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Ref.No.MAIT/PY/2730

May 09, 2023

Shri Naresh Pal Gangwar, IAS
Additional Secretary
Ministry of Environment, Forests & Climate Change

Subject: Battery Waste Management Rules' Implementation issues

References:

1. MAIT representation no Ref. No. MAIT/PY/2654 dated February 28th 2023
2. MAIT representation Ref.No.MAIT/PY/2679 dated April 06th 2023
3. MAIT representation Ref.No.MAIT/PY/2593 dated November 21 2022

Respected Sir,

Greetings from MAIT!

This is in continuation to various representations done by MAIT on Battery Waste Management Rules, 2022 ("BWMR 22") as referenced above and the recent MAIT meeting with your goodself on 26th April 2023.

The industry is facing several concerns w.r.t the implementation and compliances of BWMR 22 as below:

A. Critical Concern:

1. Background:

- BWMR 2022 were notified in the middle of the FY 2022-23 on 22nd Aug '22.
- Rules require that Producer register online. However, due to the non-availability of the portal, Producers were asked to submit an application for registration in offline mode by 21st Nov '2022.
- Most of the Producers got registered around Nov-Dec '2022 through offline mode. CPCB granted registration basis only on basic information by Producers. CPCB did not ask for any other information like sales weight, etc. and hence targets were not clear to the Producers and not even assigned by CPCB while granting the provisional registration under BWMR 2022.
- Rules also mandate that Producers engage with only registered Recyclers.
- As per Schedule II Targets for Extended Producer Responsibility, require a minimum of 50% recycling of the batteries in **FY 2022-23** for the following:
 - Clause (vi): For portable batteries used in Consumer Electronics which are rechargeable
 - Clause (ix): For Industrial Battery

2. Challenges in meeting targets for FY 2022-23

- Lack of Infrastructure
 - 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.
- Non-Registration of Recyclers by SPCBs
 - SPCBs are still in the process of authorizing recyclers under BWMR 2022. There have not been enough battery waste recyclers authorized under BWMR even as of now.

- Paucity of time
 - Even if the recyclers get registered by April/May '23, there was no sufficient time left to identify, evaluate, select, make agreements and start/complete the collection/disposal. All these activities at an industrial scale require some lead time and it was practically not possible for the industry to manage all this in FY 2022-23. Also, recyclers who will now get registered, cannot recycle the whole year's quantity in a month or two.

3. Request for Consideration by MoEF&CC

- It is the industry's view & request that considering the present state of preparation and readiness of portal, registration, etc., the BWMR 2022 for Consumer Electronics should only be made applicable from FY 23-24.
- It is also requested that no Environment Compensation should be levied on Producers for compliance for the FY 2022-23.

4. As per clause 4(14), obligation for Importers for using recycled material by other businesses or by way of exporting such quantity of recycled material is practically not possible & need to be dropped for Importers.

B. Other Concerns:

S. No.	Concern	Recommendation
1	In the SOP issued by CPCB for BMWR 2022 compliance, as per Clause 2.4.2, Producers need to submit daily sales entries along with sales invoices on the CPCB EPR portal. Sales invoices of finished product do not carry battery weight data hence submission of daily sales data places an unnecessary compliance burden without contributing to the information that is needed for the calculation of EPR obligations under BMWR 2022	In the true spirit of Ease of Doing Business, a Self-declaration methodology to declare details of batteries brought into the market on an annual basis be permitted.
2	Targets increasing on a yearly basis & industry to achieve 100% collection & recycling in a block of 10 years is not possible	The minimum collection targets should be aligned with EU rules (even though EU is well established and mature economy), in a block of 4 years, as below: <ul style="list-style-type: none"> • @ 25% from FY 23-24 to FY 26-27 • @ 45% from FY 27-28 to FY 30-31
3	Labelling requirements on the battery under the rule is in disharmony with the EU directives as the rules mandatorily require labelling of heavy metal code irrespective of the concentration present in the battery.	Labelling requirements on the batteries should be in sync with EU directives, which makes it mandatory in EU to label the heavy metal code only when it crosses the threshold limit.

We are sanguine that our request will be considered and addressed in a positive manner by your good office.

Warm regards,



Col. AA Jafri, Retd.
Director General

CC: Shri Satyendra Kumar, IPS, Director, MoEF&CC
CC: Shri Vijay Prakash Yadav, Director, CPCB