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Ref.No.MAIT/PY/2719

April 20, 2023

Dr. Prashant Gargava  
Member Secretary  
Central Pollution Control Board

**Subject: MAIT inputs on EPR portal for Battery Waste**

Respected Sir,

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

At the outset, MAIT would like to thank you for considering MAIT as a member of the **Committee for effective implementation of Battery Waste Management Rules 2022** through Office Order No 10453/BWMR/WMD-I/2022/ dated November 14<sup>th</sup> 2022. It's an absolute honour for MAIT to contribute to the development of the EPR portal.

By virtue of being a member to the stakeholder group, MAIT would like to humbly reiterate a few observations and suggestions with respect to the recently launched EPR portal with a view to not only ease compliance for the industry but also aid in the ease of doing business.

**1. Observation:** SOP Document section 2.4.2 upload of daily sales data.

The industry is deeply concerned by CPCB's disproportionate ask from Producers to upload daily sales data along with the invoices on the EPR portal. It is an administrative burden on the industry to enter sales data along with invoices of sales on a daily basis. A majority of Producers within the ICT sector are involved in the procurement and sale of finished goods and do not directly sell standalone batteries. It is challenging for industry members to meet specific compliance of the said requirement on the online EPR portal, especially since procurement/sales invoices in this context do not bear any information and/or reference to batteries in any capacity, but only to finished goods that are being placed on the market. The information on procurement/sales invoices of finished goods is not only **classified and business sensitive** for industry members but also irrelevant for EPR compliance under the BWM Rules since it does not aid in CPCB's desired outcome, whether it is verification of batteries composition, procurement and/or auto-generating EPR targets.

It may also be pertinent to mention that the above requirement from CPCB cannot be meaningfully met. Private entities under the Companies Act, 2013 are allowed to close their books of accounts annually (i.e., end of 12 months starting from April to March) and are granted a further six (6) months to complete audit formalities and shareholders approvals before filing the audited accounts with the Ministry of Corporate Affairs. Seeking real-time transaction data on a daily basis under the Battery Waste (Management) Rules, 2022 not only takes away the flexibility offered to private entities in regard to their books of accounts but will compromise confidentiality of accounts of businesses and hinder competitive advantage in the market, and may also lead to potential leak of critical sales and procurement information, amongst other serious consequences.

**Suggestion-** MAIT, therefore, requests CPCB to accept and allow submission of a 'self-declaration' based on audited accounts without insisting submission/upload of any invoices/transaction data, *et al* on the online EPR portal. Section 2.4 part C of the EPR portal requests upload of year-wise sales data with a self-declaration and Industry is absolutely fine with this ask. The industry favours a self-declaration approach which is consistent with global best practices. There is also no precedent in any jurisdiction worldwide that requires industry to submit invoices and/or transaction data for the purposes of validation of EPR submissions and/or generation of EPR targets. Even while we understand the need for CPCB to validate submissions, we are also cognizant of the fact that neither companies nor CPCB have the manpower to upload, download, assess and audit on an invoice or transaction level. With the invoices and transactions not having the requisite information as detailed above, the task of validation will only get more complicated.

**2 . Observation:** Deadline of April 30 to register on the online portal.

The portal became operational on 21<sup>st</sup> March 2023. Industry requires time to gather the information requested via the portal across different functional units within companies and submit the same in a holistic manner.

**Suggestion-** Industry requests CPCB to extend the timeline of submission of information on the Portal by 3 months. Until such time, Industry requests that offline registration granted to producers remain valid and no enforcement action should be taken by Customs or CPCB during this period of registration. Industry humbly requests CPCB to handhold in the entire process through workshops and online sessions. We request CPCB to inform the Customs appropriately in the interest of Ease of Doing Business.

**3. Observation:** SOP 2.4 part D- Percentage composition of materials in the battery:

The portal is requesting Producers to enter the average composition of the constituents present in the selected battery composition. Industry requests CPCB to clarify whether the constituents are to be entered product category-wise or an average percentage across the battery type is to be provided. For example, if a Lithium-ion battery is selected as the battery composition and Producer has placed different chemistry of Lithium-Ion battery in the market having a different percentage of constituents in each battery, then the average of percentage of constituents present in the battery is to be entered.

**Request-**

- a. Industry requests CPCB to explain the rationale behind seeking the details on battery material composition.
- b. Once again Industry requests CPCB to handhold the PIBOs for the EPR portal for the complete process flow in all the modules.

**4. Observation:** SOP Document Annexure-1 categories of Producers

It is extremely difficult for the industry to ascertain the exact category of the Producer mentioned under the Annexure-1 of the SOP document. There are 18 types of producers mentioned, which can be clubbed into a smaller group instead. Most of the Industry is finding it difficult to match the exact category of the producer defined in the SOP. Ex: Though the type of producer category no 15 & 16 is applicable for import for Self-use, there is no special column provided under section 2.4 to fill in the annual import data. Though the type of producer category no 15 & 16 is applicable for import for Self-use, it is not clear what is defined as 'self-use'. Does self-use only mean the capital goods/types of machinery/equipment imported for manufacturing or does this also include sample devices imported for software/hardware/lab testing purposes?

**Suggestion:** Industry requests CPCB to simplify the categorisation of the producers and offer clarification to the queries above.

**5. Observation:** Mandatory requirement of the authorized person's PAN and Aadhar details while registration.

**Suggestion:** Industry requests that CPCB should rather request for Company details while registering as against personal details like PAN and Aadhar of Authorised representatives, as this is individual's personal ID information. Further the portal doesn't allow for the details to be edited post entry, request CPCB to look into this and make the relevant fields editable in the interest of ease of doing business.

We are sanguine that our request and suggestions will be addressed in a positive manner by your good office. We also request for an **appointment at the earliest to discuss the issues in detail** with your goodself.

Look forward to your continuous support.

Warm regards,



Col. AA Jafri, Retd.  
Director General

CC: Shri V P Yadav, Director-Battery Waste, CPCB  
CC: Ms. Youthika Puri, Sr. Scientist-Battery Waste, CPCB