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Ref. No.MAIT/PY/2524

August 29, 2022

Shri Satyendra Kumar, IPS  
Director  
Ministry of Environment, Forests & Climate Change

**Subject:** Industry inputs reg. Plastic Waste Management (Amendment) Rules 2021 & Plastic Waste Management (Second Amendment) Rules 2022

Respected Sir,

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

This bears reference to the Plastic Waste Management (Amendment) Rules dated 12<sup>th</sup> August 2021 and Plastic Waste Management (Second Amendment) Rules dated 6<sup>th</sup> July 2022. MAIT thanks the Ministry for timely considering the plea from the Industry in order to promote EoDB in the country. MAIT also thanks the Ministry for giving an opportunity to comment on the amendments done to Plastic Waste Management Rules.

MAIT would like to emphasise that ICT Industry is fully committed to compliance with the regulations formulated by the Government for responsible management of Plastic Waste in the country. MAIT members have been diligently complying with the Plastic Waste rules since its genesis and have been deeply involved with the Ministry over the past decade to help shape sustainable and functional regulation. Most of our members have been implementing successful Plastic Waste take-back and compliance programs across the world for several decades. Harnessing this collective intelligence and experience, we hereby submit our feedback on the amendments to Plastic Waste Management Rules to enable an efficient and effective Plastic Waste management system in the country.

**1. Submission of compliance documents for 25% of EPR targets for the intervening period to CPCB:**

The industry submitted the requisite supporting documents to CPCB in May'22 but the same has not been processed and adjusted to date.

Industry requests early processing of the submitted intervening period compliance data by CPCB so that the industry can plan their EPR targets accordingly for FY 22-23 considering the carry forward option against the surplus quantity collected in FY 21-22.

**2. State-wise data being sought during registration through CPCB online portal:**

Since this information is still being asked as per the SOP document, it is confusing to the industry and as the targets are not State-wise, therefore, asking for State-wise data in the portal should not be the requirement.

The industry suggests that such information should not be asked in the portal while registering and is not a mandate in Plastic Waste Management Rules.

### 3. Imposition of Environmental Compensation (EC):

The rules do not detail the parameters and framework for proposed Environmental Compensation for non-compliance with EPR plans. It suggests that the rules will be developed as required.

The industry requests a consultation process for the formulation and finalization of the penalty formula. The refund of environmental cess in the event of compliance being reported should be time-bound. The Ministry of Law may provide guidance on the manner of collection of EC and its refund to ensure legitimacy and legality, should the process be challenged.

In addition to the above high-level feedback on the Rules, please find enclosed detailed feedback on the Plastic Waste Management Rules as **Annexure** to this letter.

MAIT humbly requests your good offices to take into consideration the industry feedback on the rules, which if left unaddressed, could significantly make compliance cumbersome and hamper the ease of doing business in India. The feedback and recommendations provided by our members are 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 a meeting** to discuss our submission in detail.

With regards,



Col. Ali Akhtar Jafri, Retd.  
Dy. COO  
(Acting Director General - MAIT)

| Rule/<br>Clause | Plastic Waste Management<br>(Amendment) Rules, 2021-<br>w.e.f. 12-Aug-2021   | Plastic Waste Management<br>(Second Amendment) Rules,<br>2022-w.e.f. 06-Jul-2022   | Concerns   | Recommendation  |
|-----------------|--|--|--|---|
| 4.1.d           |  | 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 as notified by Central Government where the thickness of such plastic sheets impair the functionality of the product | The shrink wraps and bubble wraps that are used in the ICT product carry a unique functionality, whilst forming an integral part of the product packaging. The shrink / bubble wraps aid in protecting ICT products from moisture & damage during transport. Industry will not only need substantial time to explore alternatives which will continue to meet the unique functional requirements, but also align their internal supply chain to make this replacement. It is also imperative to understand that ICT industry is also dependent on various research initiative from the packaging industry to create commercially viable alternative to bubble wrap & shrink wraps. | "It is therefore requested that the MOEF&CC release an order specifying list of plastics that are exempted from the 50 Micron thickness requirement, that specifically includes shrink wrap and bubble wrap."   |
| 4.4             | (4) Any notification prohibiting the manufacture, import, stocking, distribution, sale and use of carry bags, plastic sheets or like, or cover made of plastic sheets and multi-layered packaging and single-use plastic, including polystyrene and expanded polystyrene, commodities, issued after this notification, shall come into force after the expiry of ten years, from the date of its publication". |  | This is a welcome move and will aid to streamline and stabilise industry's global supply given that it addresses frequent changes to the rules and shorter implementation timelines which has been challenging for the industry to implement. However, what would make this more robust is including State notifications, additional guidelines on marking and labelling requirements and interventions within the purview of this clause so that there is no gap between the Central and State Rules and industry enjoys the benefit extended via Central Rules.(Ref- additional  | "MOEF&CC to amend the clause as below-<br><br>(4) Any Central or State notification prohibiting the manufacture, import, stocking, distribution, sale and use of carry bags, plastic sheets or like, or cover made of plastic sheets and multi-layered packaging and single-use plastic, including polystyrene and expanded polystyrene, commodities, or mandating any changes to the marking and |

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|                 |  |   | printing requirements mandated by Maharashtra) against Rule 11.1. (a) & (b).   | labelling requirements on plastic packaging issued after this notification, shall come into force after the expiry of ten years, from the date of its publication”."  |
| 11.1 (a)        |  | <p>"Each plastic carry bag, plastic sheet or like used for packaging and multi layered packaging shall have the following information printed in English namely – the name, registration number of the producer or brand owner and thickness in case of carry bag and plastic packaging</p> <p>Provided that this provision shall not be applicable,-</p> <p>(i) for plastic packaging used for imported goods:</p> <p>(ii) for cases falling under rule 26 of the Legal Metrology Packaged Commodities Rules, 2011, after the approval of the Central Pollution Control Board:</p> <p>(iii) for cases where it is technically not feasible to print the requisite information mandated under this Rule, as per specifications given in the —Guidelines for use of Standard Mark and labelling requirements</p> | <p>"06- Jul '22</p> <ol style="list-style-type: none"> <li>1. Marking and labelling requirements involve significant changes to the supply chain systems. which needs reasonable implementation time by the industry.</li> <li>2. Industry also welcomes the removal of requirement of the Manufacturer's details to be printed on the plastic packaging. The printing requirements should be centrally driven and no state government should mandate additional printing as this creates discrepancy between the Central and State Rules, and cause disruption to global supply chains.</li> <li>3. Also, it is a welcome move to accept exemption on labelling requirements on plastic sheets used for packing small components and parts due to the size constraints but the additional layer of CPCB approval is challenging and not required under EoDB.</li> </ol> | <p>"1. MOEF&amp;CC to kindly release an amendment/order with a prospective date of July 1, 2023, for the implementation of the marking and labelling requirements on Plastic Packaging including MLP to help the industry in aligning their supply chain.</p> <p>2. To promote one country one rule, Forming any rule should fall under the purview of Central Ministry &amp; States should be mandated for its effective implementation. Hence Any additional printing requirement mandated by any State must be overruled by Central regulations.</p> <p>3. MOEF&amp;CC to kindly remove the words “after the approval of the Central Pollution Control Board” from the above Rule.</p> |

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|                 |   | under BIS Compulsory Registration Scheme for Electronic and IT Products after the approval of the Central Pollution Control Board;" | Brand Owners will follow the printing as per the exemption guidelines and CPCB approval requirement should be removed."  | Industry has been seeking this extension since the release of this amendment & is necessary to remain compliant for those with global supply chains."   |
|                 | <b>Other Issues</b>   |   |  |   |
|                 | <b>Schedule II- EPR<br/>Guidelines Under Rule 9<br/>(1)</b>   |   |  |   |
|                 | "(5.1) The following plastic packaging categories are covers under Extended Producer Responsibility:<br>(i) Category I<br>Rigid plastic packaging;<br>(ii) Category II<br>Flexible plastic packaging of single layer or multilayer (more than one layer with different types of plastic), plastic sheets or like and covers made of plastic sheet, carry bags, plastic sachet or pouches;<br>(iii) Category III<br>Multi-layered plastic packaging (at least one layer of plastic and at least one layer of material other than plastic);<br>(iv) Category IV |   | "The introduction of categories in absence of description of specific materials that will be covered under each category poses a challenge in interpreting and ultimately forming EPR plans. Further the 2016 rules prescribe 7 types of plastic. Additionally, the inclusion of flexible plastic packaging in the EPR Regulation without a specific definition as to what categorises as flexible plastic packaging, creates more ambiguity.<br>There is only pictorial representation of the Rigid category plastics which is published on the CPCB portal.<br><br>There is no list of plastic packaging that is covered under the Rigid category which creates ambiguity" | "1. MOEF&CC to kindly release an amendment/order with a prospective date of July 1, 2023, for the implementing the marking and labelling requirements on Plastic Packaging including MLP to help the industry in aligning there supply chain.<br><br>2. To promote one country one rule, forming any rule should fall under the purview of Central Ministry & States should be mandated for its effective implementation. Hence Any additional printing requirement mandated by any State must be overruled by Central regulations.<br><br>3. MOEF&CC to kindly remove the words "after the approval of |

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|                 | Plastic sheet or like used for packaging as well as carry bags made of compostable plastics." |  |   | the Central Pollution Control Board" from the above Rule.<br><br>Industry has been seeking this extension since the release of this amendment & is necessary to remain compliant for those with global supply chains."   |
|                 | Submission of compliance documents for 25% of EPR targets for the intervening period to CPCB  |  | "Industry submitted the requisite supporting documents to CPCB in May '22 but the same has not been processed and adjusted till date."  | Industry requests an early processing of the submitted intervening period compliance data by CPCB so that industry can plan their EPR targets accordingly for Fy 22-23 considering the carry forward option against the surplus qty collected in FY 21-22                                |
|                 | State-wise data being sought during registration through CPCB online portal                   |  | 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. | Industry suggests that such information should not be asked in the portal while registering and is not a mandate in PWM Rules.   |
|                 | Imposition of Environmental Compensation  |  | The rules do not detail the parameters and framework on proposed environmental compensation for non-compliance of EPR plans. It suggests that the rules will be developed as required.                                      | Industry requests a consultation process for formulation and finalization of the penalty formula. The refund of environmental cess in the event of compliance being reported should be time bound. Ministry of Law may provide guidance on the manner of collection of EC and its refund |

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|                 |  |  |  | to ensure legitimacy and legality should the process be challenged.   |
|                 | <b>SOP issues (released on 15th March 22)</b>  |  |  |   |
|                 | <p>"5.0 Renewal of Registration</p> <p>i. PIBO shall submit the application for renewal four months before the expiry of the Registration along with the necessary documents as discussed in the previous sections.</p> <p>ii. PIBO have to ensure that Annual Reports are filed by June 30 of the following year (as per EPR Guidelines) for the intervening Registration period. Application for renewal will not be processed unless all due annual reports are filed."</p> |  | <p>"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.</p> <p>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."</p> | <p>"The industry does not see the need to have renewable of the registration at any given frequency instead the PWM registration should be treated as any other registration (ex: TIN, TAN, GST, PAN, IEC). Monitoring of the compliance is an ongoing process and must not have an impact on the validity of the registration. CPCB shall review half yearly/ annual returns submitted by PIBOs/PWPs and take action as deemed fit. This will reduce the administrative burden on regulators and on the Industry and will promote EODB."</p> |