



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 166]

नई दिल्ली, बृहस्पतिवार, मार्च 22, 2018/चैत्र 1, 1940

No. 166]

NEW DELHI, THURSDAY, MARCH 22, 2018/CHAITRA 1, 1940

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 22nd March, 2018

G.S.R. 261(E).—Whereas the draft rules, namely the E-waste (Management) Amendment Rules, 2017, were published by the Government of India in the Ministry of Environment, Forest and Climate Change vide number G.S.R. 1349(E), dated 30 October, 2017 in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (i) 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 the copies of the Gazette containing the said notification were made available to the public;

AND WHEREAS the copies of the Gazette containing the said notification were made available to the public on the 30th day of October, 2017;

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

NOW THEREFORE, in exercise of powers confirmed by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules to amend the E-waste (Management) Rules, 2016, namely: -

1. (1) These rules may be called E- Waste (Management) Amendment Rules, 2018.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the E-waste (Management) Rules, 2016, -

(a) in rule 5, in sub-rule (1) after clause (g), the following clause shall be inserted, namely:-

“(h) The provisions of rule 5 shall apply to producers who have placed any goods in the market in the current financial year and the targets for the extended producer responsibility plan shall be as per clause (ii) of sub-rule (1) of rule 13 and Schedule III.”;

(b) in rule 13; -

(I) in sub-rule (1), after clause (xi), the following clauses shall be inserted, namely: -

“(xii) In case the producer has started sale recently i.e. number of years of sales operations is less than average life of their product, the Extended Producer Responsibility target shall be applicable as per Schedule- III (A) and these targets applicable from financial year 2018-2019 and once the product achieves its average life as fixed by the Central Pollution Control Board, the collection target shall be revised as per Schedule III.

(xiii) The e-waste already collected by producers as per Schedule III(A) in earlier years will be accounted for and the eligible set offs shall be provided for the corresponding years at the time of fixation of targets as per Schedule-III.

(xiv) The revised Extended Producer Responsibility targets shall be applicable from the 1st October 2017 as per Schedule III.

(xv) The quantity of e-waste collected by producers under Extended Producer Responsibility from the 1st October 2016 to 30th September 2017 shall be accounted for in the revised Extended Producer Responsibility targets as per Schedule III until March 2018 only.

(xvi) In case of transfer or sale of assets by the producers the liability under Extended Producer Responsibility shall also be transferred to the buyer.

(xvii) A Producer Responsibility Organisation shall apply to the Central Pollution Control Board for registration to undertake the activities prescribed for Producer Responsibility Organisations under these Rules.”;

(II) in sub-rule (4), in clause (i), for the words “grant or renewal of authorisation”, the words, “grant of authorisation” shall be substituted;

(c) in rule 16, for sub-rules (9) and (10), the following sub-rules shall be substituted, namely:-

“(9) The Central Pollution Control Board may conduct random sampling of electrical and electronic equipment placed in the market to monitor and verify the compliance of Reduction of Hazardous Substances provisions and the cost for sampling and testing shall be borne by the Government for conducting the Reduction of Hazardous Substances test and the procedure of random sampling and permissible error value of Reduction of Hazardous Substances test shall be as per the guidelines of the Central Pollution Control Board.

(10) If the product does not comply with the Reduction of Hazardous Substances provisions, then the cost of the Reduction of Hazardous Substances test will be borne by the Producer and in addition, the Producer shall take corrective measures to bring the product into compliance and withdraw or recall the product from the market within a reasonable period as per the guidelines of the Central Pollution Control Board.”;

(d) in rule 21,

for sub-rule (2), the following sub-rule (2) shall be substituted namely: -

“(2) The manufacturer, producer, importer, transporter, refurbisher, dismantler and recycler shall be liable to pay financial penalties as levied under the Provisions of the Environment (Protection) Act, 1986 and rules made thereunder for any violation of the provisions under these rules by the State Pollution Control Boards with the prior approval of the Central Pollution Control Board in accordance with the guidelines published by the Central Pollution Control Board.”;

(e) in rule 22, for sub-rule (1), the following sub-rule shall be substituted, namely: -

“(1) (a) Any person aggrieved by an order of suspension or cancellation or refusal of authorisation or its renewal passed by the Central Pollution Control Board may, within a period of thirty days from

the date on which the order is communicated to him, prefer an appeal in Form 7 to the Appellate Authority i.e. the Secretary or nominee of Secretary, Ministry of Environment, Forest and Climate Change, Government of India, New Delhi against the order of the Central Pollution Control Board.

“(b) Any person aggrieved by an order of suspension or cancellation or refusal of authorisation or its renewal passed by the State Pollution Control Boards or Committees may, within a period of thirty days from the date on which the order is communicated to him, prefer an appeal in Form 7 to the Appellate Authority i.e. the Secretary (Environment) of the State Government /Union Territory administration against the order of State Pollution Control Boards or Committees.”;

(f) for rule 23, the following rule shall be substituted, namely: -

“23. The collection, storage, transportation, segregation, refurbishment, dismantling, recycling and disposal of e-waste shall be in accordance with the guidelines published by the Central Pollution Control Board.”;

(g) for Schedule III, the following Schedules shall be substituted namely: -

“ SCHEDULE III

[See rules 5(1) (a) and 13(1) (ii), (xii), (xiii), (xiv), (xv)]

| Sl. No | Year | E-Waste Collection Target (Weight) |
|--------|--------------|--|
| (i) | 2017-2018 | 10% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan. |
| (ii) | 2018-2019 | 20% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan. |
| (iii) | 2019-2020 | 30% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan. |
| (iv) | 2020-2021 | 40% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan. |
| (v) | 2021-2022 | 50% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan. |
| (vi) | 2022-2023 | 60% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan. |
| (vii) | 2023 onwards | 70% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan. |

Schedule III (A)

[See rules 13(1)(xii), (xiii), (xv)]

Extended Producer Responsibility targets for producers, who have started sales operations recently, i.e. number of years of sales operations is less than average life of their products mentioned in the guidelines issued by Central Pollution Control Board from time to time.

| Sl. No | Year | E-Waste Collection Target (Weight) |
|--------|-----------|--|
| (i) | 2018-2019 | 5% of the sales figure of financial year 2016-17. |
| (ii) | 2019-2020 | 5% of the sales figure of financial year 2017-18. |
| (iii) | 2020-2021 | 10% of the sales figure of financial year 2018-19. |
| (iv) | 2021-2022 | 10% of the sales figure of financial year 2019-20. |
| (v) | 2022-2023 | 15% of the sales figure of financial year 2020-21. |

| | | |
|--------|--------------|--|
| (vi) | 2023-2024 | 15% of the sales figure of financial year 2021-22. |
| (vii) | 2024-2025 | 20% of the sales figure of financial year 2022-23. |
| (viii) | 2025 onwards | 20% of the sales figure of the year preceding the previous year.”; |

(h) in Form I,

(I) for item 4, the following item shall be substituted, namely: -

“Details of electrical and electronic equipment placed in market year-wise for the period equivalent to its average end-of-life as mentioned in the guidelines issued by the Central Pollution Control Board from time to time (as per the form of Table 1 given below);”;

(II) in item 9, for entry (b), the following entry shall be substituted, namely: -

“(b) Provide the declaration with regard to technical documents maintained by them in support of Reduction of Hazardous Substances compliance as specified in the guidelines issued by the Central Pollution Control Board from time to time;”;

(i) in Form-3, for the heading the following heading shall be substituted, namely: -

“Quantity in Metric Tonnes (MT)”.

[F. No. 12-16/2017-HSMD]

RITESH KUMAR SINGH, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number GSR 338 (E), dated the 23rd March, 2016.