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Ref.No.MAIT/PY/2445

March 07, 2022

Ms. Leena Nandan, IAS  
Secretary  
Ministry of Environment, Forests & Climate Change

**Subject:** Redressal on issues raised by MAIT related to Plastic Waste Management Rules

Respected Madam,

**Greetings from MAIT!**

We, as MAIT, representing the Electronic Hardware Sector in India established with the prime objective to work closely with the Government and ICT Electronics industry in building a robust ecosystem for electronics manufacturing in India. MAIT is the industry body with members from segments of Datacom, Server and Telecom & represents a 62 Bn\$ industry. Today, we have members in both leading MNC corporations such as Apple, Cisco, Dell, HPI, HPE, Lenovo, Canon, IFB, Samsung, Panasonic, Qualcomm, Xiaomi, etc. as well as many niche SMEs in the field of ICT electronics.

I am writing to draw your kind attention to some issues that we had raised with MoEF&CC vide our representation Ref.No. MAIT/PY/2406 dated 03 December 2021 addressed to Shri Naresh Pal Gangwar. The Industry is facing a lot of uncertainty in implementation of PWM Rules. The issues that we are facing range from lack of clarity to challenges in compliance. The issues that merit urgent attention are tabulated in **Annexure**.

We would request your kind attention in resolving them at the earliest. We further reiterate the Industry's commitment to fulfilling its obligations towards the environment.

Looking forward to a positive response from your end.

With regards,

George Paul  
Chief Executive Officer

CC: Shri Naresh Pal Gangwar, IAS, Addl. Secretary, MoEF&CC

CC: Shri Satyendra Kumar, IPS, Director-HSMD, MoEF&CC

CC: Shri Amit Love, Addl. Director-HSMD, MoEF&CC

## ANNEXURE

Rule No.	Industry Requests vide MAIT letter Ref. No. MAIT/PY/2406 dated 03 December 2021 & Fresh Issues related to PWM amendment rules released on 16 <sup>th</sup> February 2022.	Rationale
Rule no. 2. Date of Coming into effect :	<p><b>Request 1:</b> Request by Industry to allow timelines for at least 12 <b>months</b> from the notification of EPR Regulations, to align its internal stakeholders and meet compliance needs for registration process of PIBOs, as applicable.</p>	<p>The new Extended Producer Responsibility Regulations (“EPR Regulation”) which has come into effect, casts a burden of compliance on the industry. In 2021 alone, we have witnessed the introduction of three new regulations/guidelines under the Plastics Waste Management Rules, 2016 (“Rules”) namely, the Standard Operating Procedures for Registration of Producers, Importers &amp; Brand Owners (PIBOs) (“SOP”), the Plastic Waste Management (Amendment) Rules, 2021 (“Amendment”), the proposed EPR Regulation and the Plastic Waste Management (Amendment) Rules, 2022. The industry is already grappling with compliance challenges arising out of onerous obligations, ambiguities and overlap arising out of these regulations/guidelines.</p>
Rule no. 4. Obligated Entities :	<p><b>Request 2: Clarity on Definition of Obligated Entities</b></p> <p><b>(i) Producer (P) of plastic packaging –</b> While Point 3 (m) mentions <i>"Producer as a person engaged in manufacture or import of carry bags or multi-layered packaging or plastic sheets or like, and includes industries or individuals using plastic sheets or like or covers made of plastic sheets or multi-layered packaging for packaging or wrapping the commodity"</i>.</p> <p>While Point 4(i) mentions that an obligated entity is only "Producer (P) of plastic packaging".</p> <p>Also, as per clause 7.2 (a), Eligible quantity in MT shall be the average weight of plastic packaging material sold....</p> <p><b>Industry understands that only those producers who manufactures the plastic packaging is obligated under the category of “Producer” and not the producer of CE/ ICT</b></p>	

	<p><b>product who are the users of plastic packaging.</b></p> <p><b>Request -:</b> Industry requests for a clarification as this definition is ambiguous in nature.</p>	
<p><b>Rule no. 5. Coverage of EPR:</b></p>	<p><b>Request 3:</b> It is recommended that the plastic types as defined under PWM Rules be mapped clearly in the Rigid, Flexible and MLP categories.</p> <p>Following is the suggested mapping:  Category I (Rigid): PET, HDPE [Source: CPCB FAQ Document]  Category II (Flexible): PP, PS, LDPE [Source: CPCB FAQ Document];  Others (Other means all other resins and multi-materials like ABS (Acrylonitrile butadiene styrene), PPO (Polyphenylene oxide), PC (Polycarbonate), PBT (Polybutylene terephthalate))  Category III (MLP): MLP.</p>	<p>This query still remains unresolved. The categorisation of plastics under Category I and II is unclear. There is an FAQ document on this classification which was uploaded on CPCB website. The industry wishes to clarify if the classification elucidated in the FAQ document is still valid.</p>
<p><b>Rule no. 6. Registration:</b></p>	<p><b>Request 4: Registration under multiple categories (PIBOs)</b></p> <p>(a) As per the latest amendment (16 Feb 2022), clause 6.5, in cases, where the entity falls under different subcategories and has units in different states, then these units shall be registered separately under each particular sub-category (PBIO). Separate registrations are required for each state.</p> <p><b>Request 4a:</b> Separate registration in different States is confusing &amp; is also contradicting with the clause 12.1 which states that -<i>CPCB shall register PIBOs who are operating in more than two States.</i></p> <p><b>Request 4b:</b> Industry once again requests that there should be centralized system to issue only One registration for an entity. Multiple registrations are contrary to Ease of Doing Business.</p> <p><b>Request 4c:</b> The industry further requests that personal details of authorized person such as Aadhar Number and PAN Number should not be asked during the registration process. We suggest that PAN no. of the PIBO/ EPR holder should be required instead of an individual/ authorised representative.</p>	<p>Registration under multiple sub-categories will duplicate the EPR obligation/ targets. This will also increase the administrative burden on the industry as well as on the regulators (CPCB/SPCB/PCC). We therefore request if any entity qualifies in more than one sub-category mentioned in clause 6.1, then the entity should be allowed to get themselves registered to do the compliance under PWM rules, under any of the most appropriate category as per their business model which is also fulfilling the criteria of the PWM rules.</p> <p>Industry further requests for clarification on the following –</p> <ol style="list-style-type: none"> <li>1. Clarify, how the “unit” is defined?</li> <li>2. Clarity required on what is the need of sharing the Aadhar &amp; PAN of authorised person while registering.</li> </ol>
<p><b>Rule no. 7.2(b), 7.3 (b), 7.4 (c) -Targets for recycling for Producers, Importers &amp; Brand-Owners:</b></p>	<p><b>Request 5: Targets for EPR (Obligations for min. recycling)</b></p> <p><b>Request:</b> Industry requests for deferment of the Obligation for minimum recycling for Category 2 and Category 3 plastic till FY 25-26</p>	<p>Considering the current technologies available, EPS (which makes up to 75-80% of plastic packaging for CE industry), the targets for recycling are stiff.</p>

	<p>till the time recycling ecosystem for these categories gets stabilized and Government should support in the establishment of recycling technologies for such type of plastics that have limited capabilities at present.</p>	<p>Also, majority of MLP is not been recycled as of now and goes to Cement incinerators only. Therefore the min. recycling mandate for MLP cannot be achieved in absence of adequate recycling technologies?</p>
<p><b>Rule no. 7.2(d), 7.3 (d), 7.4 (e) -Targets for use of recycled content for Producers, Importers &amp; Brand-Owners:</b></p>	<p><b>Request 6:</b> The responsibility of X% of recycled content should be limited only to the Producers who manufactures plastic packaging.</p> <p><b>“Producers”</b> who are just the user of plastic packaging and <b>“Brand Owners”</b> should be kept out of the requirement for ensuring minimum recycled content in plastic packaging as this is not practically possible for them to use recycled content if they are not manufacturing in India/ are just the importer of finished products in India.</p> <p>Exemption required on the Obligation for use of recycled plastic content for category 3 (MLP). Adding Recycle content in multi-layer plastics (laminates) will a big challenge as there are no sufficient sources for films with recycled content except polyethylene films.</p> <p>For importers of products with plastic packaging, commercial aspect of mandatory purchase of credits should be regulated by CPCB to avoid any unethical practices. <b>Target should be aligned &amp; mandated to an extent as per the available credits with CPCB on its website.</b></p> <p><b>Also, industry requests that since importers are given an obligation to buy certificates in India, so such Importers do not carry a dual responsibility of using the recycled content in their product packaging. More so when the plastic packaging with recycled content is not available with the global supply chain.</b></p>	<p>A lot of Consumer electronics/IT products are manufactured at global manufacturing facilities which are located outside the India’s jurisdiction. In such Consumer electronics/IT products, the plastic packaging is procured from suppliers who are based outside India. In such Global supply chain, it is very difficult to enforce a country specific requirement including but not limited to mandating certain percentage of recycled content in the plastic packaging.</p> <p>Industry foresees a compliance challenge in terms of enough availability of such excess recycled material &amp; possibility of black marketing when enough stocks are not available. Suggest CPCB to keep a control of the entire excess available stock &amp; fix a price for the same.</p>
<p><b>Rule no. 7.4 (b) -Targets for re-use of Rigid plastic for Brand-Owners:</b></p>	<p><b>Request 7:</b> It is recommended to exempt CE/ IT industry from the provisions of this clause for Re-use. Instead as a good regulatory practice, MOEF&amp;CC may consider introducing such provisions on a voluntary basis wherever it is practically possible.</p>	<p>1. The plastic packaging is the integral part with which goods are sealed prior to shipment/use. Product with sealed packaging instils confidence in the customer about genuineness of the product. When this packaging is opened by the customer upon receipt of the product then it is torn/damaged and is rendered unfit for Re-use.</p>

		<p>2. It is practically not possible to ensure that the customer gives back the packaging in undamaged /unsoiled condition. Soiled/Damaged packaging in not conducive fo5r Re-use.</p> <p>3. Some Brand Owners import the products for sale in India. These products are manufactured and packed overseas. Hence Re-use of this packaging is not practically possible. And for calculating the EPR targets for BO on this would be a difficult proposition as weight of virgin plastic packaging material (category-wise) purchased and introduced in market is a challenge and the previous year's data may not be available.</p>
<p><b>Rule no. 9. Imposition of Environmental Compensation:</b></p>	<p><b>Request 8: Environmental Compensation</b> As per the latest amendment (16 Feb 2022), CPCB shall lay down guidelines for imposition and collection of environment compensation on PIBOs, recyclers, and end of life processors, in case of non-fulfilment of obligations set out in these regulations and also for violations of conditions or false information/certificates as mandated under these guidelines.</p> <p><b>Request:</b> Industry requests for issuance of Guidelines for environmental compensation &amp; the same should be clarified in a public document (Gazette).</p> <p><b>Recommendation:</b> Industry recommends that a graded penalty structure should be built with the provision of remedy and appeal in consultation with Industry.</p>	
<p><b>Rule no. 11. Role of plastic waste processors:</b></p>	<p><b>Request 9: Role of PWP</b> As per the PWM rules which is already in discussions, Cement companies are not willing to register themselves as 'Plastic Waste Processing Facilities'.</p> <p><b>Request:</b> As the ministry is aware that Cement companies are unwilling to register as coprocessors therefore till such time the matter is sorted out, the requirement of PIBOs for providing certificates from Cement companies should be done away with. Alternatively: 2. PIBOs shall be allowed to provide a self-declaration certificate where End of Life MLP goes to Cement kilns for its final disposal. This request is just an extension to a provision</p>	<p>Currently, as we understand, Cement companies are not willing to register themselves as 'Plastic Waste Processing Facilities</p>

	already given in clause 11.5 for the plastic waste going for a road construction.	
<b>Rule no. 18 :</b>	<p><b>Request 10: Committee for Extended Producer Responsibility under PWM Rules.</b></p> <p><b>(18.2) As per PWM Amendment Rules 2022, a</b> committee is to be constituted for implementing EPR for PWM. The committee is to comprise of representative from concerned line Ministries/Departments such as Ministry of Housing and Urban Affairs, Ministry of Micro, Small and Medium Enterprises, Department of Drinking Water and Sanitation, Department of Chemical and Petrochemicals; Bureau of Indian Standards, three State Pollution Control Board or Pollution Control Committee, Central Institute of Plastic Engineering and Technology (CIPET), National Environmental Engineering Research Institute (NEERI), and three industry associations, and any other invitee as decided by the chairperson of the committee.</p> <p><b>Request:</b> In this regard, industry would like to requests that a representative from MAIT should also be included in this committee.</p>	