

Japan Machinery Center for Trade and Investment

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5th July 2010

Ministry of Environment and Forests
Paryavaran Bhawan,
Central Government Offices Complex, Lodhi Road,
New Delhi-110003, India

Dear Sir / Madam,

Japan Machinery Center for Trade and Investment is a nonprofit organization established in 1952 in accordance with the Export and Import Transaction Law. It comprises about 300 major and medium-ranked companies engaged in exporting or investing in a broad range of machinery, including manufacturers of electrical and electronic equipment, trading firms and engineering companies.

Our committee handles environmental issues over products for trade and is strongly concerned with overseas environment-related regulations on product. From this standpoint, we would like to comment on the draft of e-waste (Management and Handling) Rules, 2010.

We would like to express our thanks for the transparency of rulemaking process of the draft e-waste (Management and Handling) Rules, 2010 and are delighted to have this opportunity to submit our comments on this.

If you have any questions, please feel free to contact our secretariat (Mr. Hideaki Fukasawa, E-mail: fukasawa@jmcti.or.jp).

Sincerely yours,

Hideaki Ida
Chairman
Environment Law Committee
Japan Machinery Center for Trade and Investment

**Comments of
Japan Machinery Center for Trade and Investment (JMC)
on the Draft E-Waste (Management and Handling) Rules 2010**

5 July 2010

JMC strongly supports the Indian government's intention to implement safer, more environmentally sound e-waste management by establishing e-waste (management and handling) rules, which are designed to prevent possible environmental problems in response to concerns that a huge amount of e-waste is likely to be produced by the Indian economy with its remarkable growth in the near future. We also understand that producers should assume part of the social responsibility for these matters.

Based on this recognition, we hereby present our comments on the proposed e-waste rules that the Indian government recently published.

General Comments

1. Considering that many countries have introduced laws regarding waste electric and electronic equipment as well as the restriction of the use of hazardous substances contained in electrical and electronic equipment employing the current EU RoHS Directive (2002/95/EC) as a standard, we request that the Indian government take full account of laws regarded as de facto global standards in order to avoid a situation in which only India's rules would be out of alignment. Such existing rules and regulations should be taken fully into consideration, since differences in product categories, substances subject to regulation, threshold limits and exemptions could greatly affect Indian industries as well and be likely to lead to confusion among them.
2. In the upcoming legislative process, impact assessment on the contents of the draft rules should be implemented in order to reflect their socio-economic effects, and transparency should also be ensured by holding public consultations, coordinating views with industry, etc.
3. We are of the opinion that it is necessary for the purpose of establishing a sound material-cycle society to build a system enabling all stakeholders including local authorities and consumers to share the burdens in a well-balanced manner, instead of a system that overburdens producers.

4. It would be impossible to adapt to new rules in a short period of time, since any change to alternative materials would require safety and functionality assessment, adjustment of manufacturing processes, etc. To help such adaptation process, therefore, sufficient grace period should be established after transparent and fair consultation with stakeholders.

Comments on Collection and Recycling of E-Waste

1. Collection and recycling of waste electric and electronic equipment are becoming increasingly important for protecting the global environment and making efficient use of resources as part of efforts to achieve sustainable development. Building the necessary infrastructure and management systems will require not only the involvement of producers, importers, dealers, consumers, treatment and disposal operators, etc., but also leadership and support from central and local governments. The roles and responsibilities of the central government and local authorities are not clearly defined in the current proposed rules, whereas producers are required to assume heavy responsibilities. In consideration of the expertise of the respective parties concerned, including the administrative bodies, and from the perspective of fairness and equity, consideration should be given to modify the sharing of the roles and responsibilities among them.
2. As provided for in the proposed rules, the definition of the term 'e-waste' includes (i) waste electric and electronic equipment and (ii) scraps or rejects from their manufacturing process. The latter should be properly treated on their manufacturer's responsibility as a producer. Scraps or rejects mixed with waste electric and electronic equipment could cause confusion in collection and recycling activities, and could even obscure the proper assignment of responsibilities for payment of disposal fees. The definition of the term 'e-waste' should, therefore, be limited to waste electric and electronic equipment.

Comments on Restriction of Use of Hazardous Substances

1. Since electric and electronic equipment business is becoming global, companies are coping with environmental regulations based on the current EU RoHS Directive (2002/95/EC) or de facto global standards. Inclusion of additional substances to be regulated and introduction of stricter threshold limits, which are unique to India, would undermine the ongoing efforts to develop alternative materials and technologies and impose an additional burden on industry. The regulatory authorities would also shoulder greater administrative burdens, including management of the progress of alternative technologies, implementation and advanced analysis of market surveillance, etc. We request, therefore, that the Indian government ensure transparency through clarification of the examination processes, for example, performing sufficient risk assessment and carrying out impact assessment

especially concerning the socio-economic consequences, if it seeks to include additional substances or to introduce stricter threshold limits of its own.

2. Since no reference has been made to the establishment of exemption applications for the various substances regulated in the proposed rules, we consider it difficult to manufacture or import most electric and electronic equipment into India under the current draft rules. We request, therefore, that exemption for certain applications of each restricted substance should be provided for.
3. The proposed rules stipulate that, in the event of a reduction in the use of hazardous substances, detailed information on the constituents of the equipment shall be provided. This provision should be deleted since such constituents range so widely that it is difficult to grasp and record all of them.
4. From the viewpoint of waste prevention, long-term usability of products put on the market before the effective date of the future rules should be ensured. Consumables and spare parts for repairing the products should therefore be exempted.