G.S.R. 133(E) February 16, 2022

AMENDMENT

MoEFCC adds EPR guidelines for plastic packaging as Schedule II of the Plastic Waste Management Rules

G.S.R. 133(E) adds Schedule II, the EPR guidelines for plastic packaging: category-wise targets, recycling, reuse, recycled content and registration.

G.S.R. 133(E), DATED February 16, 2022, is the Plastic Waste Management (Amendment) Rules, 2022 of the Ministry of Environment, Forest and Climate Change, made under sections 3, 6, and 25 of the Environment (Protection) Act 1986. It changes rule 9(1) of the Plastic Waste Management Rules, 2016 so that producers, importers and brand owners fulfill Extended Producer Responsibility (EPR) as per guidelines specified in Schedule II, and inserts Schedule II, the Guidelines on Extended Producer Responsibility for Plastic Packaging. The rules came into force on publication and the guidelines with immediate effect.

THE CHANGE

Inserts Schedule II, Guidelines on Extended Producer Responsibility for Plastic Packaging, and makes producers, importers and brand owners fulfill EPR as per those guidelines (rule 9(1)). The guidelines set category-wise EPR targets, minimum recycling, reuse and recycled plastic content, registration on a portal of the Central Pollution Control Board (CPCB), certificates, environmental compensation and annual returns.

KEY FACTS

TYPE
Amendment

G.S.R. NUMBER
G.S.R. 133(E)

DATED
February 16, 2022

APPLIES FROM
On the date of their publication in the Official Gazette (rule 1(2)); the guidelines come into force with immediate effect (paragraph 2 of Schedule II). The Gazette is dated February 16, 2022; the e-Gazette lists it as published on February 17, 2022.

REFERENCES

G.S.R. 133(E)

CG-DL-E-17022022-233568

MoEFCC adds EPR guidelines for plastic packaging as Schedule II of the Plastic Waste Management Rules

G.S.R. 133(E) · February 16, 2022

G.S.R. 133(E), dated February 16, 2022, is the Plastic Waste Management (Amendment) Rules, 2022 of the Ministry of Environment, Forest and Climate Change, made under sections 3, 6, and 25 of the Environment (Protection) Act 1986. It changes rule 9(1) of the Plastic Waste Management Rules, 2016 so that producers, importers and brand owners fulfill Extended Producer Responsibility (EPR) as per guidelines specified in Schedule II, and inserts Schedule II, the Guidelines on Extended Producer Responsibility for Plastic Packaging. The rules came into force on publication and the guidelines with immediate effect.

The guidelines cover producers, importers and brand owners, including online platforms or marketplaces and supermarkets or retail chains other than micro and small enterprises, and plastic waste processors, across four categories: rigid packaging (I); flexible packaging, including plastic sheets, carry bags, sachets and pouches (II); multilayered packaging (III); and plastic sheet or like and carry bags made of compostable plastics (IV). EPR applies to both pre-consumer and post-consumer plastic packaging waste. Each entity registers on the centralized portal of the Central Pollution Control Board (CPCB).

Targets are set category-wise as a share of an eligible quantity based on the last two financial years: 25% for 2021-22, 70% for 2022-23 and 100% for 2023-24. Minimum recycling of the waste collected rises from 50% (categories I and IV) and 30% (II and III) in 2024-25 to 80% and 60% from 2027-28. Mandatory recycled plastic content rises from 30%, 10% and 5% (categories I, II and III) in 2025-26 to 60%, 20% and 10% from 2028-29. Brand owners must reuse rigid packaging from 2025-26: 10% rising to 25% for packs of 0.9 to under 4.9 liters or kilograms, and 70% rising to 85% for packs of 4.9 or more.

A brand owner that has fulfilled its targets can use the surplus to offset a previous year's shortfall, carry it forward or sell it, within the same category. Environmental compensation, under CPCB guidelines, does not absolve the obligation: a shortfall is carried forward for three years, with 75%, 60% or 40% of the compensation returned if it is addressed within one, two or three years, after which it is forfeited. Producers, importers and brand owners file annual returns by June 30 of the next financial year and plastic waste processors by April 30; CPCB was to establish the online system by March 31, 2022.

The notification (F. No. 17/2/2001 – Part I - HSMD) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 131, dated February 16, 2022; the e-Gazette put it online on February 17, 2022.

G.S.R. number	G.S.R. 133(E)

Dated	February 16, 2022
Put online	February 17, 2022
Gazette ID	CG-DL-E-17022022-233568
Rule	Plastic
Type	Amendment
Amends	Plastic Waste Management Rules, 2016
Products	• Rigid plastic packaging • Flexible plastic packaging • Multilayered plastic packaging • Compostable plastic sheets and carry bags
What it does	Inserts Schedule II, Guidelines on Extended Producer Responsibility for Plastic Packaging, and makes producers, importers and brand owners fulfill EPR as per those guidelines (rule 9(1)). The guidelines set category-wise EPR targets, minimum recycling, reuse and recycled plastic content, registration on a portal of the Central Pollution Control Board (CPCB), certificates, environmental compensation and annual returns.
Applies from	On the date of their publication in the Official Gazette (rule 1(2)); the guidelines come into force with immediate effect (paragraph 2 of Schedule II). The Gazette is dated February 16, 2022; the e-Gazette lists it as published on February 17, 2022.
Conditions	• Obligated entities are producers of plastic packaging; importers of all imported plastic packaging and / or plastic packaging of imported products; brand owners, including online platforms/marketplaces and supermarkets/retail chains, other than micro and small enterprises; and plastic waste processors (paragraph 4). • Plastic packaging falls in four categories: I, rigid plastic packaging; II, flexible plastic packaging of single layer or multilayer, plastic sheets or like and covers made of plastic sheet, carry bags, plastic sachet or pouches; III, multilayered plastic packaging with at least one layer of plastic and at least one layer of other material; IV, plastic sheet or like used for packaging and carry bags made of compostable plastics (paragraph 5.1). • Every obligated entity registers through CPCB's centralized portal; producers, importers and brand owners operating in one or two states, and plastic waste processors, are registered through it by their State Pollution Control Board or Pollution Control Committee;

no entity may carry on business without registration or deal with an unregistered entity; an entity starting business in a year has EPR targets from the next year (paragraph 6).

- Plastics that cannot be recycled go to end of life disposal, such as road construction, waste to energy, waste to oil or cement kilns, only through the methods in rule 5(1)(b) of the Plastic Waste Management Rules, 2016 (paragraph 7).
- No EPR target applies to plastic packaging that is 100% biodegradable in the ambient environment, as certified by CPCB, the Bureau of Indian Standards and the Central Institute of Petrochemicals Engineering & Technology (paragraph 7.8).
- Unfulfilled obligations are carried forward for three years; 75%, 60% or 40% of the environmental compensation is returned if the shortfall is addressed within one, two or three years, after which it is forfeited (paragraph 9.5).
- Producers, importers and brand owners file annual returns by June 30 of the next financial year, and plastic waste processors by April 30 of the next financial year (paragraphs 10.6 and 11.2).
- CPCB publishes each year, by September 30 of the next financial year, the list of producers, importers and brand owners who failed to meet their targets and obligations (paragraph 12.5).

Applies to	Producers, importers and brand owners of plastic packaging, including online platforms, marketplaces, supermarkets and retail chains other than micro and small enterprises; plastic waste processors (recyclers, waste to energy, waste to oil and industrial composting).
Issued under	Sections 3, 6, and 25 of the Environment (Protection) Act 1986 (29 of 1986)
Signed by	NARESH PAL GANGWAR, Addl. Secy.

The notification, entry by entry

Entry	Text
Paragraph 7: EPR target, 2021-22 (producers, importers and brand owners)	25 % of the eligible quantity (Q1, Q2 or Q3), category-wise
Paragraph 7: EPR target, 2022-23	70 % of the eligible quantity, category-wise
Paragraph 7: EPR target, 2023-24	100 % of the eligible quantity, category-wise
Minimum level of recycling (% of EPR target): Category I	2024-25: 50; 2025-26: 60; 2026-27: 70; 2027-28 and onwards: 80

Minimum level of recycling (% of EPR target): Category II	2024-25: 30; 2025-26: 40; 2026-27: 50; 2027-28 and onwards: 60
Minimum level of recycling (% of EPR target): Category III	2024-25: 30; 2025-26: 40; 2026-27: 50; 2027-28 and onwards: 60
Minimum level of recycling (% of EPR target): Category IV	2024-25: 50; 2025-26: 60; 2026-27: 70; 2027-28 and onwards: 80
Mandatory use of recycled plastic in plastic packaging: Category I	2025-26: 30; 2026-27: 40; 2027-28: 50; 2028-29 and onwards: 60
Mandatory use of recycled plastic in plastic packaging: Category II	2025-26: 10; 2026-27: 10; 2027-28: 20; 2028-29 and onwards: 20
Mandatory use of recycled plastic in plastic packaging: Category III	2025-26: 5; 2026-27: 5; 2027-28: 10; 2028-29 and onwards: 10
Brand owners' minimum obligation to reuse Category I rigid plastic packaging, equal or more than 0.9 liter or kg but less than 4.9 litres or kg	2025-26: 10; 2026-27: 15; 2027-28: 20; 2028-29 and onwards: 25 (percentage of Category I rigid plastic packaging in products sold annually)
Brand owners' minimum obligation to reuse Category I rigid plastic packaging, equal or more than 4.9 litres or kg	2025-26: 70; 2026-27: 75; 2027-28: 80; 2028-29 and onwards: 85 (percentage of Category I rigid plastic packaging in products sold annually)

The notification (PDF, 1.7 MB)

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Read online: indusdesk.com/moefcc/tracker/adds-epr-guidelines-for-plastic-packaging-as-schedule-233568/