



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City
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MEMORANDUM

FOR / TO : The Director
Legal Affairs Service

The Assistant Director
Biodiversity Management Bureau
Ecosystems Research and Development Bureau
Environmental Management Bureau
Forest Management Bureau
Land Management Bureau
Mines and Geosciences Bureau

Representative, Office of the Head Executive Assistant/ Office of
Chief of Staff

Representative, Office of the Undersecretary for Legal,
Administration, Human Resources and Legislative Affairs

Representative, Office of the Undersecretary for Finance, Information
Systems and Climate Change

Representative, Office of the Undersecretary Policy, Planning and
International Affairs

Representative, Office of the Undersecretary for Field Operations (FO)
- Luzon, Visayas and Environment

Representative, Office of the Undersecretary for FO - Mindanao

Representative, Office of the Undersecretary for Enforcement, Solid
Waste Management, Local Government Units Concerns and
Attached Agencies

Representative, Office of the Undersecretary for Special Concerns,
Muslim Affairs and BARMM

Representative, Office of the Assistant Secretary for Policy, Planning
and

Foreign-Assisted and Special Projects

Representative, Office of the Assistant Secretary for Enforcement,
Solid Waste Management and Local Government Units Concerns

Representative, Office of the Assistant Secretary for Legal Affairs

Representative, Office of the Assistant Secretary for FO - Luzon and
Visayas

Representative, Office of the Assistant Secretary for FO - Eastern
Mindanao

Representative, Office of the Assistant Secretary for FO - Western
Mindanao

Representative, Office of the Assistant Secretary for Finance,
Information Systems and Mining Concerns

Representative, Office of the Assistant Secretary for Human
Resources, Strategic Communication and Sectoral Initiatives
Representative, Office of the Assistant Secretary for Administration
and Legislative Affairs
Representative, Office of the Assistant Secretary for Indigenous
Peoples Affairs
Representative, Office of the Assistant Secretary for Special Concerns-
Mindanao
Representative, Legal Affairs Service
Representative, Climate Change Service
Representative, Strategic Communication and Initiatives Service
Representative, Foreign-Assisted and Special Projects Service
Representative, River Basin Control Office

FROM : The OIC Director
Policy and Planning Service

SUBJECT : **HIGHLIGHTS OF THE POLICY TECHNICAL WORKING
GROUP (PTWG) MEETING NO. 2022 – 13 HELD ON
NOVEMBER 10, 2022, 9:30 AM VIA ZOOM**

DATE : 22 NOV 2022

Furnished herewith is the Highlights of the Policy Technical Working Group (PTWG) Meeting No. 2022-13 held on 10 November 2022, 9:30 AM via Zoom platform, which tackled the draft DAO re: Implementing Rules and Regulations of RA 11898 or the Extended Producer Responsibility Act of 2022.

FOR INFORMATION.


MELINDA C. CAPISTRANO



Republic of the Philippines
Department of Environment and Natural Resources
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DENR-POLICY TECHNICAL WORKING GROUP

Minutes of Meeting No. 2022-13

10 November 2022, 9:00 AM

Meeting via Zoom

I. Attendees

- | | |
|---|--------------------------------------|
| 1. Dir. Melinda C. Capistrano – PPS | 33. Mr. Raymond Blaquera - EMB |
| 2. Dir. Norlito Eneran -LAS | 34. Ms. Rachel Pasion - EMB |
| 3. Ms. Maria Christina Francisco – OUFOLVE | 35. Mr. Raymond Blaquera -EMB |
| 4. Rommel Baybayon - OUFOLVE | 36. Ms. Fatima Millan- EMB |
| 5. Ms. Lolit Presbitero – OULAHRLA | 37. Ms. Belly Cabelo – EMB |
| 6. Ms. Krystyne Ong – OULAHRLA | 38. Rox Barcenas- EMB |
| 7. Ejay Ligaya – OASEC Legal Affairs | 39. Ms. Consolacion Crisostomo – EMB |
| 8. Mr. Daryl Cao – OASECFOEM | 40. Atty. Zoilo Andin Jr. - UNDP |
| 9. Ms. Reina Frances Requieron – OASECFISMC | |
| 10. Mr. Roberto Aguda – OASPPFASP | Secretariat (PPS-PSD) |
| 11. Ms. Kryshlaine Raquel – OASPPFASP | 1. Ms. Mary Lou Retos |
| 12. Ms. Juanita Timola – OASECFO | 2. Ms. Amisol Talania |
| 13. Adele Siapno – OASEC Legal Affairs | 3. Ms. Cherry Winsom F. Holgado |
| 14. Ms. Fe Ociones – ERDB | 4. Ms. Zayrelle Ann Suello |
| 15. Bianca Pagalilauan –LAS | 5. Hazel Jasmine Donato-Chua |
| 16. Daniel Batula -LAS | |
| 17. Lovelle Luzette Galidon –LMB | |
| 18. Rachell Abenir- BMB | |
| 19. Ms. Lemuelle Celis – FMB | |
| 20. Claudette Enozo | |
| 21. AD Vizminda Osorio – EMB | |
| 22. Ms. Delia Crstina Valdez - EMB | |
| 23. Atty Ivy Joyce De Pedro – EMB | |
| 24. Mr. Janus Alpano – EMB | |
| 25. Ms. Juvinia Serafin – EMB | |
| 26. Ms. Cynthia Evardone – EMB | |
| 27. Ms. Raquel Reyes – EMB | |
| 28. Ms. Crister Kae Alcaraz – EMB | |
| 29. Ms. Janice R. Pammit – EMB | |
| 30. Ms. Rodeth Antonio- EMB | |
| 31. Alwin Robel –EMB | |
| 32. Mr. Gabrielle Aguzar – EMB | |

II. Highlights of the Meeting

The meeting was called to order at 9:50 AM by Dir. Melinda C. Capistrano (PPS). The agenda was adopted with no further changes.

1. Draft DAO re: Implementing Rules and Regulations of RA 11898 or the Extended Producer Responsibility Act of 2022

Presentation and Discussions:

- Atty. Ivy Joyce De Pedro presented the background of the proposed policy. She also discussed the institutional changes, inclusions under the EPR Program, enterprises obliged to implement and those that are not covered by EPR, penalties and punishable acts.
- Dir Norlito Eneran (LAS) cautioned about issuance of the Draft Framework in parallel with the IRR particularly Section 44a, which state that the Department is mandated to draft the framework in consultation with the National Solid Waste Management Commission (NSWMC), he also emphasized the timeline of 90 days as stipulated in the EPR law. Atty. Ivy Joyce De Pedro (EMB) responded that per consultation with the NSWMC the approval would be the draft IRR excluded the framework. Atty Zoilo Andin (UNDP) responded that a separate Administrative Circular will be issued later on.
- Dir. Eneran stated that in the EPR law, there should be consultation with the concerned agencies and other stakeholders. He asked for the information regarding the updates on the consultation held as required by the law under Section 11. Atty. De Pedro responded that consultations were held nationwide and were participated by representatives from Luzon, Visayas, and Mindanao.
- The salient features of the draft IRR were also presented by Atty. De Pedro. The processes included are for the adoption of EPR National Framework for Plastic Packaging Waste, adoption of the EPR IRR, adoption of EPR National Framework for all other types of product wastes, and adoption of EPR Fees.
 - Dir. Capistrano asked if there is a set maximum production on the amount of products that the members may release to the market. Atty. Andin stated that there is none because there is no constraint on the trade. Once the plastic wastes are produced, these should be collected by the companies.
 - The EPR registration process was presented. Atty. Andin stated that on the checklist, the registration process was amended in relation to the requirements under the ease of doing business. The three (3) business day period will run after the completion of requirements.
 - On the registration checklist, Dir. Capistrano inquired about the response of the stakeholder. Atty. Andin responded that the EMB already cleared the process during the stakeholder consultation conducted, particularly the timeline and submission of documents.
 - Atty. Andin stated that the geographic implementation program or Roll-out Plan was raised by Commissioner Lao during the consultation meeting. The resolution is that the EPR is national in scope in preventing marine litter. This is also to address clamor among the LGUs and stakeholders with regards to the timeline of activities of the EPR.
 - Atty. Andin remarks that DENR should collaborate with other agencies including DOF, BOC, PSA and BIR among others to track goods that are being imported in the country to be able to maintain central database on the large Enterprises. Dir. Capistrano stated that there is a list of exporters from DTI. Atty. Andin stated that the issue is on importers in terms of maintaining database. This is being addressed through the caveat provided on the proposed policy. Dir. Capistrano asked regarding the roles of LGUs. Atty. Andin stated that the safest benchmarks are audited Financial Statement as submitted to BIR.
 - Atty Bianca Pagalilauan (LAS) asked regarding the expertise of NGO representation in NSWMC. She suggested to input the solid waste management under item i, to be

read as “solid waste management or waste reduction”. Atty. Andin stated that they all pertain to Solid Waste Management (SWM) however, they focus on waste reduction, recycling, and resource recovery. Dir. Eneran proposed to revise as “fields/aspects: waste reduction, recycling, resource recovery of solid waste management”. Atty. Pagalilauan asked regarding the EPR registration process. Atty. Andin responded that this will form part of the appendix.

- Atty. Pagalilauan asked if the modes of compliance is anchored on Section 44.d. Atty. Andin responded that this is an illustration of options the obliged may undertake to comply.
- Atty. Pagalilauan further asked regarding the definition of terms if these were adopted from the EPR law. Atty. Andin confirmed however, he informed the body that there are definitions added/expanded for the operationalization of IRR. Dir. Eneran proposed to be consistent with the law by stating “EPR Act of 2022”.
- On the nomination members, Dir. Eneran asked if the nomination was omitted in the EPR Act of 2022. Atty. Andin responded that the old process was retained which was stated under RA 9003. Dir. Eneran cautioned that there might be a reason the congress intentionally omits the nomination process in the EPR Law of 2022 and retains the President’s appointment only. Atty. Andin responded that since there’s an “xxx” this would interpret that the law intends to retain the nomination process of the private sector's representatives. Dir. Eneran reiterated that the stand of LAS is that the process of nomination was intentionally amended under the EPR Act from RA 9003. Atty. Andin, stated that as this is a sensitive issue, this might be consulted back with the Commission.
- Atty. Pagalilauan proposed to include the function of Regional Ecological Centre (REC). Atty. Andin said that the Function of REC only mimics that function of the National Ecological Centre (NEC). Atty. Andin further stated that ecology center will be maintained to supplement in the monitoring of the implementation of EPR Act.
- Dir. Capistrano asked about the role of the commission or EMB regarding the nomination process. Atty. Andin responded that NWMC and EMB will endorse the nomination to Malacañang but they both have no hold over the decision of the President.
- Ms. Lolit Presbitero (OULAHRLA) asked regarding the process if there will be recommendation of nomination to the President. She stated that the process of nomination of the members should be clarified. Dir. Eneran stated that if the body want to dig further, the journal of the congress should be revisited in terms of the deliberation of this provision.
- The new/revised provisions of the proposed IRR were presented by Atty. De Pedro. On the preambular statement, Ms. Presbitero suggested to revise the title “Revised IRR of RA 9003 as amended by RA 11898”. Dir. Eneran asked the reason why the title does not reflect the IRR of EPR Law since they have encountered the same case previously. The drafting of IRR should be specific on a particular law. Atty. De Pedro stated that the subject will be revised reflecting RA 11898. Assistant Director Vizmindia Osorio agreed with the proposal of Atty. Eneran. Atty. De Pedro asked if there will be a separate document on the IRR of RA 11898. Atty. Eneran stated that there is no need to include the rest of the provisions of RA 9003 on the proposed IRR of RA 11898.
- On Section 1. Rule I, Ms. Presbitero remarks that the revised title should be adopted.

- On Section 2. Rule I, The revised title should also be adopted. Ms. Presbitero stated that the changes in the subject should be adopted on the succeeding provisions.
- Dir. Eneran stated to observe the DAO format based on the EPDS.
- On Section 5. Rule I, Dir. Eneran asked regarding Administrative and Enforcement. Atty. Janice Pammit (EMB) stated that Section 5 will be omitted since there is a separate section on Enforcement.
- On Section 1. Rule II, Ms. Presbitero asked if the Declaration of Policies was also adopted from RA 9003. Atty. De Pedro stated that those in bold font are the additional provisions subject for discussion.
- Ms. Presbitero clarified if the phrase “to incorporate section 3...” means that will be integrated on section 3 of the EPR Law 2022. Atty. Andin clarified that the need to incorporate is a premise to the succeeding rule or section.
- On Section 1. Rule III, “2022 Revised Rules” and “Act” are proposed to be omitted.
- Ms. Presbitero asked about the definition of ECAR in the draft Policy. Atty. Andin responded that the definition also includes the acronym often used in the body, ECAR refers to EPR Law Compliance Audit Report (ECAR) as required under 44-G.
- Dir. Capistrano asked the definitions of Informal Waste Sector used on the draft Policy. Atty. Andin stated that the definition is from the national framework for solid waste management.
- On the definition of Mass Balance, Dir. Capistrano stated that the definitions provided should be easy to understand at the field level.
- Dir. Capistrano asked about the definition of MSME, Dir. Andin stated that this came from the DTI.
- On the definition of National Ecology Center, Ms. Presbitero suggested specifying the word “Act” whether this means RA 9003 or RA 11898. Atty. Andin responded that this refers to Section 5 of RA 11898, “as amended by the EPR Law 2022” will be omitted.
- On Section 3. Rule IV, this will be revised as “The representatives from the private sector shall be appointed by the President for a term of three (3) years”, based on the earlier suggestion of Dir. Eneran.
- Sections 4 and 5 of Rule IV will be omitted.
- Rule XV is revised to National Framework for Plastic Packaging Wastes.
- On Section 2. Rule XV, Dir. Capistrano stated that the Commission should be strict in terms of implementation according to the set targets.
- On the implementation timeframe. Atty. Andin informed that initially this was set to a five-year timeframe, however stakeholder concerned was this might pre-empt their implementation. He added that the law also provides an option to implement. Hence, specific timeframe was not specified.
- Dir. Capistrano asked if there is a provision on the roles and responsibilities of shops and supermarkets. Atty. Andin stated that there is a guideline being implemented by FDA. Dir. Capistrano stated that the LGUs are also playing vital role in terms of waste disposal. She

also asked if EMB has the capacity to coordinate with LGUs in terms of incentives provision. Atty. Andin stated that the ways forward will be implemented, involving ULAP.

- Dir. Capistrano asked if the plastic bottles are being planned to be replaced with glass bottles. Atty. Andin stated that there is no provision yet adopting this as plastic waste reduction measure.
- On the Audit Party, Dir. Capistrano asked there is a possibility of having a multi-disciplinary audit team. Atty. Andin responded that there is no accreditation body and standard measures yet. He added that Auditor will be under the experts of the accountant first while the guidelines is yet to be crafted.
- On Section 1. Rule XVIII, Dir. Capistrano asked regarding the program for rewards which shall be included in the budget proposals of the Bureau and the Department since there is a NSWMC Fund. Atty. Pammit stated that the penalties will be upon conviction and EMB has no authority to impose fines and penalties, thus, there was no NSWMC which can be requested from DBM. Dir. Capistrano proposed that EMB to revisit the UWM and activities under SWM. AD Osorio stated that there is an ongoing Environmental Protection and Enhancement Program (EPEP) and she mentioned that the existing DAO will be amended to incorporate the EPR Law. Other strategies and best practices to generate incentives will also be explored.
- On the identification of additional personnel to ensure effective and efficient EPR Law, Dir. Capistrano asked if this will be feasible. Atty. Andin stated that EMB will be working on this if they want to increase the number of personnel. Atty. Pammit clarified that DTI-PAB Secretariat will be the one to identify the additional personnel including the job descriptions.
- The Framework will be presented on a separate PTWG Session.
- Ms. Presbitero moved for the approval of the IRR, seconded by Mr. Rommel Baybayon (OUFOLVE), subject to proposed revision.

Agreements:

1. Under the NGO representation to NSWMC, revise as “fields/aspects: waste reduction, recycling, resource recovery of solid waste management”.
2. The EPR registration process will form part of the appendix.
3. Replace "EPR Law" with “EPR Act of 2022”.
4. Dir. Eneran stated that the stand of LAS for consideration is that the process of nomination from RA 9003 was intentionally amended under the EPR Act.
5. The subject will be revised to reflect RA 11898.
6. On Section 1. Rule I, the revised title should be adopted.
7. On Section 2. Rule I. The revised title should also be adopted.
8. Section 5, Rule I will be omitted since there is a separate section on Enforcement.
9. On Section 1. Rule III, “2022 Revised Rules” and “Act” are proposed to be omitted.
10. On Section 3. Rule IV, this will be revised as “The representatives from the private sector shall be appointed by the President for a term of three (3) years”.

11. Sections 4 and 5 of Rule IV will be omitted.
12. Rule XV is revised to National Framework for Plastic Packaging Wastes.
13. EMB to revisit the UWM and activities under SWM. AD Osorio stated that there is an ongoing Environmental Protection and Enhancement Program (EPEP) and she mentioned that the existing DAO will be amended to incorporate the EPR Law. Other strategies and best practices to generate incentives will also be explored.
14. Observe the format based on EPDS
15. On the definition of NEC, omit the phrase "as amended by the EPR Law 2022"

Without other matters to be discussed, the PTWG meeting was adjourned at 4:08 pm.

Prepared by the Secretariat

Noted by:


FOR. LLARINA S. MOJICA
Chief, Policy Studies Division



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DENR POLICY TECHNICAL WORKING GROUP
Notice of PTWG Meeting No. 2022-13

FOR/TO: Director, Legal Affairs Service (Vice- Chairperson, PTWG)
Assistant Director, Biodiversity Management Bureau
Assistant Director, Ecosystems Research and Development Bureau
Assistant Director, Environmental Management Bureau
Assistant Director, Forest Management Bureau
Assistant Director, Land Management Bureau
Assistant Director, Mines and Geosciences Bureau
Representative, Office of the Head Executive Assistant
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Representative, Foreign-Assisted and Special Projects Service
Representative, River Basin Control Office
Representative, Legislative Liaison Office
Representative, Knowledge and Information Systems Service

FROM: The OIC Director
Policy and Planning Service

DATE/TIME: **10 November 2022 (Thursday) / 9:30 AM**

RESOURCE PERSONS: Atty. Ivy de Pedro (EMB)
Atty. Janice Pammit (EMB)

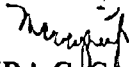
VENUE: **Combination of Virtual Meeting via Zoom and In-Person Hybrid Meeting**

Meeting ID: 469 574 5952

Passcode: Policy2022

- AGENDA:**
1. Draft DAO re: Implementing Rules and Regulations of RA 11898 or the Extended Producer Responsibility Act of 2022
 2. Other Matters

Note: Please log in to your Zoom Account to be able to access the meeting.


MELINDA C. CAPISTRANO



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November 11, 2022

**DENR ADMINISTRATIVE ORDER
NO. 2022 - _____**

**SUBJECT: IMPLEMENTING RULES AND REGULATION
OF REPUBLIC ACT NO. 11898**

Pursuant to the provisions of Section 11 of Republic Act No. 11898, otherwise known as “An Act Institutionalizing The 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”, also known by its short titles as the "Extended Producer Responsibility Act of 2022" or as “EPR Act of 2022”, and by virtue of Executive Order No. 192, Series of 1987, the Department of Environment and Natural Resources hereby adopts and promulgates the following rules and regulations.

PART I: GENERAL PROVISIONS

SECTION 1. Title. These Rules shall be known and cited as the Implementing Rules and Regulations of the EPR Act of 2022 (hereto attached as “Annex A”), or hereinafter referred to as “EPR IRR”, for brevity

SECTION 2. Purpose. These Rules are promulgated to revise, where applicable, DENR Administrative Order No. 2001-34, Series of 2001, otherwise known as the “Implementing Rules And Regulations Of Republic Act No. 9003” or “RA 9003 IRR” and to incorporate and prescribe therein the procedures and guidelines for the implementation of the EPR Act of 2022 in order to facilitate compliance therewith and achieve the objectives thereof.

SECTION 3. Scope. The EPR IRR shall lay down the powers and functions of the Department of Environment and Natural Resources, the Department of Trade and Industry, all other concerned agencies and local government units, the rights and obligations of stakeholders and the rights and duties of the people with respect to the implementation of the EPR Act of 2022.

SECTION 4. Construction. The EPR IRR shall be liberally construed to carry out the national policy of adopting a systematic, comprehensive, and ecological solid waste management program, institutionalizing the extended producer responsibility mechanism as a practical approach to efficient waste management, in accordance with internationally accepted principles on sustainable consumption and production, circular economy, and producers’ full responsibility throughout the life cycle of their product.

PART II. DECLARATION OF STATE POLICY

SECTION 5. Basic Policy. It is hereby declared the policy of the State to adopt a systematic, comprehensive, and ecological solid waste management program which shall:

- 5.1. Ensure the protection of public health and environment;
- 5.2. Utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resources conservation and recovery;
- 5.3. Set guidelines and targets for solid waste avoidance and volume reduction through source reduction and waste minimization measures, including composting, recycling, re-use, recovery, green charcoal process, and others, before collection, treatment, and disposal in appropriate and environmentally-sound solid waste management facilities in accordance with ecologically sustainable development principles;
- 5.4. Ensure the proper segregation, collection, transport, storage, treatment, and disposal of solid waste through the formulation and adoption of the best environmental practices in solid waste management excluding incineration;
- 5.5. Promote national research and development programs for improved solid waste management and resource conservation techniques, more effective institutional arrangement and indigenous and improved methods of waste reduction, collection, separation, and recovery;
- 5.6. Encourage greater private sector participation in solid waste management;
- 5.7. Retain primary enforcement and responsibility of solid waste management with local government units while establishing a cooperative effort among the national government, other local government units, non-government organizations, and the private sector;
- 5.8. Encourage cooperation and self-regulation among waste generators through the application of market-based instruments;
- 5.9. Integrate public participation in the development and implementation of national and local comprehensive, and ecological solid waste management programs;
- 5.10. Strengthen the integration of ecological solid waste management and resource conservation and recovery topics into the academic curricula of formal and non-formal education in order to promote environmental awareness and action among the citizenry; and
- 5.11. Institutionalize the extended producer responsibility mechanism as a practical approach to efficient waste management, focusing on waste reduction, recovery and recycling, and the development of environment-friendly products that advocate the internationally accepted principles on sustainable consumption and production, circular economy, and producers' full responsibility throughout the life cycle of their product.

PART III. DEFINITION OF TERMS

SECTION 6. Definition of Terms. For the purpose of this EPR IRR, the following words, phrases, abbreviations, or acronyms shall have the following meanings:

- 6.1. "*Act*" shall refer to Republic Act No. 9003, otherwise known as the "Philippine Ecological Solid Waste Management Act of 2000".
- 6.2. "*Agricultural waste*" shall refer to waste generated from planting or harvesting of crops, trimming, or pruning of plants and wastes or run-off materials from farms or fields.
- 6.3 "*Bulky wastes*" shall refer to waste materials which cannot be appropriately placed in separate containers because of either its bulky size, shape, or other physical attributes.

These include large worn-out or broken household, commercial, and industrial items such as furniture, lamps, bookcases, filing cabinets, and other similar items.

- 6.4. "*Bureau*" or "**EMB**" shall refer to the Environmental Management Bureau.
- 6.5. "*Buy-back center*" shall refer to a recycling center that purchases or otherwise accepts recyclable materials from the public for the purpose of recycling such materials.
- 6.6. "*Circular economy*" shall refer to an economic model of creating value by extending product lifespan through improved design and servicing and relocating ways from the end of the supply chain to the beginning. This intends to efficiently utilize resources by its continual use and aims to retain the highest utility and value of products, components, and materials at all times, through sharing, leasing, reuse, repair, refurbishment, and recycling in an almost closed loop.
- 6.7. "*Collection*" shall refer to the act of removing solid waste from the source or from a common storage point.
- 6.8. "*Collective*" shall refer to a group of Obligated Enterprises that organized themselves, not as a producer responsibility organization (PRO), to implement a common platform for the implementation of their Extended Producer Responsibility (EPR) program.
- 6.9. "*Commission*" shall refer to the National Solid Waste Management Commission (NSWMC) created under Section 4 of the EPR Act of 2022
- 6.10. "*Confidential Information*" shall refer to a record, report, or information, or particular portion thereof determined by the Bureau to be confidential pursuant to Section 44-G of the Act, as amended by the EPR Act of 2022, as when the public disclosure thereof would divulge trade secrets, production or sales figures, or methods and processes unique to the enterprise that would otherwise tend to adversely affect its competitive position.
- 6.11. "*Composting*" shall refer to the systematic decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product.
- 6.12. "*Consumer electronics*" shall refer to special wastes that include worn-out, broken, and other discarded items such as radios, stereos, and TV sets.
- 6.13. "*Controlled dump*" shall refer to a disposal site at which solid waste is deposited in accordance with the minimum prescribed standards of dumpsite operation.
- 6.14. "*Department*" shall refer to the Department of Environment and Natural Resources.
- 6.15. "*Disposal*" shall refer to the discharge, deposit, dumping, spilling, leaking, or placing of any solid waste into or in any land.
- 6.16. "*Disposal site*" shall refer to a site where solid waste is finally discharged and deposited.
- 6.17. "*ECAR*" shall refer to the EPR Compliance Audit Report required under Section 44-G of the Act, as amended by the EPR Act of 2022.
- 6.18. "*Ecological solid waste management*" or "**ESWM**" shall refer to the systematic administration of activities which provide for segregation at source, segregated transportation, storage, transfer, processing, treatment, and disposal of solid waste and all other waste management activities which do not harm the environment.

- 6.19. "*Environmentally acceptable*" shall refer to the quality of being re-usable, biodegradable, or compostable, recyclable and not toxic or hazardous to the environment.
- 6.20. "*Environmentally preferable*" shall refer to products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance or disposal of the product or service.
- 6.21. "*Extended producer responsibility (EPR)*" shall refer to the environmental policy approach and practice that requires producers to be environmentally responsible throughout the life cycle of a product, especially its post-consumer or end-of-life stage.
- 6.22. "*Generation*" shall refer to the act or process of producing solid waste.
- 6.23. "*Generator*" shall refer to a person, natural or juridical, who last uses a material and makes it available for disposal or recycling.
- 6.24. "*GHG*" shall refer to Greenhouse Gas
- 6.25. "*Hazardous waste*" shall refer to solid waste or combination of solid waste which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- 6.26. "*High recyclability*" shall refer to a condition wherein the value for recovery and reprocessing of a product is high, due to its design, composition, content, and density, among other things.
- 6.27. "*High retrievability*" shall refer to a condition wherein after use of a product, a significant volume of its waste can be recovered, properly recycled, processed, or disposed of, on account of its high value for recovery, recycling, or reprocessing.
- 6.28. "*Importer*" shall refer to a natural or juridical person engaged in bringing consumer goods into the Philippines, intended to be sold, whether in original packaging or to be repackaged for distribution to the general public.
- 6.29. "*Informal Waste Sector*" or "*IWS*" shall refer to individuals, families, groups, associations, or enterprises engaged in the recovery of waste materials for livelihood and income either on a full-time or part-time basis. They work with/without any formal recognition by any government accreditation, licensing or regulating agency. They have no social and economic security and work under substandard and unhealthy work conditions and have limited access to basic services. They are classified as: itinerant waste collectors/buyers, jumpers at collection trucks, garbage crew ("paleros"), waste reclaimers and unlicensed junkshops.
- 6.30. "*ISO*" shall refer to International Organization for Standardization
- 6.31. "*Large enterprises*" shall refer to any business entity whose total assets, inclusive of those arising from loans but exclusive of the land on which the particular business entity's office, plant and equipment are situated, are exceeding that of medium

enterprises stated under Republic Act No. 9501, otherwise known as the "Magna Carta for Micro, Small, and Medium Enterprises".

- 6.32. "*Leachate*" shall refer to the liquid produced when waste undergo decomposition, and when water percolate through solid waste undergoing decomposition. It is a contaminated liquid that contains dissolved and suspended materials.
- 6.33. "*Life cycle assessment*" or "*LCA*" shall refer to the compilation and evaluation of the inputs, outputs, and the potential environmental impacts of a product system throughout its life cycle.
- 6.34. "*Mass Balance*", or "*Material Balance*", refers to an application of the principle of conservation of mass to the analysis of physical systems. It may be exhaustive (all the materials of the system are taken into account) or partial (only materials of interest are taken into account)
- 6.35. "*Materials recovery facility*" or "*MRF*" shall include solid waste transfer station or sorting station, drop-off center, a composting facility, and a recycling facility.
- 6.36. "*MSME*" shall refer to Micro, Small, Medium Scale Enterprises as defined and covered by Republic Act No. 9501, otherwise known as "An Act to Promote Entrepreneurship by Strengthening Development and Assistance Programs to Micro, Small and Medium scale Enterprises, Amending for the purpose Republic Act No. 6977, as amended, otherwise known as the 'Magna Carta for Small Enterprises'
- 6.37. "*Municipal wastes*" shall refer to wastes produced from activities within local government units which include a combination of domestic, commercial, institutional, and industrial wastes and street litters.
- 6.38. "*National Ecology Center*" or "*NEC*" shall refer to Center established in accordance with Section 5 of the EPR Act of 2022 under the oversight functions of the Commission.
- 6.39. "*Non-environmentally acceptable products or packaging*" or "*NEAP*" shall refer to products or packaging that are unsafe in production, use, post-consumer use, or that produce or release harmful by-products when discarded.
- 6.40. "*Obligated enterprises*" shall refer to product producers that are required to implement an EPR program under Section 44-B of the Act, as amended by the EPR Act of 2022
- 6.41. "*Open burning*" shall refer to the thermal destruction of wastes by means of direct exposure to fire. Furthermore, this definition shall apply to traditional small-scale methods of community sanitation "siga".
- 6.42. "*Open dump*" shall refer to a disposal area wherein the solid wastes are indiscriminately thrown or disposed of without due planning and consideration for environmental and health standards.
- 6.43. "*OPMS*" shall refer to the Online Permitting and Monitoring System of the Bureau.
- 6.44. "*Opportunity to recycle*" shall refer to the act of providing a place for collecting source-separated recyclable material, located either at a disposal site or at another location more convenient to the population being served, and collection at least once a month of source-separated recyclable material from collection service customers and to providing a public education and promotion program that gives notice to each person of the opportunity to recycle and encourage source separation of recyclable material.

- 6.45. "*Person(s)*" shall refer to any being, natural or juridical, susceptible of rights and obligations, or of being the subject of legal relations.
- 6.46. "*Plastic*" shall refer to a synthetic material made from a wide range of organic polymers such as polyethylene terephthalate, high density polyethylene, low density polyethylene, polypropylene, polystyrene, PVC, and nylon that can be processed to form solid objects of various shapes.
- 6.47. "*Plastic neutrality*" shall refer to a system or its desired outcome where, for every amount of plastic product footprint created, an equivalent amount thereof is recovered or removed from the environment by the product producers through an efficient waste management system.
- 6.48. "*Plastic packaging*" shall refer to the polymer material designed to protect a product from environmental factors, or carry goods for transportation, distribution, and sale, including service necessities and more particularly described under Section 44-C of the Act, as amended by the EPR Act of 2022.
- 6.49. "*Plastic Waste Diversion Targets*" shall refer to the volume or weight of plastic packaging waste that an Obligated Enterprise, Collective, or PRO commits to recover for reuse, recycling, or proper disposal in their EPR Program, the minimum of which is prescribed in Section 44-F of the Act, as amended by the EPR Act of 2022.
- 6.50. "*Plastic Waste Diversion Accomplishment*" shall refer to the volume or weight of plastic packaging waste that an Obligated Enterprise, Collective, or PRO actually recovers for reuse, recycling, offsetting, or proper disposal in accordance with its registered EPR Program, and as verified, validated, and certified by an independent third-party auditor through the ECAR submitted to the Bureau in accordance with Section 44-G of the Act, as amended by the EPR Act of 2022.
- 6.51. "*Plastic Waste Footprint Reduction*" shall refer to the consequent reduction in plastic packaging footprint and in plastic footprint diversion targets due to the adoption and implementation of waste avoidance and prevention activities and strategies, such as retail refilling stations or product or packaging redesign, under Section 44-A of the Act, as amended by the EPR Act of 2022 and Part V of the EPR IRR.
- 6.52. "*PNS*" or Philippine National Standards shall refer to the product and performance or use-oriented standards developed by the Bureau of Philippine Standards of the Department of Trade and Industry (DTI-BPS) that serve to assure consumers that the products had passed its standards for certification pursuant to RA4109 and reiterated by RA7394.
- 6.53. "*Post-consumer material*" shall refer only to those materials or products generated by a business or consumer which have served their intended end use, and which have been separated or diverted from solid waste for the purpose of being collected, processed, and used as a raw material in the manufacturing of recycled product, excluding materials and by-products generated from, and commonly used within an original manufacturing process, such as mill scrap.
- 6.54. "*Producer Responsibility Organization*" or "*PRO*" shall refer to the organization, as defined under Section 44-H of the Act, as amended by the EPR Act of 2022 that shall serve as the viable platform for the implementation of their EPR Program.

- 6.55. “*Product footprint*” shall refer to a measure of the amount of goods produced, imported, distributed, or supplied by a product producer, and deemed to cause damage to the environment.
- 6.56. “*Product producer*” shall refer to any of the following persons:
- a. brand owner who sells or supplies any commodity under a brand, label or identity using a product it produced, or a material supplied to it by another manufacturer, or supplier; and
 - b. product manufacturer or importer that supplies its commodities for the use of the general consumer or distributes the same as a material product of a brand owner: Provided, That for purposes of Article 2 of Chapter III-A of the Act, as amended by the EPR Act of 2022, in case the commodities are manufactured, assembled, or processed by a product manufacturer for another Obligated Enterprise which affixes its own brand name, the latter shall be deemed as the manufacturer.
- 6.57. “*Receptacles*” shall refer to individual containers used for the source separation and the collection of recyclable materials.
- 6.58. “*Recovered material*” shall refer to material and by-products that have been recovered and diverted from solid waste for the purpose of being processed and used as a raw material in the manufacture of a recycled product or effectively processed or treated to ensure these are prevented from leaking into the environment. For purposes of the required compliances under the EPR Act of 2022, “recovered material” shall also refer to the plastic packaging waste that an obliged enterprise, collective, or PRO recovers for reuse, recycle, offset, or proper disposal in accordance with its registered EPR Program.
- 6.59. “*Recyclable material*” shall refer to any waste material retrieved from the waste stream that can still be converted into suitable beneficial use or for other purposes, including, but not limited to, newspaper, ferrous scrap metal, non-ferrous scrap metal, used oil, corrugated cardboard, aluminum, glass, office paper, tin cans, plastics and other materials as may be determined by the Commission.
- 6.60. “*Recycled material*” shall refer to post-consumer material that has been recycled and returned to the economy.
- 6.61. “*Recycling*” shall refer to the treating of used or waste materials through a process of making them suitable for beneficial use and for other purposes, and includes any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity, and which may be used as raw materials for the production of other goods or services: Provided, that the collection, segregation and re-use of previously used packaging material shall be deemed recycling under the Act.
- 6.62. “*Resource conservation*” shall refer to the reduction of the amount of solid waste that are generated or the reduction of overall resource consumption, and utilization of recovered resources.
- 6.63. “*Resource recovery*” shall refer to the collection, extraction, or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy or producing a product suitable for beneficial use: Provided, That, such resource recovery facilities exclude incineration.
- 6.64. “*Re-use*” shall refer to the process of recovering materials intended for the same or different purpose without the alteration of physical and chemical characteristics.

- 6.65. “*Sanitary landfill*” or “*SLF*” shall refer to a waste disposal site designed, constructed, operated, and maintained in a manner that exerts engineering control over significant potential environmental impacts arising from the development and operation of the facility.
- 6.66. “*Schedule of Compliance*” shall refer to an enforceable sequence of actions or operations to be accomplished within a stipulated time frame leading to compliance with a limitation, prohibition, or standard set forth in the Act or any rule or regulation issued pursuant thereto.
- 6.67. “*Secretary*” shall refer to the Secretary of the Department of Environment and Natural Resources.
- 6.68. “*Segregation*” shall refer to sorting and segregation of different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.
- 6.69. “*Segregation at source*” shall refer to a solid waste management practice of separating, at the point of origin, different materials found in solid waste in order to promote recycling and re-use of resources and to reduce the volume of waste for collection and disposal.
- 6.70. “*Solid waste*” shall refer to all discarded household, commercial waste, non-hazardous institutional, ports/harbors and industrial waste, street sweepings, construction debris, agriculture waste, and other non-hazardous/non-toxic solid waste. Unless specifically noted otherwise, the term “solid waste” as used in the Act shall not include:
- a) waste identified or listed as hazardous waste of a solid, liquid, contained gaseous or semisolid form which may cause or contribute to an increase in mortality or in serious situations, incapacitate or cause irreversible bodily damage or acute/chronic effect on the health of persons and other organisms;
 - b) infectious waste from hospitals such as equipment, instruments, utensils, and fomites of a disposable nature from patients who are suspected to have or have been diagnosed as having communicable diseases and must therefore be isolated as required by public health agencies, laboratory wastes such as pathological specimens (i.e., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals), and disposable fomites that may harbor or transmit pathogenic organisms, and surgical operating room pathologic specimens and disposable fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms; and
 - c) waste resulting from mining activities, including contaminated soil and debris.
- 6.71. “*Solid waste management*” shall refer to the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid wastes in a manner that is in accord with the best principles of public health, economics, engineering, conservation, aesthetics, and other environmental considerations, and that is also responsive to public attitudes.
- 6.72. “*Solid waste management facility*” shall refer to any resource recovery system or component thereof; any system, program, or facility for resource conservation; any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste.

- 6.73. “*Source reduction*” shall refer to the reduction of solid waste before it enters the solid waste stream by methods such as product design, materials substitution, materials re-use and packaging restrictions.
- 6.74. “*Source separation*” shall refer to the sorting of solid waste into some or all of its component parts at the point of generation.
- 6.75. “*Special wastes*” shall refer to household hazardous wastes such as paints, thinners, household batteries, lead-acid batteries, spray canisters and the like. These include wastes from residential and commercial sources that comprise of bulky wastes, consumer electronics, white goods, yard wastes that are collected separately, batteries, oil, and tires. These wastes are usually handled separately from other residential and commercial wastes.
- 6.76. “*Storage*” shall refer to the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal.
- 6.77. “*Sustainable consumption and production*” shall refer to the use of services and related products that respond to basic needs and bring a better quality of life, while minimizing the use of natural resources and toxic materials, as well as the emission of wastes and pollutants over the life cycle of the service or product, so as not to jeopardize the needs of future generations.
- 6.78. “*Transfer stations*” shall refer to those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport. This term does not include any of the following:
- a) a facility whose principal function is to receive, store, separate, convert, or otherwise process in accordance with national minimum standards;
 - b) a facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for re-use and are not intended for disposal; and
 - c) the operations premises of a duly licensed solid waste handling operator who receives, stores, transfers, or otherwise processes waste as an activity incidental to the conduct of a refuse collection and disposal business.
- 6.79. “*Waste diversion*” shall refer to activities which reduce or eliminate the amount of solid wastes from waste disposal facilities.
- 6.80. “*Waste Diverters*” shall refer to the public and/ or private entities or persons that an Obligated Enterprise, Collective, or PRO engages and collaborates with for the implementation of their respective EPR Programs. Waste diverters include households, product distributors or retailers, operators of material recovery facilities (MRF), waste collection systems, transfer stations, junkshops, repair shops, recycling facilities, SLF with pre-disposal sorting/recovery facilities, and other similar facilities for the recovery and diversion of plastic packaging waste for reuse, recycling, or proper disposal in accordance with the provisions of the EPR Act of 2022.
- 6.81. “*White goods*” shall refer to large worn-out or broken household, commercial, and industrial appliances such as stoves, refrigerators, dishwashers, and clothes washers and dryers collected separately. White goods are usually dismantled for the recovery of specific materials (e.g., copper, aluminum, etc.).

6.82, "Yard waste" shall refer to wood, small or chipped branches, leaves, grass clippings, garden debris, vegetables residue that is recognizable as part of a plant or vegetable and other materials identified by the Commission.

PART IV. INSTITUTIONAL STRUCTURES AND MECHANISMS

SECTION 7. Composition and Membership of the Commission. Pursuant to Section 4 of the EPR Act of 2022, the Commission shall be composed of eight (8) members from the government sector and five (5) members from the private sector. The government sector shall be represented by the heads of the following agencies in their *ex officio* capacity.

- (1) Department of Environment and Natural Resources (DENR);
- (2) Department of the Interior and Local Government (DILG);
- (3) Department of Science and Technology (DOST);
- (4) Department of Health (DOH);
- (5) Department of Trade and Industry (DTI); "
- (6) Department of Agriculture (DA);
- (7) Metro Manila Development Authority (MMDA); and
- (8) Union of Local Authorities of the Philippines (ULAP).

The private sector shall be represented by the following:

- (a) Three (3) representatives from nongovernment organizations (NGOs) with track record and expertise on the following aspects or fields:
 - i. waste reduction,
 - ii. recycling, and
 - iii. resource recovery;of solid waste management;
- (b) A representative from the recycling, composting, or resource recovery and processing industry; and
- (c) A representative from the manufacturing industry, packaging industry, or Obligated Enterprises;

The Department Secretary and a private sector representative of the Commission shall serve as chairman and vice-chairman, respectively. The Commission may, from time to time, call on any other concerned agencies or sectors as it may deem necessary. The Secretaries/Heads of the member agencies of the Commission shall formulate action plans for their respective agencies to complement the National Solid Waste Management Framework and the EPR Framework for Plastic Packaging Waste.

SECTION 8. Selection Process and Tenure of Office for the Private Sector Representatives. The representatives from the private sector shall be appointed by the President for a term of three (3) years.

SECTION 9. Role of the National and Regional Ecology Centers. There shall be established, under the oversight function of the Commission, a National Ecology Center or NEC to be headed by the Assistant Director of the Bureau in an *ex-officio* capacity. Regional Ecology Centers will also be established headed by Bureau Regional Directors in their *ex-officio* capacity. The Ecology Centers shall provide technical expertise, information, training, and networking services for the implementation of the provisions of the Act and the EPR Act of 2022.

Specifically, the NEC shall perform the following functions:

- 9.1. Facilitate training and education in integrated ecological solid waste management through the following:
 - a.) formulation of training programs for LGUs and private sector on the proper management of solid wastes;
 - b.) development of training programs on the technical operations of solid waste management facilities;
 - c.) formulation of uniform and standardized training programs for deputized enforcers and implementers
 - d.) development of an accreditation and certification system for the conduct of holding of training programs on solid waste management; and
 - e.) in collaboration with the academic and training institutions like Department of Education (DepEd), Commission on Higher Education (CHED), Technical Education and Skills Development Authority (TESDA), develop an education program that will promote an effective solid waste management system.
- 9.2. Establish and manage a comprehensive solid waste management information data base, in coordination with the DTI, and other concerned agencies and dissemination system focusing, inter alia, on the following areas:
 - a.) on solid waste generation and management techniques as well as the management, technical and operational approaches to resource recovery;
 - b.) of processors/ recyclers, the list of materials being recycled or brought by them and their respective prices;
 - c.) on the rate of recovery and diversion of each type of plastic waste, updated semi-annually; For this purpose, the NEC may require the Obligated Enterprises, the Collectives, and the PROs to submit regular semi-annual unaudited reports on the rate.
 - d.) on the costs of recovery and diversion of each type of plastic waste that may serve, among others, as basis for the Pollution Adjudication Board on the imposition of fines under Section 49(g) of the Act, as amended by the EPR Act of 2022. For this purpose, the NEC may require the Obligated Enterprises, the Collectives, and the PROs to submit and detail the regular semi-annual unaudited reports on these costs; and
 - e.) on information on technologies (existing, alternative, and emerging) that promote clean production and efficient solid waste management.

The NEC, in consultation with the Commission and the Bureau, shall adopt the most applicable technological tools that will enable its database to (a) perform analytics and generate data and information for policy formulation, policy reform, program and project

development, or decision-making, (b) prepare and host information portals, dashboards, visualizations, and (c) other relevant functions.

- 9.3. Promote the development of a recycling market through the establishment of a national network that will enhance the opportunity to recycle.
- 9.4. Maintain an EPR Registry that contains the registered EPR programs submitted by Obligated Enterprises, Collectives, or PROs. It shall also include and maintain in its registry the registered EPR Programs of MSMEs that are voluntarily implementing their EPR Program;
- 9.5. Develop and maintain a database, which includes digital formats, subject to the provisions of Section 44-G on Confidential Information of the Act, as amended by the EPR Act of 2022, and ensure that it is reliable, effective, secure, transparent, and accessible to the public;

The Ecology Centers shall give primary consideration of making the information generated, collected, recorded, and stored accessible to the general public and such information shall include data for solid waste management plans, the National Framework, the National Status Report, and all other relevant information necessary to ecological solid waste management.

- 9.6. Receive sampling and assessment reports submitted pursuant to second paragraph of Section 44-H of the Act, as amended by the EPR Act of 2022 and undertake the necessary action on such reports, or complaints from any citizen against a waste generator, an Obligated Enterprises, PRO, or waste management entity, for the purpose of improving compliance with the law;
- 9.7. Provide or facilitate expert assistance in pilot modeling of solid waste management facilities;
- 9.8. Act as the hub for networking of LGUs, NGOs and industry on compliance with the pertinent provisions of the Act, as amended by the EPR Act of 2022;
- 9.9. Act as an information hub of cleaner production/cleaner technologies on solid waste management that have been identified as such through the Environmental Technology Verification Process under DENR-DOST Joint Administrative Order No. 2006-01;
- 9.10. Develop, test, and disseminate model on waste minimization and reduction auditing procedures for evaluating options;
- 9.11. Within one (1) year after the effectivity of the EPR Act of 2022, provide an assessment on the volume or footprint of other generated wastes, for priority inclusion in the EPR scheme; and
- 9.12. Within one (1) year after the effectivity of the EPR Act of 2022 and pursuant to the second paragraph of Section 9 of the same law, further identify, review, and update the list of non-environmentally acceptable products and plastic packaging material that shall be phased out, especially those that are highly unnecessary or replaceable, or cannot be efficiently reused, recovered, or recycled, consistent with the provisions of the EPR Act of 2022.

The NEC shall be guided by the provisions of Section 5, Rule XII, Part III, of the RA 9003 IRR in the conduct of its mandatory review of the list of non-environmentally acceptable products and plastic packaging materials and shall submit its report and recommendations thereon to the Commission as its oversight body.

The Assistant Director shall regularly submit reports as may be required by the Commission in its monthly meetings. The reports of the NEC shall be consolidated by the Commission Secretariat for submission to the Commission.

The NEC shall maintain a multi-sectoral, multi-disciplinary pool of experts including those from the academe, inventors, practicing professionals, business and industry, youth, women, and other concerned sectors, who shall be screened according to qualifications set by the Commission.

SECTION 10. Functions of the Commission Secretariat. The Bureau shall provide secretariat support to the Commission. An Executive Director, who shall be nominated by the members of the Commission and appointed by the Chairman of the Commission, shall head the Secretariat. The general functions of the Secretariat shall be the following:

- a.) Prepare all pertinent documents for deliberation by the Commission;
- b.) Record and document all the proceedings of the meetings;
- c.) Handle all the administrative requisites of the Commission;
- d.) Provide administrative and ESWM-related technical support to the NEC.
- e.) Provide technical support on solid waste management matters to the Regional Ecology Centers.
- f.) Index and keep all records used and referenced by the Commission;
- g.) Serve as the clearinghouse for all projects/programs for implementation by the LGUs and/or the public or private sector, except for EPR Programs registered with, or EPR Programs and Projects administered by, the NEC
- h.) Evaluate and review proposals submitted for funding support from the Solid Waste Management Fund; and
- i.) Perform all other functions as may be deemed necessary by the Commission.

PART V. EXTENDED PRODUCERS RESPONSIBILITY

SECTION 11. National Framework for Extended Producer Responsibility on Plastic Packaging Waste. Section 44-D of the Act, as amended by the EPR Act of 2022, encourages Obligated Enterprises, Collectives, and PROs to consider including the following activities and strategies enumerated in Section 44-A of the Act, as amended by the EPR Act of 2022, in their respective EPR Programs to achieve plastic neutrality:

11.1. Reduction of non-environment friendly products which may include the following activities and strategies:

- a) adoption of reusable products, or redesign of the products to improve its reusability, recyclability, or retrievability;
- b) inclusion of recycled content or recycled materials in a product;
- c) adoption of appropriate product refilling systems for retailers;
- d) viable reduction rates plan;
- e) information and education campaign schemes; and
- f) appropriate labeling of products, including the information thereon for the proper disposal of the waste product.

11.2. Product waste recovery programs aimed at effectively preventing waste from leaking to the environment, which may include the following activities:

- a.) waste recovery schemes through redemption, buy-back, offsetting, or any method or strategy that will efficiently result in the high retrievability, high recyclability, and resource recovery of waste products.
- b.) diversion of recovered waste into value chains and value-adding useful products

- through recycling and other sustainable methods;
- c.) transportation of recovered waste to the appropriate composting, recycling, or other diversion or disposal site in the country.
- d.) clean-up of waste leaked to coastal areas, public roads, and other sites;
- e.) establishment of commercial or industrial scale recycling, composting, thermal treatment, and other waste diversion or disposal facilities for waste products, when investment therein is viable, and
- f.) partnership with LGUs, communities, and the informal waste sectors.

SECTION 12. Guide Parameters for the Adoption, Implementation, and Consideration as Accomplishment of the activities and strategies under Section 44-A of the Act, as amended by the EPR Act of 2022 for Plastic Packaging Waste.

12.1. Reduction of Non-Environment Friendly Packaging Products. The following activities and strategies under subparagraph (a), Section 44-A of the Act, as amended by the EPR Act of 2022, are not only for the purpose of enabling the NEC to identify, review, and update the “list of non-environmentally acceptable products and plastic packaging that shall be phased out” in accordance with Section 9 of the EPR Act of 2022, but more importantly the need to improve the product design and delivery into the market and consequently improve their reusability, recyclability or retrievability as sustainable measures towards plastic neutrality.

A material or mass balance, allowing for GHG computation and/or analysis, of the main materials and processes involved in the reduction and recovery activities and strategies, under this sub-section, subparagraphs (1), (2), (3), and (4) hereunder, and sub-section 12.2, subparagraphs (1) and (2), of this Section 12, will be included in the original or amended/ supplemental EPR programs to support the evidence of their overall environmental benefit in comparison with the baseline. This is consistent with the requirements of the Clean Air Act of 1999 (RA 8749), Climate Change Act of 2009 (RA 9729), and the “Guidelines on Mainstreaming, Cascading, And Institutionalizing Climate Change Concerns in the Environment and Natural Resources (ENR) Priority Programs” (DAO 2021-22).

12.1.1. Adoption of reusable packaging products, or packaging design to improve their reusability, recyclability or retrievability, may include:

- a.) The replacement of single use packaging with reusable packaging products, or with packaging products designed to improve their reusability, recyclability or retrievability, compared to the baseline quantification related to the preceding year of the material consumption by packaging product or material, and declare, in comparison with such baseline, what would be the reduction of plastic waste that will be achieved.
- b.) To facilitate consideration as Plastic Waste Footprint Reduction accomplishment through the foregoing methods, Obligated Enterprises may submit as part of their individual EPR Program, or as part of the EPR Program of the Collective or PRO to which they belong, a plan aimed at improving the reusability, recyclability and retrievability of their product packaging material. This plan will include as a minimum:
 - Volume and weight of the packaging material or type related to the reusability, recyclability or retrievability of the packaging products, whether locally manufactured, or imported into the country from overseas, and brought into the market in the preceding year.
 - Description on how the reusability of their packaging products, or part of their packaging products, will be improved.
 - Description on how the reusability or recyclability of the packaging products will be enhanced; the technologies envisaged for the reuse or recycling

process; the list of facilities in the Philippines that can manage the recycling process, or the investment required to establish the needed recycling process in case this is not available in the country.

- Description of the measures that could enhance the retrievability of the product, including packaging design, simplified identification of the packaging material or its component, collection/ take back network which will be established to ensure the retrievability of packaging after use, etc.
- An implementation timeframe, with targets, related to the reusability, recyclability and retrievability of the plastic packaging products.

12.1.2 Inclusion of recycled content or recycled materials in packaging materials

- a.) The use of recycled content or recycled materials in manufacturing of packaging products, may be accounted as one of the measures to achieve product neutrality under the EPR programs of an Obligated Enterprise. The neutrality should consider, not only the amount of material effectively recycled (representing therefore the amount of waste of the same materials removed from the environment), but also the efficiency of the recycling process (how much recycled material is effectively used and how much is instead discarded as a non-recyclable waste), as well as the mass balance including GHG release reduction associated with the recycling process.
- b.) To facilitate consideration as a Plastic Waste Footprint Reduction accomplishment through the foregoing method, Obligated Enterprises may submit as part of their individual EPR Program, or as part of the EPR Program of the Collective or PRO to which they belong, a plan aimed at setting a target percentage of recycled materials is included in their product.
- c.) The plan will include:
 - Volume and weight of the packaging material or type of the current content of recycled materials in their products, arranged by material, as well as a recycling target as a percentage by weight of recycled polymeric plastic material achieved.
 - Description of the process or strategy envisaged to achieve higher content of recycled materials compared to the baseline, and
 - An implementation timeframe with recycling targets achieved by material or/and product component.
- d.) The Targets for recycled content will be proposed by the Obligated Enterprise, Collective, or PROs to the Bureau, the DTI-BPS, and relevant industrial associations, considering the recycling content already achieved internationally and the capacity of recycling technologies in the country.

12.1.3 Adoption of appropriate product refilling systems for retailers

- a.) The reduction of packaging waste that may be achieved through increased distribution or deployment of refilling systems for retailers, compared to the baseline, will be considered as one of the measures to achieve product neutrality under the EPR Act of 2022. In this method, the achievement of product neutrality is not based on the collection of an equivalent waste container, but instead on the amount of single use containers which are avoided due to the refilling system. A mass balance between the mass of the single-use containers avoided and the reusable containers reaching their end of life over the same period will constitute the basis for the product neutrality or offsetting.

b.) To facilitate consideration as a Plastic Waste Footprint Reduction accomplishment through the foregoing method that is generally limited to products that may be sold in bulk, such as powders, liquids, gels, etc., Obligated Enterprises may submit as part of their individual EPR Program, or as part of the EPR Program of the Collective or PRO to which they belong, a plan that sets a target volume or percentage of their product will be distributed through refilling systems, by implementing agreements with product retailers, such as supermarkets, shops, distributors, to avoid or reduce the use of single-use containers.

c.) The plan will include:

- Volume and weight of the packaging material or type of the current amount of single-use containers and their volume, versus the number and volume of reusable containers placed on the market, to allow for verification of the achieved target.
- Modalities of implementation of refilling system network, including transportation and distributions, requirements for the re-usable containers, requirements for tanks to be established at distribution points and their management,
- Certification schemes for the chain of custody of edible and non-edible goods, including health and safety measures.
- List of edible goods that will be distributed through refilling systems (i.e., water, oil, wine, flour, salt, sugar, etc.) expected amount, and associated mass of single-use containers avoided.
- List of non-edible goods that will be distributed through refilling systems (i.e., detergents, soaps, oils, building materials like gypsum and cement, etc.) and associated mass if single use containers avoided.
- The plan will include an implementation timeframe with targets by product distributed,

12.1.4 Viable reduction rates plan:

- a.) The reduction of waste which may be achieved through the upstream reduction of use of material in the manufacturing of packaging material, compared to the baseline, will be accounted as one of the measures to achieve product neutrality under the EPR programs.
- b.) For plastic containers and plastic bags, considering that their impact on the environment is associated not only with their weight but also with their number and volume, the reduction of their weight using thinner layers (lightening) should not, by itself, be considered as a valid measure to achieve product neutrality. Increase of container volume leading to a smaller numbers of packaging units may be considered acceptable if this also leads to a reduction of mass of the packaging placed on the market.
- c.) To facilitate consideration as a Plastic Waste Footprint Reduction accomplishment through the foregoing method, Obligated Enterprises may submit as part of their individual EPR Program, or as part of the EPR Program of the Collective or PRO to which they belong, a plan aimed at reducing the amount of material used in the manufacturing of their packaging products, with special reference to packaging materials as well as the measures and methods on the shift from the production of single-use products to more sustainable products, taking into account that several SUP may be banned.

d.) To this end, the plan will include:

- Volume and weight of the packaging material or type of the current use of materials, by type of material and product, to be compared with the material reduction plan.
- An assessment of the reduction of the weight and volumetric amount of waste prevented associated to the reduction of material used in the process.
- Reduction rates and technology adopted related to the elimination or improvement of unnecessary, redundant, or poorly engineered packaging.
- Reduction rates and technology / process upgrade adopted associated with the shifting from the production of SUP toward more sustainable and reusable products
- Reduction rates and technology / process upgrade adopted for the optimisation of product design and manufacturing, to avoid process scraps and waste, by material avoided.
- An implementation timeframe with targets by raw material avoided.

12.1.5 Information and education campaign (IEC) schemes

a.) To facilitate consideration as an EPR accomplishment through the foregoing method, Obligated Enterprises may submit as part of their individual EPR Program, or as part of the EPR Program of the Collective or PRO to which they belong, an information and education campaign (IEC) aimed at informing customers about:

- Options related to the collection of packaging products made available through their EPR schemes: location of collection points, rewarding schemes, contact numbers, etc.
- Options related to refilling systems made available through their EPR schemes: products available through a refilling system, location of distributors of such products, requirements for reusable containers, contact numbers.
- Guides for the responsible consumption to minimize the generation of plastic waste.
- Guides for the responsible management of plastic waste
- Guides related to the recycling symbols placed on the labels.

b.) Such information and educational materials shall be prepared as part of the first year of the EPR implementation plan and update yearly to reflect the progress of the EPR implementation.

c.) Obligated Enterprises, Collectives, PROs may also support educational programs and campaigns aimed at disseminating the hierarchy of waste which includes Avoidance, Reduction, Reuse, Recycling, Treatment and Proper Disposal.

d.) Partnerships with the academic institutions, civil society, including community and church groups on the development and dissemination of an information and education campaign or program on or for ecological solid waste management.

12.1.6. Appropriate labelling of products and packaging materials to include information thereon to facilitate recovery, reuse, recycling, or proper disposal of waste product and packaging.

a.) As environmental labelling obligations are a shared concern of both government and all enterprises and manufacturers, parallel and collaborative efforts shall be implemented by government and all enterprises and manufacturers through their

industry associations towards the adoption of the appropriate regulation requiring a standard or general environmental label, for compliance by all product manufacturers or importers. The environmental labels should also be internationally acceptable to facilitate international trade and commerce.

- b.) The development of labelling standards pursuant to the provision of the Act, as amended by the EPR Act of 2022 shall be led by the Commission and the Department of Trade and Industry (DTI), through its Bureau of Philippine Standards (DTI-BPS), in collaboration with other government agencies, such as the EMB, Food and Drug Administration (FDA), Department of Agriculture, etc., with specific labelling requirements.

The coding system may initially be based on ISO 14020 series standards, particularly, ISO standard 14024, “Environmental Labelling – Practitioner Programs – Guiding Principles, Practices and Certification Procedures of Multiple Criteria (type 1) Programs”, with criteria to be determined based on life cycle assessment of the product group. The criteria shall be regularly reviewed to ensure their appropriateness considering scientific and technical progress, consideration of experience gained in this area, and consistency with relevant, internationally recognized standards.

The eco-label shall include simple, accurate, non-deceptive and scientifically based information for all interested parties on the key environmental aspects which are considered in the award of the label to enable consumers to make informed choices, learn about the attributes of the products, and on the processes and methodologies used in the eco-labelling process.

- c.) Industries and enterprises affected by the requirement for the development of standardized labelling for all products and product packaging shall proactively support, and collaborate with, the DTI-BPS to ensure that the labelling standards adopted not only satisfy the requirements of applicable laws and regulations of the Philippines but also comply with relevant international standards to facilitate international trade and commerce.
- d.) Obligated Enterprises may submit as part of their individual EPR Program, or as part of the EPR Program of the Collective or PRO to which they belong, the measures to ensure that the labelling of products placed on the market in the country is compliant with the most recent national regulation related to the labelling of their packaging. They may also already include summary information related to the recycling or disposal modality of products, in compliance with international standards related to recycling symbols, and may include a link to a website where information related to the recycling modality of the packaging.

12.2. Recovery Programs Aimed at Effectively Preventing Waste from Leaking to the Environment

12.2.1. Waste recovery schemes through redemption, buy-back, offsetting, or any method or strategy that will efficiently result in the high retrievability, high recyclability and resource recovery of waste products.

- a.) The reduction of waste which may be achieved through the adoption of suitable recovery schemes for plastic packaging waste will be accounted as one of the measures to achieve product neutrality under the EPR programs.

- b.) Obligated Enterprises may submit as part of their individual EPR Program, or as part of the EPR Program of the Collective or PRO to which they belong, a plan that ensures that their used packaging (or equivalent packaging of other brands), are collected at source or at specifically arranged collection points. A reverse-logistic network, including collectors, transporters, collection points, and storage areas will be arranged through agreements with retailers, plastic packaging waste re-users, recyclers, or diverters, Local Government Units (LGUs), operators of MRFs or SLFs, involving, where feasible, informal waste collectors, non-government organizations (NGOs), or civil society organizations (CSOs).
- c.) The recovery schemes should pay particular attention to the issue of rural areas or small islands which are difficult to be reached, to ensure that such areas are covered.
- d.) The EPR program submitted by the Obliges Enterprise, Collective, or PRO will include an implementation timeframe with targets by product/material recovered.

12.2.2 Diversion of recovered waste into value chains and value adding useful products through recycling and other sustainable methods

- a.) The reduction of plastic waste which may be achieved through diversion of packaging waste into value chains or value adding useful products and may be accounted as one of the measures to achieve product neutrality under the EPR programs. Such diversion may be accomplished through any sustainable methods that promote circular economy, as recognized under the Act, its IRR, and other administrative issuances of the Bureau, Department, or other government agencies. The neutrality should be however accounted for the same material and product for which waste has been avoided through diversion. The brand of the packaging product or waste diverted is not relevant.
- b.) To benefit from this product neutrality option, Obligated Enterprises may submit as part of their individual EPR Program, or as part of the EPR Program of the Collective or PRO to which they belong, a plan that ensures that a target amount of their packaging (or equivalent packaging of other brands), are diverted into value chain in a way which maximize their re-use as material, products, or component of products, based on the following hierarchy:
 - i. Reuse as product or as component of product; for instance, collection and cleaning of containers for reuse.
 - ii. Mechanical recycling: for instance, collection of wasted PET bottles to manufacture new PET bottles.
 - iii. Mechanical recycling of material for the manufacturing of other products; for instance, collection and recycling of PET bottles to manufacture other PET items.
 - iv. Chemical Recycling to convert plastics to monomers as feedstock to the petrochemical industry
 - v. Alternative Recycling for construction materials, arts and crafts, among others.
 - vi. Co-processing, if applicable and allowed for the specific material, product, or waste; for instance, co-processing of non-recyclable or low-quality plastic waste in cement kilns to recover energy and material.

- vii. Waste to energy pursuant to standards and guidelines set forth by the Department and other relevant agencies.
 - viii. Safe disposal in SLFs as a last option.
- c.) To benefit from this material or product neutrality option, the Obligated Enterprise, Collective, or PRO, as part of their respective EPR Program and Implementation Reports, may submit a yearly value diversion/recycling plan arranged by product and materials, with targets by diversion modality to facilitate a fair appreciation and determination of their accomplishments.
 - d.) The movement of collected EOL products or wastes to the recycling, treatment, or disposal facilities will be documented through an auditable and traceable recording system that would reflect source to destination via recycling, treatment, or proper disposal. Once the wastes have been recycled, treated, or properly disposed, the recycler, treater, or disposal facility operator shall issue a Certificate to and in the name of the Obligated Enterprise, Collective, or PRO.

12.2.3 Transportation of recovered waste to the appropriate composting, recycling or other diversion or disposal site in the country.

- a.) Obligated Enterprises may submit as part of their individual EPR Program, or as part of the EPR Program of the Collective or PRO to which they belong, the method through which the movement of collected plastic packaging wastes to the appropriate composting, recycling or other diversion or disposal site may be reliably tracked and documented in an auditable and traceable manner in collaboration with their key collaborators or partners in the implementation of their EPR Program.

12.2.4 Clean-up of waste leaked to coastal areas, public roads, and other sites

- a.) The legacy of packaging waste contaminating the environment, with specific reference for shorelines and marine environment, falls retroactively within the responsibility of the relevant Obligated Enterprises whose packaging products have leaked into the environment. Given, however, the complexity of the clean-up of site contaminated by certain waste typologies, and to ensure safe recovery and proper transport or delivery to the appropriate composting, recycling or other diversion or disposal site, the participation of Obligated Enterprises, the Collectives or PROs to which they belong, in the environmental or coastal clean-up shall be coordinated in advance with the LGUs and with the local offices of the Bureau or the Department.
- b.) The product neutrality achieved through participation in the clean-up of these areas will be calculated based on actual waste cleaned up and transported to the appropriate recycling, treatment, or disposal facilities. The calculation or estimate may use WACS (Waste Analysis and Characterization) Guidelines as a mode for calculation to determine the plastic packaging weight diverted from the environment.
- c.) The Obligated Enterprises or the Collectives or PROs to which they belong may also contribute to the clean-up of waste leaked through the adoption of innovations that can help to eliminate the waste from the environment. The financial investments in the innovations may be calculated in advance through the adoption and implementation of a mutually acceptable work

and financial plan between the LGUs, and local Bureau officer to achieve product neutrality under this EPR activity or strategy.

- d.) The Obligated Enterprises or the Collectives or PROs to which they belong may refuse to participate in clean-up activities where the illegal waste dumps were established directly or indirectly, or otherwise tolerated, by the LGUs or other government agencies in violation of the prohibition against the establishment and operation of open dumps under Section 37 of the Act.

12.2.5 Establishment of commercial or industrial scale recycling, composting, thermal treatment, and other waste diversion or disposal facilities for waste products, when investment therein is viable.

- a.) In case the existing recycling facilities are not sufficient to ensure the EPR target required in terms of capacity, quality, or technology, for the collection and recycling of the plastic packaging waste, the Obligated Enterprises, or the Collectives or PROs, may formally elevate the issue to the Commission and to the Bureau under the EPR Sustainability Collaboration provisions in Section 17.2 of the EPR IRR.
- b.) In elevating issue, the Obligated Enterprises, or the Collectives or PROs, by themselves or together with other similarly situated Obligated Enterprises, Collectives, or PROs, shall submit a business case or pre-feasibility study that identifies the project and investment requirements, that include:
- waste typology and reasonably projected volumes, expressed in metric tons per month or per year
 - the appropriate commercial or industrial scale facilities that utilize sustainable recycling technologies or methods that promote circular economy, as recognized under the laws or official development frameworks of the Philippines
 - possible cash or non-cash investments and risk sharing arrangements within the context of public-private partnerships (PPP) modalities under Philippine law or Ordinances of LGUs.
 - Relevant assumptions to ensure project feasibility and sustainability
 - Investment recovery periods, direct or indirect government incentives or subsidies
 - Contract Management and Regulatory Framework.
- c.) If Obligated Enterprises, Collectives or PROs that they belong to wish to pursue the development, financing, operation, and maintenance of the subject facility as a private initiative, venture, or endeavour, it shall submit a project investment plan to supplement its EPR program, to include as a minimum:
- description of the reuse or recycling technologies identified for the specific packaging waste.
 - envisaged sites for the establishment of the facilities including possible geographic or LGU service coverage areas
 - permitting and licensing procedures.
 - amount of plastic packaging waste to be recycled
 - amount of recycled / recovered plastic material expected
 - expected business plan and cash flow
 - impact on the cost of products

12.2.6 Partnership with LGUs, communities, and informal waste sectors.

- a) Obligated Enterprises, or the Collectives or PROs to which they belong, may establish collaboration partnerships with LGUs, communities and informal waste sector for, among others, the following purposes:

(1) Partnership with LGUs. to:

- Support LGUs activities related to the collection and recycling of plastic waste, ensure a better coordination among public and private sector in the field of solid waste prevention, recycling, and collection, enhance synergies among the private and public sector.
- Contribute to the LGU activities on collection and recycling of plastic waste through awareness raising campaigns and communications.
- Coordinate on permitting and licensing issues related to investment in recycling and disposal facilities envisaged under the EPR schemes.
- Ensure that the collection and recycling / treatment covers areas which are difficult to be accessed, like rural areas or small islands.

- (2) Partnership with communities: to support, as part of their EPR and CSR schemes, the needs of communities on social and environmental issues, with focus on but not limited to collection and recycling services. This may include development of infrastructures, training, awareness raising initiatives, cultural events, environmental awards for students and workers, etc.

- (3) Partnership with the informal waste recovery sector: informal collector should be involved in collection initiatives especially in case the EPR program may impact on their activities. This partnership should ensure a formal coverage of the activities of informal collectors which may be an important resource to ensure the collection of EOL at source and should promote the creation of formal business which may participate in the implementation of EPR schemes.

Partnership with informal collector will be implemented in such a way to ensure that as a minimum, the national rules related to occupational health, right of employees and environmental protection are complied with at any stage.

Obligated Enterprises, Collectives, or PROs establishing partnerships with the informal collector shall ensure that such standards and rules are complied with and may introduce higher standards or safeguard systems in case these are more protective than the national rules. Such standard or safeguard systems may for instance concern: Social inclusion; Gender equality, Grievance mechanisms, Child labor, Occupational Health, Fair wage policies.

12.3. Incorporation of Activities and Strategies in the EPR Program. The adoption, implementation, monitoring, and evaluation of the specific activities and strategies and their respective requirements as stated in the foregoing Sections 12.1 and 12.2 in accordance with Section 44-A of the Act, as amended by the EPR Act of 2022 may already be reflected in the EPR Program submitted for initial registration or subsequently submitted by the Obligated Enterprise, Collective, or PRO as a supplement or amendment thereto in accordance with the process provided in Section 16.4 of this EPR IRR

12.4 Crediting Plastic Footprint Reduction Accomplishments: The Department, in consultation with the Commission, the Bureau, the Obligated Enterprises, Collectives, and PROs, shall, within one (1) year from the effectivity of the EPR IRR, formulate and adopt the system for crediting of Plastic Footprint Reduction Accomplishments that ensures a fair determination and recognition of the initiatives, activities and strategies in the foregoing Section 12.1 and avoids double counting of accomplishments.

SECTION 13. Plastic Packaging Covered by EPR. For purposes of this Rule, and in relation to Section 44-C of the Act, as amended by the EPR Act of 2022, plastic packaging shall refer to products utilized to carry, protect, or pack goods for transportation, distribution, and sale.

Plastic packaging shall include the following:

- a.) Sachets, labels, laminates, and other flexible plastic packaging products, whether single layer or multi-layered with plastics or other materials;
- b.) Rigid plastic packaging products, whether layered with any other materials, which include containers for beverages, food, home, personal care and cosmetic products, including their coverings, caps, or lids and other necessities or promotional items, such as cutlery, plates, drinking straws, or sticks, tarps, signage, or labels;
- c.) Plastic bags, which include single-use plastic bags, for carrying or transporting of goods, and provided or utilized at the point of sale; and
- d.) Polystyrene.

SECTION 14. Obligated Enterprises. Pursuant to Article 2, Sections 3 (p-4) and (w-2), and Section 44-B of the Act, as amended by the EPR Act of 2022, the following large enterprises that generate plastic packaging waste are the product producers obliged to implement EPR Programs:

- a.) Brand Owner who sells or supplies any commodity under a brand, label or identity using a product it produced, or a material supplied to it by another manufacturer, or supplier; and
- b.) Product Manufacturer or Importer that supplies its commodities for the use of the general consumer, or distributes the same as a material product of a brand owner: *Provided*, That for purposes of Article 2 of Chapter III-A of the Act, as amended by the EPR Act of 2022, in case the commodities are manufactured, assembled, or processed by a product manufacturer for another Obligated Enterprise which affixes its own brand name, the latter shall be deemed as the manufacturer;

MSMEs are not covered by the EPR Act of 2022. They are however encouraged to practice EPR voluntarily or be a part of the network of Obligated Enterprises, Collectives, or PROs practicing EPR.

Finally, in case the total value of assets of all enterprises carrying the same brand, label or trademark exceeds that of medium enterprises stated under Republic Act No. 9501, these enterprises shall be deemed Obligated Enterprises.

SECTION 15. EPR Mandates. Pursuant to Section 44-D of the Act, as amended by the EPR Act of 2022, Obligated Enterprises shall, within a period of six (6) months following the effectivity of the EPR Act of 2022, establish or phase-in EPR programs for plastic packaging to achieve efficient management of plastic packaging waste, reduced production, importation, supply, or use of plastic packaging deemed low in reusability, recyclability or retrievability, and plastic neutrality through efficient recovery and diversion schemes.

- a.) The EPR programs may include the activities and strategies stated under Sections 12.1 and 12.2 hereof, and Section 44-A of the Act, as amended by the EPR Act of 2022, provided that their EPR mechanisms and strategies that shall be submitted to the Commission, through the NEC.
- b.) Obligated Enterprises shall institute an EPR program, either individually or collectively, whether as, with, or without, a PRO. The herein defined Collective or PRO shall serve as the viable platform of the members thereof for the formulation, submission, registration, implementation, and audit of their EPR Program.
- c.) The Obligated Enterprises or the Collectives or PROs to which they belong shall:
 - Maintain updated statistics of the amount of products that they or their respective members released to the market and the amount of plastic packaging waste recovered from the environment, by type of product and year.
 - Develop various data management tools to ensure the veracity of the data and information generated or reported during the implementation of their respective EPR Programs, thereby enabling a proper and credible audit thereof and certified reporting thereon for the compliance period by an independent third-party auditor in accordance with Section 44-G of the Act, as amended by the EPR Act of 2022.
 - Establish cooperation mechanisms with other Obligated Enterprises, Collectives, and PROs dealing with the same category of plastic products and wastes, or even different categories of products to achieve the shared objective of plastic neutrality.

SECTION 16. Registration of EPR Programs.

16.1. Application Process.

- a.) An Obligated Enterprise, Collective, or PRO shall submit to the NEC its application for registration of its EPR Program, in triplicate copies (2 originals and 1 legible photocopy), and a compressed archive digital file/s (ZIP or RAR) containing the non-editable PDF files of the required documents as specified in Sections 16.2 and 16.3 hereof.
- b.) Within three (3) business days from receipt of the application, the NEC shall complete its examination of the application to determine its completeness in accordance with Section 16.2 and Section 16.3 hereof. If complete, the NEC shall email the duly designated officer of the applicant with the Order of Payment of the EPR Registration Fees and Annual Compliance Monitoring Fees in accordance with the Schedule of EPR Fees to be issued by the Bureau. The collected registration fees and annual compliance monitoring fees shall accrue to an EPR Special Fund to be created herein.

If the application is incomplete, the NEC shall email the duly designated officer of the applicant on the missing information or documents. The NEC shall have

a new three (3) business day period within which to recheck the completeness of the resubmission.

- c.) Upon manual or electronic submission of the proof of payment of the aforementioned Fees, and within a period of twenty (20) business days from receipt thereof, the NEC shall commence and complete its evaluation of the application to determine and ensure the conformity and consistency of the EPR Program, its mechanisms, and strategies, with the requirements of the Chapter III-A of the Act, as amended by the EPR Act of 2022. If, notwithstanding the payment of the required fees, the NEC does not act upon the EPR Program within the herein prescribed period, said EPR Program shall be considered as “registered” and the duly designated officer of the registrant may pick up its duly marked and numbered EPR Program upon the lapse of said period.
- d.) The NEC shall affix its security markings and assign the EPR Registry Number on the EPR Program determined to be compliant and submit a copy thereof to the Commission through the Commission Secretariat. The NEC shall also email the duly designated officer of the registrant of said actions and with instructions to pick up its duly marked and numbered EPR Program.
- e.) In case the NEC determines that the EPR Program contains provisions that are non-compliant or are inconsistent with the requirements of the Chapter III-A of the Act, as amended by the EPR Act of 2022, it shall email the duly designated officer of the applicant with information on the provisions thereof that were determined to be non-compliant or inconsistent.

Upon resubmission of the EPR Program, as amended to be compliant and consistent with the requirements of the Chapter III-A of the Act, as amended by the EPR Act of 2022, the NEC shall have a new twenty (20) business day period from receipt thereof within which to complete its evaluation thereon.

- f.) The distribution of the duly marked and registered copies of the EPR Program shall be as follows:
 - Registrant, 1-original copy and 1 copy duly certified by the NEC
 - NEC and the Commission, 1 original copy and the digital file for the database
 - Bureau Regional Office, 1 copy duly certified copy by the NEC, for compliance monitoring and evaluation purposes.
- g.) The Bureau Director and the Head of the NEC may issue a Joint Memorandum Circular to implement the necessary adjustments to (1) the foregoing process flow once the EPR registration procedure is migrated to and the integrated with Bureau’s OPMS, and/or (2) shorten the processing periods in accordance with the Ease of Doing Business Law.

16.2. Documentary Requirements for Applications for Registration, pursuant to Section 44-E of the Act, as amended by the EPR Act of 2022:

- 16.2.1 Letter of Intent** stipulating whether the applicant is applying for EPR Registration as an Obligated Enterprise or as a Collective or aggrupation of Obligated Enterprises, with or without a PRO. The Letter shall be signed by the duly designated officer responsible for the EPR Program and for EPR Act of 2022 Compliances and shall provide the contact details (office address, telephone and

mobile number, and email address) of said officer. The duly designated officer shall ensure that the NEC is updated as to any changes in his/her contact details.

16.2.2 The Letter shall be supported by the following documents, submitted in triplicate:

- a.) Original copies of the Special Power of Attorney, Partner's Certificate or Resolution, or Corporate Secretary's Certificate on the designation of the officer responsible for the EPR Program and for EPR Act of 2022 Compliances and the authorization to submit the application for EPR registration of the EPR Program.
- b.) Legible copy of Certificate of Registration with the Department of Trade and Industry (DTI) for single proprietorships, Securities and Exchange Commission (SEC) for corporations and partnerships, or Cooperative Development Authority (CDA) for cooperatives of the Obligated Enterprise, the lead enterprise of a Collective, or of the PRO.
- c.) Legible copy of Certificate of Registration with the Bureau of Internal Revenue (BIR Form No. 2303) of the Obligated Enterprise, the lead enterprise of a Collective, or of the PRO.
- d.) Copy of valid Mayor's or Business Permit covering the principal place of business of the Obligated Enterprise, the lead enterprise of a Collective, or of the PRO.
- e.) Additional documentary requirements for Collectives and PROs:
 - Organizational structure and leadership
 - Membership requirements
 - Roster of Member Obligated Enterprises
 - Roster of MSMEs voluntarily participating in the EPR Program
- f.) Sworn Statement executed by duly designated officer responsible for the EPR Program and for compliance with EPR Act of 2022 attesting to the veracity of all documents submitted together with the application and undertaking to report in writing to the Commission, through the NEC, any changes on:
 - The identity and/or contact details (office address, telephone and mobile number, and email address) of the duly designated officer responsible for the EPR Program and for compliances with EPR Act of 2022.
 - Mode of Compliance with the EPR Act of 2022, for example, from an individual Obligated Enterprise to Collective or through PRO, or withdrawal or separation from a Collective or a PRO to pursue compliance with EPR Act of 2022 as an individual Obligated Enterprise.
 - The roster of members, in the case of Collectives or PROs, and the consequent adjustments to the weight of plastic packaging footprint and to the committed plastic waste diversion targets.
 - Such other relevant information to enable the Bureau and the NEC to monitor and evaluate compliance with their respective EPR Programs in accordance with Section 44-E of the Act, as amended by the EPR Act of 2022.

- g.) The EPR Program, as described in the immediately succeeding section, of the Obligated Enterprise, the Collective, or the PRO.

16.3. Components of an EPR Program. Pursuant Sections 44-E, 44-F, and 44-H of the Act, as amended by the EPR Act of 2022, the EPR Program to be submitted by an Obligated Enterprise, a Collective, or a PRO shall include the following information:

- a.) **Specific type of packaging materials, as defined by Section 44-C of the Act, as amended by the EPR Act of 2022, and Section 13 hereof, and the product brands for which they are used. In complying with this requirement, the disclosure of the total weight or volume of per type of packaging material per product brand is not required.**
- b.) **Verifiable weight, expressed in metric tons, of the plastic packaging per type, material form, or general form, brought into the market within a specified period. This parameter shall also be known as the “plastic packaging footprint”.**

- In the determination of the verifiable plastic packaging footprint, compliance with this requirement shall include those necessities or promotional items used to promote the product brand/s even if these are outsourced by the product producer to third-party suppliers or service providers such as distributors, retailers, franchisees, or advertising/ marketing agencies.
- To prevent the inadvertent disclosure of confidential information, compliance with this requirement shall be based on the total weight of plastic packaging per type, Rigids or Flexibles, as defined under Section 44-C of the Act, as amended by the EPR Act of 2022, regardless of brand.

For Collectives and PROs, the compliance disclosure shall be based on the consolidated or aggregated weight of plastic packaging footprint of the same type, material form, or general form, regardless of brand, of all of their members.

- "Specified period" generally refers to a 12-calendar month period.
 - During the first compliance year, also known as the EPR phase-in period (2023-2024), the required disclosure shall be based on the self-declaration of the applicant Obligated Enterprise, Collective, or PRO. This shall be verified during the required compliance audit, the results of which shall serve as the verified and audited basis for the adjustments thereof.
- c.) **Target weight of plastic packaging footprint, as disclosed in the immediately preceding paragraph (b), to be recovered and diverted for reuse, recycling, treatment, or proper disposal to prevent them from leaking into the environment. This shall be expressed in metric tons and as a percentage of the plastic packaging footprint for the compliance year. This parameter shall also be known as the “plastic waste diversion target”.**
- The compliance disclosure herein required on plastic packaging waste recovery for reuse, recycling, offsetting, or proper disposal shall be based on same type, material form, or general form that an Obligated Enterprise produces, regardless of brand.

For Collectives and PROs, the compliance disclosure herein required on plastic packaging waste recovery for reuse, recycling, offsetting, or proper disposal shall be based on the consolidated or aggregated weight of plastic packaging of the same type, material forms, or general forms, that their respective members produce.

- In no case shall the committed target weight and percentage of plastic packaging waste recovery for reuse, recycling, offsetting, or proper disposal be lower than that prescribed for the applicable compliance period under Section 44-F, of the Act, as amended by the EPR Act of 2022.

To avoid any doubt, the minimum committed target weight and percentage of plastic packaging waste recovery for reuse, recycling, offsetting, or proper disposal of an Obligated Enterprise, Collective, or PRO that registers their EPR Program in 2024 is not 20% but 40% of the plastic packaging footprint. The minimum plastic packaging waste diversion target for those that register their EPR Program in 2025 shall be 50%, not 20%, of their plastic packaging footprint.

- Pursuant to Section 44-F of the Act, as amended by the EPR Act of 2022, the recovery or offsetting of plastic packaging waste, to be considered or credited as a proper step towards waste diversion accomplishment, shall be based on the type of plastic packaging footprint, regardless of brand. As such, if the plastic packaging footprint is “Rigid”, it may only be credited if recovered or offset against “Rigid plastic packaging waste”, regardless of brand. “Flexibles” cannot be used to offset “Rigids” and vice versa.
- As recovery is not the final step in waste diversion, the EPR Program shall define and describe the post-recovery disposition, whether for reuse, recycling, feedstock for coprocessing, waste-to-fuel, waste-to-energy or other technological applications allowed by law, rule, or regulation, or for final proper disposal at a Sanitary Landfill Facility (SLF) as defined in the Act.
- The EPR Program shall clearly identify who in its process flow shall issue the plastic waste diversion certificate in the name of the Obligated Enterprise, the Collective, or the PRO. As a measure to ensure the integrity and veracity of the contents thereof, the plastic waste diversion certificate shall be notarized in accordance with the prevailing rules on notarization issued by the Supreme Court of the Philippines.
- It is the aggregated total weight of these Sworn Plastic Waste Diversion Certificates, secured during the applicable compliance period, that shall serve as among the principal bases to determine compliance with the applicable minimum plastic packaging waste diversion targets set under Section 44-F of the Act, as amended by the EPR Act of 2022, and shall be the subject of verification, validation, compliance audit, and certification by the independent third-party auditor to be engaged by the Obligated Enterprise, Collective, or the PRO in accordance with Section 44-G of the Act, as amended by the EPR Act of 2022.
- The Obligated Enterprise, the Collective, or the PRO shall ensure the accuracy, reliability, and integrity, of all information and reports from its network of plastic waste collectors, diverters, re-users, recyclers, converters to feedstock of legally allowed technological applications, or operators of SLFs as defined in the Act.

d.) Other EPR Programs for plastic packaging waste avoidance, reduction, or redesign of plastic packaging to improve its reusability or recyclability.

- Section 44-A and Section 44-D of the Act, as amended by the EPR Act of 2022, encourage Obligated enterprises, Collectives, and PROs to consider including and implementing as part of their EPR Program, the activities and strategies enumerated therein and detailed in Sections 12.1 and 12.2 hereof, that are aimed at the avoidance and reduction of non-environment friendly products and the effective prevention of waste from leaking to the environment.
- To this end, the EPR program, as originally submitted and registered, or as may be subsequently amended in accordance with the procedure prescribed in Section 16.4 hereof, shall describe how these activities led or will lead to the avoidance or reduction of non-environment friendly or preferable products or prevent waste from leaking to the environment.
- To enable a fair determination of the volume or weight of product waste avoided or reduced or prevented from leaking into the environment, as well as a fair determination of the accomplishment credits to be accorded by the Commission, this portion of the EPR program shall be supported by quantifiable, traceable, and auditable data and information that be included and subjected to the ECAR under Section 44-G of the Act, as amended by the EPR Act of 2022.

If the activities and strategies subject of this provision are submitted by an Obligated Enterprise, Collective, or PRO to the Commission for consideration and recognition prior to inclusion into, and implementation as part of, its EPR Program, the proposal shall be in writing and shall be supported by the proposed measures or metrics to achieve fair determination as stated in the immediately preceding paragraph. The Commission shall evaluate and resolve the proposal within a reasonable amount of time.

e.) Labeling of packaging materials to facilitate recovery, reuse, recycling, or proper disposal of packaging materials.

- As stated in Section 12.1.6 hereof, compliance with this requirement involves the declaration of measures to ensure that the labelling of products placed on the market in the country complies with the prevailing national rules and regulations related to the labelling of their packaging.
- Compliance may include posting on the website of the Obligated Enterprise, the Collective, or the PRO, of the summary information related to the recycling or disposal modality of products, in compliance with international standards related to recycling symbols, and information related to the recycling modality of the packaging
- As recognized in Section 12.1.6 hereof, compliance with future government labeling regulations referred to therein shall be submitted by way of amendments or supplements to the registered EPR Program.

f.) Status of Implementation:

f.1. The EPR Program shall describe and detail the various components of its EPR

implementation program and process flow. These include:

- a) Implementation parameters and strategies of the EPR program
 - b) Identification, role, or function of each key partner or collaborator, who may come from the local government or private sector, including social enterprise, community, church, civil society, industry groups, their supply and distribution chains, at every stage of the implementation of the EPR Program, particularly on plastic packaging waste footprint collection and recovery, aggregation, and diversion for reuse, recycling, offsetting, treatment, conversion, or proper final disposal. Of particular importance is the identification of the partner or collaborator that will issue the in the name of the Obligated Enterprise, Collective, or PRO the Sworn Plastic Waste Diversion Certificate.
- These partners or collaborators shall also serve as key data points for the monitoring and evaluation of the EPR Program implementation.
- c) The systems for data collection and database maintenance
 - d) The system for reporting, verification, and accounting of waste footprint generation, recovery, and diversion for reuse, recycling, treatment, conversion, or proper disposal.
 - e) Financing mechanisms or expenses;
 - f) Environmental, social inclusivity, gender equality, anti-exploitation, and other relevant safeguards
- f.2. Geographic Implementation Program or Roll-out Plan: To achieve the objective of the EPR Act of 2022 on the prevention of marine litter, it is necessary that the EPR Programs include the geographic implementation program or roll-out plan to ensure that the benefits of the various EPR Programs go beyond the boundaries of urban centers and cities.

As an illustration or example, this program or plan may be presented by an Obligated Enterprise, Collective, or PRO, in the following manner:

"Without limiting, restricting, or preventing the participation in our EPR Program of other LGUs, the following is the target geographic implementation or roll-out of our EPR Program:

Compliance Year	General Areas
2023	<i>Metro Manila, Metro Cebu, and Metro Davao</i>
2024	<i>Other Metropolitan Areas: (Metro Angeles, Metro Bacolod, Metro Baguio, Metro Batangas, Metro Cagayan de Oro, Metro Dagupan, Metro Iloilo–Guimaras, Metro Naga, and Metro Olongapo)</i>
2025	<i>Other Highly Urbanized, Independent Component Cities, and 1st Class Component Cities</i>
2026	<i>2nd to 6th Class Component Cities</i>

2027	<i>1st to 3rd Class Municipalities</i>
2028	<i>4th to 6th Class Municipalities</i>

Compliance with this requirement may serve as inputs for the formulation and implementation of programs, projects, and strategies, aimed at fostering a better investment climate for public and/or private investments in plastic waste recovery and recycling endeavors.

f.3. The EPR Program may also include other relevant information that the Obligated Enterprise, Collective, or PROs may voluntarily disclose, such as, other initiatives, approaches, or projects towards plastic neutrality, or the disclosure of the other types and volume of packaging materials like paper, cartons, glass, metal, wood, that are currently in use but not covered by the EPR Act of 2022.

g.) Status of Compliance

- Compliance requires a disclosure of the advance work that has been done by the Obligated Enterprise, Collective, or PRO to prepare for the implementation of its EPR Program. This may also include EPR-related activities accomplished prior to the enactment of the EPR Act of 2022

16.4. Amendments to the Registered EPR Program

a) If the Obligated Enterprise, Collective, or PRO wishes to introduce amendments to its Commission and NEC-Registered EPR Program, it shall submit, in triplicate copies, a written request for said purpose to the NEC, clearly indicating its EPR Program Registry Number and shall present the amendments/supplements in a 3-column matrix format, where:

Column 1 shall state the original provision sought to be amended or supplemented. If the amendment involves the introduction of a new provision, the entry shall be “New”.

Column 2 shall state the text of the amended or supplemented provision or the new provision, as the case may be.

Column 3 shall state the reason for the amendment, supplement, or new provision.

b) The NEC shall complete its evaluation of the request within seven (7) business days from receipt thereof. The focus of the evaluation is to ensure that the amendatory, supplementary, or new provisions are compliant with the requirements of the Act, as amended by the EPR Act of 2022. Depending on the complexity of the new, amendatory, or supplemental provisions, the NEC may extend its evaluation period to not more than twenty (20) business days from the lapse of the original seven (7) business day period.

If compliant, the NEC shall affix its security marking, assign the serialize registry number that associates it with the Original EPR Program Registry Number, endorses the same to the Commission. The NEC shall release the security marked and numbered copy of the request and matrix upon payment of the fees therefor. If non-compliant, the NEC shall return the request with written information as to reason behind its findings.

16.5 Changes in the Mode of Compliance with the EPR Act of 2022. This Rule shall govern a situation where an Obligated Enterprise wishes to change its mode of compliance with the Act, as amended by the EPR Act of 2022.

- a) If an Obligated Enterprise with a duly registered individual EPR Program wishes to abandon its mode of compliance to join a Collective or a PRO, it shall submit, in triplicate copies, a written request to Commission, through the NEC, submitting its proof of acceptance of membership in the Collective or the PRO and requesting for the deactivation of its EPR Program Registry Number.
- b) If an Obligated Enterprise that is a member of a Collective or a PRO with a Registered EPR Program, withdraws its membership therefrom, it shall submit, in triplicate copies, a written request to the Commission, through the NEC, together with:
 - Written Clearance from the Collective or PRO indicating its conformity to the withdrawal of membership and stating therein the withdrawing member's plastic packaging footprint per type of plastic packaging waste and status of the compliance with the targets set under Section 44-F of the Act, as amended by the EPR Act of 2022, for the compliance year. The Collective or the PRO shall not unreasonably withhold or delay the issuance of the herein required clearance.
 - Compliance with Sections 16.2 and Section 16.3 hereof as an Obligated Enterprise complying individually.

The NEC shall evaluate and process the request and application in accordance with Section 16.1 hereof.

SECTION 17. EPR Compliance Monitoring and Sustainability Collaboration

17.1. EPR Act of 2022 Compliance Monitoring.

The Department, through the Bureau, and in coordination with the Commission, through the NEC, shall monitor and evaluate the compliance of Obligated Enterprises, Collectives, or PROs with their respective EPR programs.

For this purpose, Bureau, in collaboration with the NEC, shall formulate and issue the Procedural Manual on the compliance monitoring and evaluation of EPR Programs and on the required submission of annual compliance reports by Obligated Enterprises, Collectives, or PROs in accordance with the last paragraph of Section 44-E of the Act, as amended by the EPR Act of 2022.

17.2 EPR Sustainability Collaboration

Pursuant to the 2nd paragraph of Section 44-H of the Act, as amended by the EPR Act of 2022, the Department, in consultation with the Commission, the Bureau, the Obligated Enterprises, the Collectives, or the PROs, shall establish a system or parameters necessary to make the EPR Act of 2022 compliances effective, efficient, and sustainable.

These shall include standards, rules, or guidelines for the parameters stated Section 44-H of the Act, as amended by the EPR Act of 2022, and incorporated as components of the EPR Program under Section 16.3 hereof. The collaboration shall also identify challenges to overcome and the best practices to improve the overall implementation of the EPR Act of 2022.

SECTION 18. Compliance Period for Plastic Packaging Recovery Programs.

18.1 Recovery Targets

With the objective of establishing and phasing-in recovery programs that will achieve plastic neutrality, Section 44-F of the Act, as amended by the EPR Act of 2022 set the following targets for the recovery of plastic product footprint generated during the immediately preceding year:

December 31, 2023	Twenty Percent (20%)
December 31, 2024	Forty Percent (40%)
December 31, 2025	Fifty Percent (50%)
December 31, 2026	Sixty Percent (60%)
December 31, 2027	Seventy Percent (70%)
And December 31, 2028, and every year thereafter	Eighty Percent (80%)

The manner for determining compliance with the targets set for recovery or offset, and diversion targets are already stated in Section 16.3(c), hereof.

SECTION 19. Audits. These Rules are issued pursuant to Section 44-G of the Act, as amended by the EPR Act of 2022.

19.1 Purpose and Scope of Audit

- a.) Obligated enterprises, Collectives, or PROs shall engage an independent third-party auditor to conduct a compliance audit and certify the veracity of the reported plastic product footprint generation, recovery, and overall EPR program compliance using uniform standards established by the Department.
- b.) The scope coverage of the EPR Act of 2022 Compliance Audit Report or "ECAR" shall include:
 - (1) Footprint Declaration of Obligated Enterprises or their PROs for the volume in terms of weight in Metric Tons of the Flexible and Rigid plastic packaging brought into the market for the preceding year. "Flexibles" includes those plastic packaging materials defined under subparagraphs (a), (c), and (d), while "Rigids" are defined by subparagraphs (b) and (d) of Section 44-C of the Act, as amended by the EPR Act of 2022
 - (2) Recovery or plastic packaging waste diversion by waste diverters based on third-party audited diversion or credits for the recovery, transport, recycling, or treatment or final SLF disposal during the immediately preceding year.
 - (3) Determination of the equivalent plastic packaging waste footprint reduction resulting from other EPR programs pursuant to Sec 44A, subparagraph (a), such as, the redesign of plastic packaging to improve reusability, recovery, or recyclability, or the use of refilling systems to replace plastic packaging that would otherwise have been introduced to the market.
 - (4) Confirmation of records, reports, or information, or particular portions thereof, that the Obligated Enterprise, Collective, or PRO considers and

declares to be “CONFIDENTIAL”. Confidential Information, as herein defined, refers to such information the public disclosure of which would reveal trade secrets, production or sales figures, or methods and processes unique to the enterprise, or other similar information that tend to adversely affect its competitive position.

- c.) To develop the uniform standards for EPR Act of 2022 auditing and reporting, the Commission, Department, Bureau, and the Department of Trade and Industry (DTI) shall collaborate with, among others, the DTI-Bureau of Philippine Standards (DTI-BPS) for the development and mandatory adoption of plastic product footprint generation and recovery standards and with the Auditing and Assurance Council (AASC) of the Philippines to develop and promulgate a standardized compliance auditing manual for the EPR Act of 2022.

The system for the accreditation of EPR Act of 2022 independent third-party auditors shall also be developed and implemented.

The objective is to have the aforementioned compliance auditing manual and the accreditation system adopted and issued on or before the September 30, 2023. Information and Education campaigns shall be implemented immediately after adoption to ensure that all key stakeholders are ready for compliance audit by January 2024.

19.2 Management of Confidential Information.

Pursuant to the 2nd paragraph of Section 44-G of the Act, as amended by the EPR Act of 2022, and as stated in subparagraph (b). Section 19.1, the Department, through the Bureau, shall evaluate the confidentiality requested by the Obligated Enterprise, Collective, or PRO, as confirmed by the independent third-party auditor. Once the Bureau approves the requested confidentiality, any unauthorized disclosure of said confidential information shall be dealt with in accordance with the appropriate administrative or criminal laws, rules, and regulations.

As such, the Bureau and the NEC shall also exercise prudence and caution in the management of information, particularly those to which public access is granted, to avoid or prevent any violation of the approved confidentiality.

19.3 Interim measures for the Compliance Audit

- a.) Pending the formal adoption of the uniform standards for compliance auditing and reporting required by the EPR Act of 2022, the Obligated Enterprises or PROs shall establish and implement an accounting, data recording, and auditing system for their respective EPR Programs, guided by the general scope stated in the foregoing paragraph (b) of Section 19.1, to monitor and assess their compliance performance with EPR Act of 2022 and their respective EPR programs. These systems may also serve as working models for consideration during the preparation of the uniform compliance audit standards. These systems may also be subsequently adjusted to comply with the adopted uniform standards.
- b.) The independent third-party auditor to be engaged by the Obligated Enterprise or the PRO for its EPR Act of 2022 and Program compliance audit shall not be an officer or employee of the Obligated Enterprise, nor any of the members of a Collective, nor of the PRO, nor any of its affiliates.
- c.) Pending the issuance of the Rules on the Accreditation of Third-Party Auditors for EPR Act of 2022 compliance audits, and given the importance that the EPR Act of 2022 accords to the ECAR, minimum qualifications of the independent

third-party auditor that shall, in the meantime, conduct the compliance audit and certify the veracity and accuracy of the ECAR is that the auditor shall be a Certified Public Accountant, who shall indicate together with its signature the following information:

- Certified Public Accountant (CPA) Certificate Number
- Board of Accountancy/Professional Regulation Commission (BOA/PRC) Registration Number with date of issue and of expiration
- Professional Tax Receipt No. with date and place of issue
- Tax Identification Number

d.) For the year 2023, and as stated in Section 16.3 (b), the ECAR shall also validate the accuracy of the self-declared volume of plastic packaging waste to be brought into the market, also known as the plastic footprint, and shall include the ECAR any adjustments thereto. The objective is to render the 2024, and subsequent years, plastic footprint volume or weight, as based on audited and verifiable basis.

19.4 Schedule for the submission of the ECAR and actions thereon.

a.) The deadline schedule for the submission to the Bureau by the Obligated Enterprise, Collective, or PRO of the ECAR covering the plastic product footprint generated, recovered, and properly diverted, for the immediately preceding year shall be on June 30 or the first working day immediately thereafter of the current year. To illustrate –

Beginning Period	Ending Period	ECAR Due date
January 1, 2023	December 31, 2023	July 1, 2024
January 1, 2024	December 31, 2024	June 30, 2025
January 1, 2025	December 31, 2025	June 30, 2026

- b.) The Commission may invite the duly designated officer of the Obligated Enterprise, Collective, or PRO and its independent third-party auditor to discuss, clarify, verify, or validate the submitted ECAR.
- c.) Should the Commission, the Department, or the Bureau deem it necessary, it may, at its own expense, commission the conduct of a verification compliance audit to be conducted by a similarly qualified independent third-party auditor.
- d.) The Department, through the Bureau, in coordination with the Commission, may also initiate proceedings under Section 49(g) of the Act, as amended by the EPR Act of 2022, before the Department’s Pollution Adjudication Board upon *prima facie* evidence of falsification of documents, misdeclaration of generated or recovered footprint, employment of any scheme to maliciously evade the responsibility of an enterprise under the EPR Act of 2022 or tamper its compliance with the provisions of Section 44-F of the Act, as amended by the EPR Act of 2022, Other legal and administrative remedies may also be availed of by the Commission, Department, or Bureau.

The ECAR on plastic product footprint generated and recovered by the Obligated Enterprises shall be made available to the public through the websites of the Department, the Bureau, the Commission, and the NEC, subject to the rules on confidentiality rules under paragraph 19.2 hereof. Only consolidated aggregated data or total footprint of all Obligated Enterprises and the percentage accomplished/offset shall be made available to the public.

PART VI: INCENTIVES AND COST RECOVERY UNDER THE EPR ACT OF 2022

SECTION 20. Incentives. Pursuant to Section 7 of the EPR Act of 2022, the following are the incentives and cost recovery mechanisms:

- 20.1. Rewards and recognitions, monetary or otherwise, shall be provided to individuals, private organizations and entities, Obligated Enterprises, Collectives, and PROs, including non-government or civil society organizations, that have undertaken outstanding and innovative projects, technologies, processes and techniques or activities in reuse, recycling, and reduction, including those that are engaged in the development and use of environmentally acceptable or preferable alternatives to plastics. The Program for Rewards under this Rule shall be included in the budget proposals of the Bureau and the Department.
- 20.2. The following incentive schemes provided under Section 7 of the EPR Act of 2022 shall be available, subject to existing rules and regulation issued by the responsible government agencies, to encourage LGUs, enterprises, or private entities, including Obligated Enterprises, PROs, and NGOs, to develop or undertake an effective solid waste management, including recovery and diversion of plastic product footprint, or actively participate in any program geared towards the promotion thereof as provided for in the EPR Act of 2022.

(1) Fiscal Incentives -

- a.) Tax incentives - Any provision of law to the contrary notwithstanding, Obligated Enterprises or PROs acting on their behalf, and other registered business enterprises may apply for incentives following the approval process provided under Title XIII (Tax Incentives) of the National Internal Revenue Code of 1997, as amended, for eligible activities: *Provided*, That such activities shall undergo the standard processes in the identification of qualified activities under the Strategic Investment Priority Plan (SIPP).
- b.) The EPR expenses of Obligated Enterprises, PROs, and private enterprises shall be considered as necessary expenses deductible from gross income subject to the substantiation requirements for necessary business expenses deductible from gross annual income in accordance with Section 34(A)(I) of the National Internal Revenue Code of 1997, as amended.
- c.) Tax and Duty Exemption of Donations, Legacies and Gift. All legacies, gifts and donations to LGUs, enterprises or private entities, including NGOs, for the support and maintenance of the program for socially acceptable, effective and efficient solid waste management shall be exempt from all internal revenue taxes and customs duties, and shall be deductible in full from the gross income of the donor for income tax purposes. The standard procedures for such exemptions are contained in the Tariff and Customs Code, Section 105-106.

PART VII: PROHIBITED ACTS, PENALTIES AND SUITS

SECTION 21. Specific Offenses and Penalties under the EPR Act of 2022. Section 8 of the EPR Act of 2022 and Section 49 of the Act, to add a new Section 49(g), the punishes the following acts and prescribes the corresponding fines therefor:

(g) Any Obligated Enterprise that fails to register under Section 44-E or fails to comply with Section 44-F of the Act, as amended by the EPR Act of 2022,

First Offense	not less than Five million pesos (₱5,000,000.00) but not exceeding Ten million pesos (₱10,000,000.00)
Second Offense	not less than Ten million pesos (₱10,000,000.00) but not exceeding Fifteen million pesos (₱15,000,000.00)
Third Offense	not less than Fifteen million pesos (₱15,000,000.00) but not exceeding Twenty million pesos (₱20,000,000.00) for the third offense and automatic suspension of business permit until the requirement of the EPR Act of 2022, is complied with

In case of failure to meet the targets set under Section 44-F of the Act, as amended by the EPR Act of 2022, the Obligated Enterprise shall pay the same fines set above, or a fine twice the cost of recovery and diversion of the footprint or its shortfall, whichever is higher. The Bureau, in collaboration with the NEC, shall develop, issue, publish, and regularly update its methodology for the determination of the cost of recovery and diversion of the plastic footprint or its shortfall.

The penalty shall be imposed whether the noncompliance is the result of:

- the failure to register under Section 44-E of the Act, as amended by the EPR Act of 2022,
- falsification of documents,
- misdeclaration of generated or recovered footprint, or
- employment of any scheme to maliciously evade the responsibility of an enterprise under the EPR Act of 2022 or tamper its compliance with the provisions of Section 44-F of the Act, as amended by the EPR Act of 2022.

SECTION 21.2. Jurisdiction over violations of Section 49(g) of the Act, as amended by the EPR Act of 2022. The Pollution Adjudication Board (PAB) of the Department shall hear and adjudicate cases of violations or offenses under Section 49(g) of the Act, as amended by Section 8 of the EPR Act of 2022 and impose appropriate fines therefor.

For this purpose, the PAB shall, within one (1) year upon the effectivity of the EPR IRR, formulate and promulgate (a) its rules and procedures for the adjudication of cases for acts punishable under the aforementioned Section 49(g) and (b) its Fine Rating System to define and prescribe the graduation of imposable fines under the same Section 49(g).

Where a Collective or a PROs with a registered EPR Program fails to meet the compliance targets set for the compliance year under Section 44-F of the Act, as amended by the EPR Act of 2022, it shall cooperate with the PAB in the identification of its non-performing member-Obligated Enterprise/s that may be held liable under the provisions of Section 49(g) of the Act, as amended by the EPR Act of 2022. If the Collective or PRO refuses or fails to disclose the non-performing member-Obligated Enterprise/s, all the members thereof shall be liable for the shortfall and accorded the appropriate penalties.

SECTION 21.3. Disposition of Fines Collected under Section 49(g) of the Act, as amended by the EPR Act of 2022. The Fines imposed and collected by the PAB for violations under Section 49(g) of the Act, as amended by the EPR Act of 2022, shall be deposited into the EPR Special Fund to be created pursuant to Section 16.1(b) of this EPR IRR.

PART VIII: APPROPRIATIONS, BUDGET, REQUIREMENTS, AND ORGANIZATIONAL ADJUSTMENTS FOR THE EPR ACT OF 2022

SECTION 22. Annual Budget. Pursuant to Section 10 of the EPR Act of 2022, and subject to the applicable rules, regulations, and guidelines of the Department of Budget and Management, the Department shall, in collaboration with the Commission, the National Ecology Center, and the Bureau, include the sums necessary for the effective implementation of the EPR Act of 2022 in its annual budget proposals under the General Appropriations Act.

SECTION 23. Expenses of Obligated Enterprises. Obligated enterprises and/ or their respective Collectives or PROs shall be responsible for the funds necessary to operationalize and maintain the EPR programs, in compliance with the Act, as amended by the EPR Act of 2022, and this EPR IRR.

SECTION 24. Organizational Adjustments and Other Requirements. To ensure the effective and efficient implementation of the EPR Act of 2022, the Bureau and the NEC shall immediately prepare and submit to the Department the following additional proposals for its disposition and/or endorsement to the appropriate government agencies for disposition and action.

- Data and Information sharing to assist the Department and the Bureau in the identification of large enterprises, including importers, that should register as Obligated Enterprises under the EPR Act of 2022. The Bureau shall define data or information to be requested from other government agencies, such as, the Department of Finance, Bureau of Customs, Bureau of Internal Revenue, Securities and Exchange Commission, or the Philippine Statistics Authority.
- Development of Environmental Law Compliance Auditing Standards and Sustainability Reporting tools as mandated by the environmental laws of the Philippines, and not otherwise covered by the ECAR as herein defined.
- EPR Act of 2022 capacity development or enhancement trainings for the Commission, its NEC, the Department, the Bureau, and other government and private sector stakeholders, to be endorsed to the NEDA and Development Partners and/or offered by way collaboration to industry or sectoral groups including learning or training institutes.
- Organizational adjustments to the Bureau, its Regional Offices, the NEC, and the DENR-PAB Secretariat to identify and define the additional personnel, with corresponding positions, job descriptions, and qualifications, required to ensure the effective and efficient EPR Act of 2022 compliance assistance to stakeholders, and compliance monitoring, evaluation, and enforcement. The Department shall endorse this proposal to the Department of Budget and Management (DBM) and to the Civil Service Commission (CSC).
- Conduct of a Cost-Of-Service Review and Analysis to determine the reasonableness of fees and charges that are currently being imposed or that may be imposed to ensure that the Bureau's Data Centers, EPR Portals, and other environmental management and monitoring tools are self-sustaining and graduate out of budget dependency for operations and maintenance.

- Other priority activities requiring congressional, inter-agency, development partner, or budgetary support and assistance.

PART IX: CONGRESSIONAL OVERSIGHT AND MANDATORY REVIEW

SECTION 25. Joint Congressional Oversight Committee. Pursuant to Section 12 of the EPR Act of 2022, there is hereby created a Joint Congressional Oversight Committee to monitor the implementation of the Act and to oversee the functions of the implementing agencies. The Committee shall be composed of five (5) Senators and five (5) Representatives to be appointed by the Senate President and Speaker of the House of Representatives, respectively. The Oversight Committee shall be co-chaired by the Chairpersons of the Committee on Environment, Natural Resources and Climate Change of the Senate and the Committee on Ecology of the House of Representatives."

SECTION 26. Mandatory Review. Pursuant to Section 9 of the EPR Act of 2022, within five (5) years after the effectivity of the EPR Act of 2022, or as the need arises, Congress shall review the accomplishments, and impact of the EPR Act of 2022, as well as the performance of its implementing agencies, and the compliance of Obligated Enterprises to achieve the objectives of the EPR Act of 2022, for the purpose of determining the necessity of a remedial legislation mandating for more stringent footprint recovery targets, higher incentives, or phase-out of certain types of single-use plastic packaging.

PART X: FINAL PROVISIONS

SECTION 27. Separability Clause. If any provision of this Order shall be held invalid or unconstitutional, the other portions or provisions hereof which are not affected shall continue in full force and effect.

SECTION 28. Repealing Clause. All Orders and other similar issuances inconsistent herewith are hereby revoked, amended, or modified accordingly.

SECTION 29. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgment of the receipt of the copy thereof by the Office of the National Administrative Register (ONAR).

MARIA ANTONIA YULO LOYZAGA
Secretary

Annex A Republic Act No. 11898, otherwise known as “An Act Institutionalizing The 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”, also known as by its short title as the “Extended Producer Responsibility Act of 2022”

Appendix 1 Illustration of the EPR Registration Process

