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Ref.No.MAIT/PY/2651

February 20, 2023

Shri Naresh Pal Gangwar
Additional Secretary
Ministry of Environment, Forests & Climate Change

Subject: Industry concerns reg. EPR obligation under the ambit of Plastic Waste Management Rules (PWMR)

Respected Sir,

Greetings from MAIT, India's apex Industry body empowering IT, Telecom & Electronics Hardware sectors!

The representation bears reference to the availability of the EPR certificates and carrying forward the surplus EPR target for Plastic Waste collected in FY 21-22 to FY 22-23.

First and foremost, MAIT would like to emphasise that ICT Industry is fully committed to compliance with the regulations formulated by the Government for responsible management of Plastic Waste in the country. MAIT members have been diligently complying with the Plastic Waste Rules since its genesis and have been deeply involved to help shape sustainable and functional regulation.

Industry concerns on the EPR obligation of Plastic Waste Management Rules - there are a few concerns that need your immediate attention as mentioned below :-

1. Carrying forward of surplus EPR target for Plastic Waste collected in FY 21-22 to FY 22-23:

- As per **Clause 7.4 and 8.1 (ii)** of the **PWM Amendment Rules 2022**, sets the target for FY 2021-22 as 25% and the Rules have laid down a provision for **carrying forward the excess target collected in any FY to the succeeding FY**. Since the Amended Rules came into effect in February 2022, they are effective from FY 21-22 and therefore allow the excess collection to be carried forward to FY 22-23.
- MAIT has sent multiple representations in this regard to both MoEF&CC and CPCB as well, details are as under. No response has been received on this important issue of concern to the Industry:
 - Letter to MoEF&CC on 29th Aug '22
 - Letter to MS, CPCB on 16th Sep '22

Disharmony in CPCB stand, FAQs and Provision 7.4 & 8.1 (ii) of the PWM Amendment Rules 2022

- As per the recently released **Instruction sheet** (in late Nov'22) on Guidance for Module IA, II & III available on the EPR portal for Plastic Packaging, under

Part A General of the FAQ section, under the answer to question no-31 & 32, **it states that EPR obligations for the period prior to February 2022 shall be fulfilled as per the EPR regime prevalent at that time and shall not get transferred to this year, which is not in alignment with the Clause 8 of the PWM Amendment Rules 2022 stated in the above paragraph.** FAQ released by CPCB on this issue is against the provisions laid down in the Plastic Waste Amendment Rules '22, which is not understood. CPCB has repeatedly asked for compliance data from the industry in May '22 in line with the Rules but now CPCB's stance has changed.

- The ambiguity that occurred due to the difference in the notification referred to above and the Instruction sheet released by CPCB could significantly make compliances cumbersome and hamper the spirit of Ease of Doing Business in India.

2. Availability of EPR certificates:

- The industry has been informed by CPCB that to ensure compliance with the PWM Rules 2022, they are required to purchase EPR certificates from Recyclers. As you would be aware, all our member companies have received their EPR targets for FY 22-23, which need to be complied with by March 31, 2023.

Industry Challenges:

- CPCB has not yet finalized their EPR Portal yet and the EPR certificates are not yet made available for purchase by the Brand Owners either.
- Recyclers are not yet ready to upload information as required by new modules of the portal due to the complexities involved.
- Without the physical verifications by SPCB officials at the recycling facility, no recycler can generate EPR certificates.
- All purchase and sale data has to be entered from Apr'22 by the recyclers before they can generate the EPR certificates which is a humongous task.
- Under such circumstances, the industry fears that they will be left with insufficient time to comply with EPR obligations as only 3 months left in the completion of FY'22.
- It is also our concern that besides this delay in the availability of EPR certificates, there may not be enough EPR certificates available to the Industry leading to a fait accompli situation.

Summary of Asks:

- Industry requests early processing of the submitted intervening period compliance data by CPCB so that the industry can plan their EPR targets accordingly for FY 22-23 considering the carry forward option against the surplus quantity collected in FY 21-22.
- We request MoEF&CC to kindly ensure that no legal action/Environmental Compensation is levied on PIBOs in such cases where enough EPR

certificates are not available for the entire industry to comply with their obligated target before the end of the FY.

MAIT would like to reiterate that business is getting impacted due to the ambiguities and delays as highlighted which is against the motto of **Ease of Doing Business**.

We are sanguine that our request on the subject matter would be addressed appropriately.

We would also **request for a suitable time for a meeting** to discuss our submission in detail.

Warm regards,

A handwritten signature in black ink, appearing to be 'AA Jafri', with a long horizontal line extending to the right.

Col. AA Jafri, Retd.
Director General