



DIGITALEUROPE 



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Letter on WEEE Collection Target in the Draft India E-Waste Rules

To:
Shri Ashok Lavasa
Secretary
Ministry of Environment, Forests & Climate Change
Government of India

CC:
Anurag Jain
Joint Secretary
Office of the Prime Minister
Government of India

Dr. Aruna Sharma
Secretary
Department of Electronics & Information Technology (DeitY)
Government of India

The undersigned industry associations are writing to express our mutual concern regarding the inclusion of an arbitrary and elevated e-waste collection target in the draft amendment to the India E-waste (Management and Handling) Rules 2011. In the last version of the draft Rules available to the industry, the target rate was set at 50%. Considering the nascent stage of implementation, the informal character of e-waste collection, and the current recycling ecosystem in India, the target of 50% is absolutely unachievable despite best efforts from industry and government. Industry has been regularly approaching Ministry of Environment, Forests & Climate Change (MOEFCC) to present a newly created, well- balanced, and effective model developed by the industry to solve the problem of e-waste in India. However, industry has been denied the opportunity to present its model to MOEFCC. We understand

that the draft Rules are on the verge of being finalized, and industry is concerned that this arbitrary and unachievable target rate would be retained in the final Rules.

The ICT industry truly appreciates and stands aligned with the Indian government's efforts to improve environmental protection and to institute a sound system for e-waste collection. Member companies of the undersigned organizations have long invested in this area and have accumulated tremendous experience in India and around the globe. We fully support the goal of increasing e-waste recycling. However, we oppose the establishment of an arbitrary collection target that is higher than any other target in the world, including markets with mature product take-back systems. This sets up both government and industry for failure. We urge the government to revise the final Rules accordingly and to enter into close consultation with industry to set new reasonable, realistic and achievable targets.

Scientific and Reasonable Target

New Rules should allow for a process in which targets would be set in consultation with the industry based on a scientific methodology which incorporates international best practices and contextualizes Indian conditions. The methodology and targets should be set out later through government notification, rather than codified in the Rules, which would have to be reissued every time the target is revised.

Overly high collection targets could lead to the premature collection of fully functional equipment as "e-waste." Continued use of the high-residual life equipment and their spare parts can reduce the generation of e-waste, conserve material resources and expand global access to beneficial information and communications technology.

Above all, **the presence of a strong informal sector creates a leakage in the system which is inordinately higher than legitimate recycling programs in the country.** The informal sector, which handles 90% of India's total e-waste¹, is not under the ambit of the Rules. It is not justified to make industry responsible for 50% of total e-waste collection considering only 10% of the total e-waste is handled by the formal sector. Unless there are stern measures taken to contain this leakage by strict enforcement of the Rules on informal recycling, elevated targets on producers will remain unattainable. The consumer behavior, driven by poor awareness on e-waste and a desire to maximize returns, favors the informal sector.

Drawing on Global Best Practices

In 2002, the EU WEEE Directive promulgated that *"by 31 December 2006 at the latest a rate of separate collection of at least four kilograms on average per inhabitant per year of WEEE from private households is achieved."* A decade later, the EU WEEE Recast adjusted

¹ The MAIT-GTZ study in 2008 reports that 95% of India's total e-waste is handled by the informal sector. The ICT industry environmental practitioners estimate a 5% shift of the e-waste flow from the informal recycling sector to the formal recycling sector between 2008 and now.

the collection rate by 2016, giving the ecosystem four years to prepare for the increased target.

In the absence of qualified recyclers and mature recycling technologies, we strongly encourage India to lower the unrealistically high collection target and adjust the target accordingly year after year based on implementation experience. The steady and robust approach taken by EU sets a good example of effective WEEE policymaking and implementation.

In our experience a WEEE system poised for success must have the below critical elements and the Rules must embrace these:

- E-Waste management is a **shared responsibility** where all stakeholders have to play their roles for the entire system to take off. Producers alone cannot influence or control the entire value chain.
- A **robust reporting structure** (annual returns) to generate e-waste arising and recycling information and published annually to form a strong baseline data.
- Adopting a national level **recycling standards** to avoid the proliferation of businesses claiming to be good recyclers. Rules should provide a mechanism for overseeing a recycler approval process and make it mandatory that all approved recycling facilities operate to the global environmental, health, and safety standards.
- Unless there is **strong enforcement of the Rules**, informal recycling will continue to flourish, thereby creating a perception that the Rules aren't effective.

Conclusion

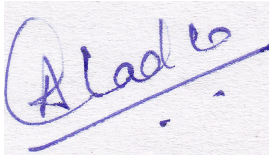
Dealing with waste electronic and electrical equipment has to be a shared responsibility with an obligation for all stakeholders to meet a reasonable collective national target. Without industry and government working closely together in good faith, both industry and government will pay a heavy price for a failed system.

As a start, we **respectfully urge the government to omit any specific collection targets** in the finale-waste Rules and work with industry to:

- Start measuring WEEE volumes and publishing national level data;
- Set reasonable targets in close consultation with industry using scientific methodology and international best practices that make sense for India;
- Enable flow of data across regulations and Ministries; and,
- Support an independent study on factors affecting WEEE dynamics.

All of these will enable an environment for a healthy, formal WEEE ecosystem to develop. We look forward to collaborating with MOEFCC and other parts of the government to ensure a successful e-waste program.

Industry requests your urgent intervention in this matter. We would be grateful if our representatives could meet you at the earliest to discuss the issue in greater detail.



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