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Ref.No.MAIT/PY/2326

November 03, 2023

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

Subject- EoDB challenges related to PWM Amendments notified in October 2023

Respected Madam,

Greetings from MAIT!

At the outset, we would like to highlight that MAIT members have been diligently complying with the Plastic Waste rules since its genesis and have been deeply involved with the Ministry and CPCB over the past decade to help shape sustainable and functional regulation.

This is to inform that the industry was taken by surprise with two consecutive amendment notifications released by MoEF&CC within a gap of 14 days - on October 16th and 30th respectively. While the Draft amendment, G.S.R. 744 (E) and REGD. No. D. L.-33004/99, dated October 16th 2023 provided a consultation window of 60 days to provide input, the latter amendment, G.S.R. 807 (E) and REGD. No. D. L.-33004/99, dated 30th October 2023, is enforced with immediate effect without any indication of, **whether this is a draft for consultation or has been issued in suppression to the previous amendment.**

Above all, it has been issued without any prior consultation, and pre-communication. The PWMR EPR regulation is a critical one that impacts the industry and its operations and requires due consultation and engagement between MoEF&CC and Industry to ensure effective operationalization. This will allow the industry to provide well-informed feedback before its execution, thereby fostering a more seamless implementation process. At this stage, the industry is unclear about the intent and validity of the released amendments given also that both got notified within a period of 14 days. More so, it has also changed a few clarifications which were considered to be settled in previous amendments. We request your urgent attention on this and help clarify the rules for the industry through a constructive consultation process.

As we await a response from you, we are highlighting key concerns as noted from the PWMR amendment notification dated October 30th, 2023:

1. As per rule 11 of the latest Plastic Waste Amendments notified on October 30th 2023, for sub-rule (1) which reads, '**Each plastic packaging shall contain the following information, printed in English**', and its clause (a), which reads: '*name and registration certificate number for producer or importer or brand owner generated through centralized online portal specified in Schedule II for plastic packaging, in case of, rigid plastic packaging with effect from 1 July 2024, multilayer flexible plastic packaging having more than one layer with different types of plastics, including plastic sachet or pouches, and multi-layered plastic packaging*'.

Against our representation- **reference no.MAIT/PY/2492 dated 1st July 2022** it was concluded and agreed upon by MoEF&CC to exempt the plastic packaging used for pre-packaged imported goods and imported products from the labelling requirements

vide its notification dated 6th July 2022. However, we would like to highlight that while issuing and compiling the latest amendment this point has been inadvertently missed.

Request- MAIT requests MoEF&CC to incorporate the exemption in the latest amendment.

2. As per rule Schedule II- rule 15, clause (A), which states the *Purchase of extended producer responsibility certificate from different categories*. As mentioned in the rules, the EPR obligation should be fulfilled as per the EPR plans of PIBOs. A deficit in any plastic category should not be compensated with the purchase of EPR certificates from the surplus plastic category. CPCB should evaluate the recycling capacity for every financial year at the beginning of the FY and if sufficient EPR certificates are not available in any particular category then MOEF&CC should revise the targets. The Steering Committee should be appropriately consulted for this to ensure smooth operationalization.

Request- MAIT requests MoEF&CC to consider revising the targets if enough capacity for the specific plastic category is not present then the deficit should not be compensated with any other surplus plastic category.

3. While we have made multiple representations, **reference no.MAIT/PY/2673 dated 23rd March 2023 and reference no.MAIT/PY/2321 dated 19th October 2023** to MoEF&CC and CPCB regarding the ask for self-declaration of procurement and sales data and have been assured that this is being resolved, the amendment did not carry any relief on the issue. The product invoices do not contain any information related to plastic packaging-related and hence, bulk uploading of invoices will not serve any purpose and will just add to the compliance burden for all stakeholders.

Request- The self-declaration for the weight of the plastic packaging placed in the market/procurement and sales should be included in the amendment and the issue of bulk upload of invoices be resolved and in line with assurances by CPCB and MoEF&CC officials.

4. Since there have been 9 amendments notified to date, under PWMR, it is a humble request to consolidate all the amendments under Plastic Waste Management Rules and issue a notification bearing all amendment references along with the rule.

We are sanguine that our request on the subject matter shall be addressed positively by your good office.

Warm regards,

Col Suhail Zaidi (Retd)
Director General

CC: Shri Naresh Pal Gangwar, IAS, Addl. Secretary, MoEF&CC
CC: Shri Tanmay Kumar, IAS, Chairman, CPCB
CC: Ms Manmeet K Nanda, IAS, Jt. Secretary, DPIIT
CC: Shri Sushil Pal, ICAS, Joint Secretary, MeitY
CC: Shri Satyendra Kumar, IPS, Director, MoEF&CC
CC: Shri Bharat Kumar Sharma, Member Secretary, CPCB
CC: Ms. Divya Sinha, Director, CPCB
CC: Shri Amit Love, Addl. Director-HSMD, MoEF&CC
CC: Shri Yogesh Chandra, Scientist "C", CPCB