the effects of plastic pollution on the environment and the health risks plastic pollution poses;
 - (b) the availability of re-usable alternatives, re-use systems and waste management options;
 - (c) the impact of littering and other inappropriate waste disposal of single-use plastic products on the environment, and in particular on the marine environment; and
 - (d) the impact of the inappropriate means of waste disposal of those single-use plastic products on the sewer network.

Incentives

24. Any activity aimed at controlling pollution caused by single-use plastic waste or any person investing in reusable alternatives or biodegradable materials may –

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- (a) receive support from the East African Community Development Fund or from any funds received by the East African Community from any global fund that supports environmental initiatives; or
 - (b) receive support from the government of a Partner State in the form of economic instruments such as subsidies, grants or tax regimes as such Partner State may determine.
25. Partner States are encouraged to use regulatory and economic instruments as a form of incentives to promote the use of environmentally sound and sustainable non-plastic substitutes.
26. Partner States shall promote the establishment and use of Special Economic Zones (SEZs) as strategic hubs for the production, distribution, and innovation of environmentally sound and sustainable alternatives to single-use plastics. This may include offering targeted incentives such as tax holidays, customs duty exemptions, fast-tracked licensing, and dedicated infrastructure support for businesses engaged in the manufacture or importation of approved substitutes within SEZs.
27. Within six (6) months of the coming into force of this Act, each Partner State shall submit to the Council a detailed outline of the incentives it intends to put in place to promote the use of environmentally sound and sustainable non-plastic substitutes and the timelines for implementation of the incentives.

PART 5 – SANCTIONS AND ENFORCEMENT

Enforcement

28. The relevant environmental authority in each Partner State shall be responsible for enforcing this Act.
29. The environmental authorities in the Partner States shall co-operate in the transboundary enforcement of this Act and shall develop joint assistance programs for the effective co-ordination of their efforts in enforcing this Act.

Sanctions

30. In relation to an offence under this Act, the relevant environmental authority may, by notice, impose—
- (a) a requirement to pay a monetary penalty to the relevant environment authority of such amount as the relevant environment authority may determine (“an administrative fine”) in accordance with the provisions of this Act; or
 - (b) a requirement to take such steps as the relevant environmental authority may specify, within such period as it may specify, to secure that the offence does not continue or recur (“a compliance notice”).
31. The non issuance of a compliance notice by a relevant environmental authority shall not be a defence to an enforcement action or sanction.

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Penal Provisions

32. (1) Any person who contravenes the provisions of section 6(1) commits an offence and shall be liable to an administrative fine not exceeding ten thousand United States Dollars (USD 10,000) or to imprisonment for a term not exceeding twelve months, or both and in the case of an undertaking, up to ten per cent of its annual turnover of the preceding financial year.
- (2) Any person who contravenes the provisions of section 6(2) commits an offence and shall be liable to an administrative fine not exceeding twenty thousand United States Dollars (USD 20,000) or to imprisonment for a term not exceeding twelve months, or both and in the case of an undertaking, up to ten percent of its annual turnover of the preceding financial year, and shall be ordered to remove such waste and repair the damages caused.
- (3) Any person who commits an offence under this Act for which no specific penalty is provided or who otherwise contravenes this Act shall, on conviction, be liable to a fine not exceeding five thousand United States Dollars (USD 5,000) or imprisonment for a term not exceeding six months, or to both, and in the case of an undertaking, up to five percent of its annual turnover of the preceding financial year.
- (4) Where an offence under this Act is committed by a body corporate, and it is proved to have been committed with the consent, connivance of, or to be attributable to any act default on the part of the director, manager, secretary or other similar officer of the body corporate or any other purporting person as well as the body corporate, shall be deemed to have committed the offence and shall be liable accordingly.
- (5) Where recidivism is established on any person under this section, the penalty against such a person shall be doubled.

Compliance Notice

33. (1) The relevant environmental authority may serve a compliance notice on any person or body corporate in a case falling within section 6(1) or section 6(2) of this Act.
- (2) A “compliance notice” is a notice prohibiting a person or body corporate from carrying on an activity specified in the notice until the person or body corporate has taken the steps specified in the notice.
- (3) A case falling within this sub-section is a case where the relevant environmental authority reasonably believes that—
- (a) the person or body corporate is carrying on the activity;
- (b) the activity as carried on by that person or body corporate is causing, or presents a significant risk of causing, serious harm to the environment (including the health of animals); and
- (c) the activity as carried on by that person or body corporate involves or is likely to involve the commission of an offence under sections 6(1) or 6(2) of this Act.

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(4) The steps referred to in sub-paragraph (2) shall be steps to remove or reduce the harm or risk of harm to the environment (including the health of animals).

Contents of a Compliance Notice

34. (1) A compliance notice shall include information as to—
- (a) the grounds for serving the notice;
 - (b) the steps the person or body corporate must take to comply with the notice;
 - (c) rights of appeal; and
 - (d) the consequences of non-compliance.

Appeals against compliance notices

35. The person on whom a compliance notice is served may appeal against the decision to serve it to the courts or tribunals of the relevant Partner States and in accordance with the applicable laws.

36. The grounds for appeal may include:

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable;
- (d) that any step specified in the notice is unreasonable;
- (e) that the person has not committed the offence and would not have committed it had the compliance notice not been served;
- (f) that the person would not, by reason of any defence, have been liable to be convicted of the offence had the compliance notice not been served;
- (g) any other reasonable ground.

Completion Certificate

37. (1) Where, after service of a compliance notice, the relevant environmental authority is satisfied that the person has taken the steps specified in the notice, the relevant environmental authority shall issue a completion certificate.

(2) The compliance notice ceases to have effect on the issuance of a completion certificate.

(3) The person on whom the compliance notice is served may at any time apply for a completion certificate.

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(4) The relevant environmental authority shall make a decision as to whether to issue a completion certificate, and give written notice of the decision to the applicant, within 14 days of such an application.

Appeals against the decision not to issue a completion certificate

38. The person on whom the compliance notice was served may appeal against a decision not to issue a completion certificate on the grounds that the decision—

- (a) was based on an error of fact;
- (b) was wrong in law;
- (c) was unfair or unreasonable;
- (d) was wrong for any other reason.

Failure to comply with a compliance notice

39. (1) Where a person or body corporate on whom a compliance notice is served does not comply with it, the person or body corporate is guilty of an offence and liable to a fine not exceeding five thousand United States dollars (USD 5,000), or imprisonment for a term not exceeding twelve months, or both, and in the case of an undertaking, up to five percent of its annual turnover of the preceding financial year.

Power of seizure

40. Subject to the exemption set out under section 6(2), any single-use plastic product found in the possession of any person or body corporate in contravention of this Act shall be seized and taken to the appropriate stores established by the relevant environment authority for disposal.

Powers of entry and examination

41. The relevant enforcement officer may, at any reasonable time, inspect any premises or vehicles suspected to be in possession of single-use plastic products in contravention with this Act and may –

- (a) inspect and check the operation of any industry or factory and any associated premises or vehicle which he or she has reasonable cause to suspect is in possession of any prohibited single-use plastic products;
- (b) examine and inspect any premises or vehicle which he or she has reasonable cause to suspect is in possession of any single-use plastic products;
- (c) take such measurements and photographs and make such recordings as the relevant enforcement officer considers necessary for the purpose of any such examination or investigation;

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(d) require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any documents which it is necessary for the relevant enforcement officer to see for the purposes of any such examination or investigation;

(e) direct that any premises or any part of them, or anything in them, be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of examination or investigation;

(f) take any samples, or cause samples to be taken, of any articles or substances found in or on any premises which a relevant enforcement officer has power to enter and to cause any such articles or substances to be analysed or tested; and

(g) seize any material, equipment or machine or information, where such seizure is necessary for an examination or investigation.

42. (1) Any person who obstructs, impedes, assaults or interferes with a relevant enforcement officer in the performance of his or her functions under this Act commits an offence and shall be liable to an administrative fine not exceeding five thousand United States dollars (USD 5,000) or imprisonment for a term not exceeding twelve months, or both, and in the case of an undertaking, up to five percent of its annual turnover of the preceding financial year.

(2) In exercising any of the powers of enforcement under this Act, a relevant enforcement officer shall, on demand, produce to the person against whom he or she is acting, evidence of identity as well as authority issued by the relevant environment authority to the relevant enforcement officer.

PART 6 – MISCELLANEOUS

43. This Act shall take precedence over other laws in the Partner States to which its provisions relate.

44. The Assembly and/or the Council may make regulations generally for giving effect to the provisions of this Act.

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FIRST SCHEDULE

LIST OF PROHIBITED SINGLE-USE PLASTIC PRODUCTS

- (1) Polythene and polypropylene (non-woven) plastic bags
- (2) Cutlery (forks, knives, spoons, chopsticks);
- (3) Plates and bowls;
- (4) Plastic straws;
- (5) Beverage stirrers;
- (6) Balloons and sticks to be attached to and to support balloons;
- (7) Food containers made of expanded polystyrene;
- (8) Cups for beverages, including their covers and lids;
- (9) Beverage containers used for beer, wine, water, liquid refreshments, juices and nectars, instant beverages or milk, made of expanded polystyrene, including their caps and lids;
- (10) Crisp packets, sweet and chocolate wrappers, bread bags and confectionary wrappers; and
- (11) Sanitary items such as dental floss and plastic cotton bud sticks.

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SECOND SCHEDULE

**EXEMPTIONS TO THE PROHIBITION ON MANUFACTURE, IMPORT, SALE AND DISTRIBUTION OF
PROHIBITED SINGLE-USE PLASTICS**

The prohibited single-use plastics listed under the First Schedule may be used for any of the following purposes where relevant:

- (1) Medical purposes;
- (2) Forensic purposes;
- (3) Scientific purposes (i.e. diagnostic, educational or research purposes);
- (4) Industrial purposes;
- (5) Agriculture and forestry purposes;
- (6) Printing houses purposes;
- (7) Construction industry purposes; and
- (8) Essential Packaging items used in the shipping and transport industry, provided that this exemption is applied on a transitional basis to allow the sector a reasonable time to adopt recyclable or otherwise environmentally sustainable packaging solutions.

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THIRD SCHEDULE

LIST OF SINGLE-USE PLASTICS WITH MARKING REQUIREMENTS

The following single-use plastics set out under this schedule shall bear a visible and legible marking on their packaging or on the product itself informing consumers of the information specified in section 11:

- (1) Tobacco products with filters and filters marketed for use in combination with tobacco products;
- (2) Wet wipes; i.e. pre-wetted personal care and domestic wipes; and
- (3) Sanitary towels (pads), tampons and tampon applicators.



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