

**Ban on single use  
plastics and  
sunscreen  
products  
containing  
oxybenzone**



The Parliament of Aruba has adopted a new law regarding the prohibition of environmentally harmful products, which will sort effect as of July 1st 2020.

Aruba, June 2020

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As the previous ban on single use plastic bags brought about a rapid shift in consumer behavior, a similar approach is followed in the desire to further tackle wasteful and damaging plastic litter. In addition, based on the fact that certain studies have linked coral damage to oxybenzone exposure, the Aruban government wishes to be on the safe side by prohibiting products containing this chemical compound.

### SCOPE OF THE BAN

The import, manufacture, sale or free offer of the specific products listed below that are made of plastic or polystyrene, which by their nature are intended for single use, or products that contain oxybenzone, are prohibited.

The import prohibition is not limited to commercial import, but also applies to occasional import by private persons (e.g. online orders).

The ban sees to all plastics, therefore also including products that are made of biodegradable plastics. The explanatory memorandum elaborates on this, stating that although the origin of biodegradable plastic tends to be starch rather than petroleum, these starches are not produced in a

sustainable manner and the short- and medium-term problems will actually be the same, as they dissolve and turn into a “plastic soup”.

### *The list of prohibited plastic products:*

- **bags** with any kind of handle (except those used at the airport for safety reasons in regard to tax free purchases). This includes bags with holes that serve as a handle. The explanatory memorandum explains that the law does not intend to prohibit plastic trash bags, provided they do not have handles to carry the bag<sup>1</sup>;
- **cutlery**, such as forks, knives, spoons and chopsticks;
- **cups** for hot and cold liquids;
- **stirrers** for drinks;
- **food picks**;
- **straws**, except straws intended for medical use;
- **food packaging**, meaning containers, such as boxes, with or without a lid, which are used for foods intended to be consumed directly on site or

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<sup>1</sup> We were verbally informed on behalf of the Government Department of Nature and

Environment (DNM) that drawstring trash bags will be allowed

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after take-out<sup>2</sup>, without any further preparation, such as packaging for fast food. However, an exception is made in regard to beverage packaging, plates, bags and wrappers that contain foods;

- **bags** which by their nature are intended to hold unwrapped fruits or vegetables at the place of purchase.

### *The list of prohibited polystyrene products:*

- **cups** for hot and cold liquids;
- **plates**;
- **food packaging** meaning containers, such as boxes, with or without a lid, which are used for foods intended to be consumed directly on site or after take-out, without any further preparation, such as packaging for fast food. Again, exception is made in regard to beverage packaging, plates, bags and wrappers that contain foods.

### *The list of prohibited products that contain oxybenzone:*

- **topical sunscreen / sunblocks**;

The new law provides the possibility to adopt changes to the above lists of prohibited products. The explanatory memorandum mentions that the banning of many products at once would have too great of an impact. Reason why the lists are limited. However, future extension of the lists can not be excluded.

Finally, it should be noted that the transitional and final provisions of this new law contain an amendment, whereby the use or release in any way of balloons or plastic confetti in the open air is also prohibited.

### **SANCTIONS**

Noncompliance can result in either administrative or criminal consequences. In case of administrative enforcement, the Minister can impose an administrative fine of up to Afl. 10,000 per individual violation. In case of criminal enforcement, violation is considered to be a minor offence with a punitive sanction of imprisonment for a term not exceeding six months or a fine of the third category (also Afl. 10,000).

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<sup>2</sup> We were verbally informed on behalf of the Government Department of Nature and Environment (DNM) that plastic or polystyrene food packaging (for now) is still allowed where it

concerns prepared food items to be stored, such as salads, cuts of cheeses, fruits or vegetables.

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Violations can be committed by natural and legal persons. Fines can also be imposed on *de facto* directors.

In case of repeated offense within five years, the fine per violation can be doubled.

If the Minister intends to impose a fine, he will inform the person involved. The person concerned is given the opportunity to present his opinion regarding the violation within a reasonable period of time. If the fine is imposed, it must be paid within six (6) weeks. If the fine has not been paid within the stipulated period, the offender will be reminded in writing to pay within two (2) weeks, although increased by the reminder costs and statutory interest. Thereafter a writ of execution may be demanded. One can submit objections or lodge an appeal against the administrative fine; this however, does not suspend the payment obligation of the disputed fine.

### CONCLUSION

The Aruban government is aware of the overall cost-increasing effect caused by the imposed prohibitions and the forced switching to alternative products. However, the Aruban government also firmly believes that such financial consequences do not outweigh the

environmental harm caused by the prohibited products. In order to compensate for the cost-increasing effect of the introduction of the new law the government is looking into the possibility to reduce the rate of import duties on the alternative products. Since the new law will sort effect as of July 1st 2020 it is of great importance to use the intermediate period to anticipate and adapt to the prohibitions set forth therein.



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