

Extended Producer Responsibility (EPR) Act への対応

2022年7月に制定された生産者責任拡張法 (Extended Producer Responsibility Act: EPR法) の実施が開始され法律の対象となる企業による報告書提出が2024年から始まります。対象企業は2023年中のEPRプログラムとよばれるプラスチックを回収・リサイクルする計画を登録する必要があり、DENRは対象となる企業の2023年12月15日までの登録を督促しています。すでに対処済の企業様もいらっしゃると思いますが、EPRプログラムを策定・登録していない場合でも本文中に示すオプションの通り生産者責任団体 (Producer Responsibility Organization、PRO) を通した登録も可能となっておりますので本記事をご参考にして頂けると幸いです。

Extended Producer Responsibility (EPR) Act and How Companies Should Register their Enterprises

What is the EPR Act?

The Extended Producers Responsibility Act (RA 11898, otherwise known as the EPR Law) requires companies that are considered Obligated Enterprises (OE) to prepare measures to address plastic packaging wastes.

The law, lapsed into law July 2022, requires such businesses to register their EPR programs (or programs to reduce and/or recover for reuse, recycling treatment, or proper disposal of plastic packaging wastes that they release or released to the Philippine market) to the Philippine Government. Since submission of EPR Compliance Audit Reports for the year of 2023 is due on June 30, 2024, DENR urges companies to register their program and alert that failure to register may result to penalties to the companies that are designated as OEs by the national government. Although the deadline for companies to register to the EPR program lapsed last February 15, 2023, DENR still encourages companies to take actions up to **December 15, 2023** to avoid any inconveniences early in 2024. This article explains who will be the Obligated Enterprise and what options are available to comply with the law.

Who are the OEs under the EPR Law?

Under current regulations, **OEs** are described as large **product producers** that generate plastic packaging wastes. Enterprises are considered as “**large**” are defined in Republic Act 9501 or the Magna Carta for the Micro, Small, and Medium Enterprises as “those that have 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” that exceed the defined medium threshold of PHP 100 million.

Product producers are also defined in the EPR Law as either:

- **Brand Owners**, or those who sells or supplies any product under a brand, label or identity that was produced by the company, or a material supplied to it by another manufacturer or supplier.
- **Product Manufacturers or Importers** that supplies its goods for the use of the common consumer or distributes the same as a material product of a brand owner. This includes goods that are manufactured, assembled, or processed by a product manufacturer for another Obligated Enterprise which uses its own brand name.

Companies can check whether they are considered an OE through a [Self Assessment Tool for the EPR Act](#) developed by the Department of Environment and Natural Resources (DENR)

Plastic Packaging Types Covered

Plastic Packaging under the EPR Law includes the following packaging items:

1. Sachets, labels, laminates, and other flexible plastic packaging products, whether single layer or multi-layered with plastics or other materials
2. 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 important items, such as cutlery, plates, drinking straws, or sticks, tarps, signage, or labels
3. Plastic bags, which include single-use plastic bags, for carrying or transporting of goods
4. Polystyrene

Plastic Packaging Recovery Targets

The following targets for companies to achieve under the EPR law in the form of either recovery/offset or waste diversion below. Apart from setting the targets, OEs under the law are required to conduct a compliance third-party certified audit to be submitted to DENR each year.

For the period ending	Target
31 December 2023	20%
31 December 2024	40%
31 December 2025	50%
31 December 2026	60%
31 December 2027	70%
31 December 2028 and every year after	80%

Submission of EPR Compliance Audit Reports

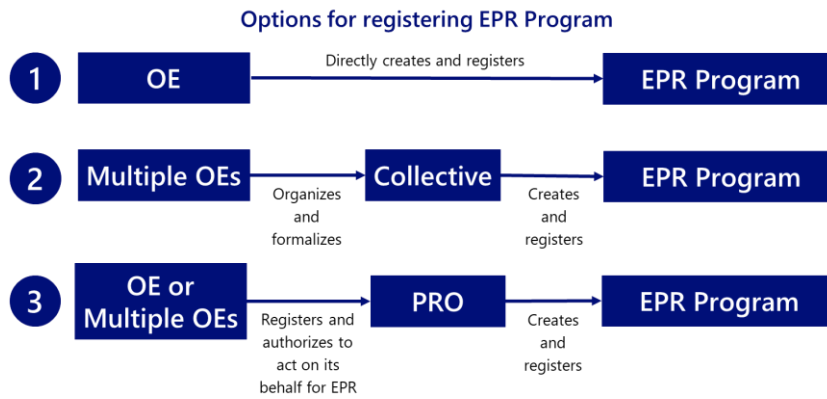
After registration, OEs are required to submit their EPR Compliance Audit Reports (ECARs) every year starting the period from January to December 2023 and for every year moving forward. As such, the following deadlines would need to be followed for the next three years:

For the period ending	Deadline for ECAR Submission
31 December 2023	30 June 2024
31 December 2024	30 June 2025
31 December 2025	30 June 2026

How can Companies Register under EPR

OEs can register in the EPR system either through:

1. **Direct registration** – the company will create and register its own EPR Program, including measures related to adoption of policies and systems related to product waste recovery and reduction programs. Requirements for registration could be found [here for more information](#).
2. **Collective registration** – companies can band together to create and register a collective EPR program
3. **Registration through a Producer Responsibility Organization (PRO)** – companies could sign up to EPR programs of accredited organizations to which they can pattern their own initiatives with. One example is the Philippine Alliance for Recycling and Materials Sustainability (PARMS), who continues to be an active participant in the development of polices related to waste management. For more information about their EPR Program, details are found [through this link](#).



In the case of option No.3, PARMS shares that a company who is considered as an OE but has not established its EPR program still can comply with the law through registering to any accredited PRO and follow the system or set of rules the PRO has in place to comply with its EPR program. For example, if the company registered to PARMS by December 15, 2023 (for 2023 registrations), the company would be included in the EPR program of the PARMS and the plastic footprint monitoring and reporting of the company would be reported through the program of the PARMS. As such, the company would need to follow the program and its corresponding guidelines set by the PRO for until such time that the company decides to join another PRO in the future or creates its own EPR program.

Companies and enterprises that are not considered as OEs, but would still want to participate in the EPR program, are welcome to participate through any of the three ways implemented through a voluntary registration process.

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