AMENDMENT

# MoEFCC moves plastic waste return dates for 2022-2023 and makes Aadhaar optional in EPR registration

G.S.R. 318(E) makes Aadhaar optional in plastic EPR registration, sets one-year then three-year registration, and moves 2022-2023 return dates.

G.S.R. 318(E), DATED APRIL 27, 2023, is the Plastic Waste Management (Amendment) Rules, 2023 of the Ministry of Environment, Forest and Climate Change, further amending the Plastic Waste Management Rules, 2016. It is made under sections 3, 6, and 25 of the Environment (Protection) Act 1986 read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, cites no draft, and came into force from the date of its publication.

## THE CHANGE

Amends the Plastic Waste Management Rules, 2016: the 2023 dates in the proviso to rule 10(5) become 2024, registration under rule 13 is valid for one year and then granted for three years, the Aadhaar number becomes optional when registering on the portal of the Central Pollution Control Board (CPCB), and annual returns for 2022-2023 are due by October 31, 2023 and July 31, 2023.

## KEY FACTS

TYPE

Amendment

G.S.R. NUMBER

G.S.R. 318(E)

DATED

April 27, 2023

APPLIES FROM

From the date of their publication in the Official Gazette (rule 1(2)). The Gazette is dated April 27, 2023, and the e-Gazette lists it as published that day.

## REFERENCES

G.S.R. 318(E)

CG-DL-E-27042023-245496

# MoEFCC moves plastic waste return dates for 2022-2023 and makes Aadhaar optional in EPR registration

G.S.R. 318(E) · April 27, 2023

G.S.R. 318(E), dated April 27, 2023, is the Plastic Waste Management (Amendment) Rules, 2023 of the Ministry of Environment, Forest and Climate Change, further amending the Plastic Waste Management Rules, 2016. It is made under sections 3, 6, and 25 of the Environment (Protection) Act 1986 read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986, cites no draft, and came into force from the date of its publication.

Its preamble records that entities registering on the centralized portal of the Central Pollution Control Board (CPCB) under the Schedule II guidelines have to provide PAN, GST and CIN numbers and the Aadhaar and PAN numbers of the authorized person, and that the Ministry of Electronics and Information Technology has allowed the Ministry to perform Aadhaar authentication on a voluntary basis to register residents as producers, importers, brand owners and plastic waste processors. Paragraph 6.6 of Schedule II now says entities may provide the Aadhaar number, and must provide the PAN, GST and, for a company, CIN numbers and the authorized person's PAN.

In the proviso to rule 10(5), the figures 2023 become 2024 at both places, so the provisional certificate for biodegradable plastics is valid till June 30, 2024 and production or import of biodegradable plastics must cease after March 31, 2024. Rule 11(1)(a) gains the words “for rigid plastic packaging” after sub-clause (iii); in the rule as G.S.R. 522(E) made it, sub-clauses (i) to (iii) list where the marking provision does not apply. Rule 13(2) loses the words “or for renewal of registration”, and a substituted rule 13(9) makes a registration changeable only on the request of producers, importers and brand owners under their existing EPR registration, valid for one year and subsequently granted for three years.

For financial year 2022-2023, the last date for annual returns is October 31, 2023 under paragraph 10.6 of Schedule II, the producers', importers' and brand owners' returns, and July 31, 2023 under paragraph 11.2, the plastic waste processors' returns, where the guidelines set June 30 and April 30 of the next financial year.

The notification (F. No. 12/31/2023-HSM) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 256, dated April 27, 2023, and the e-Gazette put it online the same day.

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| G.S.R. number | G.S.R. 318(E) |
| Dated | April 27, 2023 |
| Gazette ID | CG-DL-E-27042023-245496 |

| | |
|---|---|
| Rule | Plastic |
| Type | Amendment |
| Amends | Plastic Waste Management Rules, 2016 |
| Products | Plastic packaging, Biodegradable plastics, Rigid plastic packaging |
| What it does | Amends the Plastic Waste Management Rules, 2016: the 2023 dates in the proviso to rule 10(5) become 2024, registration under rule 13 is valid for one year and then granted for three years, the Aadhaar number becomes optional when registering on the portal of the Central Pollution Control Board (CPCB), and annual returns for 2022-2023 are due by October 31, 2023 and July 31, 2023. |
| Applies from | From the date of their publication in the Official Gazette (rule 1(2)). The Gazette is dated April 27, 2023, and the e-Gazette lists it as published that day. |
| Conditions | • The provisional certificate for biodegradable plastics under rule 10(5) is valid till June 30, 2024, on condition that production or import of biodegradable plastics ceases after March 31, 2024 (rule 10(5) as amended).<br>• A registration under rule 13 is changed only on the request of the producer, importer or brand owner under its existing EPR registration, and is valid for one year, unless revoked, suspended or cancelled, and subsequently granted for three years (rule 13(9)).<br>• Entities registering provide PAN, GST and, for a company, CIN numbers and the PAN of the authorized person or representative; the Aadhaar number is optional (Schedule II, paragraph 6.6).<br>• For financial year 2022-2023, annual returns are due by October 31, 2023 under paragraph 10.6 of Schedule II (producers, importers and brand owners) and by July 31, 2023 under paragraph 11.2 (plastic waste processors). |
| Applies to | Producers, importers and brand owners of plastic packaging, plastic waste processors, and holders of provisional certificates for biodegradable plastics. |
| Issued under | Sections 3, 6, and 25 of the Environment (Protection) Act 1986 (29 of 1986), read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986 |
| Signed by | NARESH PAL GANGWAR, Addl. Secy. |

## The notification, entry by entry

| Entry | Before | After |
|---|---|---|
| Rule 10(5), proviso: the figures “2023” at both places | Provided that the provisional certificate shall be valid till 30th June 2023 with the condition that production or import of biodegrdable plastics shall cease after the 31st day of March, 2023. | Provided that the provisional certificate shall be valid till 30th June 2024 with the condition that production or import of biodegrdable plastics shall cease after the 31st day of March, 2024. |
| Rule 11(1)(a), inserted after sub-clause (iii) | | for rigid plastic packaging |
| Rule 13(2) | or for renewal of registration | Omitted |
| Rule 13(9), substituted | | 9(a) The registration granted under this rule shall be changed only on the request of Producers, Importers & Brand owners, under the existing Extended Producer Responsibility registration, (b) The registration granted under this rule shall be valid for a period of one year, unless revoked, suspended or cancelled and shall subsequently be granted for three years. |
| Schedule II, paragraph 6.6, substituted | While registering, the entities shall have to provide PAN Number, GST Number, CIN Number of the company and Aadhar Number and PAN Number of authorized person or representative and any other necessary information as required. | While registering, the entities shall have to provide PAN Number, GST Number, CIN Number in case of company, and the entities may provide Aadhar Number, and shall provide PAN Number of authorized person or representative and any other necessary information as required. |
| Schedule II, paragraph 10.6, proviso inserted | | Provided that the last date for filing of annual returns shall be the 31st October 2023 for the financial year 2022-2023. |
| Schedule II, paragraph 11.2, proviso inserted | | Provided that the last date for filing of annual returns shall be the 31st July 2023 for the financial year 2022-2023. |

The notification (PDF, 1.0 MB)

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