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Ref.No.MAIT/PY/2656

March 03, 2023

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

Subject: Urgent request for immediate intervention and relief in regards CPCB's mandate on uploading sales/procurement invoices related to plastic packaging on the online EPR portal.

Ref:

1. Notice to PIBOs demanding upload of sales/procurement invoices related to plastic packaging on the online EPR portal, issued by the Central Pollution Control Board (“**CPCB**”) dated February 21, 2023;
2. CPCB's response to the industry representation filed through MAIT on the said subject on January 2, 2023, dated January 16, 2023;
3. Office Memorandum clarifying PIBOs to rely on self-declaration based on audited books of accounts for the purposes of EPR target determination, issued by the Ministry of Environment, Forest & Climate Change (“**MoEFCC**”) dated January 6, 2023 (“**Office Memorandum**”) and
4. Directions to PIBOs to upload sales/procurement invoices related to plastic packaging on the online EPR portal, issued by the CPCB dated December 21, 2022.
5. MAIT Letter No. MAIT/PY/2653 dated February 22, 2023

Respected Madam,

Greetings from MAIT!

We write to you for your kind intervention on an urgent matter relating to Plastic Waste (Management) Rules, 2016 (“**PWMR**”), as amended till date. Recently, a notice has been issued by the CPCB dated February 21, 2023, reiterating its mandate on all PIBOs to upload sales/procurement invoices related to plastic packaging on the online EPR portal, within fifteen (15) days from its issuance. The notice further warns violators of strict consequences including closure of operations, for non-compliance.

This is in variance to the confirmation provided by MoEFCC, clarifying that a self-declaration by the PIBOs based on the audited books of accounts would be sufficient for the purposes of determination of EPR targets under the PWMR rules. (Copy attached). Despite such clear direction by the Hon'ble MoEFCC, CPCB has been repeatedly taking an inconsistent stance by insisting that PIBOs upload sales/procurement invoices on the online EPR portal. This divergent position adopted by CPCB is not only putting the industry at difficulty, but also hindering ease of doing business and leading to unpredictability impacting companies and investments.

The industry has been representing against such a mandate on various grounds. More importantly, the industry raised concerns about how Importers and Brand Owners import from global factories /procure prepacked finished goods from third party independent



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manufacturers and suppliers, and are not procuring plastic packaging. Thus, sales/procurement invoices of Importers and Brand Owners **do not** carry '**any information pertaining to plastic packaging**' which will aid in CPCB in their desired outcome, i.e., validating existing and auto-generating EPR targets. Additionally, the industry had also raised concerns about sales/procurement invoices of Importers and Brand Owners carrying business sensitive information including but not limited to financial and supplier information which is not desirable for submission on an unsecure public portal, which is solely intended for EPR compliance and governance. The representation also highlighted how there is lack of precedent including under taxation laws for such a request, and how such a mandate by CPCB to regulate EPR compliance is misplaced in law.

This mandate is not only logistically unfeasible and ineffective, but is also a disproportionate ask from PIBOs and an overreach by CPCB, so far as EPR compliance is concerned. In this context, it may be worth noting that the PWMR do not mandate submission of copies of invoices during or post the registration process. This requirement has been newly introduced as a part of the procedure provided in the Guidance Document pertaining to Module 1A of the EPR Portal.

We request your good offices to kindly intervene, help direct CPCB to do away with the requirement to upload sales/procurement invoices given the complexity detailed in this representation, and reiterate the self-declaration mechanism by PIBOs to be sufficient to meet compliance under the PWMR and its corresponding EPR Guidelines, consistent with the Office Memorandum issued by this office.

We also request your good office to kindly grant us an urgent meeting with you either on **Friday (3rd March 2023) or Monday (6th March 2023)** so that we can explain the issues to you. We would also request that the deadline of 8th March 2023 for uploading of Invoices be suspended till such time the issue is resolved.

We would greatly appreciate your kind confirmation.

Warm regards,

Col AA Jafri, Retd
Director General
MAIT

Copy To:

Shri Amitesh Sinha, Joint Secretary, MeitY
Ms Asha Nangia, Group Co-ordinator, MeitY
Ms Manmeet Nanda, Joint Secretary, DPIIT
Shri Satyendra Kumar, IPS, Director, MoEF&CC
Shri Amit Love, Addl. Director, MoEF&CC
Dr Prashant Gargava, Member Secretary, CPCB
Ms. Divya Sinha, Addl. Director & I/c, UPC-II, CPCB