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MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 21st July, 2022

G.S.R. 593(E). —Whereas the draft notification containing the draft Regulations on Extended Producer Responsibility for Waste Tyre were published, by the Government of India in the Ministry of Environment, Forest and Climate Change, vide notification number S.O. 5497 (E), dated the 31st December, 2021 in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii) inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which copies of the official Gazette containing the said notification were made available to the public;

AND WHEREAS, the copies of the Official Gazette containing the said notification were made available to the public on the 31st day of December, 2021;

AND WHEREAS, the objections and suggestions received from the public in respect of the said draft notification within the said period have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following rules further to amend the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, namely: -

1. Short title and commencement. - (1) These rules may be called the Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (hereinafter referred to as the said rules), in rule 9, after sub-rule (3), the following sub-rule shall be inserted, namely: -
“(4) The utilisation and management of waste tyre shall be in accordance to the provisions contained in Schedule IX.”.
3. In the said rules, after Schedule VIII, the following Schedule shall be inserted, namely: -

‘SCHEDULE IX**[See rule 9 (4)]****Extended Producer Responsibility (EPR) for Waste Tyre****1. Definitions. – For the purposes of this Schedule, -**

- (a) “business” means any activity of production or manufacturing or sale of new tyre, import of new or waste tyre, import of vehicle fitted with new tyre, import of new tyre by automobile manufacturer for use in vehicle sold domestically and recycling of waste tyre;
- (b) “conversion factor” means units of waste tyre needed to produce one unit of each end product of recycling;
- (c) “environmentally sound management of waste tyre” means taking all steps required to ensure that waste tyre is managed in a manner so as to protect health and environment against any adverse effects which may result from such waste tyre;
- (d) “extended producer responsibility” means responsibility of producer of tyre to ensure environmentally sound management of waste tyre in accordance with the provisions of this Schedule;
- (e) “producer” means any person or entity who, -
 - (i) manufactures and sells new tyre domestically; or
 - (ii) sells domestically under its own brand, new tyre manufactured by other manufacturers or suppliers; or
 - (iii) sells imported new tyre; or
 - (iv) imports vehicles fitted with new tyres; or
 - (v) automobile manufacturers importing new tyre for use in new vehicles sold domestically; or
 - (vi) imports waste tyre;
- (f) “recycling” means any process or action of converting waste tyre into following end products, in an environmentally sound manner and having facilities as elaborated in the standard operating procedure or guidelines as specified by the Central Pollution Control Board, namely; -
 - (i) reclaimed rubber;
 - (ii) crumb rubber;
 - (iii) crumb rubber modified bitumen (CRMB);
 - (iv) recovered carbon black, which is usable as raw material for manufacture of new tyre; and
 - (v) pyrolysis oil or Char, which is used only as a fuel and not as raw material for manufacture of new tyre;
- (g) “recycler” means any person or entity engaged in the process of recycling;
- (h) “recycling target” means quantity of waste tyre to be recycled as per the provisions of paragraph 6 of this Schedule;
- (i) “standard operating procedure” means the document specified by the Central Pollution Control Board elaborating minimum requirement of equipment and processes;
- (j) “guidelines” means the document specified by the Central Pollution Control Board elaborating minimum requirement for achieving environmentally sound management of waste tyres including handling, collection, transportation and storage and recycling of waste tyre;
- (k) “portal” means the online system developed by the Central Pollution Control Board under

paragraph 9;

- (l) “retreading” means process of renewal of tread and side wall rubber of a worn out tyre having a good structural quality; and
- (m) “waste tyre” means any tyre, including tubes and flaps that is no longer mounted on a vehicle and is no longer used for its intended purpose.

2. Application. - The provisions of this Schedule shall be applicable to the following entities, namely: -

- (i) producer;
- (ii) recycler of waste tyre; and
- (iii) retreader.

3. Registration. - (1) The entities referred in paragraph 2 shall register on the portal.

- (2) No entity shall carry out any business without registration.
- (3) The entities registered under sub-paragraph (1) shall not deal with any unregistered producer or recycler.
- (4) In case, any registered entity furnishes false information or willfully conceals information for getting registration or return or report or information required to be provided or furnished under this Schedule or in case of any irregularity, the registration of such entity may be revoked by the Central Pollution Control Board for a period up to three years after giving an opportunity of being heard and in addition, environmental compensation charges may also be levied in such cases as per paragraph 10.
- (5) In case any entity is covered in more than one category under paragraph 3, then the said entity shall register under those categories separately.
- (6) The Central Pollution Control Board may charge such registration fees from the applicants as may be specified from time to time with the approval of the steering committee constituted under paragraph 13.

4. Modalities of extended producer responsibility regime. - (1) All producers shall have the following extended producer responsibility obligations, namely: -

(a) For manufacturers or importers of new tyres: -

Sl. No.	Year	Waste Tyre Recycling Target in Weight (Kilogram or Tons)
(1)	(2)	(3)
(i)	EPR obligation of the year 2022-2023 (the year in which this Schedule comes into force)	35% of the quantity of new manufactured or tyres imported in year 2020-2021
(ii)	EPR obligation of the year 2023-2024	70% of the quantity of new manufactured or tyres imported in year 2021-2022
(iii)	EPR obligation of the year 2024- 2025	100% of the quantity of new manufactured or tyres imported in year 2022-2023.
(iv)	After the year 2024-2025 (year Y), the extended producer responsibility obligation shall be 100% of the quantity of new tyres manufactured or imported in the year (Y-2).	
(v)	Units established after the 1st April, 2022, the extended producer responsibility obligation shall start after two years (Y) and shall be 100% of the new tyres manufactured or imported in the year (Y-2).	

(b) For waste tyre importer: -

- (i) The extended producer responsibility obligation for waste tyre importer in year (Y) shall be 100% of the tyre imported in year (Y-1)
- (ii) The import of waste tyre for the purpose of producing pyrolysis oil or char is prohibited.

(2) Retreading: -

- (i) The waste tyre shall be allowed for retreading and a retreader shall have to get registered on the portal for issuance of retreading certificates.
- (ii) On production of retreading certificates, the extended producer responsibility obligation shall be deferred by one year for the corresponding quantity of waste tyre:

Provided that the obligation shall be extinguished only after end of life disposal through a registered recycler.

- (3) The extended producer responsibility target of producer shall be reduced by a factor laid down by the Central Pollution Control Board on account of wear and tear of tyres.
- (4)
 - (i) The producer shall fulfill their extended producer responsibility obligation through online purchase of extended producer responsibility certificate from registered recyclers only and submit it online on the portal by filing quarterly return.
 - (ii) The quarterly return shall be filed by the end of the month succeeding the end of the quarter.
 - (iii) The details provided by producers and registered recyclers shall be cross-checked on the portal.
 - (iv) In case of difference, the lower figure shall be considered towards fulfilment of extended producer responsibility obligation of producer.
 - (v) The certificates referred to in this paragraph shall be subject to environmental audit by the agencies authorised by the Central Government in this regard.
- (5) The Central Pollution Control Board shall specify the standard operating procedure strictly in accordance with the provisions of this Schedule.

5. **Extended producer responsibility certificate generation.** - (1) The Central Pollution Control Board shall generate extended producer responsibility certificate through the portal in favor of a registered recycler and the eligible quantity for generating extended producer responsibility certificates shall be calculated as per the following table, namely: -

TABLE

Sl. No.	End Product of recycling	Quantity of End Product (Q _p)	Conversion factor determined by CPCB (C _F)	Weightage allocated to the end product (W _p)	Quantity eligible for generation of extended producer responsibility certificate (Q _{EPR} = Q _p x C _F x W _p)
(1)	(2)	(3)	(4)	(5)	(6)
1.	Reclaimed Rubber			1.30	
2.	Recovered Carbon Black usable as raw material for manufacture of new tyre.			1.25	
3.	Crumb rubber Modified Bitumen (CRMB)			1.10	

4.	Crumb rubber			1.00	
5.	Pyrolysis oil and char (usable as fuel only and not as raw material for manufacture of new tyre)				
	(i) extracted from continuous pyrolysis method			0.80	
	(ii) extracted from batch pyrolysis method			0.50	

(2) Term of Reference. - For the purpose of the Table referred to in sub-paragraph (1), -

- (i) the quantity eligible for generation of extended producer responsibility certificate shall be calculated as per the following formula, namely: -

$$Q_{EPR} = Q_P \times C_F \times W_P ;$$

- (ii) conversion factor C_F for each end product shall be determined by the Central Pollution Control Board;
- (iii) the weightage W_P shall be reviewed by the Steering Committee from time to time in view of the technological advancements, availability of material and other factors;
- (iv) the weightage W_P for imported waste tyres shall be 1 for all categories and the value of waste tyre certificate shall be reduced by dividing it by W_P of respective certificates when the extended producer responsibility certificates purchased by waste tyre importer are adjusted against their EPR obligation.
- (3) (a) The validity of the extended producer responsibility certificate shall be two years from the end of the financial year in which it was generated.
(b) The expired certificate automatically extinguished after the period unless extinguished earlier as per sub-paragraph (2) of paragraph 7.
- (4) (a) Each extended producer responsibility certificate shall have a unique number containing year of generation, code of end product, recycler code and a unique code.
(b) The extended producer responsibility certificates shall be in the denominations of 100, 200, 500 and 1000 Metric Tonnes or as may be decided by the Central Pollution Control Board with the approval of the Steering Committee constituted under paragraph 13.

6. Transaction of extended producer responsibility certificates. - (1) A producer can purchase extended producer responsibility certificates limited to its extended producer responsibility liability of current year (Year Y) plus any leftover liability of preceding years plus 10% of the current year liability.

- (2) The extended producer responsibility obligation shall have to be fulfilled by the producers by proportionately purchasing extended producer responsibility certificate on quarterly basis.
- (3) As soon as the producer purchases extended producer responsibility certificate, it shall be automatically adjusted against its liability, priority in adjustment shall be given to earlier liability and the extended producer responsibility certificate so adjusted shall be automatically extinguished and cancelled.
- (4) The availability, requirement and other details of the extended producer responsibility certificate for every producer or recycler shall be made available on the portal.
- (5) All such transactions shall be recorded and submitted by the producers or recyclers on the portal at the time of filing quarterly returns.

7. **Responsibilities of the producer.** - (1) The producer shall be responsible for fulfillment of extended producer responsibility by purchasing extended producer responsibility certificates from registered recyclers only.
- (2) The producer shall be responsible to file annual and quarterly returns in the forms as specified by the Central Pollution Control Board on the portal on or before the end of the month succeeding the quarter to which the return relates and each registered entity shall have to file the quarterly return.
8. **Responsibilities of the recycler.** - (1) All the recycler shall submit on monthly basis the information regarding quantity of waste tyres used and end product produced, extended producer responsibility certificate sold and such other relevant information on the portal.
- (2) All the recycler shall file annual and quarterly returns in the Form as specified on the portal on or before the end of the month succeeding the quarter to which the return relates.
9. **Portal for registration, filing of annual returns, extended producer responsibility certificate and tracing of materials.** - (1) The Central Pollution Control Board shall develop the portal to establish an online system for the registration and filing of quarterly returns, generation and adjustment of extended producer responsibility certificate and submission of monthly information by recyclers.
- (2) The portal shall act as the single point data repository with respect to the provisions of this Schedule for implementation of extended producer responsibility for waste tyre and contain the following information, namely: -
- (i) **For producer.** - import or production of new tyres of different years, quantity of waste or new tyres, quarterly return in respect of extended producer responsibility certificate purchase, adjustment of extended producer responsibility obligation for each year, the current year extended producer responsibility obligation and brought forward obligation of preceding years.
 - (ii) **For recyclers.** - facility for submitting information and quantity of recycled material and end product, extended producer responsibility Certificate generated and sold and ensure that value of extended producer responsibility is reduced by diving it by W_p in case of waste tyre importer.
 - (iii) The portal shall provide information with respects to current unfulfilled extended producer responsibility obligations of different producers, the quantity of extended producer responsibility certificate with recyclers and surplus extended producer responsibility certificate with producers.
 - (iv) Any other facility which is required to streamline the implementation of the provisions of this Schedule with the approval of the Steering Committee constituted under paragraph 13.
- (3) Till the time the portal is developed, all activities related to implementation of extended producer responsibility shall be done inoff-line manner.
- (4) The Central Pollution Control Board shall specify the formats of all the relevant forms or returns for the extended producer responsibility in accordance with the provisions of this Schedule.
- (5) The Central Pollution Control Board may charge such processing or registration fee from the producer and recyclers through portal as may be specified from time to time by the Central Pollution Control Board with the approval of the Steering Committee constituted under paragraph 13.
10. **Environmental Compensation.** - (1) The Central Pollution Control Board shall lay down guidelines for imposition and collection of environmental compensation on the producers in case of non-fulfilment of obligations set out in this Schedule and use of false extended producer responsibility certificate and the said guidelines shall be in accordance with the provisions of this Schedule and shall require to be approved by the Steering Committee constituted under paragraph 13 and Central Government before implementation.

(2) The environmental compensation shall also be levied on the recyclers for issue of false extended producer responsibility certificate and providing false information.

(3) The environmental compensation shall also be levied on unregistered producers, recyclers and any entity which aids or abets the violation of the provisions of this Schedule.

(4) (a) The payment of environmental compensation shall not absolve the producers from the obligation set out in this Schedule and the unfulfilled extended producer responsibility obligation for a particular year shall be carried forward to the next year and so on and up to three years.

(b) In case, the shortfall of extended producer responsibility obligation is addressed after first year, 85% of the environmental compensation levied shall be returned to the producers, and in case, the shortfall of extended producer responsibility obligation is addressed after second year, 60% of the environmental compensation levied shall be returned to the producers, and in case, the shortfall of extended producer responsibility obligation is addressed after third year, 30% of the environmental compensation levied shall be returned to the producers, thereafter no environmental compensation shall be returned to the producer.

(5) Any false information resulting in over generation of extended producer responsibility certificates by recycler above 5% of the actual recycled waste shall result in revocation of registration and imposition of environmental compensation which shall not be returnable.

(6) (a) The funds collected under environmental compensation shall be kept in a separate escrow account by the Central Pollution Control Board and shall be utilised in collection and recycling or end of life disposal of uncollected and non-recycled or non-end of life disposal of waste tyres on which the environmental compensation is levied and on such other heads as decided by the said Steering Committee constituted under paragraph 13.

(b) modalities for utilisation of the funds shall be recommended by the Steering Committee and approved by the Central Government, which may also issue instructions in this regard.

11. Prosecution. - Any person, who provides incorrect information for obtaining extended producer responsibility certificates, uses or causes to be used false or forged extended producer responsibility certificates in any manner, over generates extended producer responsibility certificates above 5% of the actual waste recycled, willfully violates the directions given under the provisions of this Schedule or fails to co-operate in the verification and audit proceedings, may be prosecuted under section 15 of the Act and this prosecution shall be in addition to the environmental compensation levied under paragraph 10.

12. Verification and Audit. - The Central Pollution Control Board by itself or through a designated agency shall verify compliance of producers or recyclers through inspection and periodic audit, as deemed appropriate and the actions against violations and for non-fulfillment of extended producer responsibility target, obligations and responsibilities shall be in accordance with the provisions of paragraph 10.

13. Steering Committee for implementation of extended producer responsibility regime for waste tyre. - (1) There shall be a Steering Committee under the Chairmanship of the Chairman, Central Pollution Control Board or his nominee to oversee the overall implementation of the extended producer responsibility regime for waste tyre and shall comprise of the following other members in addition to the Chairman, namely:

- (a) one representative of the Ministry of Environment, Forest and Climate Change;
- (b) one representative of the Department of Promotion of Industry and Internal Trade;
- (c) one representatives of the Automobile Tyre Manufacturers Associations;
- (d) one representatives of the Recycler Associations (viz. manufacturer of reclaimed rubber, crumb rubber, crumb rubber modified bitumen, recovered carbon black and tyre pyrolysis oilmanufacturers);
- (e) one representatives of the State Pollution Control Board or Pollution Control committee as co-opted by the Chairman of the Steering Committee;
- (f) Head of the Concerned Division of the Central Pollution Control Board – Member- Convener.

- (2) The Steering Committee shall monitor and supervise implementation of the provisions of this Schedule and shall decide the disputes arisen from time to time on the representations received in this regard.
- (3) The Steering Committee shall review and revise the targets, weightage and permissibility of modes of recycling in view of the technological advancements and other factors with the approval of the Central Government.
- (4) The Steering Committee shall take all such measures as it deems necessary for proper implementation of the provisions of this Schedule.’

[F. No. 09/6/2021-HSMD]

NARESH PAL GANGWAR, Addl. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 395(E), dated the 4th April, 2016 and subsequently amended *vide* notification numbers G.S.R. 670(E), dated the 6th July, 2016, G.S.R. 177(E), dated the 28th February, 2017, G.S.R. 544(E), dated the 11th June, 2018, G.S.R. 178(E), dated the 1st March, 2019, G.S.R. 641(E), dated the 9th October, 2020, G.S.R. 47(E), dated the 27th January, 2021 and G.S.R. 798(E), dated 12th November, 2021.