



F. No. CP-20/17/2024-UPC-II-HO-CPCB-HO

Date 30.12.2024

Sub: Show Cause Notice under Section 5 of the Environment (Protection) Act, 1986 for Non-compliance of Plastic Waste Management Rules, 2016 (as amended) reg.

WHEREAS, the Ministry of Environment, Forest and Climate Change (MoEF&CC) has notified Plastic Waste Management Rules, 2016, in exercise of powers conferred under sections 3, 6, & 25 of the Environment (Protection) Act, 1986 vide Notification No. G.S.R 320 (E) dated March 18, 2016; and

WHEREAS, Guidelines for Extended Producers Responsibility for Plastic Packaging were notified by MoEF&CC on February 16, 2022 as Schedule II. of Plastic Waste Management Rules, 2016; and

WHEREAS, as per section 4 of the EPR Guidelines, The following entities shall be covered under the Extended Producer Responsibility obligations and provisions of these guidelines namely: - (i) *Producer (P) of plastic packaging; (ii) Importer (I) of all imported plastic packaging and / or plastic packaging of imported products; (iii) Brand Owners (BO) including online platforms/marketplaces and supermarkets/retail chains other than those, which are micro and small enterprises as per the criteria of Ministry of Micro, Small and Medium Enterprises, Government of India.; (iv) Plastic Waste Processor, and*

WHEREAS, as per section 7.5 of the EPR Guidelines, "*The Extended Producer Responsibility target in MT category-wise, as applicable, shall be provided by all Producers, Importers & Brand-Owners as part of Action Plan on the centralized portal developed by Central Pollution Control Board*"; and

WHEREAS, as per section 10.6 of the EPR Guidelines, "*The Producers, Importers & Brand-Owners shall file annual returns on the plastic packaging waste collected and processed towards fulfilling obligations under Extended Producer Responsibility with the Central Pollution Control Board or concerned State Pollution Control Board or Pollution Control Committee as per pro forma prescribed by Central Pollution Control Board; and*

WHEREAS, as per section 9.1 of the EPR Guidelines, "*Environmental Compensation shall be levied based upon polluter pays principle, with respect to*

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non-fulfilment of Extended Producer Responsibility targets by Producers, Importers & Brand Owners, for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environment pollution"; and

WHEREAS, as per section 9.2 of the EPR Guidelines, "*Central Pollution Control Board shall lay down guidelines for imposition and collection of environment compensation on Producers, Importers & Brand-Owners, recyclers and end of life processors, in case of non-fulfilment of obligations set out in these guidelines, and the same shall be notified. The Guidelines for Environmental Compensation shall be updated, as required"; and*

WHEREAS, as per section 9.5 of the EPR Guidelines, "*Payment of environmental compensation shall not absolve the Producers, Importers & Brand-Owners of the obligations set out in these guidelines. The unfulfilled Extended Producer Responsibility obligations for a particular year will be carried forward to the next year for a period of three years. In case, the shortfall of Extended Producer Responsibility obligation is addressed within three years. The environmental compensation levied shall be returned to the Producers, Importers & Brand-Owners as given below, namely*

- i. *Within one year of levying of EC: 75% return;*
- ii. *Within two years 60% return;*
- iii. *Within three years 40% return;*

After completion of three years on environmental compensation getting due the entire environmental compensation amount shall be forfeited. This arrangement shall allow for collection and recycling of plastic packaging waste by Producers, Importers & Brand- Owners in later years as well"; and

WHEREAS, CPCB has prepared the Environmental Compensation (EC) guidelines as per the provision of EPR guidelines and PWM Rules, 2016, as amended; and

WHEREAS, as per revised guidelines for assessment of Environmental Compensation prepared by CPCB, EC is to be levied considering the category wise shortfall in EPR target, as Cat I: Rs.2900 / T ; Cat II: Rs.5000 / T ; Cat III & IV: Rs.7900 / T; and

WHEREAS, CPCB had issued a show cause notice dated 19.08.2024 to PIBOs for filing of Annual Return for FY 2022-23 before September 01, 2024 or else their Annual Return shall be auto-filed and actions including levying of EC & increase of EPR target for FY 2023-24 by 25% as penalty, shall be taken against them in line with the provisions of PWM Rules, 2016, as amended; and

WHEREAS, CPCB had issued a show cause notice dated 25.11.2024 to PIBOs for filing of Annual Return for FY 2023-24 before November 30, 2024 or else their Annual Return shall be auto-filed and actions including levying of EC for FY 22-23 & 23-24, if any, and increase of EPR target for FY 2024-25 by 25% as penalty, shall be taken against them in line with the provisions of PWM Rules, 2016, as amended; and

WHEREAS, EPR targets for FY 2022-23 assigned to your unit "*Name of the unit*" registered as *producer/importer/brand owner* on EPR portal for plastic packaging is Cat I: *as per list*, Cat II: *as per list*, Cat III: *as per list* & Cat IV: *as per list*, and

WHEREAS, EPR targets for FY 2023-24 assigned to your unit "*Name of the unit*" registered as *producer/importer/brand owner* on EPR portal for plastic packaging is Cat I: *as per list*, Cat II: *as per list*, Cat III: *as per list* & Cat IV: *as per list*; and

WHEREAS, it is observed that you have not filed your annual return for fulfilment of EPR obligations assigned to your unit for FY 22-23; (for PIBOs registered in FY 22-23 not submitted their AR for FY 22-23 but filed AR for FY 23-24 - **Annexure I**); and

WHEREAS, it is observed that you have not filed your annual return for fulfilment of EPR obligations assigned to your unit for FY 23-24 (for PIBOs filed their AR for FY 22-23 but not filed AR for FY 23-24 - **Annexure II**) & (For PIBOs registered in FY 23-24 and not filed their AR for FY 23-24 - **Annexure VI**); and

WHEREAS, it is observed that you have not filed your annual return for fulfilment of EPR obligations assigned to your unit for FY 22-23 & FY 23-24, respectively (for PIBOs not submitted their AR for FY 22-23 & FY 23-24 both - **Annexure III**); and

WHEREAS, it is observed that you have filed your annual return for fulfilment of EPR obligations assigned to your unit for FY 22-23 and/ or FY 23-24, respectively and shortfall in fulfilment of EPR obligations for FY 22-23 and/ or FY 23-24 has been observed (for PIBOs who Filed their AR for FY 22-23 and/ or FY 23-24 both - **Annexure IV & V**); and

WHEREAS, your annual return has been auto-filed on the Centralized EPR portal for plastic packaging for FY 22-23 (for PIBOs not submitted their AR for FY 22-23 but filed AR for FY 23-24) (**Annexure I**); and

WHEREAS, your annual return has been auto-filed on the Centralized EPR portal for plastic packaging for FY 23-24 and EPR target of your unit for FY 24-25 has been increased by 25% as penalty (for PIBOs filed their AR for FY 22-23 but not filed AR for FY 23-24) **(Annexure II) (Annexure VI)** and;

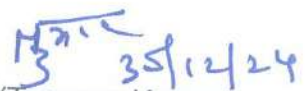

WHEREAS, your annual return has been auto-filed on the Centralized EPR portal for plastic packaging for FY 22-23 & FY 23-24, respectively, and EPR target of your unit for FY 24-25 has been increased by 25% as penalty (for PIBOs not submitted their AR for FY 22-23 & FY 23-24 both) **(Annexure III)**; and

WHEREAS, it is observed that there is a shortfall of *XXX Tons* in terms of fulfilment of EPR Target for FY 22-23 / FY 23-24 / FY 22-23 & 23-24 (for PIBOs filed AR with shortfall or not filed AR for FY 22-23 / FY 23-24 / Both FY 22- 23 & 23-24) **(Annexure I, II, III, IV, V, & VI)**; and

WHEREAS, non-fulfilment of EPR obligations within stipulated timeframe is violation of provisions of PWM Rules, 2016, as amended; and

NOW THEREFORE, in exercise of the powers vested under section 5 of the Environment Protection Act, 1986, you are hereby called upon to show cause to why EC of Rs. *as per list* shall not be levied on your unit for non-fulfilment of EPR obligations for FY 22-23 and/ or FY 23-24.

You are required to submit your response within 7 days of issuance of this notice (soft copy to be sent on email at epplasticscn@gmail.com & hard copy to DH (UPC II, CPCB) also, failing which EC as stated above shall be levied and appropriate action will be taken against your unit under the provision of Environmental (Protection) Act, 1986.


(Tanmay Kumar)
Chairman, 

To,
The Registered PIBOs
(As per list)