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Ref.No.MAIT/PY/2486

June 07, 2022

Shri Amitesh Kumar Sinha, IRAS
Jt. Secretary
Ministry of Electronics & IT

Subject: Issues being faced by Electronics Industry w.r.t. PWM Rules.

Respected Sir,

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

We are approaching you with some concerns of the Electronic Manufacturing Industry. Subsequent to the MoEF&CC notifications on Plastic Waste &, released in 2022, the Industry is in a dilemma on certain interpretational issues and has sought clarity on them from MoEF&CC. Our representatives have in the past met officials at the Ministry and have tried to get these clarifications however the same has not been given in writing which is essential to avoid subjective interpretations which may lead to legal implications for businesses.

Policy Issues

Clarification on Rule 11: We would like to specifically highlight the issues in the interpretation of Rule 11 of PWM rules that we had raised with MoEF&CC vide our representation, Ref.No. MAIT/PY/2406 dated 03 December 2021 addressed to you. Rule 11 lays down Marking and labelling requirements. The exact issue is elucidated in **Appendix A** to this letter (point A).

Issue of multiple registrations: The present mechanism of Registration requires entities to register separately as Producers, Importers & Brand Owners while generating a single EPR target. The Industry is facing multiple issues w.r.t the online portal and we feel that multiple registrations are superfluous. We have represented on the issue earlier as well vide MAIT letter Ref.No. MAIT/PY/2445 March 07, 2022 addressed to the Hon'ble Secretary, MoEF&CC. Details of the point are given in **Appendix B**.

Operational Issues

Issues being faced by Industry w.r.t. Online Portal (http://www.cpcbeprplastic.in/): The Industry has been struggling to register on the online portal and there are multiple issues in the same. Details of these issues are attached as **Appendix B**. Information requested for registration as Brand Owner and Importers are posing immense complexity including the request for trade sensitive supplier information which is not in line with the definitions of Producers and Importers as defined in the rules. We have approached Ms. Divya Sinha, CPCB on the same however the progress in rectification is slow and consuming vital time. The same are detailed in Appendix B

Repeated registrations: MAIT had raised the issue of repeated registrations every two year. The Industry feels that Registration should be a one-time activity and renewals should not be required ordinarily (unless a registered entity has been suspended or their registration cancelled). This will reduce unnecessary burden on the Industry and the regulator as well.

Superfluous Information in Online Forms: While the EPR Rules are simple, the process has been complicated by the teething troubles on the portal. The information being sought is in many cases superfluous and **we would request that a thorough review of the forms be done to simplify them.**

Since the window for registration is till 15 June 2022 and there are only 10 days remaining for the same, many of the actions requested will have to be executed on priority. We would request your urgent attention on the issues raised above in the interest of Ease of Doing Business in the country.

With regards,

George Paul
CEO

CC: Ms. Asha Nangia, Sr. Director, Ministry of Electronics & IT

Appendix A

Concerned Clause	Industry Requests	Proposed Recommendations	Rationale for Suggestions
Point A: As per PWM amendment rules released on 18th January 2022. Rule no.11 Marking & labelling.	**Request 1.** sub rule 1(a) & sub rule 1 (b) Compliance by July 1, 2022	Extend the timeline for compliance by 12 months from notification of rules.	Timeline for implementation of the rule should be at a minimum of 12 months from the date rules are notified, as depletion of existing inventory (to reduce environmental impact of waste generation) manufacturing operations, sourcing and other aspects will be addressed by producers / brand owners.
	Request 2. 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 parts in Electronics industry. Considering this, it is humbly requested to exempt small packaging **below 30 x 60 mm width** from labelling requirements. Refer representation with rationale sent on ……to MoEFCC (Attached as **Annexure I**)
	Request 3. Marking or printing in sub rule 11(a).	Industry recommends a provision of printing **QR Code** should be allowed wherever practically possible. Scanning of QR code could then open a webpage where the required information i.e. name, registration number, thickness can be published.	It will enable **ease in edition,** in case there is renewal in registration number. It also solves the issue of space requirement in printing on packaging.
Point B: As per PWM amendment rules released on 16th February 2022. Rule No. 6. Schedule II Registration:	**Request 4: Registration under multiple categories (PIBOs)** As per the latest amendment (16 Feb 2022), clause 6.5, in cases, where the entity falls under different sub-categories and has units in different states, then these units shall be registered separately under each particular	**Request 4a:** Industry once again requests and recommends that there should be centralized system to issue only one registration for an entity if it falls under more than one sub-category other than BO. Multiple registrations are contrary to Ease of Doing Business.	4a: Registration under multiple sub-categories will duplicate the EPR obligation/ targets. This will also increase the administrative burden on the industry We therefore request if any entity qualifies in more than one sub-category mentioned in clause 6.1 (Apart from qualifying as Brand owner), then the entity should be allowed to get themselves registered, under Brand Owner only for

	sub-category (PIBO). Separate registrations are required for each state. And Industry requests for clarity required on what is the need of sharing the Aadhar & PAN of authorised person along with digital signatures while registering.	**Request 4b:** The industry further recommends that personal details of authorized person such as Aadhar Number and PAN Number should not be asked during the registration process. (Please refer to Annexure II) We suggest that PAN no. of the PIBO/ EPR holder should be required instead of an individual/ authorised representative.	compliance purpose with other exclusive information/ details of Importer or Producer (*whichever is applicable*), to be filled in within the BO registration portal which is also fulfilling the criteria of the PWM rules. This understanding must be communicated to CBIC to avoid consignments being held due to such information Also, it is again clarified by MoEFCC that BOs who also have product manufacturing units are not obligated as "Producers" under PWM Rules and hence, registration as Producer is not required for such cases. This understanding has to be documented in Rules somehow to avoid confusions and State PCBs asking for such registrations in future. 4b: MoEFCC acknowledged and is in line with industry that the CPCB portal should be transferred to a secure server to avoid any data theft.

Appendix B

Issues and challenge faced by the Industry	Industry's Concern	Industry's requests/ Suggestions
Operational issue related to the Web portal -		
1. State-wise data being sought during registration.		Industry suggests that such information should not being asked in the portal while registering and is not a mandate in PWM Rules. Since this information is still being asked as per the SOP document, it is confusing the industry and as the targets are not State-wise, therefore, asking for State-wise data in the portal should not be the requirement.
2. No provision for any editing/intermediate communication from CPCB, instead it is directly granted or rejected. Application Fee is also forfeited in such case.	Rejection and lack of active feedback defeats the purpose of online portal.	There is a need to incorporate a feedback and handholding mechanism as in the case of E-waste EPR registration where there was active handholding by CPCB. We request CPCB to not directly reject the application in case they have an observation in the application. The applicant should be given a chance to resubmit the information. There is a need to halt the exercise of online registration till such time the system has been rectified of the glitches.
3. No provision for uploading / selecting details of vendor who have been registered by SPCBs as these are not appearing on the portal and cannot be selected	Vendor registered with any state boards having registration number. Now while uploading vendor details, it is not appearing in list of registered vendors on CPCB portal. We are forced to give same detail in unregistered vendor which is actually false information. If we	Industry requests Ministry to take notice of the sensitive trade information being demanded by the tool in contradiction to the EPR rules and requests for this information field to be made optional. This will enable Industry to file applications for

	do so then can be penalized even for wrong information. Also, the suppliers of plastic packaging who are only traders, and are not required to register as per PWM rules, are also forcefully to be entered in Non registered entity rather than "Not Applicable" ones.	registrations and not face undue rejections.
4. Challenge in providing Plastic raw material Supplier information under point 8 in Brand Owner and Importer registration which is not in line with the obligations of said entities in the rules	As per BO & Importer definitions & obligations given in the Rules, the BOs are not engaged in manufacturing, procuring or importing plastic raw materials. BOs ONLY purchase pre-packaged finished goods in a marketable condition. To this extent we do not have visibility and information of plastic raw material suppliers who our Contract Manufacturers maybe sourcing from, additionally this information is beyond the purview of the definitions and obligations of PWM rules and is business sensitive. In some cases, where the BO are not manufacturing any product in India and import their pre-packaged finished products in India, the Plastic packaging suppliers are not located in India. In such cases, it is not possible to provide any information. The portal is not designed to take the information of the suppliers or contact manufacturer details who are not located in India.	As suggested and clarified by MoEFCC, in case where information of suppliers of plastic packaging is not applicable (like contract manufacturers or importers), then the details of contract manufacturer or details of entities from where the products with plastic packaging are imported (overseas factories who manufacture product), should be filled in. Industry requests CPCB to take a note of the industry concerns and redesign the portal in such a manner where the information sought in 8(a) and 8(b) is not a mandatory requirements for those applicants who do not have any manufacturing facility in India.

Policy Issues related to the SOP Document released on 15th March 2022		
1. Industry awaits the Annual report module/format:	As per clause 2.3 Part A point no 2, if renewal is done based on the information submitted in Annual Report, any delay in releasing the Annual report format will create a challenge in processing the application for renewal. While at one end, the renewal has been linked to submission of Annual report which needs to be submitted by 30th Jun, while on the other hand registration needs to be applied for four months in advance. These are contradictory requirements as entities whose registration is expiring before the generation of Annual Report will not be able to meet the 4 months lead requirement. Therefore, the clause for applying renewal 4 months before expiry of registration is not practical.	As suggested and clarified by MoEFCC, considering the date of filing of Annual report (June 30th), any registration should not expire on or before 31st Oct (to cater to the 4 months requirements of SOP) or, the requirement of filing annual report before 4 months of the expiry should be removed.

Annexure I

RATIONALE FOR EXEMPTION FROM RULE 11 FOR SMALL PACKAGING

As discussed in the meeting of MAIT delegation with Director (PWM) on 15 March 2022, we are submitting our rationale on exemption from Rule 11- Printing & labelling on small plastic packaging.

Rationale – Existing precedence in BIS: BIS has notified the 'Standard Mark' for the Registration Scheme vide gazette notification **S.O. 3240(E) dated 01 December 2015.** In the guidelines for use of Standard Mark for the Compulsory Registration Scheme of BIS (https://www.meity.gov.in/writereaddata/files/Circular-Mark_Registration.pdf), point no. 3 (iii) refers to-

*"The registered user shall display the 'Standard Mark' or the words 'Self Declaration-Conforming to IS.....' along with Registration number on the article and/or the packaging, as the case may be, in a manner so as to be **easily visible**. It shall be **legible, indelible** and **non-removable.** Further, the durability of marking shall be as per the provisions of the relevant Indian Standard, wherever applicable. The display of IS number, Registration number and words shall not be less than **Arial font size 6"***

Under the FAQs section of https://www.meity.gov.in/writereaddata/files/Modified_FAQs.pdf, below is mentioned:

8. Standard Mark will be on the product or packaging?

The Standard Mark shall be placed on the product & the packaging both however, if it is not feasible to place the same on the product for size constraints, it can be put on the packaging only."

*The example of the minimum dimensions (pls refer the above mentioned link) of content to be printed as per latest draft rules (PWM Rules 2022-18th Jan) with "Arial Font -size 6". Considering the minimum margins required for printing, it comes out to be **30 mm X 60 mm.***

In view of the above explanation, Industry would like to recommend the following clause to be included:

"If it is not feasible to print on the packaging for size constraints (as per -BIS Standard Mark for the registration scheme vide Notification no. S.O. 3240(E) dated 01 December 2015 and related guidelines), printing on such packaging can be exempted".

Annexure II

SCREENSHOT SHOWING REQUIREMENT OF SUBMITTING PERSONAL DATA ON PARIVESH WEBSITE

Screen shot from Parivesh website of MoEFCC stating that "As per Aadhar Regulations 2016, User Agencies/ Proponents are advised, not to upload any personal/ confidential documents (like Aadhar Card, PAN Card, Voter ID etc) at the time of filling the online application"