AMENDMENT

MoEFCC amends the plastic waste rules on export units, packaging labels and one-time registration

G.S.R. 807(E) exempts export units from rule 9(1), sets English labels for plastic packaging and allows cross-category EPR certificates until 2025-26.

G.S.R. 807(E), A NOTIFICATION OF the Ministry of Environment, Forest and Climate Change dated October 30, 2023, makes the Plastic Waste Management (Second Amendment) Rules, 2023 under sections 3, 6 and 25 of the Environment (Protection) Act, 1986. Its preamble states that the Central Government 'is of the opinion that it is necessary and expedient in public interest to amend the said rules'; it refers to no draft. The rules come into force on the date of their publication in the Official Gazette. The draft G.S.R. 744(E) of October 16, 2023 carries the same short title; G.S.R. 807(E) does not cite it.

THE CHANGE

Amends the Plastic Waste Management Rules, 2016: rule 9(1) does not apply to export oriented units, units in special economic zones and units packaging products for export against an export order; new definitions of carry bags and producer; packaging information printed in English; new enforcement authorities and a State Level Monitoring Committee; one-time registration; and, in Schedule II, a later return date and purchase of EPR certificates across categories until the end of 2025-2026.

KEY FACTS

TYPE

Amendment

G.S.R. NUMBER

G.S.R. 807(E)

DATED

October 30, 2023

APPLIES FROM

On the date of their publication in the Official Gazette (rule 1(2)); the Gazette is dated October 30, 2023. Rule 11(1) names July 1, 2024 for rigid plastic packaging and January 1, 2025 in clause (c).

REFERENCES

G.S.R. 807(E)

CG-DL-E-30102023-249793

MoEFCC amends the plastic waste rules on export units, packaging labels and one-time registration

G.S.R. 807(E) · October 30, 2023

G.S.R. 807(E), a notification of the Ministry of Environment, Forest and Climate Change dated October 30, 2023, makes the Plastic Waste Management (Second Amendment) Rules, 2023 under sections 3, 6 and 25 of the Environment (Protection) Act, 1986. Its preamble states that the Central Government 'is of the opinion that it is necessary and expedient in public interest to amend the said rules'; it refers to no draft. The rules come into force on the date of their publication in the Official Gazette. The draft G.S.R. 744(E) of October 16, 2023 carries the same short title; G.S.R. 807(E) does not cite it.

Sub-rule (1) of rule 9 does not apply to export oriented units, units in special economic zones, or other units making plastic packaging used for products exported against an order for export, except for the pre-consumer plastic packaging waste they generate. 'Producer' now means persons engaged in manufacture of plastic packaging, and the definition of carry bags is replaced. In rule 4(1) 'multi-layered packaging', and in rule 9(6) 'multilayered packaging', become 'plastic packaging'; in rule 5(1), 'urban local bodies' becomes 'local bodies'.

Under a new rule 11(1), each plastic packaging must carry, printed in English, the name and registration certificate number of the producer, importer or brand owner generated through the centralized online portal, with the dates and details the rule sets for each type of packaging: rigid plastic packaging 'with effect from 1 July,2024', thickness for single-layer flexible packaging and carry bags, and certificate numbers for compostable plastic ('with effect from 1 January, 2025') and biodegradable plastic. The rule does not apply to plastic packaging covered under rule 26 of the Legal Metrology Packaged Commodities Rules, 2011, or where it is technically not feasible to print the information; such packaging is to be approved by the Central Pollution Control Board, and the information is printed on the packaging that holds together individual units of goods or the individual units of packaging.

Rule 12 names the Central Pollution Control Board, the State Pollution Control Boards and the Pollution Control Committees as the authority for enforcement, and the senior officers in charge of municipal administration and of Panchayati Raj Institutions for urban and rural areas, assisted by District Magistrates or Deputy Commissioners. Producers, importers and brand owners register once through the centralized online portal, with the State board if operating in one or two States or Union territories and with the Central Pollution Control Board if in more than two; recyclers and processors register once in Form II. Rule 16 sets up a State Level Monitoring Committee that meets at least once in six months.

In Schedule II, registered entities may not deal with unregistered entities that must register under clause (6.1); the date in the proviso to clause (10.6) changes from October 31, 2023 to November 30, 2023; the Central Government may permit annual returns to be filed 'for a period not exceeding nine months for the reasons to be recorded in writing'; and a new paragraph 15A lets

the Central Pollution Control Board allow purchase of EPR certificates from a category in surplus to meet the obligation of a category in deficit, until the end of 2025-2026.

The notification (F. No. 12/31/2023 –HSM) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 628, dated October 30, 2023. Its Note records that the principal rules were published by G.S.R. 320(E), dated March 18, 2016, and lastly amended by G.S.R. 318(E), dated April 27, 2023.

G.S.R. number	G.S.R. 807(E)
Dated	October 30, 2023
Gazette ID	CG-DL-E-30102023-249793
Rule	Plastic
Type	Amendment
Amends	Plastic Waste Management Rules, 2016
Products	Plastic packaging, Carry bags
What it does	Amends the Plastic Waste Management Rules, 2016: rule 9(1) does not apply to export oriented units, units in special economic zones and units packaging products for export against an export order; new definitions of carry bags and producer; packaging information printed in English; new enforcement authorities and a State Level Monitoring Committee; one-time registration; and, in Schedule II, a later return date and purchase of EPR certificates across categories until the end of 2025-2026.
Applies from	On the date of their publication in the Official Gazette (rule 1(2)); the Gazette is dated October 30, 2023. Rule 11(1) names July 1, 2024 for rigid plastic packaging and January 1, 2025 in clause (c).
Conditions	• Sub-rule (1) of rule 9 does not apply to export oriented units or units in special economic zones notified under the Special Economic Zones Act, 2005, or to other units manufacturing plastic packaging used for packaging products for export against an order for export; it still applies to the pre-consumer plastic packaging waste such units generate (rule 2(3)). • Each plastic packaging must carry, printed in English, the name and registration certificate number of the producer, importer or brand owner generated through the centralized online portal, with further details by type of packaging: for rigid plastic packaging

'with effect from 1 July,2024', and in clause (c) 'with effect from 1 January, 2025' (rule 11(1)).

- Packaging covered under rule 26 of the Legal Metrology Packaged Commodities Rules, 2011, or on which printing is technically not feasible, is outside rule 11(1); it is to be approved by the Central Pollution Control Board, and the information printed on the packaging that holds together the individual units (provisos to rule 11(1)).
- Annual returns under clause (10.6) of Schedule II: the date in the proviso moves from October 31, 2023 to November 30, 2023, and the Central Government may permit filing 'for a period not exceeding nine months for the reasons to be recorded in writing' (clause 12.9).
- Purchase of EPR certificates from a category in surplus for a category in deficit 'shall cease to apply at the end of 2025-2026' (paragraph 15A of Schedule II).

Applies to	Producers, importers and brand owners of plastic packaging; export oriented units and units in special economic zones; plastic waste recyclers and processors; and the State authorities for enforcement.
Issued under	Sections 3, 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986)
Signed by	Naresh Pal Gangawar, Addl. Secy.

The notification, entry by entry

Entry	Before	After
Rule 2, sub-rule (3) (inserted)		Sub-rule (1) of rule 9 shall not apply to the export oriented units or units in special economic zones, notified by the Central Government under the Special Economic Zones Act, 2005 (28 of 2005), and to other units manufacturing plastic packaging or on plastic packaging used for packaging products for export against an order for export: Provided that this sub-rule shall not apply to pre-consumer plastic packaging waste generated by such units.
Rule 3(c), 'carry bags' (substituted)		'carry bags' mean bags made from plastic material or compostable plastic or biodegradable plastic, used for the purpose of carrying or dispensing, commodities, which have a self-carrying feature but do not include bags that constitute or form an integral part of the packaging in which goods are sealed prior to use
Rule 3(s), 'producer' (substituted)		'producer' means persons engaged in manufacture of plastic packaging

Rule 4, sub-rule (1)	multi-layered packaging	plastic packaging
Rule 5, sub-rule (1)	urban local bodies	local bodies
Rule 9, sub-rule (6)	multilayered packaging	plastic packaging
Rule 11, sub-rule (1) (substituted): what each plastic packaging must carry		Each plastic packaging shall contain the following information, printed in English, namely: (a) name and registration certificate number for producer or importer or brand owner generated through centralized online portal specified in Schedule II for plastic packaging, in case of, rigid plastic packaging with effect from 1 July,2024, multilayer flexible plastic packaging having more than one layer with different types of plastics, including plastic sachet or pouches, and multi-layered plastic packaging; (b) name and registration certificate number ... and thickness in case of flexible plastic packaging of single layer including plastic sachet or pouches (if single layer), plastic sheets or like and covers made of plastic sheet, carry bags; (c) name and registration certificate number ... with effect from 1 January, 2025 and number of certificate issued under clause (h) of sub-rule (4) in case of plastic sheet or like used for packaging and plastic packaging as well as carry bags commodities made of compostable plastic, as applicable; (d) name and certificate number issued under clause (h) of sub-rule 4 in case of plastic sheet or like used for packaging and plastic packaging as well as carry bags and commodities made of biodegradable plastic.
Rule 11, sub-rule (1), provisos		The sub-rule does not apply to plastic packaging covered under rule 26 of the Legal Metrology Packaged Commodities Rules, 2011, and where it is technically not feasible to print the requisite information, as per specifications given in the Guidelines for use of Standard Mark and labelling requirements under BIS Compulsory Registration Scheme for Electronic and IT Products; such plastic packaging shall be approved by the Central Pollution Control Board, and the information shall be printed on the packaging that holds together individual units of goods or the individual units of packaging.
Rule 12, sub-rules (1) to (4) (substituted): enforcement		(1) The Central Pollution Control Board, State Pollution Control Board and Pollution Control Committee in respect of a Union territory shall be the authority for enforcement of the provisions of these rules. (2) The concerned Additional Chief Secretary or Principal Secretary or Secretary in charge of the Department of the State Government or a Union territory Administration responsible for municipal administration shall be the authority for enforcement relating to waste management by waste generator, restriction or prohibition on use of plastic carry bags, plastic sheets or like, covers made of plastic sheets and plastic packaging and items prohibited under rule 4, in the urban areas. (3) The same for the officer responsible for Panchayati Raj Institutions, in the rural area. (4) These authorities shall take the assistance of the District Magistrate or the Deputy Commissioner and executive Head of Municipal Body for urban areas or Chief Executive Officer of the District level Panchayats for rural areas.

Rule 13, sub-rules (2), (3) and (5) (substituted); (9) and (11) omitted		(2) Every producer or importer or brand-owner shall for the purpose of one –time registration make an application in Form I through the centralized online portal specified in Schedule II, to the State Pollution Control Board or the Pollution Control Committee of the Union territory concerned, if operating in one or two States or Union territories; or the Central Pollution Control Board, if operating in more than two States or Union territories. (3) Every person recycling or processing waste or proposing to recycle or process plastic waste shall for one-time registration apply to the State board in Form II through the centralized online portal. (5) No registration for plastic waste recycling or processing units without valid consents under the Water and Air Acts and a certificate of registration from the District Industries Centre or any other Government agency authorized in this regard.
Rule 16 (substituted): State Level Monitoring Committee		The State Government or the Union territory Administration constitutes a State Level Monitoring Committee, chaired by the Additional Chief Secretary or Principal Secretary or Secretary in charge of the department responsible for municipal administration, with the officer in charge of the department responsible of Panchayati Raj Institutions as Co-Chairman, and members including the Member Secretary of the State Pollution Control Board or Pollution Control Committee and Municipal Commissioners of cities having population of one million or more. 'The State Level Monitoring Committee shall meet at least once in six months and may invite experts, if it considers necessary.'
Schedule II, clause (6.3) (substituted)		The entities obligated to register under clause (6.1) shall not deal with any un-registered entity having obligation to register under clause (6.1) through on-line centralized portal developed by the Central Pollution Control Board
Schedule II, clause (10.6), the proviso	31st October 2023	30th November 2023
Schedule II, clause (12.9) (inserted)		The Central Government may permit filing of annual returns by Producers, Importers and Brand owners under clause 10.6 and by Plastic Waste Processors under clause 11.2 for a period not exceeding nine months for the reasons to be recorded in writing.
Schedule II, paragraph 15A (inserted): Purchase of extended producer responsibility certificate from different categories		(1) The Central Pollution Control Board may allow purchase of extended producer responsibility certificates for those categories where surplus exists over the extended producer responsibility obligation of that category for fulfilment of extended producer responsibility obligation of such category where deficit exists. (2) In such cases, the Central Pollution Control Board shall prescribe the quantum of extended producer responsibility certificates of the category required to be procured, where surplus exists, for fulfilment of extended producer responsibility obligation of the category where deficit is present, based on the availability and cost of collection, segregation and processing for different categories of plastic packaging waste. (3) The provision of this paragraph shall cease to apply at the end of 2025-2026.

The notification (PDF, 1.1 MB)

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IndusDesk

hello@indusdesk.com · +91 11 4141 3939

9th Floor, Hemkunt House, Rajendra Place, New Delhi, Delhi 110008, India

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