AMENDMENT

MoEFCC amends the Plastic Waste Management Rules on biodegradable plastics, marking and registration

G.S.R. 522(E) amends the Plastic Waste Management Rules: standards for compostable and biodegradable plastics, marking and CPCB registration.

G.S.R. 522(E), DATED JULY 6, 2022, is the Plastic Waste Management (Second Amendment) Rules, 2022 of the Ministry of Environment, Forest and Climate Change. It completes the draft G.S.R. 22(E) of January 18, 2022, recording that copies of that draft were made available to the public on January 18, 2022 and that the objections and suggestions received were duly considered. The rules came into force on publication; the Gazette is dated July 7, 2022.

THE CHANGE

Completes the draft G.S.R. 22(E): adds definitions to rule 3, sets the standards for compostable plastics (IS / ISO 17088:2021) and biodegradable plastics (IS 17899 T:2022 until a Bureau of Indian Standards standard is notified), requires marking with the producer's or brand owner's name and registration number and the thickness, and adds environmental compensation (rule 18).

KEY FACTS

TYPE

Amendment

G.S.R. NUMBER

G.S.R. 522(E)

DATED

July 6, 2022

APPLIES FROM

On the date of their publication in the Official Gazette (rule 1(2)). The notification is dated July 6, 2022; the Gazette is dated July 7, 2022, and the e-Gazette lists it as published that day.

REFERENCES

G.S.R. 522(E)

CG-DL-E-07072022-237182

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G.S.R. 522(E) · July 6, 2022

G.S.R. 522(E), dated July 6, 2022, is the Plastic Waste Management (Second Amendment) Rules, 2022 of the Ministry of Environment, Forest and Climate Change. It completes the draft G.S.R. 22(E) of January 18, 2022, recording that copies of that draft were made available to the public on January 18, 2022 and that the objections and suggestions received were duly considered. The rules came into force on publication; the Gazette is dated July 7, 2022.

It adds to rule 3 definitions of biodegradable plastics, end of life disposal, plastic packaging, plastic waste processors, pre-consumer and post-consumer plastic packaging waste, recyclers, reuse, use of recycled plastic and waste to energy, and substitutes the definition of importer. Rule 9(1) now requires producers, importers and brand owners to fulfill Extended Producer Responsibility (EPR) for plastic packaging as per the guidelines in Schedule II, and those operating in more than two states or Union territories register with the Central Pollution Control Board (CPCB).

A substituted rule 10 requires compostable plastic materials to conform to IS / ISO 17088:2021, in place of IS 17088:2008, and biodegradable plastics to the standard the Bureau of Indian Standards notifies and CPCB certifies, with tentative Indian Standard IS 17899 T:2022 applying until then. As a transitory measure, CPCB issues provisional certificates on interim test reports, valid till June 30, 2023, on condition that production or import of biodegradable plastics ceases after March 31, 2023. Schedule I is replaced by nine IS / ISO test standards, and paragraph 7.8 of Schedule II now says that packaging made from biodegradable plastics falls under rule 10 and carries no EPR target.

Carry bags and plastic packaging must show the producer's or brand owner's name and registration number and the thickness, except plastic packaging used for imported goods and, after CPCB approval, cases under rule 26 of the Legal Metrology Packaged Commodities Rules, 2011 and cases where printing is technically not feasible. A new rule 18 levies environmental compensation on the polluter pays principle under CPCB guidelines, Form I gains a part for importers, and Forms IV and VI require data by April 30 each year.

The notification (F. No. 17/24/2021-HSMD) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 484, dated July 7, 2022, and the e-Gazette put it online the same day.

G.S.R. number	G.S.R. 522(E)
Dated	July 6, 2022

Issued	July 7, 2022
Gazette ID	CG-DL-E-07072022-237182
Rule	Plastic
Type	Amendment
Amends	Plastics Waste Management Rules, 2016
Products	Plastic packaging, Carry bags, Multilayered packaging, Biodegradable plastics, Compostable plastics
What it does	Completes the draft G.S.R. 22(E): adds definitions to rule 3, sets the standards for compostable plastics (IS / ISO 17088:2021) and biodegradable plastics (IS 17899 T:2022 until a Bureau of Indian Standards standard is notified), requires marking with the producer's or brand owner's name and registration number and the thickness, and adds environmental compensation (rule 18).
Applies from	On the date of their publication in the Official Gazette (rule 1(2)). The notification is dated July 6, 2022; the Gazette is dated July 7, 2022, and the e-Gazette lists it as published that day.
Completes the draft	G.S.R. 22(E) of January 18, 2022; objections and suggestions received were considered
Conditions	• Biodegradable plastics must conform to the standard notified by the Bureau of Indian Standards and certified by the Central Pollution Control Board (CPCB); until that standard is notified, to tentative Indian Standard IS 17899 T:2022 (rule 10(3) and (4)). • As a transitory measure, CPCB issues a provisional certificate for biodegradable plastics on an interim test report from the Central Institute of Petrochemical Engineering and Technology, a laboratory recognized under the Bureau of Indian Standards' Laboratory Recognition Scheme, 2020, or a laboratory accredited by the National Accreditation Board for Testing and Calibration Laboratories; it is valid till June 30, 2023, on condition that production or import of biodegradable plastics ceases after March 31, 2023 (rule 10(5) and (6)). • Carry bags and plastic packaging must show the producer's or brand owner's name and registration number and the thickness, except plastic packaging used for imported goods and, after CPCB approval, cases under rule 26 of the Legal Metrology Packaged Commodities Rules, 2011 and cases where printing is technically not feasible (rule 11(1)(a)).

- Manufacturers of carry bags and recyclers of plastic bags or multilayered packaging register with their State Pollution Control Board or Pollution Control Committee if operating in one or two states or Union territories, and with CPCB if operating in more than two (rule 13(1)).
- Plastic packaging made from biodegradable plastics falls under rule 10 and carries no Extended Producer Responsibility target (Schedule II, paragraph 7.8).
- Environmental compensation is levied on the polluter pays principle on persons not complying with the rules, as per guidelines notified by CPCB (rule 18).

Applies to	Producers, importers and brand owners of plastic packaging and carry bags, manufacturers and sellers of compostable and biodegradable plastics, recyclers and plastic waste processors.
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	Before	After
Rule 3: definitions		Inserts definitions of biodegradable plastics (ac), end of life disposal (ga), plastic packaging (oa), plastic waste processors (qb), post-consumer plastic packaging waste (qc), pre-consumer plastic packaging waste (ra), recyclers (sa), reuse (ua), use of recycled plastic (wa) and waste to energy (aab); substitutes the definition of importer (k); adds “or trademark” to the definition of brand owner.
Rule 4(1)(d)		After the words “thickness except”, inserts “as specified by the Central Government”.
Rule 4(1)(h): standard for compostable plastic	IS 17088:2008,	IS / ISO 17088:2021
Rule 9(1), substituted		The Producers, Importers and Brand Owners shall fulfil Extended Producers Responsibility for Plastic Packaging as per guidelines specified in Schedule -II.

Rule 9(2), (4) and (5)		Omits the portion of rule 9(2) from “This plan of collection” to “two years thereafter”; adds the Central Pollution Control Board to rule 9(4); in rule 9(5), adds registration from the Central Pollution Control Board if operating in more than two states or Union territories.
Rule 10, substituted: protocols for compostable and biodegradable plastic materials		Compostable plastic materials to conform to IS / ISO 17088:2021; biodegradable plastics to the standard notified by the Bureau of Indian Standards and certified by the Central Pollution Control Board, and until then to tentative Indian Standard IS 17899 T:2022; provisional certificates valid till June 30, 2023, with production or import of biodegradable plastics to cease after March 31, 2023.
Rule 11(1)(a), substituted: marking		name, registration number of the producer or brand owner and thickness in case of carry bag and plastic packaging; not applicable for plastic packaging used for imported goods, and, after the approval of the Central Pollution Control Board, for cases falling under rule 26 of the Legal Metrology Packaged Commodities Rules, 2011 and cases where it is technically not feasible to print the information
Rule 11(1)(b), with effect from January 1, 2023	manufacturer	producer or brand owner
Rule 11(1)(d), inserted		the importer or producer or brand owner of imported carry bags or multi-layered packaging or plastic packaging, alone or along with the products shall adhere to clause (a) and (b).
Rule 12(1)		Inserts “Central Pollution Control Board or” before “State Pollution Control Board”.

Rule 13: registration		Registration from the State Pollution Control Board or Pollution Control Committee if operating in one or two states or Union territories, or from the Central Pollution Control Board if operating in more than two; applications as per the guidelines in Schedule II; sub-rule (6) omitted; registration subject to fulfillment of obligations under the guidelines in Schedule II.
Rule 18, inserted: Imposition of Environmental Compensation		The Environmental Compensation shall be levied based upon polluter pays principle, on persons who are not complying with the provisions of these rules, as per guidelines notified by the Central Pollution Control Board.
Schedule I, substituted		Nine Indian Standards for determining biodegradability and disintegration of plastic materials, from IS / ISO 14851: 2019 to IS / ISO 20200 : 2015
Forms I, IV and VI		Action plan in line with the guidelines specified in Schedule II in Form I, a Part III for importers, and data by April 30 of every year in Forms IV and VI.
Schedule II, paragraph 3		Omitted
Schedule II, paragraph 7.8, substituted	In case, the obligated entity utilizes plastic packaging which is 100% biodegradable in the ambient environment leaving no traces of micro plastics or chemical residue or any other traces having adverse environmental and health impacts as certified by regulatory entities Central Pollution Control Board, Bureau of Indian Standards, Central Institute of Petrochemicals Engineering & Technology, the Extended Producer Responsibility target will not be applicable for such material.	In case, the obligated entity utilizes plastic packaging made from biodegradable plastics, the provisions of rule 10 shall be applicable and the Extended Producer Responsibility target shall not be applicable.

The notification (PDF, 1.4 MB)

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