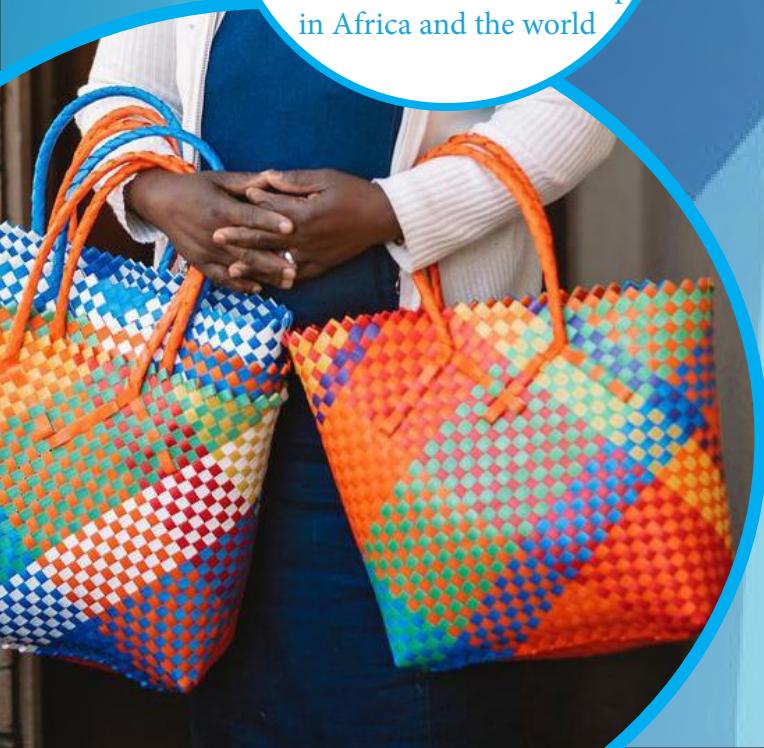


Application and Licence fees

| Item | Total quantities of plastic packaging materials imported/exported/manufactured/used per annum (In kilograms) | Fees (Ksh.) |
|------|--|-------------|
| 1 | 1-50,000 | 3,000 |
| 2 | 50,001-100,000 | 5,000 |
| 3 | 100,001-500,000 | 10,000 |
| 4 | 500,001-1,000,000 | 20,000 |
| 5 | Over 1,000,000 | 50,000 |

Kenya has invested heavily in both policies and law enforcement to win the fight against plastic pollution. The result of this investment is today boosting Kenya's environmental stewardship in Africa and the world



Kenya's effective ban on single-use plastic bags, enacted in 2017, has drastically decreased plastic bag consumption and increased the use of reusable alternatives



Plastic Packaging Material in Kenya

Management and control



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Introduction

The Kenya Constitution recognizes the right of all Kenyans to have a clean and healthy environment and bestows with this right the responsibility to safeguard and enhance the environment.

The Kenya vision 2030 recognizes that efficient and sustainable waste management systems are required as the country transitions into a newly industrialized state by 2030.

Similarly, the Environmental Management and Coordination Act CAP 387, guarantees the right of every person to a clean and healthy environment in accordance with the Constitution.

To facilitate the realization of this right, the Authority sought to eliminate or minimize pollution emanating from plastic carrier bags through Gazette Notices no. 2334 and 2356 of 14th March 2017 which banned the manufacture, importation and use of carrier bags and flat bags for commercial and household packaging.

This was interpreted by a section of the public to mean that all forms of plastic bags were banned, while others especially from the industrial sector understood it to mean that bags for primary packaging (within an industrial set-up) were exempted.

Certain products such as the bakery sector products and seedling potting bags were earmarked for transition to non-plastic packaging. It is worth reporting that great progress has been made towards the use of biodegradable seedling bags whereas the bakers sector have put in place voluntary take-back mechanisms as producers to manage the resultant waste from plastic packaging materials.

To address the uncertainties and any existing gaps in the regulatory framework, the Government of Kenya has since gazetted the Environmental Management and Co-ordination (Management and Control of Plastic Packaging Materials) Regulations, 2024.

The Regulation is meant to create a structured legal framework for the management, reduction, and control of plastic packaging materials throughout their life cycle from production and distribution to disposal and recycling.

Objective of the Regulations

- Establish a framework for the management and control of the use of plastic packaging material;
- Promote the use of environmentally-friendly packaging material;
- Promote sustainable waste management;
- Improve the health of all Kenyans by ensuring a clean and healthy environment;
- Reduce air, land, fresh water and marine pollution;
- Promote the recycling of plastic packaging material;
- Establish an environmentally sound infrastructure and system for sustainable waste management;
- Promote circular economy practices for green growth;
- Encourage Extended Producer Responsibility (EPR); and
- Align Kenya's environmental governance with international best practices on plastic management (such as circular economy principles).

Application

The Regulation applies to all plastic bags and plastic packaging materials (flat plastic bags and plastic film). A plastic bag refers to a carrier bag or flat bag made from any polymer including polyethylene, polypropylene, polyethylene terephthalate that could be laminated or non-laminated, film or fabric, woven or non-woven.

Plastic film means flexible plastic of thickness of up to 250 microns which could be simple or complex depending on a particular product or package. The Regulations also apply to all Plastics Packaging materials on imported products.

Criteria

The Environmental Management and Coordination (Management and Control of Plastic Packaging Materials) Regulations, 2024 establishes a clear criteria for authorization of products to be packaged in plastic materials unless;

- The plastic packaging material is required for product preservation and public health concerns;
- The plastic packaging material is required as a security measure;
- The plastic packaging material is required for water and dust proofing;
- The plastic packaging material is required to maintain product integrity while on transit;
- The plastic packaging material constitutes over-packaging or not;
- There is any other reasonably feasible non-plastics alternative packaging material;
- The plastic packaging material is in accordance with any international rules and standards applicable in Kenya;
- The plastic packaging material for export is in accordance with relevant standards and requirements of the country where the good is being exported to; and
- The plastic packaging material is used in conformity with an industry standard for which there is no viable alternative.

General Prohibitions

A person shall not manufacture, import, export, possess, use or offer for sale a flat bag, plastic bag or plastic film without authorization from NEMA

Offences

- Use of plastics bags or plastics film without a license
- Offering plastic bags for sale without a license
- Importing products in plastics packaging materials without a valid license