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July 12, 2023

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

Subject: Industry Meeting with E-waste Division- MoEF&CC & CPCB and request to address concerns regarding EWMR 2022

Respected Sir,

Greetings from MAIT!

We wish to urgently draw your attention to a serious business and compliance risk that faces Producers and Recyclers of Electronics and Electrical Equipment.

MAIT thank MoEF&CC and CPCB for holding meetings with the MAIT delegation on July 6th and 7th respectively. Through this representation, MAIT would like to present a summary of discussions held with Director MoEF&CC & Director CPCB and urge your support in addressing critical concerns. The minutes of the meeting are annexed to this representation for your kind reference.

One financial quarter has already passed and the industry is fearing non-compliance due to the delayed release of the online module in the CPCB EPR portal for EPR certificate generation, Recycler Registration, corresponding SOPs, and Guidelines for sound management of E-Waste under EWMR 2022. Also, the finalization of conversion factors for all 106 EEE product categories, is still a work in progress without a definite date within which it will be published.

As per Rule 13 Sub Rule, 3 (i) The producer shall fulfill their extended producer responsibility (EPR) through the online purchase of an EPR certificate from registered recyclers only and submit it online by filing quarterly returns.

Some of the Producers have already collected/recycled a substantial amount of e-waste through authorized recyclers registered under the EWM 2016. These producers have received the hard copy of recycling certificates from the recyclers and have also paid the recyclers for the same.

Many of the industry members have read the above Clause in letter and spirit and have been waiting for the launch of the online portal to purchase EPR certificates from registered recyclers to start fulfilling their extended producer responsibility. However, the online module for the purchase of the EPR certificate from recyclers registered on the portal has not yet been published.

The industry does not want to be pushed into non-compliance for no fault of theirs and therefore strongly requests MoEF&CC to issue a suitable advisory to enable compliance for (a) the producers that have procured e-waste following the EWM 2016 process and (b) the producers that are waiting to demonstrate compliance as per Rule 3 Sub Rule, 13 (i) in line with the below:

1. Accept offline certificates until such time the portal is fully operational including but not limited to recycler registration, generation of EPR certificates, and purchase of EPR certificates.
2. No coercive action is to be taken on producers who have not procured offline certificates following EWMR, 2022, Rule 13, Sub Rule, 3 (i) in its letter and spirit.

Industry understands that the determination of critical elements/ metals in the EEE product categories under EWMR 2022 is under process. While from a medium to long-term CE infrastructure assessment this is a good exercise and must be given due time and process to conclude, MAIT would like to express reservation in linking this exercise (which has not yet been shared with Industry for feedback) with the recycler authorization process on the EPR portal as this can cause serious disruption to meeting EPR compliance targets by Industry within the prescribes time frame. MAIT would like to highlight that the current EWMR 2022 does not mandate material recovery targets for the producers. Individual material recovery targets if any will deliver the best results when imposed on recyclers as they have full control of the chemical/refining processes. Individual material recovery targets imposed on producers in any form, directly or indirectly, is an undue burden for a matter which is not in producers' control. This is purely related to the recycling capacity, capability, and infrastructure of the country through the recyclers. MoEF&CC and CPCB must allow the CE Infrastructure to develop and Industry will support all efforts in this direction but issuing completely fresh instructions to recyclers in the middle of the financial year will cause a serious impediment in the process of generation & issuance of recycling certificates

Producers along with Recyclers would like to be formally consulted in bringing in individual material recovery targets before enforcement. We would like to further highlight that if the government wishes to bring material recovery targets, then detailed research needs to be carried out and CPCB must publish the data on the capability of recyclers in the country to recover individual materials and the efficiency. Until such time, material recovery targets must not be introduced.

Considering the above, MAIT requests MoEF&CC to

1. Accept offline certificates until such time the portal is fully operational including but not limited to recycler registration, generation of EPR certificates, and purchase of EPR certificates.
2. No coercive action is to be taken on producers who have not procured offline certificates following EWMR, 2022, Rule 13, Sub Rule, 3 (i) in its letter and spirit.
3. Producers along with recyclers would like to be formally consulted in bringing in individual material recovery targets before enforcement.

We hope that immediate action will be taken on this matter and Industry is supported to remain compliant and not face unnecessary disruption in the business.

Also, during the meeting, a few important decisions were informed to the MAIT delegation, on which the industry is awaiting the notifications, details for the same is annexed in the representation-

1. Enclosure A, CA certificate and Affidavit will be relaxed and companies can submit amendment applications basis self-declaration of POM data.
2. CPCB assured that in this week conversion factors will be uploaded on the EPR portal and by mid-August the transaction of EPR certificates will be functional.
3. MoEF&CC assured the industry that there won't be any mandatory clause for sourcing waste for Recyclers. They'll be only required to share invoices for sales of the end product.
4. MoEF&CC and CPCB also informed the inclusion of EN IEC 63000 RoHS and suggested that MoEF&CC will relax the RoHS compliance in a notice soon.
5. Director CPCB had committed that the e-waste department will be conducting VC for industry issues reg EPR portal where they'll invite portal developers as well.

Warm regards,



Col Suhail Zaidi (Retd)
Director General

CC: Dr Prashant Gargava, Member Secretary, CPCB
CC: Shri Ved Prakash Mishra, IPS, Director, MoEF&CC
CC: Shri Anand Kumar, Director, CPCB
CC: Shri Vinod Singh, Addl. Director, MoEF&CC

MAIT delegation met Director E-Waste, MoEF&CC, and Director E-Waste CPCB on 6th & 7th July 2023 to raise the concern. Where Recyclers and Producers both were part of the meeting.

The minutes of the meeting are listed below-

1. Director E-Waste requested the MAIT delegation and all the stakeholders to kindly not stop the recycling activities based on the uncertainties of the EPR framework and the readiness of the EPR portal.
2. CPCB has clarified that instructions to Recyclers will be released soon, giving them guidance on recovering identified critical materials (eg. Gold, copper, etc.) as per ITEW categories and issuing recycling certificates basis the same. The identification of materials is based on capability analysis conducted by CPCB. It will be mandatory for recyclers to generate EPR certificates. **As pointed out above, this development is posing a serious compliance risk to Industry and MAIT requests MoEF&CC to intervene and help Industry remain compliant.**
3. CPCB also informed MAIT that the requirement of enclosure A, CA certificate, and Affidavit will also be relaxed and companies can submit amendment applications basis self-declaration of POM data. CPCB mentioned that A notice will be put on the CPCB portal informing about the same. This was highly appreciated by Industry and MAIT requests CPCB to issue the notification soonest.
4. There will not be any major change in the way of EPR certificate generation for recyclers. If Producers still feel uncertain about the EPR certificates, then they can take a safety margin e.g. paying only 70-80% to recyclers or increasing BG amount, but not giving orders for recycling/ not paying to recyclers at all is not the right thing to do.
5. MoEF&CC and CPCB assured the industry that they will intervene in case of any dispute/ default.
6. CPCB assured that in this week conversion factors will be uploaded on the EPR portal and by mid-August the transaction of EPR certificates will be functional.
7. MoEF&CC assured the industry that there won't be any mandatory clause for sourcing waste for Recyclers. They'll be only required to share invoices for sales of the end product.
8. MoEF&CC and CPCB also informed the inclusion of EN IEC 63000 RoHS and suggested that MoEF&CC will relax the RoHS compliance in a notice soon. This is now in sync with the EU. It was also stated in the meeting that there will be an exemption of 2 years for the products and 5 years for components. The exemption will be extended only to the newly added categories. MAIT requests CPCB to issue the requisite notification for the same at the earliest.
9. Finally, Director CPCB had committed that the e-waste department will be conducting VC for industry issues reg EPR portal where they'll invite portal developers as well. This forum is urgently required as some of the members are waiting for the editing option to become functional and awaiting email acknowledgment of their submission. MAIT urges CPCB to organize these in the next few days, please.

The industry has placed trust in the above path advised by the officials but fears the readiness of the EPR portal and availability of all the modules of the EPR portal under EWMR 2022.