

Ban of Plastic Bags in Kenya

March 2018

Following the ban on plastic carrier bags and flat bags (best described as plastic bags of varying size with or without handles) by the National Environment Management Authority (NEMA) on 28 August 2017 it was expected that regulations would follow shortly to provide the regulatory framework for compliance. However, no regulations have been issued to date. Instead NEMA has issued press statements posted on its website to clarify the extent of the ban and available exemptions.

What is Exempt?

At present the following plastic bags are exempt from the ban:

- (a) bags used for primary industrial packaging;
- (b) disposal bags used for handling biomedical and hazardous waste;
- (c) garbage bin liners although NEMA requires that these should not be dumped with the waste but should instead be recycled by a licensed waste collector;
- (d) plastic sheets used for construction and greenhouses coverings, cling film/stretch films used for wrappings and bopp self adhesive tapes; and
- (e) plastic bags used in duty free shops within Kenya as they are considered to be outside of the Kenyan territory. However, at the point of entry into Kenya travellers are required to leave the bags.

Eligibility Requirements

To be eligible for an exemption the applicant would need to demonstrate that:

- (a) the plastic bags are clearly labelled indicating the name of the manufacturer, their physical address, the product and the end user;
- (b) they have in place a proposed extended producer/user responsibility (EPR) and/or an effective take-back scheme (TBS) for NEMA to consider. The EPR is a NEMA policy where producers are responsible for the treatment or disposal of plastics post-consumer use. This can be achieved either through financial measures or physical measures (e.g. waste collection). A TBS is an operation by a distributor or a manufacturer where sold material that is potentially detrimental to the environment is "taken back" by the same distributor for recycling or re-use; and
- (c) they have kept a record of the plastic bags produced, if the applicant is a manufacturer. The aim of this requirement is to implement the TBS.

Application Process

Suppliers and manufacturers of these exempt items are required to apply to NEMA for an exemption of their use through a clearance process. However, beyond the requirement to submit an application, NEMA is yet to establish the administrative process to be followed once an application for exemption is made.

Alternative Packaging and Bags

Following the ban, NEMA has recommended that consumers should consider the use of alternative packaging materials such as bags made from non-plastic materials, woven polypropylene plastic bags, non-woven polypropylene plastic bags, laminated polypropylene bags, polyolefin fiber bags and 100% biodegradable bags whose quality standards are currently being developed by the Kenya Bureau of Standards.

What Next?

Finally, NEMA recently indicated that it is considering a ban on the use of plastic bottles effective 30 April 2018 if the manufacturers fail to install collection points by end of April. The Ministry of Environment and Natural Resources has however indicated in the press that plans to implement this ban are on hold pending discussion with relevant stakeholders.

If you require any further information or clarification on the contents of this note, please contact

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