

**ACTION TAKEN REPORT ON BEHALF OF MINISTRY OF
ENVIRONMENT FOREST AND CLIMATE CHANGE IN THE
MATTER OF OA. No. 29/2020 AVANI MISHRA VS. UNION OF INDIA
ON EXTENDED PRODUCERS RESPONSIBILITY UNDER PLASTIC
WASTE MANAGEMENT RULES,2016.**

1. The Ministry of Environment, Forest and Climate Change notified Plastic Waste Management Rules (PWM Rules), 2016 on 18th March, 2016. Rule 9 of the PWM Rules deals with responsibility of producers, importers and brand owners inter alia having provision of Extended Producers Responsibility. Para 9(2) mandates that the primary responsibility for collection of used multi-layered plastic sachet or pouches or packaging is of Producers, Importers and Brand Owners who introduce the products in the market and that they need to establish a system for collecting back the waste generated due to their products. It further states that this plan of collection is to be submitted to the State Pollution Control Board.
2. Under the principle of Extended Producers Responsibility (EPR), the Producers have to establish an institutional mechanism, involving State Urban Development Departments to collect and channelize the waste generated out of their product packaging.
3. With a view to streamline the process of EPR under PWM Rules, 2016, a committee was constituted on October 5, 2017 to evaluate mechanism for the implementation of the provisions of Plastic Waste Management Rules, 2016 especially with respect to Extended Producer Responsibility (EPR).

4. Several meetings were held in this regard including a meeting at Ahmadabad Municipal Corporation on 03.11.2017 and a stakeholder's consultation meeting on Plastic Waste Management Rules, 2016 and Solid Waste Management Rules, 2016 on 27th December, 2017. Based on the outcome of the meetings, the Ministry has worked on a framework on EPR which was circulated to various stakeholders during the Regional Workshop conducted by the Ministry and CII on 12th and 13th November 2018 in Bangalore and 19th and 20th December 2018 in Ranchi and on 20th and 21st January 2019 in Chandigarh.
5. A meeting was also organized with Commissioner, Indore Municipal Corporation and their implementing agencies to understand the Indore model of implementation of Waste Management Rules and explore if such a model can be adopted under EPR.
6. Using the outcomes of a series of stakeholder meetings and the inputs of the committee, a draft guideline document for Uniform Framework for Extended Producers Responsibility was developed by the Ministry. This was approved by the Competent Authority on May 18, 2020 and uploaded on the website of the Ministry on 23rd June 2020 seeking comments and inputs from the public till 31st July 2020. The Document is at Annexure I. Due to the ongoing COVID 19 scenario the comments have been received beyond the last date from the stakeholders.
7. The salient features of the document for Uniform Framework for Extended Producers Responsibility used for inviting comments from stakeholders is given below.

1. The producer/importer/brand owner may adopt any one of the model depending on the quantum of plastic being produced.
2. The EPR shall be Brand neutral and Geography neutral
3. Data secrecy shall be maintained through the portal
4. While adopting any one of the model or both the models at the same time, the producers/importers and brand owners need to register themselves at the national registry.
5. The online portal shall be flexible enough to account for adoption of any or all models at the same time.
6. The settlement of EPR credit shall be done through online portal
7. The share of EPR obligation by producer/importer/brand owner shall be clarified through this mechanism
8. Penalties shall be imposed on the Producer/Importer/Brand Owner for the portion of waste not collected against the targeted collection. This fees shall be used for creating infrastructure for plastic waste management.

8. The uniform framework for EPR envisages creation of national registration and database repository through which online registration of various stakeholders can be done. The uniform framework for EPR consists of three models for the producers/importers/brand owners for selection of mechanism under which they want to implement the EPR. The Guidelines provide for the following three models:

Model 1 – Fee based model

Model 2 – PRO based model

Model 3 - Plastic Credit Model

9. The Ministry has received around 160 comments from various stakeholders and organizations on the guidelines document for Uniform Framework for Extended Producers Responsibility. The comments have been inter alia received from Central Pollution Control Board, Ministry of Housing and Urban Affairs, Organizations working in the area of waste management, industry, industry associations, civil society organizations and citizens. These comments are currently being compiled and reviewed by the Ministry and subsequently the EPR framework would be finalized.
