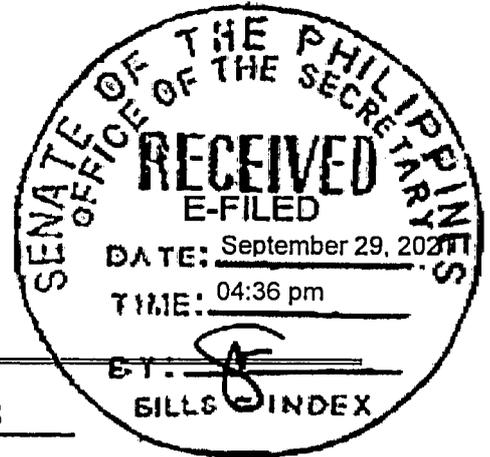


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

SENATE



COMMITTEE REPORT NO. 328

Submitted jointly by the Committees on Environment, Natural Resources and Climate Change; Trade, Commerce and Entrepreneurship; Ways and Means; and Finance on September 29, 2021.

Re : Senate Bill No. 2425.

Recommending its approval in substitution of Senate Bill Nos. 1331 and 2285, taking into consideration Senate Bill Nos. 40, 114, 156, 333, 557, 811, 880, and 954.

Sponsor : Senator Cynthia A. Villar

MR. PRESIDENT:

The Committees on Environment, Natural Resources and Climate Change; Trade, Commerce and Entrepreneurship; Ways and Means; and Finance to which were referred **Senate Bill No. 1331**, introduced by Senator Villar, entitled:

"AN ACT

INSTITUTIONALIZING THE PRACTICE OF EXTENDED PRODUCER RESPONSIBILITY IN WASTE MANAGEMENT, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9003, OTHERWISE KNOWN AS THE 'ECOLOGICAL SOLID WASTE MANAGEMENT ACT OF 2000'"

and **Senate Bill No. 2285**, introduced by Senator Revilla Jr., entitled:

"AN ACT

INSTITUTIONALIZING THE PRACTICE OF EXTENDED PRODUCER RESPONSIBILITY IN WASTE MANAGEMENT, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 9003, OTHERWISE KNOWN AS THE 'ECOLOGICAL SOLID WASTE MANAGEMENT ACT OF 2000'"

taking into consideration **Senate Bill No. 40**, introduced by Senators Pangilinan and De Lima, entitled:

"AN ACT

REGULATING THE MANUFACTURING, IMPORTATION AND USE OF SINGLE-USE PLASTIC PRODUCTS, AND PROVIDING PENALTIES, LEVIES AND AN INCENTIVES SYSTEM FOR INDUSTRIES, BUSINESS ENTERPRISES AND CONSUMERS THEREOF"

Senate Bill No. 114, introduced by Senator Binay, entitled:

"AN ACT

REGULATING THE USE OF PLASTIC BAGS, AND FOR OTHER PURPOSES"

Senate Bill No. 156, introduced by Senator Villanueva, entitled:

"AN ACT

REQUIRING THE IMPLEMENTATION BY BRAND OWNERS OF MANAGEMENT PLANS THAT PROVIDE REFUND VALUES FOR CERTAIN BEVERAGE CONTAINERS"

Senate Bill No. 333, introduced by Senator Villar, entitled:

"AN ACT

REGULATING THE MANUFACTURING, IMPORTATION, AND USE OF SINGLE-USE PLASTIC PRODUCTS, PROVIDING PENALTIES, LEVIES AND INCENTIVES FOR INDUSTRIES, BUSINESS ENTERPRISES AND CONSUMERS THEREOF, AND FOR OTHER PURPOSES"

Senate Bill No. 557, introduced by Senator Pacquiao, entitled:

**"AN ACT
PROHIBITING THE USE OF SINGLE-USE PLASTIC PRODUCTS IN
ALL RETAIL ESTABLISHMENTS, AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF"**

Senate Bill No. 811, introduced by Senator Hontiveros, entitled:

**"AN ACT
PROHIBITING THE USE OF PLASTIC STRAWS AND STIRRERS IN
RESTAURANTS AND OTHER ESTABLISHMENTS, AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF"**

Senate Bill No. 880, introduced by Senator Lapid, entitled:

**"AN ACT
REGULATING THE PRODUCTION, IMPORTATION, SALE,
PROVISION, USE, RECOVERY, COLLECTION, RECYCLING AND
DISPOSAL OF PLASTIC PRODUCTS"**

and **Senate Bill No. 954**, introduced by Senator Angara, entitled:

**"AN ACT
REGULATING THE USE, RECOVERY, COLLECTION, AND DISPOSAL
OF PLASTIC DRINKING STRAWS IN COMMERCIAL
ESTABLISHMENTS AND IN PRE-PACKED BEVERAGES"**

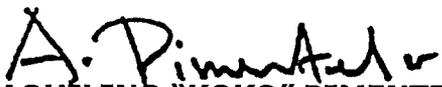
have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, **Senate Bill No. 2425**, prepared jointly by the Committees, entitled:

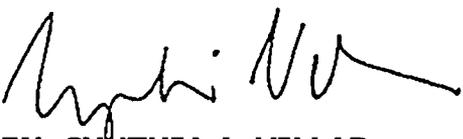
**"AN ACT
INSTITUTIONALIZING THE PRACTICE OF EXTENDED PRODUCER
RESPONSIBILITY ON PLASTIC PACKAGING WASTE, AMENDING
FOR THIS PURPOSE REPUBLIC ACT NO. 9003, OTHERWISE
KNOWN AS THE 'ECOLOGICAL SOLID WASTE MANAGEMENT ACT
OF 2000'"**

be approved in substitution of Senate Bill Nos. 1331 and 2285, taking into consideration Senate Bill Nos. 40, 114, 156, 333, 557, 811, 880, and 954, with Senators Villar, Revilla Jr., Pimentel III, Cayetano, and Angara as authors.

Respectfully submitted:

Chairpersons:

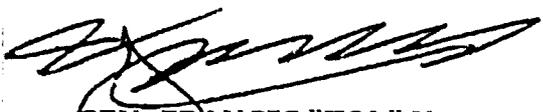

**SEN. AQUILINO "KOKO" PIMENTEL
III**
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Member, Committee on Finance


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Vice-Chairperson, Committee on Finance*


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Committee on Finance
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Vice-Chairpersons:



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SEN. JOEL VILLANUEVA

Committee on Finance
Member, Committee on Environment, Natural Resources and Climate Change



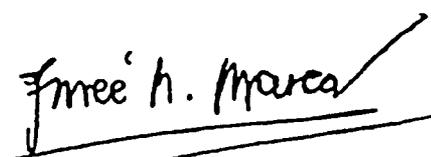
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Member, Committee on Ways and Means



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Abatillas - Sarapeel
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Committee on Finance



SEN. MANUEL "LITO" M. LAPID

Committee on Environment, Natural Resources and Climate Change
Committee on Ways and Means
Committee on Finance



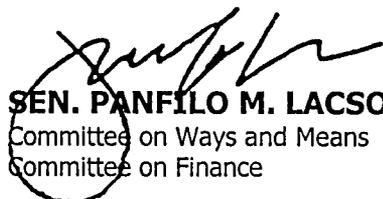
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Committee on Environment, Natural Resources and Climate Change
Committee on Trade, Commerce and Entrepreneurship
Committee on Ways and Means
Committee on Finance



SEN. PANFILO M. LACSON

Committee on Ways and Means
Committee on Finance

Committee Report on SBN 1331 and SBN 2285, taking into consideration SBNs 40, 114, 156, 333, 557, 811, 880, and 954 (*Extended Producer Responsibility Act of 2021*)

SEN. LEILA M. DE LIMA

Committee on Environment, Natural Resources and Climate Change
Committee on Trade, Commerce and Entrepreneurship
Committee on Ways and Means
Committee on Finance

Ex Officio Members:

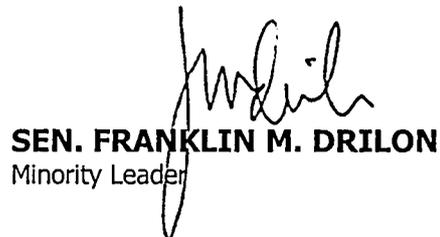


SEN. RALPH G. RÉCTO

President Pro-Tempore
*Member, Committee on Environment, Natural Resources
and Climate Change*



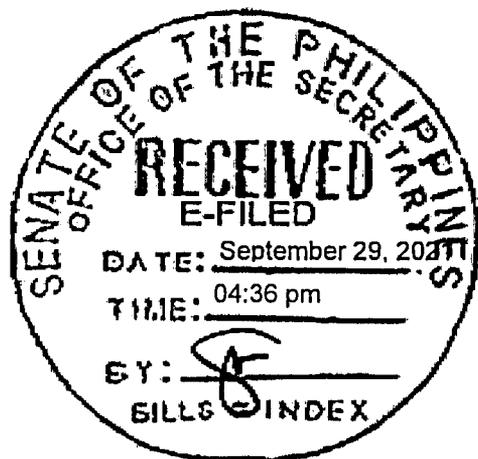
SEN. JUAN MIGUEL F. ZUBIRI
Majority Leader



SEN. FRANKLIN M. DRILON
Minority Leader

HON. VICENTE C. SOTTO III
Senate President

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

S. NO. 2425

Prepared jointly by the Committees on Environment, Natural Resources and Climate Change; Trade, Commerce and Entrepreneurship; Ways and Means; and Finance with Senators Villar, Revilla Jr., Pimentel III, Cayetano, and Angara as authors

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

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

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

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

5 "SEC. 2. *Declaration of Policies.* – It is hereby declared the policy
6 of the State to adopt a systematic, comprehensive and ecological solid
7 waste management program which shall:

8 x x x

9 (i) Institutionalize public participation in the development and
10 implementation of national and local integrated, comprehensive and
11 ecological waste management programs; [~~and~~]

1 (j) Strengthen the integration of ecological solid waste
2 management and resource conservation and recovery topics into the
3 academic curricula of formal and non-formal education in order to
4 promote environmental awareness and action among the citizenry[.];

5 **AND**

6 **(K) INSTITUTIONALIZE THE EXTENDED PRODUCER**
7 **RESPONSIBILITY (EPR) MECHANISM AS A PRACTICAL**
8 **APPROACH ON EFFICIENT WASTE MANAGEMENT, WASTE**
9 **REDUCTION AND DEVELOPMENT OF ENVIRONMENTALLY-**
10 **FRIENDLY PACKAGING PRODUCTS."**

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

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

14 x x x

15 **"(N) EXTENDED PRODUCER RESPONSIBILITY (EPR)**
16 **SHALL REFER TO THE ENVIRONMENTAL POLICY AND PRACTICE**
17 **IN WHICH OBLIGED COMPANIES HAVE THE RESPONSIBILITY**
18 **FOR THE PROPER AND EFFECTIVE RECOVERY, TREATMENT,**
19 **RECYCLING OR DISPOSAL OF THEIR PRODUCTS AFTER THEY**
20 **HAVE BEEN SOLD AND USED BY CONSUMER WITH THE**
21 **OBJECTIVES OF REDUCING PACKAGING WASTE GENERATION**
22 **AND OF IMPROVING RECYCLABILITY OR REUSABILITY OF**
23 **PACKAGING WASTES;**

1 XXX

2 “(R) IMPORTER SHALL REFER TO A NATURAL OR
3 JURIDICAL PERSON ENGAGED IN THE IMPORT INTO THE
4 PHILIPPINES OF CONSUMER GOODS USING PLASTIC
5 PACKAGING INTENDED TO BE SOLD, WHETHER IN ITS
6 ORIGINAL PACKAGING OR TO BE REPACKED, TO THE GENERAL
7 PUBLIC.

8 XXX

9 “(V) OBLIGED COMPANIES SHALL REFER TO COMPANIES
10 THAT ARE REQUIRED TO TAKE PART IN AN EPR PROGRAM,
11 INCLUDING, BUT NOT LIMITED, TO PRODUCERS,
12 MANUFACTURERS AND IMPORTERS, AND THOSE WHO OFFER
13 ANY PRODUCT OR GOOD FOR CONSUMPTION OR USE, WHETHER
14 FOR SALE OR FOR FREE, OF THE GENERAL PUBLIC. OBLIGED
15 COMPANIES SHALL NOT INCLUDE THOSE UNDER THE
16 CATEGORY OF MICRO AND SMALL ENTERPRISES AS DEFINED
17 UNDER REPUBLIC ACT NO. 9501 BUT SHALL INCLUDE
18 SUPPLIERS OF BRANDED AND UNBRANDED PLASTICS AS
19 DEFINED IN THE NEXT PARAGRAPH AND USED IN ONLINE
20 DELIVERIES, FOOD SERVICE AS WELL AS IN MICRO AND SMALL
21 ENTERPRISES. HOWEVER, THE MICRO AND SMALL
22 ENTERPRISES ARE NOT PRECLUDED FROM PRACTICING EPR
23 VOLUNTARILY OR BEING A PART OF THE NETWORK OF OBLIGED

1 **COMPANIES OR PRODUCER RESPONSIBILITY ORGANIZATIONS**
2 **PRACTICING EPR;**

3 **X X X**

4 **“(Y) PLASTIC SHALL REFER TO A SYNTHETIC MATERIAL**
5 **MADE FROM A WIDE RANGE OF ORGANIC POLYMERS SUCH AS**
6 **POLYETHYLENE, THEREPRALATE, POLYPROPYLENE,**
7 **POLYSTRENE, PVC, NYLON, ETC., THAT CAN BE MOLDED INTO**
8 **SHAPE WHILE SOFT, AND THEN SET INTO A RIGID OR SLIGHTLY**
9 **ELASTIC FORM AND UTILIZED IN A WIDE RANGE OF**
10 **APPLICATIONS;**

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

20 **“(AA) PLASTIC PACKAGING SHALL REFER TO THE PLASTIC**
21 **PACKAGING MATERIAL NECESSARY TO PROTECT A PRODUCT**
22 **FROM ENVIRONMENTAL FACTORS AND IS DISCARDED AFTER**
23 **ITS USE. THE POST-CONSUMER DISCARDS SHALL BE REFERRED**

1 TO AS PLASTIC PACKAGING WASTES. PLASTIC PACKAGING
2 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

3 (1) SACHETS, LABELS, AND OTHER FLEXIBLE PLASTIC
4 PACKAGING PRODUCTS, IN SINGLE LAYER OR MULTI-
5 LAYER STRUCTURE;

6 (2) RIGID PLASTIC PACKAGING PRODUCTS, WHICH
7 INCLUDE, BUT NOT NECESSARILY LIMITED TO,
8 CONTAINERS FOR BEVERAGES, FOOD, DETERGENTS
9 AND OTHER CLEANING OR HOUSEHOLD PRODUCTS,
10 COSMETICS AND OTHER PERSONAL HYGIENE
11 PRODUCTS, PHARMACEUTICAL PRODUCTS,
12 INCLUDING THEIR COVERINGS, CAPS, AND/OR LIDS;

13 (C) PLASTIC BAGS, WHICH REFER TO POLYMER BAGS,
14 SUCH AS SINGLE-USED PLASTIC BAGS, DESIGNED TO
15 BE PROVIDED OR UTILIZED AT THE POINT OF SALE
16 FOR CARRYING AND TRANSPORTING GOODS;

17 (D) PLASTIC PRODUCTS USED ON ITEMS SOLD BY
18 MANUFACTURERS IN BUSINESS-TO-BUSINESS
19 TRANSACTIONS, OR OTHERWISE NOT INTENDED FOR
20 SALE TO THE GENERAL PUBLIC;

21 (E) POLYSTYRENE; AND

22 (F) MULTI-LAYER PLASTIC PACKAGING, WHICH IS ANY
23 MATERIAL USED OR TO BE USED FOR PACKAGING AND

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

7 **“(BB) PLASTIC WASTE SHALL REFER TO PLASTIC THAT**
8 **MUST BE RECOVERED BY THE PRODUCER, WHETHER OR NOT**
9 **THE SAME ARE ENVIRONMENTALLY ACCEPTABLE OR NON-**
10 **ENVIRONMENTALLY ACCEPTABLE PRODUCTS AS DEFINED IN RA**
11 **9003.**

12 xxx

13 **“(EE) PRODUCER SHALL REFER TO THE FOLLOWING:**

14 **(1) BRAND OWNER SHALL REFER TO A PERSON**
15 **OR A COMPANY WHO SELLS ANY**
16 **COMMODITY UNDER A BRAND OR LABEL.**
17 **FOR IMPORTED PRODUCTS, “BRAND**
18 **OWNER” WILL BE DEEMED THE**
19 **IMPORTER/DISTRIBUTOR OF THE**
20 **PRODUCTS;**

21 **(2) MANUFACTURER SHALL REFER TO ANY**
22 **PERSON WHO MANUFACTURES, ASSEMBLES**
23 **OR PROCESSES CONSUMER PRODUCTS**

1 EXCEPT THAT IF THE GOODS ARE
2 MANUFACTURED, ASSEMBLED OR
3 PROCESSED FOR ANOTHER PERSON WHO
4 ATTACHES HIS OWN BRAND NAME TO THE
5 CONSUMER PRODUCTS, THE LATTER SHALL
6 BE DEEMED THE MANUFACTURER. IN CASE
7 OF IMPORTED PRODUCTS, THE
8 MANUFACTURER'S REPRESENTATIVE OR, IN
9 HIS ABSENCE, THE IMPORTER, SHALL BE
10 DEEMED THE MANUFACTURER;

11 “(FF) PRODUCER RESPONSIBILITY ORGANIZATION
12 (PRO) SHALL REFER TO A LEGAL ENTITY THAT MAY HANDLE THE
13 RESOURCE RECOVERY OF PLASTIC PACKAGING WASTES ON
14 BEHALF OF OBLIGED COMPANIES. THE PRO MAY BE
15 ESTABLISHED VOLUNTARILY BY OBLIGED COMPANIES OR MAY
16 BE A PROFESSIONAL ORGANIZATION THAT IS AUTHORIZED BY
17 OBLIGED COMPANIES, WHICH WILL SUPPORT THE LATTER ON
18 THEIR RECOVERY, TREATMENT, RECYCLING OR DISPOSAL OF
19 THE REQUIRED VOLUME OF PLASTIC PACKAGING WASTES THEY
20 PUT INTO THE MARKET FOLLOWING THE PROVISIONS UNDER
21 SECTION 44-G;

22 X X X

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

3 “SEC. 4. *National Solid Waste Management Commission.* - There
4 is hereby established a National Solid Waste Management Commission,
5 hereinafter referred to as the Commission, under the Office of the
6 President.

7 x x x

8 The private sector shall be represented by the following:

9 (a) ~~[A]~~ **THREE (3)** representatives from nongovernment
10 organizations (NGOs) whose principal purpose is to promote recycling
11 and the protection of air and water quality, **WITH TRACK RECORD IN**
12 **WASTE REDUCTION MEASURES SELECTED FROM AMONG**
13 **THEMSELVES;**

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

16 (c) A representative from the **OBLIGED COMPANIES**
17 **AMONG THE** manufacturing **INDUSTRY**, ~~[or]~~ packaging ~~[industry]~~
18 **OR IMPORT SECTORS, SELECTED FROM AMONG THEMSELVES;**

19 x x x”

20
21 **SEC. 5.** Section 7 of Republic Act No. 9003 is hereby amended to read as follows:

22 “SEC. 7. *The National Ecology Center.* – There shall be established
23 a National Ecology Center (**NEC**) under the Commission which shall
24 provide consulting, information, training, and networking service for the

1 implementation of the provisions of this Act. **AS PART OF ITS**
2 **OVERSIGHT FUNCTIONS, NSWMC SHALL HAVE DIRECT**
3 **SUPERVISION TO THE NEC.**

4 In this regard, it shall perform the following functions:

5 (a) Facilitate training and education in integrated ecological solid
6 waste management;

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

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

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

14 (c) Promote the development of a recycling market through the
15 establishment of a national recycling network that will enhance the
16 opportunity to recycle;

17 **(D) MAINTAIN AN EPR REGISTRY CONTAINING THE EPR**
18 **PROGRAM SUBMITTED BY OBLIGED COMPANIES OR PROS**
19 **WHICH IS SUBJECT TO THE APPROVAL OF THE NSWMC;**

20 **(E) MONITOR AND EVALUATE THE COMPLIANCE OF**
21 **OBLIGED COMPANIES, AS DEFINED IN THIS ACT, AND PROS**
22 **WITH THEIR RESPECTIVE EPR PROGRAMS REGISTERED WITH**
23 **THE NSWMC, AND INSTITUTE MEASURES TO DIGITALLY STORE,**

1 **ANALYZE, SET UP NOTIFICATIONS OF ANOMALIES AND UNMET**
2 **TARGETS AND ENSURE TRANSPARENCY OF THE DATABASE AND**
3 **ANALYSIS;**

4 **(F) WITHIN ONE YEAR AFTER THE EFFECTIVITY OF THE**
5 **ACT, THE NEC SHALL COME UP WITH ASSESSMENT OF VOLUMES**
6 **OF OTHER WASTES GENERATED TO BE PRIORITIZED FOR**
7 **FURTHER INCLUSION IN THE EPR SCHEME.**

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

12 ~~[(d)]~~ **(H)** Provide or facilitate expert assistance in pilot modeling
13 of solid waste management facilities; and

14 ~~[(e)]~~ **(I)** Develop, test, and disseminate model waste
15 minimization and reduction auditing procedures for evaluating options.

16 The National Ecology Center shall be headed by ~~[the]~~ **A** director,
17 ~~[of the Bureau in his ex-officio capacity]~~ **WITH THE LEVEL OF**
18 **DIRECTOR III, WITH ADEQUATE NUMBER OF PERSONNEL TO**
19 **BE DETERMINED BY THE BUREAU. THE DIRECTOR OF THE NEC**
20 **SHALL REGULARLY REPORT TO THE NSWMC IN ITS MONTHLY**
21 **MEETINGS. REPORTS OF THE NEC SHALL BE CONSOLIDATED**
22 **BY THE NSWMC SECRETARIAT FOR SUBMISSION TO THE**
23 **NSWMC. [It] IN ORDER TO PERFORM ITS MANDATES, THE NEC**

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

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

7 **"ARTICLE 8**

8 **EXTENDED PRODUCER RESPONSIBILITY**

9 **"SEC. 44-A. WHO ARE COVERED BY THE EPR. – OBLIGED**
10 **COMPANIES AS DEFINED UNDER SEC. 3(V) SHALL BE**
11 **MANDATED TO EXERCISE EXTENDED PRODUCER**
12 **RESPONSIBILITY (EPR) OVER THE PLASTIC PACKAGING**
13 **WASTE USED ON THEIR PRODUCTS THAT ARE SOLD AND**
14 **DISTRIBUTED WITHIN THE PHILIPPINES, WHETHER IN**
15 **TRADITIONAL PHYSICAL STORES, DISTRIBUTION OUTLETS**
16 **OR ONLINE PLATFORM. OBLIGED COMPANIES ARE**
17 **RESPONSIBLE FOR MAKING FINANCIAL CONTRIBUTIONS TO**
18 **SUPPORT THE COLLECTION, RECOVERY, TRANSPORTATION,**
19 **PROCESSING, RECYCLING, AND/OR DISPOSAL OF PLASTIC**
20 **PACKAGING WASTE.**

21 **"SEC. 44-B. WHAT ARTICLES ARE SUBJECT TO EPR. – THE**
22 **ARTICLES COVERED BY THE EPR REFER TO THE PLASTIC**
23 **PACKAGING MATERIALS OF THE GOODS PRODUCED,**

1 **IMPORTED, DISTRIBUTED OR SOLD BY OBLIGED COMPANIES**
2 **AS DEFINED UNDER SEC. 3(V). EPR SHALL NOT INCLUDE THE**
3 **PRODUCT ITSELF.**

4 **"SEC. 44-C. *EXTENDED PRODUCER RESPONSIBILITY.* –**
5 **OBLIGED COMPANIES, AS DEFINED UNDER SECTION 3(V),**
6 **SHALL ADOPT MECHANISMS AND STRATEGIES FOR THE**
7 **EFFECTIVE AND PROPER RECOVERY AND MANAGEMENT OF**
8 **PLASTIC PACKAGING WASTES GENERATED AFTER THE USE OR**
9 **CONSUMPTION OF THE PRODUCTS THAT HAVE BEEN**
10 **PRODUCED, IMPORTED, DISTRIBUTED, RETAILED OR SOLD,**
11 **AS THE CASE MAY BE, THROUGH THE INSTITUTION OF A**
12 **COMPREHENSIVE EPR PROGRAM, WHICH NECESSARILY**
13 **INCLUDE REUSE AND RECYCLING METHODS THAT WILL**
14 **RESULT TO THE REDUCTION OF PLASTIC PACKAGING WASTES.**
15 **PRODUCERS, DISTRIBUTORS AND RETAILERS PERFORMING**
16 **THEIR RESPECTIVE EPR, AS DETERMINED BY THE**
17 **DEPARTMENT, SHALL BE ELIGIBLE TO INCENTIVES:**
18 ***PROVIDED,* THAT THEIR MECHANISMS AND STRATEGIES ARE**
19 **SUBMITTED, THRU THE DENR, TO THE NATIONAL SOLID**
20 **WASTE MANAGEMENT COMMISSION. EACH OBLIGED**
21 **COMPANY INSTITUTING AN EPR PROGRAM, MAY DO IT**
22 **EITHER INDIVIDUALLY OR COLLECTIVELY THROUGH A**
23 **PRODUCER RESPONSIBILITY ORGANIZATION.**

1 **SEC. 44-D. THE PRODUCER RESPONSIBILITY**
2 **ORGANIZATION (PRO). – OBLIGED COMPANIES MAY**
3 **VOLUNTARILY ORGANIZE THEMSELVES TO FORM OR OPT TO**
4 **AUTHORIZE A PRODUCER RESPONSIBILITY ORGANIZATION**
5 **(PRO) TO COME UP WITH A VIABLE COLLECTIVE EPR**
6 **PROGRAM AND HAVE THE SAME IMPLEMENTED.**

7 **THE CONSTITUTION OR ORGANIZATIONAL DOCUMENT**
8 **OF PROS SHALL CONTAIN THE FOLLOWING MINIMUM**
9 **INFORMATION:**

10 **(I) ORGANIZATIONAL STRUCTURE AND LEADERSHIP;**

11 **(II) MEMBERSHIP RULES AND QUALIFICATIONS;**

12 **(III) DUTIES AND RESPONSIBILITIES WHICH SHALL**

13 **INCLUDE:**

14 **(A) IMPLEMENTATION PARAMETERS OF THE**
15 **EPR PROGRAM;**

16 **(B) FINANCING MECHANISMS;**

17 **(C) COOPERATION WITH OTHER**
18 **STAKEHOLDERS, SUCH AS, BUT NOT**
19 **NECESSARILY LIMITED TO, DISTRIBUTORS,**
20 **RETAILERS, GROCERY AND STORE OWNERS,**
21 **JUNK SHOP OPERATORS, AND INDIVIDUALS**
22 **IN INFORMAL SECTOR INVOLVED IN WASTE**
23 **MANAGEMENT;**

- 1 (D) MEMBER LIABILITIES AND PENALTIES; AND
2 (E) RESEARCH AND DEVELOPMENT.
3 (F) IMPLEMENTATION STRATEGIES THAT
4 REDUCE PUBLIC SPENDING.

5 SEC. 44-E. *EPR PROGRAMS*. – OBLIGED COMPANIES
6 DOING THEIR OWN EPR OR A PRO, FOR AND ON BEHALF OF A
7 GROUP OF OBLIGED COMPANIES, SHOULD COME UP WITH
8 THEIR RESPECTIVE EPR PROGRAMS, WHICH SHALL INCLUDE
9 THE FOLLOWING ELEMENTS, INFORMATION, AND FEATURES:

- 10 (I) IN THE CASE OF PRO, IT SHALL INCLUDE THE LIST
11 OF OBLIGED COMPANIES THAT THE PRO
12 REPRESENTS;
13 (II) INVOLVED PACKAGING, AND THE SPECIFIC
14 BRANDS;
15 (III) SCOPE OF FINANCING AND CALCULATION;
16 (IV) COLLECTION SYSTEM, COLLECTION CENTER
17 MECHANISM, AND SPECIFIC COLLECTION
18 TARGETS, WHICH INCLUDES, AT THE MINIMUM,
19 END-OF-LIFE OR RESIDUAL PLASTICS, PAYING
20 PARTICULAR ATTENTION TO COASTAL
21 COMMUNITIES AND ISLANDS;
22 (V) SORTING, RECYCLING, AND RECOVERY TARGETS,
23 WHICH MAY BE HARMONIZED WITH THE TARGETS

1 MANDATED UNDER THIS ACT AND LINKED AND
2 INTEGRATED WITH THE TARGETS OF THE MRF AND
3 THE LGU SOLID WASTE MANAGEMENT PLAN AND
4 IMPROVING AND STRENGTHENING THEM;

5 (VI) DEPENDING ON THE RELEVANCE AND
6 APPLICABILITY TO THE BUSINESS OF THE
7 OBLIGED COMPANIES, THE FOLLOWING ARE
8 POSSIBLE EPR PROGRAMS, ACTIVITIES AND
9 STRATEGIES:

10 (1) PROGRAMS FOR THE REDESIGN OR
11 ADOPTION OF PACKAGING TO IMPROVE
12 RECYCLABILITY OR REUSABILITY OF
13 PLASTIC CONTAINERS AND OTHER PLASTIC
14 PACKAGING MATERIALS OF THEIR
15 PRODUCTS;

16 (2) PROGRAMS FOR THE WITHDRAWAL OR
17 PHASE OUT OF NON-RECYCLABLE
18 PRODUCTS AND PLASTIC PACKAGING
19 MATERIALS AND TO REPLACE THEM WITH
20 EXISTING ALTERNATIVES THAT ARE
21 ENVIRONMENTALLY SOUND AND
22 ECONOMICALLY VIABLE;

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- (3) PROGRAMS FOR THE ADOPTION OF ALTERNATIVE DELIVERY SYSTEMS THAT WILL ALLOW CUSTOMERS TO PURCHASE THEIR PRODUCTS WITH THE USE OF REFILLABLE CONTAINERS OR MULTI-USE PACKS;
- (4) PROGRAMS INVOLVING THE EFFICIENT RETRIEVAL OF RECYCLABLE OR REUSABLE PLASTIC CONTAINERS AND OTHER PACKAGING MATERIALS OF THEIR PRODUCTS AND THE DESIGNATION OR ESTABLISHMENT OF COLLECTION AND/OR RECYCLING FACILITIES;
- (5) PROGRAMS, IN COLLABORATION WITH LGUS, COMMUNITIES AND THE INFORMAL WASTE SECTORS (IWS), SUCH AS WASTE PICKERS, INVOLVING THE PROPER AND EFFECTIVE SOLID WASTE MANAGEMENT, INCLUDING THE PROPER SOURCE SEGREGATION, COLLECTION, RETRIEVAL, BUY BACK, RECYCLE, AND REUSE OF PLASTIC PACKAGING MATERIALS;

- 1 **(6) SUSTAINABLE CAMPAIGNS TO ENCOURAGE**
2 **CONSUMERS TO AVOID USING SINGLE-USE**
3 **PLASTICS AND TO VOLUNTEER IN BRINGING**
4 **USED PLASTIC CONTAINERS AND**
5 **PACKAGING MATERIALS TO IDENTIFIED**
6 **COLLECTION AND RECYCLING FACILITIES**
7 **OR MATERIALS RECOVERY FACILITIES; AND**
8 **(7) PROPER LABELLING OR INCLUSION OF**
9 **INFORMATION IN THE PACKAGING OF**
10 **PRODUCTS REGARDING PROPER DISPOSAL**
11 **OF THE CONTAINERS AND PACKAGING**
12 **MATERIALS AND IDENTIFICATION OF**
13 **COLLECTION AND RECYCLING FACILITIES,**
14 **OR MATERIALS RECOVERY FACILITIES.**

15 **(VII) EXTENSIVE AND SUSTAINABLE INFORMATION,**
16 **EDUCATION, AND COMMUNICATIONS**
17 **STRATEGIES AND CAMPAIGNS;**

18 **(VIII) INVOLVEMENT OF SPECIFIC LGUS AND/OR**
19 **NATIONAL LGU ORGANIZATIONS, IF APPLICABLE;**

20 **(IX) COOPERATION WITH OTHER STAKEHOLDERS,**
21 **SUCH AS, BUT NOT NECESSARILY LIMITED TO,**
22 **DISTRIBUTORS, RETAILERS, RESELLERS,**
23 **GROCERY AND STORE OWNERS, JUNK SHOP**

1 OPERATORS, AND INDIVIDUALS IN INFORMAL
2 SECTOR INVOLVED IN WASTE MANAGEMENT; AND
3 (X) PLANS AND PROGRAMS THAT WOULD ENSURE THE
4 SUSTAINABILITY, ECONOMIC VIABILITY COUPLE
5 WITH CONTINUED INCREASE IN WASTE
6 DIVERSION, RECYCLING AND UPCYCLING.

7 SEC. 44-F. *EPR REGISTRATION.* – OBLIGED COMPANIES
8 DOING THEIR OWN EPR AND PROS, FOR AND ON BEHALF OF
9 OBLIGED COMPANIES THEY REPRESENT, ARE REQUIRED TO
10 REGISTER THEIR EPR PROGRAMS WITH THE DEPARTMENT,
11 THROUGH THE NSWMC. EACH EPR PROGRAM SUBMITTED FOR
12 REGISTRATION SHALL BE SUBJECT TO THE APPROVAL OF THE
13 NSWMC, WHICH SHALL ALSO BE REQUIRED TO MAINTAIN THE
14 EPR REGISTRY.

15 THE EPR PROGRAMS SUBMITTED BY OBLIGED
16 COMPANIES OR PROS, AS THE CASE MAY BE, SHALL INCLUDE
17 THE FOLLOWING INFORMATION, AT THE MINIMUM:

- 18 I. OBLIGED COMPANY OR PRO INFORMATION AND
19 CONTACT INFORMATION OF THE PERSON
20 RESPONSIBLE FOR EPR;
- 21 II. SPECIFIC PACKAGING MATERIALS AND BRANDS
22 COVERED UNDER THE EPR PROGRAM PER
23 OBLIGED COMPANY;

1 **III. WHETHER THE EPR PROGRAM IS FOR**
2 **IMPLEMENTATION BY AN OBLIGED COMPANY**
3 **INDIVIDUALLY, OR BY OBLIGED COMPANIES**
4 **COLLECTIVELY, THROUGH A PRO;**

5 **IV. ESTIMATED AND VERIFIABLE VOLUME OF THE**
6 **PLASTIC PACKAGING WASTE ON BRANDS PUT**
7 **INTO THE MARKET WITHIN A SPECIFIED PERIOD**
8 **OF TIME;**

9 **V. TARGETED VOLUME OF PLASTIC PACKAGING**
10 **WASTE FOR RECOVERY, FOR RECYCLING AND FOR**
11 **REUSE;**

12 **VI. OTHER EPR PROGRAMS, SUCH AS REDESIGN OF**
13 **PLASTIC PACKAGING TO IMPROVE**
14 **RECYCLABILITY OR ALLOW REUSE;**

15 **VII. LABELLING ON PACKAGING MATERIALS TO**
16 **ENCOURAGE RECYCLING, REUSE OR PROPER**
17 **DISPOSAL OF PACKAGING MATERIALS;**

18 **VIII. STATUS OF IMPLEMENTATION OF THE EPR**
19 **MECHANISMS; AND**

20 **IX. STATUS OF COMPLIANCE AND VIOLATIONS, IF**
21 **ANY.**

22 **FOR THE INITIAL COMPLIANCE WITH THE PROVISIONS**
23 **UNDER THIS SECTION, OBLIGED COMPANIES AND PROS,**

1 **ACTING FOR AND ON BEHALF OF OBLIGED COMPANIES, SHALL**
2 **SUBMIT THEIR RESPECTIVE EPR PROGRAM TO THE**
3 **DEPARTMENT, THROUGH THE NSWMC, SIX (6) MONTHS UPON**
4 **THE EFFECTIVITY OF THIS. THE NSWMC, IN TURN, IS GIVEN A**
5 **PERIOD OF THREE (3) MONTHS FROM SUBMISSION TO**
6 **COMPLETE THE EVALUATION, APPROVAL AND REGISTRATION**
7 **OF THE EPR PROGRAM SUBMITTED.**

8 **THE DEPARTMENT, THROUGH THE ENVIRONMENTAL**
9 **MANAGEMENT BUREAU, AND IN COORDINATION WITH THE**
10 **NSWMC, SHALL BE MANDATED TO MONITOR AND EVALUATE**
11 **THE COMPLIANCE OF OBLIGED COMPANIES AND PROS WITH**
12 **THEIR RESPECTIVE EPR PROGRAMS REGISTERED WITH THE**
13 **NSWMC AND THE TARGETS ON RECOVERY AND RECYCLING**
14 **INDICATED UNDER THE EPR PROVISIONS OF THIS ACT. FOR**
15 **THIS PURPOSE, OBLIGED COMPANIES AND PROS SHALL BE**
16 **REQUIRED TO SUBMIT ANNUAL COMPLIANCE REPORTS.**

17 ***SEC. 44-G. COMPLIANCE PERIOD ON RECOVERY AND***
18 ***RECYCLING OF PACKAGING MATERIALS BY OBLIGED***
19 ***COMPANIES OR PROS. – TO GIVE THE OBLIGED COMPANIES***
20 ***AND THE PROS SUFFICIENT PERIOD TO ADJUST TO THEIR EPR***
21 ***DUTIES AND RESPONSIBILITIES AND IMPROVE THEIR***
22 ***PERFORMANCE OVER TIME, THE FOLLOWING TARGETS ARE***
23 ***HEREBY SET:***

1 **(I) FOR THE LARGE ENTERPRISES:**

2 **(A) WITHIN ONE (1) YEAR FROM THE INITIAL**
3 **APPROVAL OF EPR PROGRAM, EVERY**
4 **OBLIGED COMPANY, ON ITS OWN OR**
5 **THROUGH A PRO, SHALL RECOVER AND**
6 **RECYCLE NO LESS THAN TWENTY PERCENT**
7 **(20%) OF THE VOLUME OF THE PLASTIC**
8 **PACKAGING WASTE GENERATED FOR THE**
9 **PRODUCTS SOLD OR DISTRIBUTED FOR THE**
10 **IMMEDIATELY PRECEDING YEAR;**

11 **(B) ON THE SECOND YEAR, THE TARGET**
12 **RECOVERY AND RECYCLING SHALL BE NO**
13 **LESS THAN FORTY PERCENT (40%) OF THE**
14 **ACTUAL VOLUME OF THE PLASTIC**
15 **PACKAGING WASTE IT HAS GENERATED FOR**
16 **THE PRODUCTS SOLD OR DISTRIBUTED FOR**
17 **THE IMMEDIATELY PRECEDING YEAR;**

18 **(C) ON THE THIRD YEAR, THE TARGET**
19 **RECOVERY AND RECYCLING SHALL BE NO**
20 **LESS THAN SIXTY PERCENT (60%) OF THE**
21 **VOLUME OF THE PLASTIC PACKAGING**
22 **WASTE IT HAS GENERATED FOR THE**

1 **PRODUCTS SOLD OR DISTRIBUTED FOR THE**
2 **IMMEDIATELY PRECEDING YEAR;**

3 **(D) ON THE FOURTH YEAR, THE TARGET**
4 **RECOVERY AND RECYCLING SHALL BE NO**
5 **LESS THAN SEVENTY PERCENT (70%) OF**
6 **THE ACTUAL VOLUME OF THE PLASTIC**
7 **PACKAGING WASTE IT HAS GENERATED FOR**
8 **THE PRODUCTS SOLD OR DISTRIBUTED FOR**
9 **THE IMMEDIATELY PRECEDING YEAR; AND**

10 **(E) ON THE FIFTH YEAR AND FOR THE**
11 **SUCCEEDING YEARS THEREAFTER, THE**
12 **TARGET RECOVERY AND RECYCLING SHALL**
13 **BE NO LESS THAN EIGHTY PERCENT (80%)**
14 **OF THE ACTUAL VOLUME OF THE PLASTIC**
15 **PACKAGING WASTE IT HAS GENERATED FOR**
16 **THE PRODUCTS SOLD OR DISTRIBUTED FOR**
17 **THE IMMEDIATELY PRECEDING YEAR.**

18 **FOR THE PURPOSE OF THIS SECTION, LARGE**
19 **ENTERPRISES SHALL REFER TO OBLIGED COMPANIES WHOSE**
20 **TOTAL ASSETS ARE MORE THAN ONE HUNDRED MILLION**
21 **PESOS (P 100,000,000.00) AND DO NOT FALL UNDER THE**
22 **CATEGORIES OF ENTERPRISES COVERED BY REPUBLIC ACT**

1 NO. 9501, OTHERWISE KNOWN AS THE "MAGNA CARTA FOR
2 MICRO, SMALL AND MEDIUM ENTERPRISES (MSMES)".

3 (II) FOR THE MEDIUM ENTERPRISES, AS
4 CATEGORIZED UNDER REPUBLIC ACT NO. 9501:

5 (A) WITHIN TWO (2) YEARS FROM THE INITIAL
6 APPROVAL OF EPR PROGRAM, EVERY
7 OBLIGED COMPANY, ON ITS OWN OR
8 THROUGH A PRO, SHALL RECOVER AND
9 RECYCLE NO LESS THAN TWENTY PERCENT
10 (20%) OF THE VOLUME OF THE PLASTIC
11 PACKAGING WASTE GENERATED FOR THE
12 PRODUCTS SOLD OR DISTRIBUTED FOR THE
13 IMMEDIATELY PRECEDING YEAR;

14 (B) THEREAFTER, THE TARGET RECOVERY AND
15 RECYCLING SHALL BE INCREASED
16 ANNUALLY TO NO LESS THAN FORTY
17 PERCENT (40%), SIXTY PERCENT (60%),
18 SEVENTY PERCENT (70%), AND EIGHTY
19 PERCENT (80%), RESPECTIVELY."

20 : *PROVIDED*, THAT MAJORITY OF THE VOLUME UNDER
21 THESE TARGETS ARE DIRECTED TOWARDS RECYCLING
22 AND UPCYCLING, AND OBLIGED COMPANIES AND PROS
23 SHALL CONSISTENTLY INCREASE THESE TARGETS TO

1 **PREVENT MEASURES THAT STILL REQUIRE FINAL**
2 **DISPOSAL, FAILURE TO TRACE OR COLLECT, OR**
3 **PRODUCTION OF HARMFUL EMISSIONS.**

4 **SEC. 44-H. *AUDITS.* – OBLIGED COMPANIES ARE**
5 **REQUIRED TO PERFORM AUDITS ON THEIR EPR**
6 **PROGRAMS AND MAY PREDEFINE THEIR AUDIT CRITERIA**
7 **BY THEMSELVES, COLLECTIVELY OR BY THEIR PRO. CIVIL**
8 **SOCIETY ORGANIZATIONS CONDUCTING BRAND AUDITS**
9 **MAY REGISTER THEIR ACTIVITIES WITH THE NEC FOR**
10 **VALIDATION AND THEIR RESULTS SHALL BE CONSIDERED**
11 **BY THE LATTER IN THE PERFORMANCE OF ITS MANDATES.**
12 **ADDITIONALLY, THE NEC SHALL CONTRACT AN**
13 **INDEPENDENT AUDIT OF ALL EPR EVERY TWO (2) YEARS.”**

14 **SEC. 7.** Section 45 of Republic Act No. 9003 is hereby amended to read as
15 follows:

16 “SEC. 45. Incentives. – (a) Rewards **AND RECOGNITIONS,**
17 monetary or otherwise, shall be provided to individuals, private
18 organizations, entities, **OBLIGED COMPANIES, AND PRODUCER**
19 **RESPONSIBILITY ORGANIZATIONS,** including nongovernment
20 organizations, that have undertaken outstanding and innovative
21 projects, technologies, processes and techniques or activities in re-use,
22 recycling and reduction. Said rewards shall be sourced from the Fund
23 herein created.

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(6) INCENTIVES OF OBLIGED COMPANIES DOING EPR. —

(6.1) TAX AND DUTY EXEMPTION ON IMPORTED CAPITAL EQUIPMENT UNDER EPR. — WITHIN TEN (10) YEARS UPON EFFECTIVITY OF THIS ACT, OBLIGED COMPANIES AND PROS, ACTING FOR AND ON BEHALF OF OBLIGED COMPANIES, SHALL ENJOY TAX AND DUTY-FREE IMPORTATION OF MACHINERY, EQUIPMENT, VEHICLES AND SPARE PARTS

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USED FOR COLLECTION,
TRANSPORTATION,
SEGREGATION, RECYCLING, RE-
USE, COMPOSTING OF SOLID
WASTES, AND OTHER
ACTIVITIES CONSIDERED AS
PART OF AN EPR PROGRAM:
PROVIDED, THAT THE
IMPORTATION OF SUCH
MACHINERY, EQUIPMENT,
VEHICLE AND SPARE PARTS
SHALL COMPLY WITH THE
FOLLOWING CONDITIONS:
(I) THEY ARE NOT
MANUFACTURED
DOMESTICALLY IN
SUFFICIENT QUANTITY,
OF COMPARABLE QUALITY
AND AT REASONABLE
PRICES;
(II) THEY ARE REASONABLY
NEEDED AND WILL BE
USED ACTUALLY,

1 DIRECTLY AND
2 EXCLUSIVELY FOR THE
3 ABOVEMENTIONED
4 ACTIVITIES;

5 (III) THE APPROVAL OF THE
6 BOARD OF INVESTMENT
7 (BOI) OF THE DTI WAS
8 OBTAINED FOR THE
9 IMPORTATION OF SUCH
10 MACHINERY, EQUIPMENT,
11 VEHICLE AND SPARE
12 PARTS:

13 *PROVIDED, FURTHER,* THAT THE
14 PRESIDENT OF THE
15 PHILIPPINES MAY EXTEND
16 SUCH PERIOD FOR ANOTHER
17 FIVE (5) YEARS: *PROVIDED,*
18 *FINALLY,* THAT THE SALE,
19 TRANSFER OR DISPOSITION OF
20 SUCH MACHINERY, EQUIPMENT,
21 VEHICLE AND SPARE PARTS,
22 WITHOUT PRIOR APPROVAL OF
23 THE DEPARTMENT OF TRADE

1 AND INDUSTRY-BOARD OF
2 INVESTMENTS (DTI-BOI),
3 WITHIN FIVE (5) YEARS FROM
4 THE DATE OF ACQUISITION
5 SHALL BE PROHIBITED,
6 OTHERWISE THE OBLIGED
7 COMPANIES AND PROS, AND
8 THE VENDEE, TRANSFEREE OR
9 ASSIGNEE SHALL BE
10 SOLIDARILY LIABLE TO PAY
11 TWICE THE AMOUNT OF TAX
12 AND DUTY EXEMPTION GIVEN
13 IT.

14 (6.2) THE EPR EXPENSES OF OBLIGED
15 COMPANIES SHALL BE
16 DEDUCTED FROM THEIR
17 ANNUAL INCOME ON THE
18 CONDITION THAT THEY HAVE
19 MET OR EXCEEDED THE
20 TARGETED VOLUME PURSUANT
21 TO SEC. 44-F (V) OF THIS ACT."

22 **SEC. 8.** Section 49 of Republic Act No. 9003 is hereby amended to read
23 as follows:

1 "SEC. 49. Fines and Penalties. -- (a) x x x

2 **(G) FINES AND PENALTIES CONCERNING EPR. --**

3 **(1) THE OBLIGED COMPANY SHALL PAY A FINE**
4 **EQUIVALENT TO TWO PERCENT (2%) OF THE**
5 **ANNUAL GROSS TURNOVER OF THE OBLIGED**
6 **COMPANY FOR FAILURE TO ESTABLISH AN**
7 **ANNUAL EPR PROGRAM;**

8 **(2) FOR FAILURE TO MEET THE REQUIRED**
9 **TARGET OF RECOVERY AND RECYCLING IN**
10 **ANY YEAR, THE FINE SHALL BE TWICE THE**
11 **COST OF RECOVERY FOR THE SHORTFALL AS**
12 **DETERMINED BY THE DEPARTMENT AND**
13 **NSWMC.**

14 **(3) FOR UNDER-DECLARATION OF THE VOLUME**
15 **OF PACKAGING MATERIALS COVERED BY**
16 **THIS ACT SOLD OR DISTRIBUTED FOR**
17 **EVERY YEAR OR AN OVER-DECLARATION OF**
18 **THE VOLUME OF PLASTIC PACKAGING**
19 **WASTE COLLECTED BY AN OBLIGED**
20 **COMPANY OR BY A PRO, ACTING FOR AND**
21 **ON BEHALF OF AN OBLIGED COMPANY OR**
22 **COMPANIES, PAY A FINE CORRESPONDING**
23 **TO THREE PERCENT (3%) OF THE OBLIGED**

1 **COMPANY'S GROSS TURNOVER DURING THE**
2 **PERIOD OF NON-COMPLIANCE.**

3 **(4) FOR REPEATED FAILURE TO COMPLY, THE**
4 **PENALTY UNDER SECTION 49(F) HEREIN**
5 **SHALL APPLY."**

6 **SEC. 9. *Mandatory Review.*** – Within five (5) years after the effectivity of this
7 Act, or as the need arises, Congress shall conduct a review of the accomplishments
8 and impact of this Act, as well as the performance and organizational structure of its
9 implementing agencies, for purposes of determining the need for remedial legislation.

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

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

21 **SEC. 12. *Separability Clause.*** – If any portion or provision of this Act is declared
22 unconstitutional or invalid, the remainder of this Act or any provisions hereof not
23 affected thereby shall continue to be in force and effect.

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

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

Approved,