

**What is Schedule II to the Plastic Waste Management Rules and which entities are covered under the Extended Producer Responsibility obligation under the guidelines in Schedule II of the P.W.M. Rules 2010/18 as amended?**

Schedule II to the Plastic Waste Management Rules are guidelines for Extended Producer Responsibility for Plastic packaging and commodities made from compostable plastics or biodegradable plastics. They have been notified by the MoEF and CC on 16-02-2022 vide G.S.R. No. 133(E).

Paragraph 4 of the guidelines as in Schedule II list the entities which are covered under the Extended Producer Responsibility Obligations. The following are covered.

**I. Producers of plastic packaging other than micro and small enterprises as defined under the Micro, small and medium Enterprises Development Act, 2006.**

It may be important to understand here that although earlier the term 'Producer' included 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 term has been redefined in 2024 and this proviso removed. **The revised definition states that 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 similar arrangements for a brand owner.**

As I understand Industries using plastic sheets or like or covers made of plastic sheets or multilayered packaging for packaging or wrapping the commodity may not now be covered under the definition of producers. There appears to be a need to seek a clarification in this regard.

**II. Importers of Plastic Packaging including intermediate material used for manufacturing plastic packaging such as films and preforms and plastic packaging of imported products.**

The 2024 amendment defines importer to mean 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.

As defined in the rules, importer would imply that the import has to be for commercial purposes. Importers of commodities with plastic packaging are also covered under E.P.R. along with importers of plastic packaging, carry bags, plastic sheets, 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.

**III. Brand owners including online platforms/market places and super markets/retail chains other than micro and small enterprises as defined under the MSME development Act 2006.**

Industries may need to examine if they are selling their products under a registered brand name or registered trade mark. If the product is sold under a registered brand name or trade mark, it is covered under E.P.R. obligations.

What is important to examine and seek to clarify, is a scenario where an industry is using plastic for packaging its product but may not be a 'producer' under the new definition of 2024 and therefore, may not invite EPR on this count. It may also not be selling its product under a Brand Name and therefore not be a brand owner too. This may apply to Sugar Mills who are packaging unbranded Sugar. The question is under what provision do they apply for registration.

As an example, the business standard reports that as of 2013, the total value of branded Sugar is about Rs. 600 crore which is not even a percent of the total sugar sales of about Rs. 90000 crores. Estimates suggest that the sale of branded sugar in India may rise to US Dollars 1.5 billion tonnes by 2019 as against an expected total sugar sale of 6.148 billion U.S. dollars. This surely indicates that not all sugar is sold as branded sugar and therefore the applicability of E.P. R. on non-branded sugar packed in multilayered plastic packaging may need to be examined in detail and necessary amendments made.

- IV. Plastic waste Processors, manufactures and importers of plastic raw material, manufactures of items made from compostable plastics or biodegradable plastics are also included under the E.P.R. obligations.**