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December 06, 2022

Smt. Manmeet K Nanda, IAS
Joint Secretary
Department for Promotion of Industry and Internal Trade

Subject: Requesting meeting to discuss Industry concerns reg. the recent release of the Environment-related Rules by MoEF&CC severely impacted the motto of EoDB in India

Respected Madam,

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

This bears reference to the recently notified Battery Waste Management Rules 2022, E-Waste Management Rules 2022 and Plastic Waste Management Rules 2022.

In 2014, under the visionary leadership of the Hon'ble Prime Minister, the Ease of Doing Business process underwent a complete change with the Government responding innovatively. This started the journey of government process reengineering, bringing various ministries and departments of the Centre and State together to achieve a common goal of making India the most preferred business destination.

MAIT would like to highlight that in the past few months MoEF&CC have notified the Battery Waste Management Rules 2022, Plastic Waste Management Rules 2022, and E-Waste Management Rules 2022. There are certain issues with these notifications and their operational implementation which fall strictly in the ambit of Ease of Doing Business. I am listed three key points for your kind consideration:

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

- As per our understanding **Clause 8** of the **PWM amendment rules 2022**, sets the target for FY 2021-22 as 25% and the Amendment Rules have laid down a provision for **carrying forward the excess target collected in any FY**. And since the Amendment Rules came into effect in February 2022, they are effective from FY 21-22 and allow the excess collection target to be carried forward to FY 22-23.
- However, as per the **Instruction sheet** on Guidance for Module IA, II & III available on the EPR portal for Plastic Packaging, under the Part A General of the FAQ section, under the answer to question no-31, it clearly states that it has been conveyed 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.
- The ambiguity that occurred due to the difference in the notification referred to above and the Instruction sheet by CPCB could significantly make compliances costlier and are against the spirit of Ease of Doing Business in India. We have highlighted this issue with CPCB however they have not resolved the same.

2. Ambiguous provision of E-waste management rules:

- The new e-waste rules state that “Manufacturer to ensure that component or part made by different manufacturer are compatible with each other” (Refer Rule 16(10) of E-Waste Rules 22). You would appreciate that the manufacturing of electronics and telecom products in India is in a nascent stage. It is not possible for product manufacturers 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 a competitive advantage in the industry and as a result, it will adversely impact the business.
- 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/model of products which are internal and classified to organizations.

3. Sudden release of the Battery Waste Management Rules 2022:

- The Battery Waste Management Rules were released on 22nd August 2022 and their applicability started on the day of their release itself. There was no lead time provided to the industry to plan implementation. The industry recommends that implementation of Battery Waste Management Rules should be from FY 26-27 (3.5 years from the introduction of Rules) for the following reasons:
 - a. The Battery waste recycling infrastructure and technology are almost non-existent in the country as per the requirements of this regulation. It is going to take time to put this infrastructure in place.
 - b. Even developed economies like European Union gave 6 years to initiate target-based collection & recycling from the year in which the directive was passed by European Parliament. [*Directive passed on 6th September 2006; EU was asked to make guidelines for implementation by 26th September 2008; Target based collection mandated from the year 2012**]

The feedback provided by our members is aligned with the Hon'ble Prime Minister's vision of making India a \$5 trillion economy without compromising on the environmental aspects.

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

Warm regards,



Col. Ali Akhtar Jafri, Retd.
Director General - MAIT

CC: Smt. Supriya S Devasthali, Director, DPIIT