AMENDMENT

MoEFCC brings plastic raw material makers and makers of compostable and biodegradable items under EPR

G.S.R. 201(E) brings makers and importers of plastic raw material, and makers of compostable and biodegradable plastic items, under EPR in the plastic waste rules.

G.S.R. 201(E), PRINTED 'G.S.R.. 201(E)', a notification of the Ministry of Environment, Forest and Climate Change dated March 14, 2024, makes the Plastic Waste Management (Amendment) Rules, 2024 under sections 3, 6 and 25 of the Environment (Protection) Act, 1986. It records that the draft was published as G.S.R. 744(E), dated October 16, 2023, that copies of that Gazette were made available to the public on October 16, 2023, and that the objections and suggestions received within the period were duly considered. The rules come into force on the date of their publication in the Official Gazette.

THE CHANGE

Amends the Plastic Waste Management Rules, 2016: new definitions of biodegradable plastics, importer, manufacturer, producer and seller; registration and reports for manufacturers, importers and sellers of plastic raw material, and EPR for its manufacturers and importers; compostable and biodegradable carry bags and commodities, with a CPCB certificate, labels and EPR; duties for local bodies and district panchayats; deemed registration after thirty days; and trading platforms with EPR certificate prices between 30% and 100% of the Environment Compensation.

KEY FACTS

TYPE
Amendment

G.S.R. NUMBER
G.S.R. 201(E)

DATED
March 14, 2024

APPLIES FROM
On the date of their publication in the Official Gazette (rule 1(2)); the Gazette is dated March 14, 2024

REFERENCES

G.S.R. 201(E)

CG-DL-E-15032024-253031

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G.S.R. 201(E) · March 14, 2024

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'Biodegradable plastics' now means plastics, other than compostable plastics, which undergo degradation by biological processes in specific environment such as soil, landfill, sewage sludge, fresh water, marine, 'without leaving any micro plastics or visible or distinguishable or toxic residue, which has adverse environment impact'. 'Importer' covers imports for commercial use of plastic packaging, commodities with plastic packaging, carry bags, plastic sheets, plastic raw material including resin or pellets, and intermediate material such as films or preforms; 'producer' includes makers of intermediate material and contract manufacturers for brand owners; 'manufacturer' includes producers of compostable and biodegradable plastics; and a 'seller' sells plastic raw material or intermediate material.

Manufacturers and importers of plastic raw material must register with the State board in Form III, sell only to registered producers or sellers, with the buyer's registration number on the sale invoice, not sell to makers of prohibited single use plastic items, print a warning against such use on all packaging bags, and report quarterly in Form VII and annually by June 30. Sellers of plastic raw material or intermediate material register and report annually. Manufacturers and importers of plastic raw material become obligated entities under Schedule II and fulfill the EPR of the micro and small producers they supply, with minimum recycling levels rising from 50% to 80% for Category I and from 30% to 60% for Categories II and III between 2024-25 and 2027-28.

Carry bags and commodities covered under sub-rule (3) of rule 4 may be made from compostable or biodegradable plastics subject to 'mandatory marking and labelling' under the rules and the regulations of the Food Safety and Standards Authority of India for food contact applications; their manufacturers need a certificate from the Central Pollution Control Board before marketing or selling, must report quantities and pre-consumer waste, and carry EPR. Labels read 'compostable only under industrial composting' and 'Biodegradable in [--- specify number of days ---] only in the [---specify recipient environment such as soil, landfill, water etc.---]', and recycled packaging bears 'recycled having [-----specify percentage-----] of recycled plastic' under IS 14534: 2023. Manufacturers of biodegradable plastics meet EPR with certificates generated by local authorities.

Local bodies and Panchayats at district level assess plastic waste, including waste in dump sites, by June 30 each year, estimate it for the following five years, report their infrastructure to the State board, and act against prohibited single use plastic items; producers, importers and brand owners may engage with them voluntarily. The Central Pollution Control Board authorizes electronic platforms for trading EPR certificates and fixes their highest and lowest price at 100% and 30% of the Environment Compensation under rule 18. Annual returns for 2022-2023 may be filed on or before March 31, 2024, and an applicant is deemed registered if registration is not granted within thirty days of a complete application.

The notification (F. No- 17/6/2023 HSM) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 188, dated March 14, 2024. Its Note records that the principal rules were published by G.S.R. 320(E), dated March 18, 2016, and last amended by G.S.R. 807(E), dated October 30, 2023.

G.S.R. number	G.S.R. 201(E)
Dated	March 14, 2024
Put online	March 15, 2024
Gazette ID	CG-DL-E-15032024-253031
Rule	Plastic
Type	Amendment
Amends	Plastics Waste Management Rules, 2016
Products	Plastic packaging, Plastic raw material, Compostable plastics, Biodegradable plastics
What it does	Amends the Plastic Waste Management Rules, 2016: new definitions of biodegradable plastics, importer, manufacturer, producer and seller; registration and reports for manufacturers, importers and sellers of plastic raw material, and EPR for its manufacturers and importers; compostable and biodegradable carry bags and commodities, with a CPCB certificate, labels and EPR; duties for local bodies and district panchayats; deemed registration after thirty days; and trading platforms with EPR certificate prices between 30% and 100% of the Environment Compensation.
Applies from	On the date of their publication in the Official Gazette (rule 1(2)); the Gazette is dated March 14, 2024
Completes the draft	G.S.R. 744(E) of October 16, 2023; objections and suggestions received were considered

Conditions	• Producers that are micro and small enterprises, as defined under the Micro, Small and Medium Enterprises Development Act, 2006, are not obligated entities but must register on the centralized portal; their EPR is fulfilled by the manufacturer or importer of plastic raw material that supplied them, while they meet the target for use of recycled plastic content themselves. Brand owners that are micro and small enterprises are not obligated entities either (Schedule II, paragraphs 4, 6.1 and 7.8). • Minimum recycling for manufacturers and importers of plastic raw material, as % of the EPR target, for 2024-25, 2025-26, 2026-27 and 2027-28 onwards: Category I 50, 60, 70, 80; Categories II and III 30, 40, 50, 60 (Schedule II, paragraph 7.8). • Annual returns for the financial year 2022-2023 under paragraphs 10.6 and 11.2 of Schedule II may be filed on or before March 31, 2024. • An applicant is deemed registered if registration is not granted within thirty days of a complete application (rule 13(8)). • Biodegradable plastic tested before a laboratory's registration may be produced or used pending re-testing, against a bank guarantee equal to the Environment Compensation leviable under rule 18, forfeited if the result does not conform to IS 17899 T: 2022 (provisos to rule 10(6)).
Applies to	Producers, importers and brand owners of plastic packaging; manufacturers, importers and sellers of plastic raw material and intermediate material; manufacturers of commodities made from compostable or biodegradable plastics; plastic waste processors; local bodies and Panchayats at district level.
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(ac), 'Biodegradable plastics' (substituted)		'Biodegradable plastics', means plastics, other than compostable plastics, which undergoes degradation by biological processes in specific environment such as soil, landfill, sewage sludge, fresh water, marine, without leaving any micro plastics or visible or distinguishable or toxic residue, which has adverse environment impact;

Rule 3(k), 'Importer' (substituted)		'Importer' means a person who imports for commercial use, any plastic packaging or any commodity with plastic packaging or carry bags or plastic sheets or like material, or plastic raw material including in the form of resin or pellets, or intermediate material to be used for manufacturing plastic packaging such as films or preforms;
Rule 3(m), 'manufacturer' (substituted)		'manufacturer' means and includes a person engaged in production of plastic raw material, including compostable plastics and biodegradable plastics;
Rule 3(n), 'multi-layered packaging'	metallised layers or	Omitted.
Rule 3(s), 'producer' (substituted)		'producer' means a person engaged in manufacturing of plastic packaging; and, includes a person engaged in manufacture of intermediate material to be used for manufacturing plastic packaging, and also the person engaged in contract manufacturing of products using plastic packaging or through other similar arrangements for a brand owners;
Rule 3(ua), 'seller' (inserted)		'seller' means a person who sells plastic raw material such as resins or pellets or intermediate material used for producing plastic packaging;
Rule 4(1)(e) (substituted)		the manufacturer shall not sell or provide or arrange plastic to be used as raw material to a producer or to a seller not registered under these rules;
Rule 4(1)(h) (substituted)		the provision of thickness under clause (c) shall not apply to carry bags or commodities made from compostable plastic or biodegradable plastics. Carry bags and commodities made from compostable plastics shall conform to the Indian Standard: IS/ISO 17088:2021 titled as Specifications for Compostable Plastics.;
Rule 4(1)(ha) (inserted)		the manufacture of carry bags and commodities covered under sub rule (3) shall be permitted to be made from compostable plastics or biodegradable plastics subject to mandatory marking and labelling laid down under these rules and the regulations of the Food Safety and Standards Authority of India for food contact applications. The manufacturers of compostable plastic or biodegradable plastic carry bags or commodities permitted under the rules, shall obtain a certificate from the Central Pollution Control Board before marketing or selling;
Rule 4(3A) and (5) (inserted)		(3A) The manufacturer of commodities made from compostable plastics or biodegradable plastics shall report the quantity of such commodities introduced in the market and pre-consumer waste generated to the Central Pollution Control Board. (5) Every manufacturer of commodities made from plastic or part thereof shall ensure processing of the pre-consumer plastic waste generated in the form of reject or discard material at the stage of manufacturing and such manufacturer shall report to the State Pollution Control Board or Pollution Control Committee concerned.

Rule 6: local bodies	In sub-rule (1), the words 'or producers' are omitted. (1A) Every manufacturer, producer, importer, brand owner, manufacturer of commodities made from compostable plastics or biodegradable plastics may engage with local body on voluntary basis, as per mutually agreed terms and conditions. (5) to (8): the local body assesses plastic waste generated, including plastic waste existing in dump sites, by the 30th June of every year and estimates the quantity to be generated in following five year period; assesses its infrastructure and reports to the State Pollution Control Board or Pollution Control Committee by 30th June of each year; prevents stocking, distribution, sale and usage of prohibited single use plastic items; and includes these details in its annual report.
Rule 7 and rule 7A (inserted): Panchayats	After 'gram panchayat', the words 'or panchayat at district level' are inserted; added functions: engaging civil societies or groups working with waste pickers, ensuring that open burning of plastic waste does not take place, and taking necessary measures to prevent stocking, distribution, sale and usage of prohibited Single Use Plastic items. Producers, importers, brand owners and manufacturers may engage with Panchayats at District and Village levels on a voluntary basis. Rule 7A: the Panchayat at District level assesses plastic waste, including at dump sites, by the 30th June of every year for rural areas, estimates it for the following five years, and reports its infrastructure to the State board.
Rule 9, sub-rules (1), (2) and (2A) (substituted)	(1) The Producers, Importers and Brand Owners who introduce any plastic packaging in the market shall be responsible for collection of such plastic packaging. (2) Where any Producer, Importer or Brand owner fulfils his extended producer responsibility, he is deemed to have complied with his responsibility under sub-rule (1). (2A) The Producers, Importers, Brand Owners, manufacturers, and manufacturers of commodities made from compostable plastics or biodegradable plastics, shall fulfil Extended Producer Responsibility as per guidelines specified in Schedule- II.
Rule 10, sub-rule (6), provisos, and sub-rule (7) (inserted)	Where testing of biodegradable plastic had commenced prior to the registration of a laboratory, and the report is in conformity with IS 17899 T:2022, the Central Pollution Control Board shall ask the applicant for re-testing and permit the production or usage of such biodegradable plastic till the test report is received from a duly recognized laboratory, subject to furnishing of bank guarantee equal to the amount of Environment Compensation leviable under rule 18; the bank guarantee shall be forfeited if the result does not conform to IS 17899 T: 2022. (7) BIS shall specify separate colour or marking for plastic packaging and commodities made from compostable plastics or biodegradable plastics.

Rule 11, sub-rules (2) to (4): labels	(2) Each recycled plastic packaging or commodity shall bear a label 'recycled having [-----specify percentage-----] of recycled plastic' and a mark, and shall conform to IS 14534: 2023, 'Plastics — Recovery and Recycling of Plastics Waste — Guidelines'. (3) Each plastic packaging or commodity made from compostable plastics shall bear a label 'compostable only under industrial composting' and shall conform to IS/ISO 17088:2021. (4) Each plastic packaging or commodity made from biodegradable plastic shall bear the label 'Biodegradable in [--- specify number of days ---] only in the [---specify recipient environment such as soil, landfill, water etc.---]'.
Rule 13, sub-rules (4), (4A) and (4B) (substituted and inserted)	Every manufacturer and importer of plastic raw material applies to the State Pollution Control Board or Pollution Control Committee for registration in Form III, and shall (i) sell plastic raw material only to Producer or Seller registered under these rules, with the registration number of such Producer or Seller mentioned on the sale invoice; (ii) not sell to any entity or units engaged in manufacturing of prohibited single use plastic items; (iii) print on all packaging bags of plastic raw material: 'Not to be used in the manufacture of single use plastic items prohibited under the Plastic Waste Management Rules, 2016 including plastic sheets < 50 micron thickness, non-woven carry bags < 60 GSM, Carry bags < 120 micron thickness'; (iv) submit a Quarterly Report. (4B) Every person engaged in sale of plastic raw material or an intermediate material used for manufacture of plastic packaging to producer applies to the State board for registration.
Rule 13, sub-rule (8) (substituted)	Where the registration is not granted within a period of thirty days after the receipt of application complete in all respect, the applicant shall be deemed to be registered under these rules on the expiry of such period.
Rule 17: Annual reports (substituted)	Recyclers and processors of plastic waste: Form IV to the local body and the State board by the 30th April. Manufacturers and importers of plastic raw material: a quarterly report in Form VII by the last day of month following the quarter, and an annual report by 30th June. Sellers of plastic raw material or intermediate material: an annual report of transactions by the 30th June. Urban local bodies and Panchayats at District Level: Form V by the 30th June, audited by the State board and published on its website. State boards: Form VI to the Central Pollution Control Board by the 31st July. The Central Pollution Control Board: a consolidated report to the Central Government on or before the 31st August.
Schedule II, heading	After 'Guidelines on Extended Producer Responsibility for Plastic Packaging', the words 'and commodities made from compostable plastics or biodegradable plastics' are inserted.

Schedule II, paragraph 4: Obligated Entities (substituted)	(a) Producer of plastic packaging, other than micro and small enterprises as defined under the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006); (b) Importer of plastic packaging including intermediate material used for manufacturing plastic packaging such as films and preforms and plastic packaging of imported products; (c) Brand Owners including online platforms/marketplaces and supermarkets/retail chains other than micro and small enterprises as defined under the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006); (d) Plastic Waste Processors; (e) Manufacturers and importers of plastic raw material; (f) Manufacturers of items made from compostable plastics or biodegradable plastics.
Schedule II, paragraph 5.1: Categories IV and V	In item (iv), after 'carry bags', the words 'and commodities' are inserted. Item (v) inserted: 'Category V Plastic sheet or like used for packaging as well as carry bags and commodities made of biodegradable plastics.'
Schedule II, paragraph 6.1(a): registration on the portal (substituted)	Producer (P) including micro and small enterprises as defined under the Micro, Small and Medium Enterprises Development Act, 2006; Importer (I); Brand owner (BO); Plastic Waste Processor engaged in recycling, waste to energy, waste to oil, and industrial composting; Manufacturers and importers of plastic raw material; Manufacturers of items made from compostable plastics or biodegradable plastics.
Schedule II, paragraph 7.8 (omitted and replaced): Manufacturer or importer of plastic raw material - Extended Producer Responsibility Target	The extended producer responsibility of producers which are micro and small enterprises 'shall be fulfilled by manufacturer or importer of plastic raw material who has supplied the plastic raw material to such micro and small producers', the target for use of recycled plastic content being fulfilled by such producers. The target is the quantity of plastic raw material sold to micro and small producers on sale invoices authenticated on the centralized online portal, excluding their sales to Brand Owners and Producers that are not micro or small enterprises. Minimum level of recycling (excluding end of life disposal), % of EPR target, for 2024-25, 2025-26, 2026-27 and 2027-28 and onwards: Category I 50, 60, 70, 80; Category II 30, 40, 50, 60; Category III 30, 40, 50, 60.
Schedule II, paragraphs 8.5 to 8.9 (inserted): electronic platforms	The Central Pollution Control Board issues guidelines for authorization of agencies for electronic platforms for trade of EPR certificates; their number may be restricted; they operate under guidelines approved by the Central Government. '(8.8) The Central Pollution Control Board shall fix the highest and the lowest price for extended producer responsibility certificates which shall be equal to 100 % and 30 % ,respectively, of the Environment Compensation leviable on the obligated entities for non-fulfilment of Extended Producer Responsibility obligations, under rule 18 of these rules.' (8.9) The exchange price through the portal lies between the two.

Schedule II, paragraphs 10 and 11.2	Roles, registration, take-back schemes and annual returns extend to manufacturers, and manufacturers of commodities made from compostable or biodegradable plastics. Proviso to 10.6: 'the annual return under this sub-paragraph in respect of the financial year 2022-2023 may be filed on or before 31st March 2024.' Proviso to 11.2: 'the annual returns under this sub-paragraph in respect of the financial year 2022-2023 may be filed on or before the 31st March 2024'.
Schedule II, paragraphs 15.1 to 15.5 (substituted)	Details of certificates for plastic waste recycled and sent for end of life disposal are provided by 30th June of next financial year with the annual returns; where figures differ, the lower figure counts; certificates are subject to verification. '(15.4) The Manufacturer of biodegradable plastics shall fulfil their Extended Producer Responsibility obligations by obtaining Extended Producer Responsibility certificates generated by local authorities, as per agreed modalities.' (15.5) Local authorities generate certificates equal to the biodegradable plastic collected by them and put to end of life biodegradation as per a BIS standard.
Forms I, V and VI (substituted) and Form VII (inserted)	Form I, application for registration for producers (with a separate part for micro and small enterprises), brand owners and importers; Form V, annual reports of the urban local body (A) and the Panchayat at the district level (B); Form VI, annual report of the SPCB/PCC; Form VII, quarterly report of the plastic raw material manufacturer or importer, by buyer category and type of plastic raw material, including biodegradable and compostable plastic.

The notification (PDF, 1.6 MB)

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