



S E N A T E

S. No. 2425

PREPARED JOINTLY BY THE COMMITTEES ON ENVIRONMENT,
NATURAL RESOURCES AND CLIMATE CHANGE; TRADE,
COMMERCE AND ENTREPRENEURSHIP; WAYS AND
MEANS; AND FINANCE WITH SENATORS VILLAR,
REVILLA JR., PIMENTEL III, CAYETANO, AND ANGARA
AS AUTHORS

AN ACT INSTITUTIONALIZING THE PRACTICE OF
EXTENDED PRODUCER RESPONSIBILITY ON
PLASTIC PACKAGING WASTE, AMENDING FOR
THIS PURPOSE REPUBLIC ACT NO. 9003,
OTHERWISE KNOWN AS THE “ECOLOGICAL
SOLID WASTE MANAGEMENT ACT OF 2000”

*Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:*

1 SECTION 1. *Short Title.* – This Act shall be known as
2 the “Extended Producer Responsibility Act of 2021”.

3 SEC. 2. Section 2 of Republic Act No. 9003 is hereby
4 amended to read as follows:

1 “SEC. *Declaration of Policies.* – It is
2 hereby declared the policy of the State to adopt
3 a systematic, comprehensive and ecological
4 solid waste management program which shall:

5 x x x

6 (i) Institutionalize public participation in
7 the development and implementation of
8 national and local integrated, comprehensive
9 and ecological waste management programs;

10 [~~and~~]

11 (j) Strengthen the integration of
12 ecological solid waste management and
13 resource conservation and recovery topics into
14 the academic curricula of formal and non-
15 formal education in order to promote
16 environmental awareness and action among
17 the citizenry[.]; AND

18 (K) INSTITUTIONALIZE THE
19 EXTENDED PRODUCER RESPONSIBILITY
20 (EPR) MECHANISM AS A PRACTICAL

1 APPROACH ON EFFICIENT WASTE
2 MANAGEMENT, WASTE REDUCTION AND
3 DEVELOPMENT OF ENVIRONMENTALLY-
4 FRIENDLY PACKAGING PRODUCTS TO
5 PROMOTE SUSTAINABLE CONSUMPTION
6 AND PRODUCTION AND THE PRINCIPLES
7 OF A CIRCULAR ECONOMY AND TO
8 EMPHASIZE THE FULL RESPONSIBILITY
9 OF PRODUCER THROUGHOUT THE
10 PRODUCTS' LIFE CYCLE.

11 SEC. 3. Section 3 of Republic Act No. 9003 is hereby
12 amended to read as follows:

13 “SEC. 3. *Definition of Terms.* – For the
14 purposes of this Act:

15 x x x

16 “(E) CIRCULAR ECONOMY SHALL
17 REFER TO AN ECONOMIC MODEL OF
18 CREATING VALUE BY EXTENDING
19 PRODUCT LIFESPAN THROUGH
20 IMPROVED DESIGN AND SERVICING, AND

1 RELOCATING WAYS FROM THE END OF
2 THE SUPPLY CHAIN TO THE BEGINNING.
3 THIS CONTEMPLATES USING RESOURCES
4 MORE EFFICIENTLY BY USING THEM
5 OVER AND OVER, NOT ONLY ONCE, AND
6 AIMING TO RETAIN HIGHEST UTILITY
7 AND VALUE OF PRODUCTS,
8 COMPONENTS AND MATERIALS AT ALL
9 TIMES, SUCH AS SHARING, LEASING,
10 REUSE, REPAIR, REFURBISHMENT, AND
11 RECYCLING IN AN ALMOST CLOSED
12 LOOP.

13 xxx

14 “(O) EXTENDED PRODUCER
15 RESPONSIBILITY (EPR) SHALL REFER TO
16 THE ENVIRONMENTAL POLICY AND
17 PRACTICE IN WHICH OBLIGED
18 COMPANIES HAVE THE RESPONSIBILITY
19 FOR THE PROPER AND EFFECTIVE
20 RECOVERY, TREATMENT, RECYCLING OR

1 DISPOSAL OF THEIR PRODUCTS AFTER
2 THEY HAVE BEEN SOLD AND USED BY
3 CONSUMER WITH THE OBJECTIVES OF
4 REDUCING PACKAGING WASTE
5 GENERATION AND OF IMPROVING
6 RECYCLABILITY OR REUSABILITY OF
7 PACKAGING WASTES;

8 x x x

9 “(T) IMPORTER SHALL REFER TO
10 A NATURAL OR JURIDICAL PERSON
11 ENGAGED IN THE IMPORT INTO THE
12 PHILIPPINES OF CONSUMER GOODS
13 USING PLASTIC PACKAGING INTENDED
14 TO BE SOLD, WHETHER IN ITS ORIGINAL
15 PACKAGING OR TO BE REPACKED, TO
16 THE GENERAL PUBLIC.

17 x x x

18 “(Y) OBLIGED COMPANIES SHALL
19 REFER TO PRODUCERS,
20 MANUFACTURERS AND IMPORTERS AS

1 DEFINED UNDER SECTION 3 (EE) HEREIN
2 WHICH ARE REQUIRED TO TAKE PART IN
3 AN EPR PROGRAM. OBLIGED COMPANIES
4 SHALL NOT INCLUDE THOSE UNDER THE
5 CATEGORY OF MICRO, SMALL AND
6 MEDIUM ENTERPRISES AS DEFINED
7 UNDER REPUBLIC ACT NO. 9501.
8 HOWEVER, THE MICRO, SMALL AND
9 MEDIUM ENTERPRISES ARE NOT
10 PRECLUDED FROM PRACTICING EPR
11 VOLUNTARILY OR BEING A PART OF THE
12 NETWORK OF OBLIGED COMPANIES OR
13 PRODUCER RESPONSIBILITY
14 ORGANIZATIONS PRACTICING EPR;

15 x x x

16 “(FF) PLASTIC SHALL REFER TO A
17 SYNTHETIC MATERIAL MADE FROM A
18 WIDE RANGE OF ORGANIC POLYMERS
19 SUCH AS POLYETHYLENE
20 TEREPHTHALATE, HIGH DENSITY

1 POLYETHYLENE, LOW DENSITY
2 POLYETHYLENE, POLYPROPYLENE,
3 POLYSTYRENE, PVC AND NYLON THAT
4 CAN BE PROCESSED TO FORM SOLID
5 OBJECTS OF VARIOUS SHAPES;

6 “(GG) PLASTIC NEUTRALITY SHALL
7 REFER TO THE COLLECTION OR
8 RECOVERY AND MANAGEMENT BY A
9 PRODUCER OR ITS AUTHORIZED PRO OF
10 THE SAME AMOUNT OF PLASTIC WASTES
11 EQUAL TO THE SAME AMOUNT OF
12 PLASTIC PACKAGING IT SELLS TO THE
13 MARKET. FOR PURPOSES OF THIS ACT,
14 THE PLASTIC WASTES COLLECTED BY A
15 PRODUCER OR ITS AUTHORIZED PRO
16 SHALL BE OF THE SAME GENERAL FORM
17 (EITHER FLEXIBLE OR RIGID) AS THOSE
18 USED BY THE PRODUCER BUT MAY BE OF
19 DIFFERENT BRAND;

1 “(HH) PLASTIC PACKAGING SHALL
2 REFER TO THE PLASTIC PACKAGING
3 MATERIAL NECESSARY TO PROTECT A
4 PRODUCT FROM ENVIRONMENTAL
5 FACTORS AND IS DISCARDED AFTER ITS
6 USE. THE POST-CONSUMER DISCARDS
7 SHALL BE REFERRED TO AS PLASTIC
8 PACKAGING WASTES. PLASTIC
9 PACKAGING SHALL INCLUDE, BUT NOT
10 BE LIMITED TO, THE FOLLOWING:

11 (1) SACHETS, LABELS, AND
12 OTHER FLEXIBLE PLASTIC PACKAGING
13 PRODUCTS, IN SINGLE LAYER OR MULTI-
14 LAYER STRUCTURE;

15 (2) RIGID PLASTIC PACKAGING
16 PRODUCTS, WHICH INCLUDE, BUT NOT
17 NECESSARILY LIMITED TO, CONTAINERS
18 FOR BEVERAGES, FOOD, DETERGENTS
19 AND OTHER CLEANING OR HOUSEHOLD
20 PRODUCTS, COSMETICS AND OTHER

1 PERSONAL HYGIENE PRODUCTS,
2 PHARMACEUTICAL PRODUCTS,
3 INCLUDING THEIR COVERINGS, CAPS,
4 AND/OR LIDS;

5 (3) PLASTIC BAGS, WHICH REFER
6 TO POLYMER BAGS, SUCH AS SINGLE-
7 USED PLASTIC BAGS, DESIGNED TO BE
8 PROVIDED OR UTILIZED AT THE POINT
9 OF SALE FOR CARRYING AND
10 TRANSPORTING GOODS;

11 (4) PLASTIC PRODUCTS USED ON
12 ITEMS SOLD BY MANUFACTURERS IN
13 BUSINESS-TO-BUSINESS TRANSACTIONS,
14 OR OTHERWISE NOT INTENDED FOR
15 SALE TO THE GENERAL PUBLIC;

16 (5) POLYSTYRENE; AND

17 (6) MULTI-LAYER PLASTIC
18 PACKAGING, WHICH IS ANY MATERIAL
19 USED OR TO BE USED FOR PACKAGING
20 AND HAVING AT LEAST ONE LAYER OF

1 PLASTIC AS THE MAIN INGREDIENTS IN
2 COMBINATION WITH ONE OF MORE
3 LAYERS OF MATERIALS SUCH AS PAPER,
4 PAPER BOARD, POLYMERIC MATERIALS,
5 METALIZED LAYERS OR ALUMINUM FOIL,
6 EITHER IN THE FORM OF A LAMINATE OR
7 CO-EXTRUDED STRUCTURE;

8 "(II) PLASTIC WASTE SHALL
9 REFER TO PLASTIC THAT MUST BE
10 RECOVERED BY THE PRODUCER,
11 WHETHER OR NOT THE SAME ARE
12 ENVIRONMENTALLY ACCEPTABLE OR
13 NON-ENVIRONMENTALLY ACCEPTABLE
14 PRODUCTS AS DEFINED IN RA 9003.

15 x x x

16 "(LL) PRODUCT PRODUCER SHALL
17 REFER TO THE FOLLOWING PERONS:

18 (1) BRAND OWNER WHO SELLS ANY
19 COMMODITY UNDER A BRAND OR LABEL
20 USING A PRODUCT IT PRODUCED, OR A

1 MATERIAL SUPPLIED TO IT BY ANOTHER
2 MANUFACTURER; AND

3 (2) PRODUCT MANUFACTURER OR
4 IMPORTER WHO SUPPLIES ITS
5 COMMODITY FOR THE USE OF THE
6 GENERAL CONSUMER, OR DISTRIBUTES
7 THE SAME AS A MATERIAL PRODUCT OF
8 A BRAND OWNER; PROVIDED, THAT IF
9 THE GOODS ARE MANUFACTURED,
10 ASSEMBLED OR PROCESSED FOR
11 ANOTHER PERSON WHO ATTACHES ITS
12 OWN BRAND NAME TO THE CONSUMER
13 PRODUCT, THE LATTER SHALL BE
14 DEEMED THE MANUFACTURER.

15 “(MM) PRODUCER RESPONSIBILITY
16 ORGANIZATION (PRO) SHALL REFER TO A
17 LEGAL ENTITY THAT MAY HANDLE THE
18 RESOURCE RECOVERY OF PLASTIC
19 PACKAGING WASTES ON BEHALF OF
20 OBLIGED COMPANIES. THE PRO MAY BE

1 ESTABLISHED VOLUNTARILY BY
2 OBLIGED COMPANIES OR MAY BE A
3 PROFESSIONAL ORGANIZATION THAT IS
4 AUTHORIZED BY OBLIGED COMPANIES,
5 WHICH WILL SUPPORT THE LATTER ON
6 THEIR RECOVERY, TREATMENT,
7 RECYCLING OR DISPOSAL OF THE
8 REQUIRED VOLUME OF PLASTIC
9 PACKAGING WASTES THEY PUT INTO
10 THE MARKET FOLLOWING THE
11 PROVISIONS UNDER SECTION 44-G;

12 x x x

13 (CCC) SUSTAINABLE CONSUMPTION
14 AND PRODUCTION SHALL REFER TO THE
15 USE OF SERVICES AND RELATED
16 PRODUCTS, WHICH RESPOND TO BASIC
17 NEEDS AND BRING A BETTER QUALITY
18 OF LIFE WHILE MINIMIZING THE USE OF
19 NATURAL RESOURCES AND TOXIC
20 MATERIALS AS WELL AS THE EMISSION

1 OF WASTES AND POLLUTANTS OVER THE
2 LIFE CYCLE OF THE SERVICE OR
3 PRODUCT SO AS NOT TO JEOPARDIZE
4 THE NEEDS OF FUTURE GENERATIONS.

5 SEC. 4. Section 4 of Republic Act No. 9003 is hereby
6 amended to read as follows:

7 “SEC. 4. *National Solid Waste*
8 *Management Commission.* - There is hereby
9 established a National Solid Waste
10 Management Commission, hereinafter referred
11 to as the Commission, under the Office of the
12 President.

13 x x x

14 The private sector shall be represented by
15 the following:

16 (a) [A] THREE (3) representativeS
17 from nongovernment organizations (NGOs)
18 whose principal purpose is to promote recycling
19 and the protection of air and water quality,
20 WITH TRACK RECORD IN WASTE

1 REDUCTION MEASURES SELECTED FROM
2 AMONG THEMSELVES;

3 (b) A representative from the
4 recycling industry AND/OR PROS; ~~[and]~~

5 (c) A representative from the
6 OBLIGED COMPANIES AMONG THE
7 manufacturing INDUSTRY, ~~[or]~~ packaging
8 ~~[industry]~~ OR IMPORT SECTORS,
9 SELECTED FROM AMONG THEMSELVES;

10 x x x”

11 SEC. 5. Section 7 of Republic Act No. 9003 is hereby
12 amended to read as follows:

13 “SEC. 7. *The National Ecology Center.* –
14 There shall be established a National Ecology
15 Center (NEC) under the Commission which
16 shall provide consulting, information, training,
17 and networking service for the implementation
18 of the provisions of this Act. AS PART OF ITS
19 OVERSIGHT FUNCTIONS, NSWMC SHALL
20 HAVE DIRECT SUPERVISION TO THE NEC.

1 In this regard, it shall perform the
2 following functions:

3 (a) Facilitate training and education in
4 integrated ecological solid waste management;

5 (b) Establish and manage a solid waste
6 management information data base, in
7 coordination with the DTI and other concerned
8 agencies;

9 (1) on solid waste generation and
10 management techniques as well as the
11 management, technical and operational
12 approaches to resource recovery; ~~and~~

13 (2) of processors/recyclers, the list of
14 materials being recycled or bought by them and
15 their respective prices; AND

16 (3) ON THE RATE OF RECOVERY OF
17 EACH TYPE OF PLASTIC WASTE UPDATED
18 SEMI-ANNUALLY.

19 (c) Promote the development of a
20 recycling market through the establishment of

1 a national recycling network that will enhance
2 the opportunity to recycle;

3 (D) MAINTAIN AN EPR REGISTRY
4 CONTAINING THE EPR PROGRAM
5 SUBMITTED BY OBLIGED COMPANIES OR
6 PROS WHICH IS SUBJECT TO THE
7 APPROVAL OF THE NSWMC;

8 (E) MONITOR AND EVALUATE THE
9 COMPLIANCE OF OBLIGED COMPANIES,
10 AS DEFINED IN THIS ACT, AND PROS
11 WITH THEIR RESPECTIVE EPR
12 PROGRAMS REGISTERED WITH THE
13 NSWMC, AND INSTITUTE MEASURES TO
14 DIGITALLY STORE, ANALYZE, SET UP
15 NOTIFICATIONS OF ANOMALIES AND
16 UNMET TARGETS, PERFORMANCE SCORE
17 CARDS AND ENSURE TRANSPARENCY OF
18 THE DATABASE AND ANALYSIS;

19 (F) WITHIN ONE YEAR AFTER THE
20 EFFECTIVITY OF THE ACT, THE NEC

1 SHALL COME UP WITH ASSESSMENT OF
2 VOLUMES OF OTHER WASTES
3 GENERATED TO BE PRIORITIZED FOR
4 FURTHER INCLUSION IN THE EPR
5 SCHEME.

6 (G) RECEIVE AUDITS TO BE
7 PRODUCED UNDER SECTION 9 HEREIN
8 AND RESPOND TO COMPLAINTS BY ANY
9 CITIZENS AGAINST OBLIGED COMPANIES
10 OR PROS OR DEMANDS ON THE NEC TO
11 FULFILL MANDATES AND IMPROVING
12 PERFORMANCE.

13 ~~(d)~~ (H) Provide or facilitate
14 expert assistance in pilot modeling of solid
15 waste management facilities; and

16 ~~(e)~~ (I) Develop, test, and
17 disseminate model waste minimization and
18 reduction auditing procedures for evaluating
19 options.

1 The National Ecology Center shall be
2 headed by ~~[the]~~ A director, ~~[of the Bureau in~~
3 ~~his *ex-officio* capacity]~~ WITH THE LEVEL OF
4 DIRECTOR III, WITH ADEQUATE NUMBER
5 OF PERSONNEL TO BE DETERMINED BY
6 THE BUREAU. THE DIRECTOR OF THE
7 NEC SHALL REGULARLY REPORT TO THE
8 NSWMC IN ITS MONTHLY MEETINGS.
9 REPORTS OF THE NEC SHALL BE
10 CONSOLIDATED BY THE NSWMC
11 SECRETARIAT FOR SUBMISSION TO THE
12 NSWMC. ~~[H]~~ IN ORDER TO PERFORM ITS
13 MANDATES, THE NEC shall maintain a
14 multi-sectoral, multi-disciplinary pool of
15 experts including those from the academe,
16 inventors, practicing professionals, business
17 and industry, youth, women and other
18 concerned sectors, who shall be screened
19 according to qualifications set by the
20 Commission.

1 SEC. 6. Chapter III of Republic Act No. 9003 is
2 hereby amended by inserting a new article after Article 7
3 to read as follows:

4 “ARTICLE 8

5 EXTENDED PRODUCER RESPONSIBILITY

6 “SEC. 44-A. *Who Are Covered by the EPR.*

7 – Obligated companies as defined under Sec. 3(v)
8 shall be mandated to exercise extended
9 producer responsibility (EPR) over the plastic
10 packaging waste used on their products that
11 are sold and distributed within the Philippines,
12 whether in traditional physical stores,
13 distribution outlets or online platform. obliged
14 companies are responsible for making financial
15 contributions to support the collection,
16 recovery, transportation, processing, recycling,
17 and/or disposal of plastic packaging waste.

18 “SEC. 44-B. *What Articles Are Subject to*
19 *EPR.* – The articles covered by the EPR refer to
20 the plastic packaging materials of the goods

1 produced, imported, distributed or sold by
2 obliged companies as defined under Sec. 3(v).
3 EPR shall not include the product itself.

4 “SEC. 44-C. *Extended Producer*
5 *Responsibility.* – Obligated companies, as defined
6 under Section 3(v), shall adopt mechanisms
7 and strategies for the effective and proper
8 recovery and management of plastic packaging
9 wastes generated after the use or consumption
10 of the products that have been produced,
11 imported, distributed, retailed or sold, as the
12 case may be, through the institution of a
13 comprehensive EPR program, which
14 necessarily include reuse and recycling
15 methods that will result to the reduction of
16 plastic packaging wastes. producers,
17 distributors and retailers performing their
18 respective EPR, as determined by the
19 department, shall be eligible to incentives:
20 *Provided,* That their mechanisms and

1 strategies are submitted, thru the DENR, to
2 the National Solid Waste Management
3 Commission. each obliged company instituting
4 an EPR program, may do it either individually
5 or collectively through a producer
6 responsibility organization.

7 “SEC. 44-D. *The Producer Responsibility*
8 *Organization (PRO)*. – Obligated companies may
9 voluntarily organize themselves to form or opt
10 to authorize a producer responsibility
11 organization (PRO) to come up with a viable
12 collective EPR program and have the same
13 implemented.

14 The constitution or organizational
15 document of PROs shall contain the following
16 minimum information:

17 (a) Organizational structure and
18 leadership;

19 (b) Membership rules and
20 qualifications;

1 (c) Duties and responsibilities which shall
2 include:

3 (1) Implementation parameters of the
4 EPR program;

5 (2) Financing mechanisms;

6 (3) Cooperation with other stakeholders,
7 such as, but not necessarily limited to,
8 distributors, retailers, grocery and store
9 owners, junk shop operators, and individuals in
10 informal sector involved in waste management;

11 (4) Member liabilities and penalties; and

12 (5) Research and development.

13 (6) Implementation strategies that
14 reduce public spending.

15 “SEC. 44-E. *EPR Programs*. – Obligated
16 companies doing their own EPR or a PRO, for
17 and on behalf of a group of obliged companies,
18 should come up with their respective EPR
19 programs, which shall include the following
20 elements, information, and features:

1 (a) In the case of PRO, it shall include
2 the list of obliged companies that the PRO
3 represents;

4 (b) Involved type of packaging as defined
5 in section 3(y) and (aa), and the specific brands;

6 (c) Scope of financing and calculation;

7 (d) Collection system, collection center
8 mechanism, and specific collection targets,
9 which includes, at the minimum, end-of-life or
10 residual plastics, paying particular attention to
11 coastal communities and islands;

12 (e) Sorting, recycling, and recovery
13 targets, which may be harmonized with the
14 targets mandated under this Act and linked
15 and integrated with the targets of the MRF and
16 the LGU solid waste management plan and
17 improving and strengthening them;

18 (f) Depending on the relevance and
19 applicability to the business of the obliged

1 companies, the following are possible EPR
2 programs, activities and strategies:

3 (1) Programs for the redesign or adoption
4 of packaging to improve recyclability or
5 reusability of plastic containers and other
6 plastic packaging materials of their products;

7 (2) Programs for the withdrawal or
8 phase out of non-recyclable products and
9 plastic packaging materials and to replace
10 them with existing alternatives that are
11 environmentally sound and economically
12 viable;

13 (3) Programs for the adoption of
14 alternative delivery systems that will allow
15 customers to purchase their products with the
16 use of refillable containers or multi-use packs;

17 (4) Programs involving the efficient
18 retrieval of recyclable or reusable plastic
19 containers and other packaging materials of
20 their products and the designation or

1 establishment of collection and/or recycling
2 facilities;

3 (5) Programs, in collaboration with
4 LGUs, communities and the informal waste
5 sectors (IWS), such as waste pickers, involving
6 the proper and effective solid waste
7 management, including the proper source
8 segregation, collection, retrieval, buy back,
9 recycle, and reuse of plastic packaging
10 materials;

11 (6) Sustainable campaigns to encourage
12 consumers to avoid using single-use plastics
13 and to volunteer in bringing used plastic
14 containers and packaging materials to
15 identified collection and recycling facilities or
16 materials recovery facilities; and

17 (7) Proper labelling or inclusion of
18 information in the packaging of products
19 regarding proper disposal of the containers and
20 packaging materials and identification of

1 collection and recycling facilities, or materials
2 recovery facilities; and

3 (8) Inclusion of recycled plastic materials in
4 product packaging;

5 (g) Extensive and sustainable
6 information, education, and communications
7 strategies and campaigns;

8 (h) Involvement of specific LGUs and/or
9 national LGU organizations, if applicable;

10 (i) Cooperation with other stakeholders,
11 such as, but not necessarily limited to,
12 distributors, retailers, resellers, grocery and
13 store owners, junk shop operators, and
14 individuals in informal sector involved in waste
15 management; and

16 (j) Plans and programs that would
17 ensure the sustainability, economic viability
18 couple with continued increase in waste
19 diversion, recycling and upcycling.

1 “SEC. 44-F. *EPR Registration*. – Obligated
2 companies doing their own EPR and PROs, for
3 and on behalf of obliged companies they
4 represent, are required to register their EPR
5 programs with the department, through the
6 NSWMC. Each EPR program submitted for
7 registration shall be subject to the approval of
8 the NSWMC, which shall also be required to
9 maintain the EPR registry.

10 The EPR programs submitted by obliged
11 companies or PROs, as the case may be, shall
12 include the following information, at the
13 minimum:

14 (a) Obligated company or pro information
15 and contact information of the person
16 responsible for EPR;

17 (b) Specific type of packaging materials
18 as defined in Section 3(y) and (aa) and brands
19 covered under the EPR program per obliged
20 company;

1 (c) Whether the EPR program is for
2 implementation by an obliged company
3 individually, or by obliged companies
4 collectively, through a PRO;

5 (d) Estimated and verifiable volume of
6 the plastic packaging waste on brands put into
7 the market within a specified period of time;

8 (e) Targeted volume of plastic
9 packaging waste for recovery, for recycling and
10 for reuse;

11 (f) Other EPR programs, such as
12 redesign of plastic packaging to improve
13 recyclability or allow reuse;

14 (g) Labelling on packaging materials to
15 encourage recycling, reuse or proper disposal of
16 packaging materials;

17 (h) Status of implementation of the
18 EPR mechanisms; and

19 (i) Status of compliance and violations,
20 if any.

1 For the initial compliance with the
2 provisions under this section, obliged
3 companies and PROs, acting for and on behalf
4 of obliged companies, shall submit their
5 respective EPR program to the department,
6 through the NSWMC six (6) months upon the
7 effectivity of this. The NSWMC, in turn, is
8 given a period of three (3) months from
9 submission to complete the evaluation,
10 approval and registration of the EPR program
11 submitted.

12 The Department, through the
13 Environmental Management Bureau, and in
14 coordination with the NSWMC, shall be
15 mandated to monitor and evaluate the
16 compliance of obliged companies and PROs
17 with their respective EPR programs registered
18 with the NSWMC and the targets on recovery
19 and recycling indicated under the EPR
20 provisions of this Act. For this purpose,

1 obliged companies and PROs shall be required
2 to submit annual compliance reports.

3 “SEC. 44-G. *Compliance Period on*
4 *Recovery and Recycling of Packaging Materials*
5 *by Obligated Companies or PROs.* – To give the
6 large obliged companies and PROs sufficient
7 period to adjust to their EPR duties and
8 responsibilities and improve their performance
9 over time, the following target recovery rates
10 for the recovery of plastic waste footprint
11 generated during the immediately preceding
12 year are hereby set:

13 31 December 2023 – ten percent (10%);

14 31 December 2024 – twenty percent (20%);

15 31 December 2025 – thirty percent (30%);

16 31 December 2026 – forty percent (40%);

17 31 December 2027 – fifty percent (50%);

18 31 December 2028 – sixty percent (60%);

19 31 December 2029 – seventy percent (70%);

20 and

1 31 December 2030 and every year thereafter

2 – eighty percent (80%)

3 : *Provided*, That majority of the volume
4 under these targets are directed towards
5 recycling and upcycling, and obliged companies
6 and pros shall consistently increase these
7 targets to prevent measures that still require
8 final disposal, failure to trace or collect, or
9 production of harmful emissions.

10 “SEC. 44-H. *Audits*. – Obligated companies
11 are required to perform audits on their EPR
12 programs and may predefine their audit
13 criteria by themselves, collectively or by their
14 PRO. civil society organizations conducting
15 brand audits may register their activities with
16 the NEC for validation and their results shall
17 be considered by the latter in the performance
18 of its mandates. Additionally, the NEC shall
19 contract an independent audit of all EPR every
20 two (2) years.”

1 SEC. 7. Section 45 of Republic Act No. 9003 is hereby
2 amended to read as follows:

3 “SEC. 45. Incentives. – (a) Rewards AND
4 RECOGNITIONS, monetary or otherwise, shall
5 be provided to individuals, private
6 organizations, entities, OBLIGED
7 COMPANIES, AND PRODUCER
8 RESPONSIBILITY ORGANIZATIONS,
9 including nongovernment organizations, that
10 have undertaken outstanding and innovative
11 projects, technologies, processes and techniques
12 or activities in re-use, recycling and reduction.
13 Said rewards shall be sourced from the Fund
14 herein created.

15 (b) x x x

16 (1) x x x

17 (a) x x x

18 (i) x x x

19 (ii) x x x

20 (iii) x x x

1 (b) x x x

2 (c) x x x

3 (1) x x x

4 (6) INCENTIVES FOR OBLIGED
5 COMPANIES DOING EPR. –

6 (6.1) ANY PROVISION OF LAW TO THE
7 CONTRARY NOTWITHSTANDING,
8 OBLIGED PRODUCERS AND PROS, ACTING
9 FOR AND ON BEHALF OF OBLIGED
10 PRODUCERS, MAY APPLY FOR
11 INCENTIVES PROVIDED UNDER TITLE
12 XIII (TAX INCENTIVES) OF THE NATIONAL
13 INTERNAL REVENUE CODE OF 1997, AS
14 AMENDED, FOR ELLIGIBLE ACTIVITIES:
15 *PROVIDED*, THAT SUCH ACTIVITY SHALL
16 UNDERGO THE STANDARD PROCESSES IN
17 THE IDENTIFICATION OF QUALIFIED
18 ACTIVITIES UNDER THE STRATEGIC
19 INVESTMENT PRIORITIES PLAN (SIPP).

1 (6.2) THE EPR EXPENSES OF
2 OBLIGED COMPANIES SHALL BE
3 SUBJECT TO THE SUBSTANTIATION
4 REQUIREMENTS FOR NECESSARY
5 BUSINESS EXPENSES DEDUCTIBLE FROM
6 GROSS ANNUAL INCOME IN
7 ACCORDANCE WITH SECTION 34 A(1) OF
8 THE NATIONAL INTERNAL REVENUE
9 CODE OF 1997, AS AMENDED.

10 SEC. 8. Section 49 of Republic Act No. 9003 is hereby

11 amended to read as follows:

12 “SEC. 49. Fines and Penalties. – (a) x x x
13 (G) ANY LARGE OBLIGED COMPANY
14 THAT FAILS TO REGISTER UNDER
15 SECTION 44-F OR FAILS IN THEIR
16 COMPLIANCE AS PROVIDED IN SECTION
17 44-G, SHALL BE IMPOSED WITH THE
18 FOLLOWING FINES:

19 A) A FINE OF NOT LESS THAN FIVE
20 MILLION (P5,000,000.00) BUT NOT

1 EXCEEDING TEN MILLION (P10,000,000.00)
2 FOR THE FIRST OFFENSE;

3 B) A FINE OF NOT LESS THAN TEN
4 MILLION (P10,000,000.00) BUT NOT
5 EXCEEDING FIFTEEN MILLION
6 (P15,000,000.00) FOR THE SECOND
7 OFFENSE; AND

8 C) A FINE OF NOT LESS THAN
9 FIFTEEN MILLION (P15,000,000.00) BUT
10 NOT EXCEEDING TWENTY MILLION
11 (P20,000,000.00).

12 IN CASE OF FAILURE TO MEET THE
13 TARGETS SET UNDER SECTION 44-G, OR
14 FOR UNDER DECLARATION OF THE
15 FOOTPRINT TO BE RECOVERED, THE
16 OBLIGED PRODUCER SHALL PAY THE
17 SAME FINES SET ABOVE, OR A FINE
18 TWICE THE COST OF RECOVERY AND
19 DIVERSION OF THE FOOTPRINT OR ITS
20 SHORTFALL, WHICHEVER IS HIGHER.

1 THE POLLUTION ADJUDICATION
2 BOARD OF THE DEPARTMENT SHALL
3 HEAR AND ADJUDICATE CASES OF
4 VIOLATIONS OR OFFENSES UNDER THIS
5 SECTION, AND IMPOSE APPROPRIATE
6 FINES THEREFOR.

7 SEC. 9. *Mandatory Review.* – Within five (5) years
8 after the effectivity of this Act, or as the need arises,
9 Congress shall conduct a review of the accomplishments
10 and impact of this Act, as well as the performance and
11 organizational structure of its implementing agencies and
12 the compliance of obliged companies, for purposes of
13 determining the need for remedial legislation with the
14 eventual objective of establishing a ban on single-use
15 plastics.

16 Within one (1) year after the effectivity of this Act,
17 the NEC shall further identify, review, and update the list
18 of non-environmentally acceptable products and plastic
19 packaging material for elimination especially those that

1 cannot be effectively recycled, consistent with Section 29 of
2 this Act.

3 SEC. 10. *Appropriation.* – The sum necessary for the
4 effective implementation of this Act shall be charged
5 against the appropriations for the Department of
6 Environment and Natural Resources under the General
7 Appropriations Act: *Provided*, That obliged companies and
8 the respective PROs shall be responsible for the funds
9 necessary to operationalize and maintain the EPR
10 programs, in compliance with this Act and its
11 implementing rules and regulations.

12 SEC. 11. *Implementing Rules and Regulations.* – The
13 Department of Environment and Natural Resources
14 (DENR), in consultation with relevant government
15 agencies, representatives from obliged companies, and
16 other stakeholders shall formulate the rules and
17 regulations necessary to implement the provisions of this
18 Act within ninety (90) days from its effectivity.

19 SEC. 12. *Separability Clause.* – If any portion or
20 provision of this Act is declared unconstitutional or invalid,

1 the remainder of this Act or any provisions hereof not
2 affected thereby shall continue to be in force and effect.

3 SEC. 13. *Repealing Clause.* – Any law, presidential
4 decree or issuance, executive order, letter of instruction,
5 rule or regulation inconsistent or contrary to the provisions
6 of this Act is hereby repealed or modified accordingly.

7 SEC. 14. *Effectivity.* – This Act shall take effect after
8 fifteen (15) days following its complete publication in the
9 *Official Gazette* or a newspaper of general circulation.

Approved,