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July 14, 2022

Shri Ved Prakash Mishra, IRS
Director
Ministry of Environment, Forests & Climate Change

Subject: Recycling Industry issues on revised E-waste Rules

Respected Sir,

Greetings from MAIT!

I am writing to you on behalf of MAIT (Manufacturers' Association for Information Technology), India's apex ICT Industry body. Founded in 1982, MAIT represents India's IT Hardware, Telecom manufacturers, **Recyclers**, PROs & Testing Laboratories.

We are approaching you with some industry inputs of the Recycling Industry subsequent to the MoEF&CC notifications on Revised E-waste draft rules released in 2022. We had deliberated with our members in the recycling sector on the new draft and have listed down a few issues for your consideration:

- a. **Clarification on inclusion of E-retailer-** In the definition of e-retailer, we would like to understand the rationale behind including the e-retailer and not including the retailers as the only difference between both is the mode of selling goods. We would request for a clarification to understand the rationale behind inclusion of the E-Retailers.
- b. **Clarity on definition of "Facility"**- As per the current definition of facility, there are various activities mentioned like collection, reception, storage, segregation, refurbishing, recycling, disposal and treatment of e-waste. The Recycling industry requests for different definitions for each of the activities as these activities can be performed anywhere and it is felt that there is a need to list down detailed requirements for each facility in its definition.
- c. **Definition of "Recycler"** - Industry requests that a more comprehensive definition of Recyclers be given to make sure that serious players are part of the recycling value chain and non-serious players non-meeting basic criteria are allowed entry. As a corollary to this, the Recycler Industry identifies a need for drawing up guidelines for recyclers and highlights that "recycler" cannot merely be a person. In order to ensure that there is accountability in the system, the status of an entity is suggested.
- d. **Clause 10, point 6 – "Responsibilities of the recycler"** – what documentation is required to be maintained and does the recycler have to upload all documents on CPCB portal?
- e. **Annual report module** - As per clause 2.3 Part A point no 2, renewal is done based on the information submitted in the Annual Report, any delay in releasing the Annual

report format will create a challenge in processing the application for renewal. In this regard, industry requests for your kind attention and guidance on the issue. There is no clarity on the Annual Report Format and the same needs to be released at the earliest.

- f. **Clarity on modalities of EPR regime** – As mentioned in the draft rules, the EPR certificates will be issued by CPCB and the Recycling Industry will like to have clarity on sale and purchase of these certificates. There is also no clarity on whether the Certificates will fall under the ambit of Negotiable Instruments Act and what would be the tax implications thereof.

Chapter V, clause 18, Point (ii) - ..individuals products life period as prescribed by CPCB and the rates prescribed in Schedule iii.

“rates” – seek clarity on the rates.

Chapter V, EPR regime – the possibility of HOARDING of certificates is possible. hence checks and measures to be introduced.

Purchase of certificates - A minimum criteria to producers for purchase of certificates on a monthly basis will ensure stabilization of rates, sustained achievement of targets for the industry and optimum plant capacity utilization.

Chapter V clause 20 – Transaction of EPR Certificate – The CPCB shall generate EPR certificate through the portal, will a “financial transaction” on purchase of the certificate also happen on the portal?

- g. **Clarification on Environmental audit** - Under the modalities of EPR Regime, there is a term used “Environmental Audit” for issuing the certificate. There is no explanation provided on the modalities or details of such audit. We would request that this may please be provided.
- h. **Request for Appellant Authority** – The Recycling Industry requests an appeal mechanism to be included under point 27 in the draft rules to serve the purpose of resolving matters of dispute under the ambit of the Rules. The principle of appeal or the right of hearing, is one of the facets of principles of natural justice – “AUDI ALTERAM PARTEM”. We would therefore request that this be specifically included in the Rules ab initio.

We would appreciate your kind attention towards the issues highlighted above. **We also request a suitable time from you for a meeting with an Industry delegation comprising the Recycling Industry on a day & time convenient to you** to discuss these issues in person.

With regards,

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

CC: Shri Naresh Pal Gangwar, IAS, Addl. Secretary, MoEF&CC

CC: Shri Vinod Singh, Addl. Director, MoEF&CC