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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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## MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

### NOTIFICATION

New Delhi, the 6th July, 2022

**G.S.R. 522(E).**—Whereas the draft rules further to amend the Plastics Waste Management Rules, 2016, were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) dated the 18<sup>th</sup> January, 2022, *vide* notification number G.S.R. 22 (E) dated the 18<sup>th</sup> January, 2022, inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date copies of the Gazette containing the said draft rules were made available to the public;

And whereas, copies of the Gazette containing the said draft rules were made available to the public on the 18<sup>th</sup> January, 2022 ;

And whereas, objections and suggestions received within the aforesaid period have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sections 3, 6, and 25 of the Environment (Protection) Act 1986, (29 of 1986), the Central Government hereby makes the following rules further to amend the Plastic Waste Management Rules, 2016, namely :-

**1. Short title and commencement.-** (1) These rules may be called the Plastic Waste Management (Second Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Plastic Waste Management Rules, 2016 (hereinafter referred to as the said rules), in rule 3,-

(i) after clause (ab), the following clause shall be inserted, namely:-

‘(ac) “Biodegradable plastics” means plastics, other than compostable plastics, which undergoes degradation by biological processes under ambient environment (terrestrial or in water) conditions, without leaving any micro plastics, or visible, or distinguishable or toxic residue, which has adverse environment impacts, adhering to laid down standards of Bureau of Indian Standards and certified by the Central Pollution Control Board;’;

(ii) in clause (b), after the words “brand labels”, the words “or trademark” shall be inserted;

- (iii) in clause (c), before the words “means bags made” the following words and brackets “(covered under Category II of plastic packaging – Clause (5.1) (II), given in Schedule – II)” shall be inserted.
- (iv) clause (ga), shall be renumbered as “(gb)” thereof and before clause (gb) as so renumbered, the following clause shall be inserted, namely :-
- ‘(ga) “End of Life disposal” means using plastic waste for generation of energy subject to relevant guidelines in force, which includes co-processing (e.g. in cement, steel or any other such industry) or waste to oil, except in cases where feedstock chemicals are produced for further use in the production of plastic which may then be considered under recycling or for road construction as per Indian Road Congress guidelines etc.’;
- (v) for clause (k), the following clause shall be substituted, namely:-
- ‘(k) “Importer” means a person who imports plastic packaging or products with plastic packaging or carry bags or multilayered packaging or plastic sheets or like;’;
- (vi) after clause (o), the following clause shall be inserted, namely :-
- ‘(oa) Plastic Packaging” means packaging material made by using plastics for protecting, preserving, storing, and transporting of products in a variety of ways;’ ;
- (vii) after clause (qa), the following clause shall be inserted, namely :-
- ‘(qb) “Plastic Waste Processors” means recyclers of plastic waste as well as entities engaged in using plastic waste for energy (waste to energy) including in coprocessing or converting plastic waste to oil (waste to oil) except in cases where feedstock chemicals are produced for further use in the production of plastic which may then be considered under recycling , industrial composting;’;
- (viii) after clause (qb), the following clause shall be inserted, namely:-
- ‘(qc) “Post-consumer plastic packaging waste” means plastic packaging waste generated by the end-use consumer after the intended use of packaging is completed and is no longer being used for its intended purpose;’;
- (ix) after Clause (r), the following clause shall be inserted, namely:-
- ‘(ra) “Pre-consumer plastic packaging waste” means plastic packaging waste generated in the form of reject or discard at the stage of manufacturing of plastic packaging and plastic packaging waste generated during the packaging of product including reject, discard, before the plastic packaging reaches the end-use consumer of the product;’;
- (x) after clause (s), the following clause shall be inserted, namely :-
- ‘(sa) “Recyclers” are entities who are engaged in the process of recycling of plastic waste;’;
- (xi) after clause (u), the following clause shall be inserted, namely:-
- ‘(ua) “Reuse” means using an object or resource material again for either the same purpose or another purpose without changing the object’s structure;’;
- (xii) after clause (w), the following clause shall be inserted, namely :-
- ‘(wa) “Use of recycled plastic” means recycled plastic used as raw material, instead of virgin plastic, in the manufacturing process;’;
- (xiii) after clause (aa), the following clause shall be inserted, namely :-
- ‘(aab) “Waste to Energy” means using plastic waste for generation of energy and includes co-processing (e.g. in cement, steel or any other such industry);’.
3. In in rule 4 of the said rules, , -
- (i) in sub-rule (1),
- (a) in clause (d), after the words “thickness except”, the words “ as specified by the Central Government” shall be inserted;

(b) in clause (h),-

(A) after the words “made up of compostable plastic”, the words “and biodegradable plastics” shall be inserted;

(B) for the letters and figures “IS 17088:2008,”, the letters and figures “IS / ISO 17088:2021” shall be substituted;

(C) after the words “seller of compostable plastic”, the words “and biodegradable plastics” shall be inserted;

(ii) in sub-rule (3), after the words “compostable plastic”, the words “and biodegradable plastics” shall be inserted.

4. In rule 9 of the said rules, -

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:-

“(1) The Producers, Importers and Brand Owners shall fulfil Extended Producers Responsibility for Plastic Packaging as per guidelines specified in Schedule -II.”;

(ii) in sub-rule (2), the portion beginning with the words “This plan of collection” and ending with the words “two years thereafter” shall be omitted;

(iii) in sub-rule (4), before the words “Pollution Control Board”, the words, “Central Pollution Control Board and State” shall be inserted;

(iv) in sub-rule (5), -

(A) after the words “without registration from” the words “Central Pollution Control Board if operating in more than two states or Union territories,” shall be inserted;

(B) after the words “Pollution Control Committees”, the words, brackets and figures “ as per sub-rule (2) of rule 13” shall be inserted.

5. For rule 10 of the said rules, the following rule shall be substituted, namely.-

“ 10. Protocols for compostable and biodegradable plastic materials.- (1) Determination of the degree of degradability and degree of disintegration of plastic material shall be as per the protocols of the Indian Standards listed in Schedule I.

(2)The compostable plastic materials shall conform to the IS / ISO 17088:2021, as amended from time to time.

(3) The biodegradable plastics shall conform to the standard notified by the Bureau of Indian Standards and certified by the Central Pollution Control Board.

(4) Until a standard referred to in sub-rule (3) is notified by the Bureau of Indian Standards, biodegradable plastics shall conform to tentative Indian Standard IS 17899 T:2022 as notified by the Bureau of Indian Standards.

(5) As a transitory measure, provisional certificate for biodegradable plastics, shall be issued by the Central Pollution Control Board, in cases, where an interim test report is submitted, for an ongoing test, which covers the first component of the IS 17899 T:2022 relating to biodegradability given at Sl. No. (i) or Sl. No. (ii) of Table 1 or Sl. No. (i) of Table 2 of the IS 17899 T:2022:

Provided that the provisional certificate shall be valid till 30<sup>th</sup> June 2023 with the condition that production or import of biodegradable plastics shall cease after the 31<sup>st</sup> day of March, 2023.

(6) The interim test report shall be obtained from the Central Institute of Petrochemical Engineering and Technology or a laboratory recognised under the Laboratory Recognition Scheme, 2020, of the Bureau of Indian Standards or laboratories accredited for this purpose by the National Accreditation Board for Testing and Calibration Laboratories, and they shall certify the bio-degradation of plastic is in line with IS 17899 T:2022.

6. In sub-rule (1) of rule 11 of the said rules,-

(i) for clause (a), the following clause shall be substituted, namely:-

“(a) name, registration number of the producer or brand owner and thickness in case of carry bag and plastic packaging :

Provided that this provision shall not be applicable,-

(i) for plastic packaging used for imported goods:

(ii) for cases falling under rule 26 of the Legal Metrology Packaged Commodities Rules, 2011, after the approval of the Central Pollution Control Board:

(iii) for cases where it is technically not feasible to print the requisite information mandated under this Rule, 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” after the approval of the Central Pollution Control Board .”;

(ii) in clause (b), “with effect from the 1<sup>st</sup> January, 2023” for the word “manufacturer”, the words “producer or brand owner” shall be substituted.

(iii) after clause (c), the following clause shall be inserted, namely:-

“(d) 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).”

7. In rule 12 of the said rules, in sub-rule (1), before the words, “State Pollution Control Board” the words, “Central Pollution Control Board or” shall be inserted.

8. In rule 13 of the said rules, -

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:-

“(1) No person shall manufacture carry bags or recycle plastic bags or multilayered packaging unless the person has obtained registration from,-

(i) the concerned State Pollution Control Board or Pollution Control Committee of the Union territory, if operating in one or two states or Union territories; or

(ii) the Central Pollution Control Board, if operating in more than two States or Union territories.”;

(ii) in sub-rule (2),-

(A) after the word “producer”, the words “or importer” shall be inserted;

(B) after the words “make an application” , the words and figures “as per the guidelines specified in Schedule -II,” shall be inserted;

(iii) in sub-rule (3), after the words “in Form II”, the words and figures “as per the guidelines specified in Schedule –II” shall be inserted.

(iv) Sub-rule (6) shall be omitted;

(v) in sub-rule (7), after the words “terms of registration” occurring at the end, the words and figures “ and the registration shall be subject to fulfilment of obligations in accordance with the guidelines on Extended Producer Responsibility for Plastic Packaging specified in Schedule -II.” shall be inserted.

9. After rule 17 of the said rules, the following rule shall be inserted, namely:-

“18. 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.”.

10. For Schedule I of the said rules, the following shall be substituted, namely:-

**“SCHEDULE-I**

**[See rule 10]**

(1)	(2)
1	IS / ISO 14851: 2019 Determination of the Ultimate Aerobic Biodegradability of Plastic Materials in an Aqueous Medium — method by measuring the Oxygen demand in a closed respirometer (First Revision)
2	IS / ISO 14852: 1999 Determination of the ultimate aerobic biodegradability of plastic materials in an aqueous medium—method by analysis of evolved Carbon dioxide
3	IS / ISO 14853: 2016 Plastics — Determination of the ultimate anaerobic biodegradation of plastic materials in an aqueous system —method by measurement of biogas production (First Revision)
4	IS /ISO 14855-1: 2012 Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions — method by analysis of evolved Carbon dioxide: Part 1 General method (First Revision)
5	IS / ISO 14855-2: 2018 Determination of the ultimate aerobic biodegradability of plastic materials under controlled composting conditions — method by analysis of evolved carbon dioxide: Part 2 Gravimetric measurement of Carbon dioxide evolved in a laboratory- scale test (First Revision)
6	IS / ISO 15985: 2014 Plastics — Determination of the ultimate anaerobic biodegradation under high-solids anaerobic-digestion conditions — methods by analysis of released biogas (First Revision)
7	IS /ISO 16929: 2019 Plastics — Determination of the Degree of Disintegration of Plastic Materials under Defined Composting Conditions in a Pilot-Scale Test (Second Revision)
8	IS / ISO 17556: 2019 Plastics — Determination of the Ultimate Aerobic Biodegradability of plastic materials in soil by measuring the Oxygen demand in a Respirometer or the amount of Carbon Dioxide Evolved (Second Revision)
9	IS / ISO 20200 : 2015 Plastics — Determination of degree of disintegration of plastic materials under simulated composting conditions in a laboratory - Scale test (First Revision)”

11. In the said rules, in Form I,-

(i) in the sub-heading “1.Producers”, for serial number 11 and the entries relating thereto, the following shall be substituted, namely:-

“ 11.	Action plan in line with the guidelines specified in Schedule -II”.	
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(ii) in sub-heading “II Brand Owners”, for serial number 9 and the entries relating thereto, the following shall be substituted, namely:-

“9.	Action plan in line with the guidelines specified in Schedule -II”.	
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(iii) after sub-heading “II. Brand Owners” and the entries relating thereto, the following shall be inserted, namely:-

" III- Importers

<b>PART – A</b>		
<b>GENERAL</b>		
1.	Name, Address and Contact number	
2	In case of renewal, previous registration number and date of registration	
3	Is the unit registered with the District Industries Centre of the State Government or Union Territory? If yes, attach a copy.	
4.(a)	Total capital invested on the project	
(b)	Year of commencement of production	
5. (a)	List and quantum of products and by-products	
(b)	List and quantum of raw materials used	
6 (a)	Quantity of plastic sheet or like used for packaging of imported or to be imported products	
(b)	Quantity of plastic sheet or like used for packaging for further supply or self-use	
(c)	Quantity of multilayered packaging for further supply or self-use	
<b>PART – B</b>		
<b>PERTAINING TO LIQUID EFFLUENT AND GASEOUS EMISSIONS</b>		
7.	Does the unit have a valid consent under the Water (Prevention and control of Pollution) Act, 1974 (6 of 1974)? If yes, attach a copy	
8.	Does the unit have a valid consent under the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981)? If yes, attach a copy	
<b>PART – C</b>		
<b>PERTAINING TO WASTE</b>		
9.	Solid Wastes or rejects: (a) Total quantum of waste generated (b) Mode of storage within the plant (c) Provision made for disposal of wastes	
10. (a)	Attach or provide list of person supplying imported (i) plastic sheet or like used for packaging, (ii) multilayered packaging	
(b)	Quantity of imported (i) plastic sheet or like used for packaging along with the quantity used for further supply or self use, (ii) multilayered packaging along with the quantity used for further supply or self use	
11.	Action Plan in line with Guidelines specified in Schedule - II	
		Name and Signature
		Designation
Date :		
Place :”.		

12. In Form IV of the said rules, after serial number (9) and the entries thereto, the following shall be inserted, namely:-

“(10). Data to be provided as per guidelines specified in Schedule -II by 30th April of every year to the concerned State Pollution Control Board or Pollution Control Committee”

13. In Form VI of the said rules, after the table, the following note shall be inserted:-

“Note: The following informations shall be provided to the Central Pollution Control Board by 30<sup>th</sup> April of every year, namely:-(a) Manufacturer of carry bag, recycled plastic bag, multilayered packaging (Registered under clause (i) of sub-rule (1) of rule 13;

(b) Producer, Importer, Brand Owner (Registered under clause (i) of sub-rule (2) of rule 13;(c)Recycler and plastic waste processor (Registered under clause (i) of sub-rule (3) of rule 13”.

14. Paragraph 3 of Schedule – II of the said rules shall be omitted. 15. In Schedule II of the said rules, for sub-- paragraph (7.8), the following shall be substituted, namely:-

“(7.8) 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.”

[F. No. 17/24/2021-HSMD]

NARESH PAL GANGWAR, Addl. Secy.

**Note :** The principal rules were published in the Gazette of India, vide number G.S.R. 320(E), dated the 18<sup>th</sup> March, 2016 and subsequently amended vide notification number G.S.R. 285(E), dated the 27<sup>th</sup> March, 2018, vide notification number G.S.R. 571(E), dated the 12<sup>th</sup> August, 2021, vide notification number G.S.R. 647(E), dated the 17<sup>th</sup> August, 2021 and last amended vide notification number G.S.R. 133(E) , dated the 16<sup>th</sup> February 2022.