

Who are manufacturers, producers, brand owners and importers as defined in the Rules?

As per the rules the manufacturers, producers, brand owners and importers are defined as follows:

- I. As amended in 2024, a **Manufacturer** means and includes a person engaged in production of plastic raw material including compostable plastics and bio degradable plastics.
- II. **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 material including in the form of resin or pellets, or intermediate material to be used for manufacturing plastic packing such as films or performs.
- III. **Producer** as defined in the amendment notification of 2024 (G.S.R. 201 E:14-03-2024) means a person engaged in manufacture 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 owner.
- IV. **Brand owner** has been defined a person or company who sells any commodity under a registered brand label or trade mark.

What appears to be of significance here is that in the original notification as issued in 2016/18 the term producer included "Industries or individuals using plastic sheets or like or covers made of plastic sheets or multilayered packaging for packaging or wrapping the commodity." The earlier definition as in 2016/2018 as notified was, **"producer" means persons engaged in manufacture or import of carry bags or multilayered packaging or plastic sheets or like, and includes industries or individuals using plastic sheets or like or covers made of plastic sheets or multi-layered packaging for packaging or wrapping the commodity;**

The new definition does not make a mention of persons using plastic sheets or multilayered packaging for packing these commodities being included within 'Producers'.

This amendment assumes significance because most industries use plastic packaging for their products. With the amended definition of producer, they may not now be covered. Many of the products that are sold in plastic packaging may also not be branded products. What needs to be clarified is that how will the Plastic Waste Management Rule and the EPR provisions apply to persons who are not Manufacturers, Importers or Brand owners as defined and who are only using plastic for packaging their products but are not "producers" as defined now.