

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4586 of 19 June, 2019

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LEGAL NOTICE NO. 122 OF 2019

## IMPORTS AND EXPORTS ACT, 1986

### IMPORTS AND EXPORTS (CONTROL) (AMENDMENT NO.2) REGULATIONS 2019

In exercise of its powers under section 16 of the Imports and Exports Act, 1986, and all other enabling powers, the Government has made the following Regulations—

#### **Title.**

1. These Regulations may be cited as the Imports and Exports (Control) (Amendment No.2) Regulations 2019.

#### **Commencement.**

2. These Regulations shall be deemed to have come into operation on 10th June 2019.

#### **Amendment to the Imports and Exports (Control) Regulations, 1987.**

3. The Imports and Exports (Control) Regulations, 1987 are amended in Schedule 1 by adding the following paragraph after paragraph 18—

“19.(a) Until 31st July 2021, subject to subparagraph (b), a commercial quantity of a single use plastic product.

(b) This paragraph shall not apply in respect of single use plastic products of the following kind—

- (i) single use plastic products used for the issuing of medicinal products;
- (ii) single use plastic products used for the transportation and containment of medical devices and medicinal products;
- (iii) medical devices made from single use plastic products;
- (iv) single use plastic products on board a ship or aircraft which are intended only for the use of, or for sale to, its passengers or members of the crew;
- (v) single use plastic products on a ship that is not to be landed in Gibraltar;
- (vi) single use plastic products imported for transit or transshipment;

- (vii) single use plastic products not conforming to a commercial quantity; or
  - (viii) single use plastic products pre-approved for importation by the Collector of Customs after receiving recommendations from the Minister for the Environment.
- (c) As from 31st July 2021, any number of a single use plastic product.
- (d) In this paragraph-

“bio-based plastic” means a plastic derived wholly or partially from polymers obtained from biomass sources such as corn, sugarcane, wheat or others, which may be biodegradable or partially biodegradable under industrial composting processes;

“biodegradable plastic” means a plastic capable of undergoing physical, biological decomposition, such that it ultimately decomposes into carbon dioxide (CO<sub>2</sub>), biomass and water in conditions containing microorganisms such as anaerobic digestion and industrial composting processes;

“commercial quantity” means, in respect of each single use plastic product, any number above the following quantities per person, or where the importation is for sale or trade, any quantity–

- (i) in relation to cotton bud sticks, two hundred single cotton bud sticks;
- (ii) in relation to cutlery (forks, knives, spoons and chopsticks), ten single items of each;
- (iii) in relation to plates, ten single plates;
- (iv) in relation to bowls, ten single bowls;
- (v) in relation to toothpicks, fifty single toothpicks;
- (vi) in relation to straws, fifty single straws;
- (vii) in relation to beverage stirrers, fifty single beverage stirrers;
- (viii) in relation to balloon sticks, ten balloon sticks;
- (ix) in relation to food containers made from expanded polystyrene, ten single containers;
- (x) in relation to beverage containers made from expanded polystyrene, ten single containers; and
- (xi) in relation to cups made of expanded polystyrene, ten single cups;

“medical device” means medical appliances and medical instruments used for medical purposes in Gibraltar;

“medicinal product” has the meaning given by section 60 of the Medical and Health Act, 1997;

“oxo-degradable plastic” means a plastic that includes additives which through oxidation leads to the fragmentation of the plastic material into micro-fragments or to chemical decomposition;

“plastic” means a material consisting of a polymer, to which additives or other substances may have been added, and which functions or can function as a main structural component of final products including bio-based plastics, oxo degradable plastics and biodegradable plastics, with the exception of natural polymers that have not been chemically modified;

“polymer” means a substance consisting of molecules characterised by the sequence of one or more types of monomer units. Such molecules must be distributed over a range of molecular weights wherein differences in the molecular weight are primarily attributable to differences in the number of monomer units. A polymer comprises the following–

- (a) a simple weight majority of molecules containing at least three monomer units which are covalently bound to at least one other monomer unit or other reactant;
- (b) less than a simple weight majority of molecules of the same molecular weight.

In the context of this definition a "monomer unit" means the reacted form of a monomer substance in a polymer;

“single use plastic product” means a product that is made wholly or partly from plastic and that is not conceived, designed or made available or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or reused for the same purpose for which it was conceived and which for the purposes of this paragraph shall only mean and include the following products–

- (i) cotton bud sticks;
- (ii) cutlery (forks, knives, spoons and chopsticks);
- (iii) plates;
- (iv) bowls;
- (v) toothpicks

- (vi) straws (except those straws already attached to a beverage product by the manufacturer of the beverage product);
- (vii) beverage stirrers;
- (viii) sticks to be attached to and to support balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers, including the mechanisms of such sticks;
- (ix) food containers made of expanded polystyrene, i.e. receptacles such as boxes, with or without a cover, used to contain food that–
  - (a) is intended for immediate consumption either on the spot or take-away;
  - (b) is typically consumed from the receptacle;
  - (c) is ready to be consumed without any further preparation, such as cooking, boiling or heating; including food containers used for fast food or other meal ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food;
- (x) Beverage containers made of expanded polystyrene including their caps and lids; and
- (xi) Cups for beverages made of expanded polystyrene including their caps and lids.”.

**Transitional provision.**

4. In respect of single use plastic products–

- (a) imported on or before 31st December 2019;
- (b) where the order for purchase was placed on or before 19th June 2019; and
- (c) proof of purchase is provided to the satisfaction of the Collector,

regulation 3 shall not have effect.

Dated 19<sup>th</sup> June, 2019.

F R PICARDO,  
Chief Minister,  
For the Government.

**EXPLANATORY MEMORANDUM**

These Regulations restrict and prohibit the importation of certain single use plastic products into Gibraltar, to reduce litter on land and sea thereby preventing the environmental harm that the disposal of such single use plastic products causes by endangering marine life and land animals as well as to promote the use of suitable and more sustainable alternatives.