



Japan Machinery Center
for Trade and Investment

6th December, 2023

Secretary
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj
New Delhi – 110003

Via email:
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Our comments on Plastic Waste Management (Second Amendment) Rules, 2023(draft) dated 16th October, 2023: Notification No. G.S.R. 744(E)

Dear Secretary:

The Japan Machinery Center for Trade and Investment (“JMC”) is a non-profit organization. It was established in December 1952 in accordance with the Japanese Export and Import Trade Law under the authorization of the Minister of Economy, Trade and Industry of Japan. The objective of the JMC is to engage in activities that enhance the common benefit of member companies and promote the sound development of international trade and investment by the machinery industry. JMC comprises member companies engaged in machinery and systems-related exports and foreign investments such as machinery manufacturers, trading houses and engineering companies. At present, the total number of JMC member companies is about 240.

Our committee handles environmental and product safety issues regarding products for trade and is strongly concerned with overseas environment- and product safety-related regulations on products. From this standpoint, we would like to comment on Plastic Waste Management (Second Amendment) Rules, 2023(draft) dated 16th October, 2023: Notification No. G.S.R. 744(E)

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

Sincerely yours,

A handwritten signature in black ink, reading "Kanno Yasuhiko". The signature is written in a cursive, flowing style.

KANNO Yasuhiko
Chairman
Environment Law Committee

Our comments on Plastic Waste Management (Second Amendment) Rules, 2023(draft) dated 16th October, 2023: Notification No. G.S.R. 744(E)

We, the Japan Machinery Center for Trade and Investment, would like to express our gratitude to the Ministry of Environment, Forest & Climate Change for inviting comments regarding Plastic Waste Management (Second Amendment) Rules, 2023(draft) dated 16th October 2023 (Notification No. G.S.R. 744(E)).

Plastic Waste Management (Second Amendment) Rules, 2023

<https://egazette.gov.in/WriteReadData/2023/249510.pdf>

We welcome the Government of India's efforts to strengthen the effective implementation of the Rules. Having given the proposed amendments to the Rules careful consideration, we would like to submit the following comments regarding Rule 11 because it contains requirements that would be difficult for producers to comply with when dealing with the actual packaging of electronic products and their packaging.

As for Rule 11 (2):

1. We propose the modification of Rule 11 (2) as follows:

As currently drafted:

Each recycled carry bag or plastic packaging or commodity shall bear a label or a mark “recycled” as shown below and shall conform to the Indian Standard: IS 14534: 1998 titled as “Guidelines for Recycling of Plastics”, as amended from time to time;

Proposed change:

Each recycled carry bag or plastic packaging or commodity covered under Rule 4 shall bear a “recycled” label or a mark as shown below and shall conform to the Indian Standard IS 14534: 1998 titled “Guidelines for Recycling of Plastics”, as amended from time to time.

Reasons:

As currently drafted, all kinds of plastic packaging and commodity are in the scope of Rule 11 (2), but in order to be consistent with Rule 11 (3) and (4) and to further strengthen the effective implementation of the rule, the scope should be limited to items covered under Rule 4. In the case of electronic products that consist of many parts, virgin materials may be used depending on the availability of recycled material at the time of production of a particular product, (not only the content rate but also whether or not recycled materials are used), so it is difficult to maintain a constant level of recycled material usage.

The following would fall within the scope of Rule 4:

For packaging: carry bags, plastic sheets or like, or cover made of plastic sheet and multilayered packaging.

For commodities: Ear buds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration, plates, cups, glasses, cutlery such as forks, spoons, knives, straw, trays, wrapping/packing films around sweet boxes; invitation cards; and cigarette packets, plastic/PVC banners less than 100 micron, stirrers.

2. If all kind of plastic packaging and commodities fall within the scope of Rule 11 (2), we would like to propose that the marking or labelling (hereafter: called as marking) requirement be exempted for electronic products and its accessories, and packaging used for such items.

Reason:

Electronic products and their packaging are generally designed for worldwide use. Marking unique to India would require a separate design of goods destined for India, which would incur additional resources, management costs, and environmental impact. Specifically, as the number of countries and regions banning the display of the chasing arrows symbol increases, if similar marks are required to be displayed by law, individual packaging designs would be required only for Indian customers.

3. If marking in accordance with IS 14534 nevertheless will be required for electronic products and its accessories, and packaging used for such items, the marking of recycled plastic content values should be optional for each producer.

Reason:

In the case of electronic products, the supply chain is complicated, and the recycled plastic content may vary depending on the availability of recycled material at the time of production of a particular product. It is not reasonable to change the numerical indication for each product lot.

As for Rule 11 (2), (3) and (4):

4. Any marking should be allowed electronically on the website.

Reason:

As many electronic products have a common design for worldwide use, there is limited space on the products, accompanying documents or product packages. Also, the need to change the content of the marking on written materials when information changes may require the disposal of unused packaging in the supply chain and increase the environmental impact.

5. Marking requirements should be exempted for imported electronic products and its accessories, and packaging used for such items.

Reason:

As mentioned above, many electric products made outside India are designed for the global market, so India-specific marking requirements are not reasonable, resulting in increased environmental impact.

End