

Plastic Waste Management (Second Amendment) Rules, 2023

The Ministry of Environment, Forest and Climate Change has issued a notification on 30 October 2023 to further amend the Plastic Waste Management Rules, 2016. The amended rules provide for the use of information technology tools for online reporting and provide for an online trading platform for trading of certificates generated by registered plastic waste processors.

Key amendments are as follows:

- Export-oriented units or units located within special economic zones are not subject to the provisions of Rule 9(1). This exemption specifically pertains to units engaged in the manufacturing of plastic packaging intended for export purposes. These units are not required to devise plans for waste collection systems under the framework of Extended Producers Responsibility ('EPR'), and there is no mandate for their involvement with State Urban Development Departments in this regard.
- The revised regulations have modified certain definitions, including those of 'carry bags' and 'producer.'
- The expression 'multi-layered packaging' has been substituted with 'plastic packaging' concerning the criteria for manufacturing, importing, stocking, distributing, selling, using, and maintaining records.
- It requires specific information, including registration details and producer information, to be included on plastic packaging. These provisions are designed to enhance traceability and accountability.
- The registration procedure, covering producers, importers, brand owners, and waste processors, is clearly outlined in the existing regulations. The one-time registration application process is explicitly defined, and meeting specific prerequisites, including obtaining a valid consent from State Pollution Control Board or Committee, is mandatory for successful registration.
- The rules now provide a clearer delineation of the roles and responsibilities of authorities tasked with enforcement. District-level officials and municipal bodies are also pivotal in ensuring the effective enforcement of these rules.
- Schedule II has undergone several amendments, encompassing regulations pertaining to unregistered entities, revised deadlines, provisions for submitting annual returns, and the acquisition of EPR certificates across various categories.

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Therefore

The amended rules mandate the generation of the registration details of a producer, importer or a brand owner through the centralised online portal specified in Schedule II of the Rules. The name and registration number so generated needs to be printed on the plastic packaging with effect from the dates mentioned in the Rules for each category of the plastic packaging. It is mandatory for the plastic waste recyclers and processors to also obtain valid consent under the Water and Air Pollution Control Acts to be eligible to obtain a valid license under these Rules. Therefore, these changes reflect a comprehensive effort to enhance plastic waste management practices and promote environmental sustainability.