



PHD House, 4th Floor, Ramakrishna Dalmia Wing
4/2, Siri Institutional Area, August Kranti Marg, New Delhi – 110016,
India E-mail: ceo@mait.com • Website: http://www.mait.com

Ref.No.MAIT/PY/2396

October 22, 2021

Shri Amit Love
Addl. Director
Ministry of Environment, Forests & Climate Change

Subject: Request for immediate relief by exempting Rule 11 in specific cases and extending the timeline for implementation of the Rule 11

Respected Sir,

Greetings from MAIT!

MAIT is the industry apex body, representing the Electronic Hardware sector in the country. MAIT also represents major Information Technology, Data Communication, Networking products, and Technology companies. We would like to acknowledge the fact that the collaboration of MAIT with MoEF&CC has been steadily increasing.

The members of MAIT had made extensive representations, both written and verbal, before your offices during the consultation process since the release of PWM rules 2016 & the draft Plastics Waste Management Amendment Rules 2021 expressing significant concerns with the proposed amendment, specifically pertaining to the marking and labelling requirements specified under Rule 11.

The amendment to Rule 11 (1) has come into immediate effect and has expanded the scope of the marking and labelling requirements to plastic packaging used by producers and brand owners.

The members of MAIT would like to submit the following implementation challenges for your due consideration and immediate action:

S.No.	Industry Concerns	Industry Request	Rationale
	IMPORTED PRODUCTS		
1.	Marking and Labelling requirements on Imported Products under Rule 11	We request an exemption of Rule-11 for imported ICT and electronic products.	<ul style="list-style-type: none">• The industry requests an exemption for imported products from the marking and labelling requirements, which is in line with the existing exemption given to multi-layered packaging (MLPs) used for imported goods [Rule 11(1)(b)].• It is important to understand that global brands have uniform manufacturing facilities, starting from the product assembly to its final

			<p>packaging. These common facilities use the same plastic packaging for all countries including India.</p> <ul style="list-style-type: none"> • Making any India unique changes in the packaging will be impossible to implement and need to be aligned with the global packaging norms for uniformity.
2.	DOMESTICALLY MANUFACTURED PRODUCTS		
2(a)	No Lead time for compliance to Rule 11 on plastic packaging used in domestically manufactured products	A transition period of at least 12-18 months be granted to implement the country unique labelling requirements for domestically manufactured products.	The amendment of Rule 11, which has come into immediate effect, do not provide any lead time to the domestic manufacturers to make requisite changes in the current plastic packaging. Changing the marking or labelling require extensive testing of solutions, identifying appropriate raw material sources, addition of necessary capital equipment for etching/ printing/ labelling and updates to production lines processes. These are time and resource consuming processes and requires adequate time for implementation.
2(b)	Marking & Labelling on small-sized packaging used in domestically manufactured products	We request an exemption from Rule-11 for small-sized plastics used for packing spare parts and components.	Due to size constraints, it is technically difficult to adhere to the marking and labelling requirements on plastics used for packing spare parts and components.
2(c)	Marking of multiple registration numbers on plastic packing	We request that marking and labelling requirements to be simplified and should be confined to either the manufacturer ¹ or the brand owner/ producer.	- The PWM Amendment 2021 requires the name of the manufacturers along with the name of the producer or brand owner to be marked. The draft amendment released in March 2021 by MOEF&CC had proposed the marking

¹ As per the rules the manufacturer is defined as a person or unit or agency engaged in production of plastic raw material to be used as raw material by the producer.

			<p>requirement for producer/brand owner only. However, in the Final Amendment Rules 2021, released in Aug 2021, the manufacturer is required to put their registration number in addition to producer/brand owner's.</p> <ul style="list-style-type: none"> - This requirement is very cumbersome. - Further, since the Rule allows brand owners to collect plastic packaging of any brand, hence, marking the plastic packaging with manufacturer and producer details will not help in improving the collection of plastic waste or enhancing the recycling rate in the country. - Moreover, due to limited space available on the plastic packaging, it is not feasible to incorporate multiple registration numbers on plastic packaging.
3	- Other Issues under PWM rules 2016		
	<p>Rule 4, subclause 1: "The manufacture, importer stocking, distribution, sale and use of carry bags, plastic sheets or like, or cover made of plastic sheet and multi-layered packaging, shall be subject to the following conditions, namely: (a) carry bags and plastic packaging shall either be in natural shade which is without any added pigments or made using only those pigments and colorants which are in conformity with Indian Standard: IS 9833:1981 titled as "List of pigments and</p>	<p>1. We request the following insertion of words (highlighted below in red font) to Rule 4(1)(a) of the PWM Rules of 2016: <i>"carry bags and plastic packaging used for storing, carrying, dispensing or packaging of ready to eat or drink food stuff, shall either be in natural shade which is without any added pigments or made using only those pigments and colourants which are in conformity with Indian Standard: IS 9833:1981 titled as 'List of pigments</i></p>	<p><u>Justification for exemption from Rule 4(1)(a)</u></p> <p>1. Since the scope of IS 9833:1981 is confined to pigments & colourants used in plastics for foodstuffs, pharmaceuticals and drinking water, hence it should not be applicable on any other products.</p> <p>2. Moreover, many ICT brands are promoting use of recycled content in their product packaging, which cannot come in the natural shades. Further, implementing the marking requirements (as specified in Rule 11) will add pigments to the plastic, thereby, contradicting the requirements specified under Rule 4(1)(a).</p>

	<p>colorants for use in plastics in contact with foodstuffs, pharmaceuticals and drinking water”, as amended from time to time.</p> <p>(b). plastic sheet or like, which is not an integral part of multi-layered packaging and cover made of plastic sheet used for packaging, wrapping the commodity shall not be less than fifty microns in thickness except where the thickness of such plastic sheets impairs the functionality of the product.</p>	<p><i>and colourants for use in plastics in contact with foodstuffs, pharmaceuticals and drinking water’, as amended from time to time.”</i></p> <p>2. We also request an exemption for shrink wraps, bubble wraps and adhesive tape from</p> <p>(a) <u>Marking requirement as per Rule 11(1)(a) &</u></p> <p>(b) 50-micron thickness under rule 4 (1) (d)</p>	<p><u>Justification for exemption for shrink wrap and adhesive tapes:</u></p> <p>Certain plastics like shrink wrap, which are needed for protecting the ICT and electronic products from dust and moisture, are less than 50 microns in thickness. Increasing the thickness of shrink wrap will impact its core functionality, which is to cling to the product.</p>
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To sum-up, we humbly request your kind offices to provide immediate relief by:

1. Exempting the imported products and small-sized plastic packaging used for components and spare from the requirement of Rule 11.
2. Extending the timeline for implementation of the Rule-11 by at-least 12-18 months for companies manufacturing in India.
3. Providing clarity that rule 4, (1) (a) is not applicable on ICT/ Electronic industry & is applicable for foodstuffs, pharmaceuticals and drinking water industry.
4. Exemption for shrink wraps, adhesive tape & bubble wraps from rule 4 (1) (d) & rule 11.

With regards,



George Paul
Chief Executive Officer