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Ref.No.MAIT/PY/2659

March 10, 2023

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

Subject: Urgent request for immediate intervention and relief w.r.t. CPCB's mandate on uploading sales/procurement invoices related to plastic packaging on the online EPR portal and carrying forward the surplus EPR target- **The mandate is at variance with MoEF&CC letter dated Jan 06, 2023 impacting ease of doing business and institutes unpredictability for the Electronics Sector**

Reference:

1. 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**")
2. Notice to PIBOs mandating 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;
3. MAIT Letter No.- Ref.No.MAIT/PY/2656 dated March 03rd 2023

Respected Madam,

Greetings from MAIT!

We are writing to thank you for your kind intervention on the above-mentioned subject. We also thank Shri Satyendra Kumar, Director, MoEF&CC for patiently hearing about the operational issues that the industry is facing in compliance with the PWMR at the meeting held on February 07, 2023.

Following are the issues that were discussed and possible solutions to address these issues:

1. Capturing Transaction details of Plastic packaging by Brand Owners and Importers:
 - a. **Self-declaration:** Industry requests MOEF&CC to allow submission of self-declaration of annual consolidated weight of plastic packaging (category-wise) on the CPCB portal and no other supporting documents to be mandated.

We would like to bring to your kind attention that a lot of Industry members import only pre-packaged electronic products. In such cases, **the invoices have information pertaining only to the finished electronic products and don't have any information on the type/quantity of plastic used for packaging.** However, such companies do qualify as "Importer" as well as "Brand Owner" who are registered with CPCB for EPR compliance. In such cases, even if the Importers/ Brand Owners upload the invoices of every import, it will not help

CPCB in attaining the goals of capturing the total plastic packaging put on the market.

Therefore, we strongly recommend that a provision for self-declaration at the end of the FY be made available for the Importers who are also the Brand Owners while filling their EPR annual returns. This is also in line with MOEF&CC's Office Memorandum of January 6th, 2023, which states:

"In order to allow for maximum enterprises to register and come under ambit of EPR, self-declaration of enterprise based upon audited statement of accounts may be used as for determination of EPR target while registering on centralized EPR portal. Detailed invoices for last two years may be verified, wherever required, on need basis, as part of auditing exercise."

- b. **Bulk Upload of Invoices:** While the Industry does not support the option of uploading invoices for the plastic packaging, we would like to give an alternative as an interim solution for this year. We suggest providing a provision to upload an excel sheet on the CPCB EPR portal as a bonafide for compliance with the rules.

The industry won't be able to provide the type and quantity of plastic packaging for every import invoice is because each product category and/ or model within the same category will have different plastic packaging and the invoices do not capture the plastic packaging details. Hence, it's impossible to map the type/category and quantity of plastic packaging against each invoice.

However, as we mentioned above, Industry is strongly in disagreement with option b as this is against the principle of Ease of Doing Business and also contradicts the MoEF&CC's OM dated 6th Jan 2023 and we reiterate of accepting self-declaration for plastic packaging which is an integral part of the imported finished products.

- c. We suggest that a formal industry consultation should be held in this regard. This will help the industry and MoEF&CC to discuss a solution including what is currently missing when the self-certification mechanism is working fine for the electronics sector and the industry is fully committed to verification as stated in the MoEF&CC letter dated Jan 6, 2023.

2. **As per Clause 7.4 and 8.1 (ii) of the PWM Amendment Rules 2022**, sets the target for FY 2021-22 as 25% and the Rules have laid down a provision for carrying forward the excess target collected in any FY to the succeeding FY. Since the Amended Rules came into effect in February 2022, they are effective from FY 2021-22 and therefore allow the excess collection to be carried forward to FY 2022-23.

However, as per the recently released Instruction sheet (in late Nov'22) on Guidance for Module IA, II & III available on the EPR portal for Plastic Packaging, under Part A General of the FAQ section, under the answer to question no-31 & 32, **it states that EPR obligations for the period prior to February 2022 shall be fulfilled as per the EPR regime prevalent at that time and shall not get transferred to this year**, which is not in alignment with the Clause 8 of the PWM Amendment Rules 2022 stated in the above paragraph.

- Industry requests MoEF&CC to kindly lay down the clarity on the above-mentioned issue, where carrying forward of the surplus EPR target will be allowed as per the PWMR 2016 (as amended). A notification clarifying the same will be highly appreciable.

We request your good offices to kindly intervene and help direct CPCB to do away with the requirement to upload sales/procurement invoices.

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 Naresh Pal Gangwar, IAS, Additional Secretary, MoEF&CC

CC: Ms. Manmeet Nanda, IAS, Jt. Secretary, DPIIT

CC: Shri Satyendra Kumar, IPS, Director, MoEF&CC

CC: Ms. Asha Nangia, Sr. Director & GC, MeitY

CC: Shri Amit Love, Addl. Director, MoEF&CC