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Ref.No.MAIT/PY/2596 November 23, 2022

Shri Ved Prakash Mishra, IRS
Director
Ministry of Environment, Forests & Climate Change

Subject: Industry inputs reg. E-Waste Management Rules 2022

Respected Sir,

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

The representation bears reference to the recently released **E-Waste Management Rules 2022 (EWMR)** dated 2nd Nov 2022.

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 E-Waste in the country. MAIT members have been diligently complying with the E-Waste rules since its genesis and have been deeply involved with the Ministry over the past decade to help shape sustainable and functional regulation. Most of our members have been implementing successful E-Waste take-back and compliance programs across the world for several decades.

Coming back to the industry concerns reg. EWMR, we would like to bring to your kind notice that below are the key industry concerns & suggestions regarding the implementation of EWMR 2022 -

1) **Exemption of applications related to medical devices from the requirements of Rule 16:**

Concern:

a. Applications specific to certain medical devices and monitoring and control instruments included in the Schedule I cannot conform to the provisions under Rule 16 (1).

For example: Lead is used for shielding ionising radiation in X-Ray devices. However, section 16(1) of the said rules, restricts usage of lead to a certain percentage in all EEE equipment (including HME equipment). As on date, globally there is no alternative to lead to ensuring radiation shielding in medical equipment.

b. The parts and spares (including re-used parts and spares) of such devices placed in market may not confirm to ROHS requirements due to lack of alternatives.

Request / Recommendation:

Exempt applications specific to certain medical devices (including their spare parts and components) in line with EU Directive 2011/65/EU (amended till date). This will ensure disruption free usage of medical equipment in the country and also ensure no radiation leakage from medical devices.

Reference clauses in EU regulations- Article 4.5, 4.6 and Annex IV of "DIRECTIVE 2011/65/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL" of 8 June 2011 amended by "DIRECTIVE (EU) 2017/2102 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL" of 15 November 2017.

2) **Producer to provide the detailed information on the constituents of the equipment and their components or parts or spares along with a declaration of conformance to the RoHS provisions in the product user documentation [Rule 16(5)]:**

Concern:

It is not possible to publish the detailed information sought on the product user documentation due to Intellectual Property concerns and also such data consist of test reports of all constituents of all models product category-wise. Therefore, providing such huge data in the product user documentation is not possible.

Request/ Recommendation:

Producers to continue to provide a declaration of conformance to the Reduction of Hazardous Substances provisions in the product user documentation under Rule 16 (8) and such documentation can be made available to CPCB as and when required as per provisions under Rule 16(11).

3) **Timeline for filing quarterly/ Annual returns by Producers/ Manufacturers/ Refurbishers [Rule 5(3), 6(4) & 7(4)]:**

Concern:

It is not possible for Producers/ Manufacturers/ Refurbishers to reconcile and file the returns within one month of the end of the quarter/ year.

Request/ Recommendation:
Filing of annual and quarterly returns in the prescribed Form on the portal of CPCB should be on or before the end of three months from the quarter/year to which the return relates (as was the requirement in the earlier rules).

4) **Manufacturer to ensure that component or part made by different manufacturer are compatible with each other [Rule 16(10)]:**

Concern:
It is not possible to make components/ parts compatible with other manufacturers. Every manufacturer has their own design with different shapes and sizes of the parts/ components. If this clause is enforced, manufacturers will lose competitive advantage in the industry and as a result, it will adversely impact the business.

Request / Recommendation:

We request that generic policy statements be excluded from the ambit of the Rules as they are interpreted by implementing bodies to mean differently. Regulations without clear specifics for implementation will lead to ambiguous enforcements.

Additionally, expecting manufacturers to ensure components/parts by different manufacturers are compatible with each other is far-fetched, and difficult to achieve. Manufacturers have distinct supply chains, product designs, and distinct components / sub-components for each product/models of products which is internal and classified to organisations.

5) **End of life (EOL) determination for EPR Target Management:**

At this point, there are no metrics or directions from authorities how the end of life (EOL) shall be determined for newly introduced item categories. This is required at the earliest, as most target calculations depend on EOL of product categories.

In addition to the above high-level feedback on the Rules, please find enclosed detailed feedback on the e-waste Management Rules as **Annexures** to this letter.

We are sanguine that our request on the subject matter would be addressed in a positive manner by your good office.

Warm regards,

Col. AA Jafri, Retd.
Director General

CC: Shri Naresh Pal Gangwar, IAS, Additional Secretary, MoEF&CC
CC: Shri Satyendra Kumar, IPS, Director, MoEF&CC
CC: Shri. Anand Kumar, Sr. Director, WM-III, CPCB