

No. R. 776

28 September 2012

**NATIONAL REGULATOR FOR COMPULSORY SPECIFICATIONS ACT
(Act 5 of 2008)**

**PROPOSED AMENDMENT OF THE COMPULSORY SPECIFICATION FOR
PLASTIC CARRIER BAGS AND FLAT BAGS- VC 8087.**

It is hereby made known under section 13(4) of the National Regulator for Compulsory Specifications Act, (Act 5 of 2008), that Dr. Rob Davies the Minister of Trade and Industry, on the recommendation of the NRCS Board, intends to amend the Compulsory Specification for *Plastic Bags and Flat Bags* – VC 8087, as set out in the attached Schedule.

Any person, who wishes to comment on the intention of the Minister to thus amend the Compulsory Specification concerned, shall submit their comments, in writing, to the Chief Executive Officer, National Regulator for Compulsory Specifications, Private Bag X25, Brooklyn, 0075, on or before the date two (2) months after the publication of this notice.

A handwritten signature in black ink, appearing to read 'R. Davies', with a stylized flourish at the end.

Dr Rob Davies, MP

Minister of Trade and Industry

SCHEDULE**VC 8087****PROPOSED AMENDMENT OF THE COMPULSORY SPECIFICATION
FOR PLASTIC CARRIER BAGS AND FLAT BAGS****1. SCOPE**

- 1.1** This compulsory specification covers the requirements for plastic carrier bags and flat bags that are made from virgin thermoplastics material or any percentage of recycled thermoplastics or filler materials that are intended for use to carry products from a point of sale to use.
- 1.2** The compulsory specification does not apply to such as refuse bags, barrier bags, bin liners, household plastic bags or carrier bags made from materials other than those specified in 1.1.

2. DEFINITIONS

- 2.1** For the purposes of this compulsory specification, the definitions in SANS 695 *Plastic carrier bags and Flat bags* shall apply.

- 2.2** In addition, the following definitions shall apply:

2.2.1 Applicant:

The manufacturer or importer of a type of bag. The manufacturer or importer shall be an established legal entity within the Republic of South Africa.

2.2.2 Approval:

Confirmation by the NRCS that a type of bag satisfies the requirements of this compulsory specification.

2.2.3 Conformity assessment body:

As referred to in the Conformity Assessment Policy of the NRCS.

2.2.4 NRCS:

The National Regulator for Compulsory specifications as established by the National Regulator for Compulsory specifications Act, 2008 (Act No. 5 of 2008).

2.2.4 Sell:

As defined in section 1 of the NRCS Act, 5 of 2008.

2.2.6 The letter of Authority certificate:

As defined in section 1 of the NRCS Act, 5 of 2008.

2.2.7 Type of bag

A category of plastic carrier bag and/or flat bag of the same construction (textured or non-textured), irrespective of size, colour, material and/or decorative patterns or printing

3. SPECIFIC REQUIREMENTS

3.1 Plastic carrier bags and flat bags shall comply with SANS 695, *Plastic carrier bags and Flat bags*. For the purposes of this compulsory specification, the marking requirements in SANS 695 shall be excluded.

3.2 Each type of bag shall be approved in accordance with the requirements of Annexure A of this compulsory specification before it is imported, sold or supplied in the Republic of South Africa.

3.3 Plastic carrier bags and flat bags shall be so manufactured as to conform to the type of bag approved under this Compulsory specification. Manufacturers and importers shall control production and/or conduct routine testing in accordance with Annexure B, to continuously verify that this condition is met.

3.4 The applicant shall inform the NRCS of any change(s) in the construction material affecting any mandatory requirement of this compulsory specification. In the event of such change(s) the NRCS may, at its discretion, demand the submission of new evidence of conformity or a new application for approval.

4. Marking

The NRCS approval number shall appear prominently on all plastic carrier bags and Flat bags in the following format:

“NRCS Approval XXXXX.”

5. CONFORMITY TO REFERENCED STANDARDS

5.1 For the purposes of this compulsory specification, a new edition of a referenced standard shall become effective six months from the date of publication as a South African National Standard.

5.2 When a new edition of a referenced standard is published, products originally approved in accordance with the previous edition of that standard may have their approval extended for up to two years from the effective date of the new standard, subject to the requirements of Annexure A, unless declared otherwise by the Minister.

ANNEXURE A (Normative)

THE APPROVAL OF PLASTIC CARRIER BAGS AND FLAT BAGS

A.1: APPLICATION FOR APPROVAL

The applicant shall apply to the NRCS for approval of every type of bag. The application shall be accompanied by the following:

A.1.1 Information on the construction (textured or non-textured) and material of the type of bag.

A1.2 Details of the manufacturing plant(s) where the type of bag is produced and/or the physical address where the imported products are received, stored or distributed from.

A1.3 Evidence of conformity, including test reports issued less than 12 months before the date of submission to the NRCS, by a conformity assessment body recognised in terms of the NRCS Conformity Assessment Policy, to prove compliance with all the relevant requirements of this compulsory specification.

A1.4 The intended position of the approval number as set out in Section no. 4 of this compulsory specification.

A1.5 Information with regards to the body that will carry out the routine tests during the control of production.

A1.6 Any additional information relevant to the application for clarification purposes as may be requested by the NRCS

A2: THE ISSUANCE OF APPROVAL

A2.1 Where the type of bag submitted in accordance with paragraph A.1 meets the requirements of this compulsory specification, approval shall be granted.

A2.2 The NRCS shall assign a unique approval number to each type of bag approved.

A2.3 The NRCS shall confirm with the applicant that approval has been granted by means of a Letter of Authority certificate bearing the approval number referred to in paragraph A2.2.

A2.4 The approval granted with respect to the type of bag pursuant to this compulsory specification may be withdrawn by the NRCS, at any time, after the applicant has been notified in writing, if the requirements have not been met or maintained.

A2.5 The NRCS shall verify the existence of satisfactory arrangements in order to ensure effective control of the conformity of production in accordance with the provisions of Annexure B before approval is granted.

ANNEXURE B
(Normative)

CONFORMITY OF PRODUCTION AND ROUTINE TESTS

B.1 The responsibilities of the applicant, particularly to the conformity of production:

B.1.1 In agreement with the NRCS, the applicant or a conformity assessment body shall undertake the control of conformity of production.

B.1.2 Ensure that the routine test results are recorded and that the records remain available for a time period of 3 years after test.

B.1.3 Analyse the routine test results of each type of test in order to verify and ensure the conformity of production of the type of bag, making allowances for the variations of industrial production.

B.1.4 Ensure that at least the tests prescribed in paragraph B.3 are carried out routinely for each type of bag.

B.1.5 Ensure that when any samples show non-conformity with the test concerned, further samples are taken and tested. All the necessary steps must be taken to restore conformity of the corresponding production and prevent the sale of non-compliant products.

B.1.6 The applicant shall ensure that the body as agreed to by the NRCS in paragraph B.1.1 carries out conformity control on a statistical basis and by random sampling.

B.2 The duties of the NRCS, particularly to the assessment of conformity of production:

B.2.1 The NRCS may at any time assess the effectiveness of the conformity of production.

B.2.2 The NRCS inspector may select samples to be sent to a conformity assessment body, when non-conformance is suspected in terms of control of production.

B.3 Requirements for sampling:

B.3.1 Samples shall be taken in accordance with Table 1 in B.3.3

B.3.2 Samples should be selected by some rationalized criteria to ensure that they are truly representative of the lot, i.e. taken at random, evenly and throughout.

B.3.3 For the production to be considered to conform, the routine tests shall meet the following requirements:

Table 1: Sampling requirements:

Tests to be conducted	Lot size	Select* and test	Rejection Criteria
Determination of film thickness in accordance with SANS 695.	1 000 plastic carrier bags/ flat bags	Type A Bags - 1 Bag	One or more items with non-conformity evident.
		Type B Bags - 2 Bags	