

Nigeria's Plastic Waste Control Regulations 2026:

What Producers, Importers,
Brand Owners and Recyclers
Need to Know



Introduction

Nigeria’s plastic waste rules have moved from the margins of environmental policy to the centre of business planning. The National Environmental (Plastic Waste Control) Regulations 2026, released by the National Environmental Standards and Regulations Enforcement Agency (NESREA), regulate plastic-waste control and apply across the plastics value chain, including production, importation, distribution, sale, consumption, recovery and recycling.¹

The Regulations have already prompted concerns of potential job loss and investment flight within the manufacturing sector, particularly over the 80-micron micron restriction in Regulation 26.² NESREA has, however, clarified that the provision applies to specified plastic bags made from plastic film and does not amount to a blanket ban on all plastic packaging or single-use plastic products. The Agency has also presented the Regulations as a framework to strengthen producer responsibility, recycled content, traceability, and sustainable packaging.³

For producers, importers, brand owners and recyclers, the central question is no longer whether plastic-waste regulation matters to them, but how the new obligations affect their products, permits, recovery systems and compliance arrangements.

The Plastics Value Chain



Producer responsibility travels with the product from feedstock to final recovery.

Who Is Covered?

The Regulations define a “producer” to include a brand owner, manufacturer, franchise owner and filler of plastics, plastic products or materials. An “importer” is a natural or artificial person bringing consumer goods or plastic into Nigeria for sale, whether in the original packaging or for repackaging and distribution.⁴

The Extended Producer Responsibility obligations in Regulation 6⁵ apply to specified participants in the plastic value chain, including producers and importers of plastic packaging and non-packaging plastics, brand owners in the plastic-waste value chain, plastic-waste pickers and collectors, aggregators, recyclers, and plastic-resin producers, importers and converters.⁶ A business does not therefore have to operate a plastic-manufacturing plant before the Regulations may become relevant to it.

Practical Implication

A business does not therefore have to operate a plastic-manufacturing plant before the Regulations may become relevant to it.

Filers, brand owners, importers and recyclers are caught equally.

Extended Producer Responsibility

Extended Producer Responsibility (“EPR”) is defined in the regulations as an environmental policy approach in which a producer’s responsibility extends to the waste stage of a product’s life cycle, including collection, pre-treatment, reuse, recycling, and final disposal.⁷

The Fourth Schedule, to the Regulations lists the categories of plastic materials amenable to the EPR Programme, namely: household products (flexible and rigid); food and beverage packaging (flexible and rigid); toothbrushes and combs; clothes pegs; carry and shopping bags; agricultural plastic; packaging for telecommunication and phone accessories; toys, balloons, and pacifiers; water bottles; plumbing, building, and construction materials; packaging for chemicals, cosmetics, and pharmaceuticals; and other plastic items such as cigarette butts.⁸

Regulation 23 imposes further duties on a producer of plastic. These include subscribing to the EPR programme; administering recovery and recycling programmes for post-consumer plastic components and packaging through a PRO; keeping a proper inventory of products; ensuring eco-friendly product design for reduced life-cycle impacts, reuse and recycling; implementing other measures directed at the EPR programme; registering with and funding the PRO; and ensuring the use of at least 30 per cent recycled polyethylene terephthalate (“PET”) in plastic packaging.

A producer must also establish, through the PRO, a network of collection points having regard to population, expected packaging volumes, accessibility and proximity to end users.⁹ The Regulations also apply the polluter-pays principle. A person who produces or generates plastics, plastic material or waste must bear the cost of remedying the damage caused by that material or waste to public and environmental health.¹⁰

Seven Duties on Every Producer · Regulation 23

01

Subscribe

Subscribe to the EPR programme.

02

Administer

Administer recovery and recycling programmes for post-consumer plastic components and packaging through a PRO.

03

Inventory

Keep a proper inventory of products.

04

Eco-design

Eco-friendly design for reduced life-cycle impacts, reuse and recycling.

05

Implement

Implement other measures directed at the EPR programme.

06

Register

Register with and fund the PRO.

07

Recycled PET

Ensure at least 30 per cent recycled PET in plastic packaging.

PRINCIPLE

Polluter pays

A person who produces or generates plastic waste bears the cost of remedying the damage.

Permits and Recycling Facilities

A person seeking to import, export, produce, distribute, market, process or recycle plastic products must, subject to any other applicable legal requirement, obtain a permit and register with NESREA and a PRO. A person who was already carrying on any of those activities before the commencement of the Regulations was required, where applicable, to comply within six months of commencement.¹¹

A permit issued under the Regulations lasts for 12 months and is renewable annually. The Regulations allow a 30-day grace period after expiry for renewal. NESREA may revoke a permit where it is used contrary to its conditions, was obtained through false information, has not been renewed within 90 days after expiry, or revocation is in the public interest.¹²

An owner or occupier of a facility used for plastic-value-chain activities must obtain the relevant permit and register the facility with NESREA and the PRO. Where the facility is intended for recycling, the owner or occupier must also register with NESREA, seek approval from the relevant environmental authority and satisfy the project-documentation requirements in regulation 25.

These requirements include an Environmental Impact Assessment and Environmental Impact Statement for a new project, or an Environmental Evaluation and Environmental Management Plan for an existing project. Existing recycling facilities must submit an Environmental Audit Report every three years. Micro and small recycling facilities must submit an Environmental Management Plan, while a recycling facility must subscribe to an Emergency Response Plan and apply up-to-date environmental best practices.¹³

01

Apply & register

With NESREA and a
Producer
Responsibility
Organisation.

PERIOD

12^{mo}

Permit duration

Renewable annually.

02

30-day grace

After expiry the holder
may still renew.

03

90 days

Past expiry the permit
may be revoked.

Plastic Bags and Recycled PET

Regulation 26(1) prohibits the production, importation, distribution, marketing, processing, export or trade in plastic bags made from plastic film with a wall thickness below 80 microns. Regulation 26(2), however, separately states that shopping bags with a wall thickness between 30 and 50 microns must be produced in accordance with the Eleventh Schedule and the EPR Plastic Guidelines and be subject to tax. The Regulations do not expressly explain how the 30–50-micron provision is to operate alongside the general prohibition in regulation 26(1). Businesses dealing with such bags should therefore avoid assuming that thickness alone resolves their compliance position.¹⁴

The 80-micron restriction also has an earlier statutory history. Regulation 18 of the National Environmental (Sanitation and Wastes Control) Regulations 2009 banned the manufacture, trade and commercial distribution of plastic-film bags below 80 micrometres, while permitting specified bread bags between 25 and 80 micrometres.¹⁵

The 2026 Regulations contain two differently framed recycled-PET requirements. Regulation 23(1)(g) requires a producer to use at least 30 per cent recycled PET in plastic packaging. Regulation 28 applies to persons using single-use plastic articles made of PET polymer for packaging goods and requires food-grade recycled-PET content of 25 per cent from January 1, 2028, and 50 per cent from January 1, 2030.

Regulation 28 also requires the recycled PET to meet the prescribed health, safety and quality thresholds and to be sourced locally from a duly certified food-grade recycled-PET producer. The Regulations do not expressly reconcile the 30 per cent requirement in Regulation 23 with the phased requirements in Regulation 28.¹⁶

A person seeking to import, export, produce or use plastic bags or single-use plastic articles for exceptional reasons may apply to NESREA in writing for an exemption. The applicant must justify the absence of alternative packaging and provide proof of a Life Cycle Management permit issued by NESREA.¹⁷

Regulation 26(1) · Prohibition

80µm

Minimum wall thickness

Bans the production, importation, distribution, marketing, processing, export or trade in plastic bags made from plastic film with a wall thickness below 80 microns.

Regulation 26(2) · 30–50µm Provision

Shopping bags in this band

Must comply with the Eleventh Schedule and the EPR Plastic Guidelines and are subject to tax. Businesses should not assume thickness alone resolves compliance.

Regulation 23(1)(g) · Packaging

≥ 30% recycled PET

Producer-led threshold applied to plastic packaging generally.

Collection, Tracing and Premises Obligations

Owners of premises must provide segregated receptacles for plastic and other waste and ensure that plastic waste is collected by registered waste collectors. Occupiers must ensure that waste and plastic waste are properly segregated and deposited in appropriately segregated receptacles.

A person engaged in plastic collection must register with the PRO and obtain a Used Plastic Collection Permit from the relevant authority. Plastic packaging must also be producer-tracing and tracking-enabled and subjected to eco-labelling by a person or entity accredited by NESREA.¹⁸

Enforcement and Penalties

NESREA may serve an enforcement notice identifying the contravention, the remedial steps and the compliance period. If the first notice is not obeyed, NESREA must serve a second enforcement notice. Where the second notice is not obeyed, NESREA must sanction the owner or occupier or take such other action as it considers necessary.¹⁹

NESREA may also enter and seal a contravening facility with a law-enforcement agent, subject to a court order. Where the contravention presents an imminent danger to the environment and human health, it may seal the facility immediately and then apply to the court to regularise the action.²⁰

Any person who contravenes the Regulations is liable on conviction to the penalties in Regulation 42. An individual faces imprisonment for at least six months, a fine of at least ₦200,000 with an additional ₦20,000 for every day the offence continues, or both. A body corporate faces a fine of at least ₦5 million and an additional ₦50,000 for every day the offence continues. The individual penalties also apply to the principal officers of the body corporate.²¹

On Conviction · Individual

At least six months' imprisonment

A fine of at least **₦200,000** with an additional **₦20,000** for every day the offence continues — or both. Individual penalties also apply to principal officers of the body corporate.

On Conviction · Body Corporate

₦5M minimum fine

Plus **₦50,000 for every day** the offence continues. The individual penalties also apply to the principal officers of the body corporate.

Conclusion

The 2026 Regulations require affected businesses to treat plastic-waste compliance as an integrated legal and operational responsibility, rather than a stand-alone environmental exercise. Producers, importers, brand owners, and recyclers should promptly identify the products, facilities, and activities captured by the Regulations; verify all applicable NESREA, PRO, and permit requirements; review packaging and recycled-content obligations; and maintain reliable records of collection, recovery, tracing, and reporting.

As a prudent risk-management measure, compliance should also be reflected in agreements with suppliers, collectors, recyclers and PROs through clear allocation of responsibility for specifications, certifications, information and regulatory performance. Early and documented alignment across products, permits, internal controls and commercial arrangements will place businesses in the strongest position to reduce enforcement risk, avoid operational disruption and demonstrate sustained compliance.

Conclusion



Okechukwu Ekweanya

Partner, Corporate Governance
& Regulatory Compliance



**Muhammad Yasir
Abubakar-Sadiq**

Associate, Corporate Governance
& Regulatory Compliance



Edidiong Umoh

Associate, Corporate Governance
& Regulatory Compliance

For further information on the issues discussed in this article,
contact our legal team at counsel@kennalp.com

Endnotes

1. National Environmental (Plastic Waste Control) Regulations 2026, SI No 20 of 2026, regs 1–2.
2. “Laws & Regulations – NESREA” (Nesrea.gov.ng, 2022) s 26 <https://nesrea.gov.ng/laws-regulations/> accessed September 11, 2026; Josephine Okojie-Okeiyi, “Manufacturers Warn Plastic Rules Threaten Jobs, Economic Growth - Businessday NG” (Businessday NG, June 22, 2026) <https://businessday.ng/real-sector/article/manufacturers-warn-plastic-rules-threaten-jobs-economic-growth/> accessed September 11, 2026.
3. Cornelius Essen, ‘NESREA DG Backs Implementation of Plastic Waste Control’ The Guardian (June 22, 2026) <https://guardian.ng/news/nesrea-dg-backs-implementation-of-plastic-waste-control/> accessed July 12, 2026; Folarin Kehinde, ‘NESREA Clarifies Plastic Waste Regulations, Dismisses Manufacturers’ Concerns’ Vanguard (June 23, 2026) <https://www.vanguardngr.com/2026/06/nesrea-clarifies-plastic-waste-regulations-dismisses-manufacturers-concerns/> accessed July 12, 2026.
4. Plastic Waste Control Regulations 2026 (n 1) reg 43.
5. Plastic Waste Control Regulations 2026 (n 1) reg 6
6. Ibid reg 6(2).
7. Ibid reg 43.
8. Ibid regs 6(2); Reg 24, Fourth Schedule.
9. Ibid reg 23.
10. Ibid reg 8.
11. Ibid reg 22.
12. Ibid regs 13 and 15.
13. Ibid reg 25.
14. Ibid reg 26.
15. National Environmental (Sanitation and Wastes Control) Regulations 2009, SI No 28 of 2009, reg 18.
16. Plastic Waste Control Regulations 2026 (n 1) regs 23(1)(g) and 28.
17. Ibid reg 30.
18. Ibid regs 17–18, 24 and 29.
19. Reg 33, Part VIII.
20. Ibid regs 33–35.
21. Ibid reg 42.



CONTACT

LAGOS

Kenna Place
8, Ogunyemi Road, Palace
Way, Oniru PO Box 73002,
Victoria Island,
Lagos

ABUJA

1st Floor, Novare Central,
Plot 502 Dalaba Street,
Wuse Zone 5, FCT 900285,
Abuja

ENUGU

Michael Place
3, Emmanuel Ngwu Street,
Thinker Corner, 400211
Enugu State.

+234 811 395 1052, +234 811 395 1053 | counsel@kennalp.com | www.kennalp.com