

[PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY PART-II, SECTION-3, SUB-SECTION (i)]

**GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

NOTIFICATION

New Delhi, the 23rd March , 2016

G.S.R 338(E). - Whereas the draft rules, namely the e-waste (Management) Rules, 2015, were published by the Government of India in the Ministry of Environment, Forest and Climate Change *vide* number G.S.R. 472(E), dated the 10th June, 2015 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 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 10th day of June, 2015;

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 the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the e-waste (Management and Handling) Rules, 2011, published in the Gazette of India, section 3, sub-section (ii), *vide* number S.O. 1035(E), dated the 12th May, 2011, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

CHAPTER I

PRELIMINARY

1. Short title and commencement. - (1) These rules may be called the E-Waste (Management) Rules, 2016.

(2) They shall come into force from the 1st day of October, 2016.

2. Application. - These rules shall apply to every manufacturer, producer, consumer, bulk consumer, collection centres, dealers, e-retailer, refurbisher, dismantler and recycler involved in manufacture, sale, transfer, purchase, collection, storage and processing of e-waste or electrical and electronic equipment listed in Schedule I, including their components, consumables, parts and spares which make the product operational but shall not apply to -

(a) used lead acid batteries as covered under the Batteries (Management and Handling) Rules, 2001 made under the Act;

(b) micro enterprises as defined in the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006); and

- (c) radio-active wastes as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and rules made there under.

3. Definitions. - (1) In these rules, unless the context otherwise requires, -

- (a) 'Act' means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) 'authorisation' means permission for generation, handling, collection, reception, storage, transportation, refurbishing, dismantling, recycling, treatment and disposal of e-waste, granted to manufacturer, dismantler, refurbisher and recycler;
- (c) 'bulk consumer' means bulk users of electrical and electronic equipment such as Central Government or State Government Departments, public sector undertakings, banks, educational institutions, multinational organisations, international agencies, partnership and public or private companies that are registered under the Factories Act, 1948 (63 of 1948) and the Companies Act, 2013 (18 of 2013) and health care facilities which have turnover of more than one crore or have more than twenty employees;
- (d) 'Central Pollution Control Board' means the Central Pollution Control Board constituted under sub-section (1) of section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (e) 'collection centre' means a centre or a collection point or both established by producer individually or as association jointly to collect e-waste for channelising the e-waste to recycler and play such role as indicated in the authorisation for Extended Producer Responsibility granted to the producer and having facilities as per the guidelines of Central Pollution Control Board, including the collection centre established by the dismantler or refurbisher or recycler which should be a part of their authorisation issued by the State Pollution Control Board where the facility exists;
- (f) 'component' means one of the parts of a sub-assembly or assembly of which a manufactured product is made up and into which it may be resolved and includes an accessory or attachment to another component;
- (g) 'consumables' means an item, which participates in or is required for a manufacturing process or for functioning of the electrical and electronic equipment and may or may not form part of end-product. Items, which are substantially or totally consumed during a manufacturing process, shall be deemed to be consumables;
- (h) 'consumer' means any person using electrical and electronic equipment excluding the bulk consumers;
- (i) 'channelisation' means to direct the path for movement of e-wastes from collection onwards to authorised dismantler or recycler. In case of fluorescent and other mercury containing lamps, where recyclers are not available, this means path for movement from collection centre to Treatment, Storage and Disposal Facility;
- (j) 'dealer' means any individual or firm that buys or receives electrical and electronic equipment as listed in Schedule I of these rules and their components or consumables or parts or spares from producers for sale;
- (k) 'deposit refund scheme' means a scheme whereby the producer charges an additional amount as a deposit at the time of sale of the electrical and electronic equipment and returns it to the consumer along with interest when the end-of-life electrical and electronic equipment is returned;
- (l) 'dismantler' means any person or organisation engaged in dismantling of used electrical and electronic equipment into their components and having facilities

- as per the guidelines of Central Pollution Control Board and having authorisation from concerned State Pollution Control Board;
- (m) 'disposal' means any operation which does not lead to recycling, recovery or reuse and includes physico-chemical or biological treatment, incineration and deposition in secured landfill;
 - (n) 'end-of-life' of the product means the time when the product is intended to be discarded by the user;
 - (o) 'environmentally sound management of e-waste' means taking all steps required to ensure that e-waste is managed in a manner which shall protect health and environment against any adverse effects, which may result from such e-waste;
 - (p) 'electrical and electronic equipment' means equipment which are dependent on electric current or electro-magnetic field in order to become functional;
 - (q) 'e-retailer' means an individual or company or business entity that uses an electronic network such as internet, telephone, to sell its goods;
 - (r) 'e-waste' means electrical and electronic equipment, whole or in part discarded as waste by the consumer or bulk consumer as well as rejects from manufacturing, refurbishment and repair processes;
 - (s) 'e-waste exchange' means an independent market instrument offering assistance or independent electronic systems offering services for sale and purchase of e-waste generated from end-of-life electrical and electronic equipment between agencies or organisations authorised under these rules;
 - (t) 'Extended Producer Responsibility' means responsibility of any producer of electrical or electronic equipment, for channelisation of e-waste to ensure environmentally sound management of such waste. Extended Producer Responsibility may comprise of implementing take back system or setting up of collection centres or both and having agreed arrangements with authorised dismantler or recycler either individually or collectively through a Producer Responsibility Organisation recognised by producer or producers in their Extended Producer Responsibility - Authorisation;
 - (u) 'Extended Producer Responsibility - Authorisation' means a permission given by Central Pollution Control Board to a producer, for managing Extended Producer Responsibility with implementation plans and targets outlined in such authorisation including detail of Producer Responsibility Organisation and e-waste exchange, if applicable;
 - (v) 'Extended Producer Responsibility Plan' means a plan submitted by a producer to Central Pollution Control Board, at the time of applying for Extended Producer Responsibility - Authorisation in which a producer shall provide details of e-waste channelisation system for targeted collection including detail of Producer Responsibility Organisation and e-waste exchange, if applicable;
 - (w) 'facility' means any location wherein the process incidental to the collection, reception, storage, segregation, refurbishing, dismantling, recycling, treatment and disposal of e-waste are carried out;
 - (x) 'Form' means a form appended to these rules;
 - (y) 'historical e-waste' means e-waste generated from electrical and electronic equipment as specified in Schedule I, which was available on the date from which these rules come into force;
 - (z) 'manufacturer' means a person or an entity or a company as defined in the Companies Act, 2013 (18 of 2013) or a factory as defined in the Factories Act, 1948 (63 of 1948) or Small and Medium Enterprises as defined in Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006), which has facilities for manufacture of electrical and electronic equipment;

- (aa) 'orphaned products' means non-branded or assembled electrical and electronic equipment as specified in Schedule I or those produced by a company, which has closed its operations;
 - (bb) 'part' means an element of a sub-assembly or assembly not normally useful by itself, and not amenable to further disassembly for maintenance purposes. A part may be a component, spare or an accessory;
 - (cc) 'producer' means any person who, irrespective of the selling technique used such as dealer, retailer, e-retailer, etc.;
 - (i) manufactures and offers to sell electrical and electronic equipment and their components or consumables or parts or spares under its own brand; or
 - (ii) offers to sell under its own brand, assembled electrical and electronic equipment and their components or consumables or parts or spares produced by other manufacturers or suppliers; or
 - (iii) offers to sell imported electrical and electronic equipment and their components or consumables or parts or spares;
 - (dd) 'Producer Responsibility Organisation' means a professional organisation authorised or financed collectively or individually by producers, which can take the responsibility for collection and channelisation of e-waste generated from the 'end-of-life' of their products to ensure environmentally sound management of such e-waste;
 - (ee) 'recycler' - means any person who is engaged in recycling and reprocessing of waste electrical and electronic equipment or assemblies or their components and having facilities as elaborated in the guidelines of Central Pollution Control Board;
 - (ff) 'refurbishment' means repairing of used electrical and electronic equipment as listed in Schedule I for extending its working life for its originally intended use and selling the same in the market or returning to owner;
 - (gg) 'refurbisher' for the purpose of these rules, means any company or undertaking registered under the Factories Act, 1948 or the Companies Act, 1956 or both or district industries centre engaged in refurbishment of used electrical and electronic equipment;
 - (hh) 'Schedule' means the Schedule appended to these rules;
 - (ii) "spares" means a part or a sub-assembly or assembly for substitution which is ready to replace an identical or similar part or sub-assembly or assembly including a component or an accessory;
 - (jj) 'State Government in relation to an Union territory means, the Administrator thereof appointed under article 239 of the Constitution;
 - (kk) 'State Pollution Control Board' means the concerned State Pollution Control Board or the Pollution Control Committee of the Union Territories constituted under sub-section (1) of section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
 - (ll) 'target' means the quantity of e-waste to be collected by the producer in fulfilment of Extended Producer Responsibility;
 - (mm) 'transporter' means a person or company or entity engaged in the off-site transportation of e-waste by air, rail, road or water carrying a manifest system issued by the person or company or entity who has handed over the e-waste to the transporter, giving the origin, destination and quantity of the e-waste being transported;
- (2) Words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II

RESPONSIBILITIES

- 4. Responsibilities of the manufacturer.** - (1) collect e-waste generated during the manufacture of any electrical and electronic equipment and channelise it for recycling or disposal;
- (2) apply for an authorisation in Form 1 (a) in accordance with the procedure prescribed under sub-rule (2) of rule 13 from the concerned State Pollution Control Board, which shall give the authorisation in accordance with Form 1 (bb);
- (3) ensure that no damage is caused to the environment during storage and transportation of e-waste;
- (4) maintain records of the e-waste generated, handled and disposed in Form-2 and make such records available for scrutiny by the concerned State Pollution Control Board;
- (5) file annual returns in Form-3, to the concerned State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates.

5. Responsibilities of the producer. - The producer of electrical and electronic equipment listed in Schedule I shall be responsible for -

- (1) implementing the Extended Producers Responsibility with the following frameworks, namely:-
- (a) collection and channelisation of e-waste generated from the 'end-of-life' of their products or 'end-of-life' products with same electrical and electronic equipment code and historical waste available on the date from which these rules come into force as per Schedule I in line with the targets prescribed in Schedule III in Extended Producer Responsibility - Authorisation;
- (b) the mechanism used for channelisation of e-waste from 'end-of-life' products including those from their service centres to authorised dismantler or recycler shall be in accordance with the Extended Producer Responsibility - Authorisation. In cases of fluorescent and other mercury containing lamps, where recyclers are not available, channelisation may be from collection centre to Treatment, Storage and Disposal Facility;
- (c) for disposal in Treatment, Storage and Disposal Facility, a pre-treatment is necessary to immobilise the mercury and reduce the volume of waste to be disposed off;
- (d) Extended Producer Responsibility - Authorisation should comprise of general scheme for collection of waste Electrical and Electronic Equipment from the Electrical and Electronic Equipment placed on the market earlier, such as through dealer, collection centres, Producer Responsibility Organisation, through buy-back arrangement, exchange scheme, Deposit Refund System, etc. whether directly or through any authorised agency and channelising the items so collected to authorised recyclers;
- (e) providing contact details such as address, e-mail address, toll-free telephone numbers or helpline numbers to consumer(s) or bulk consumer(s) through their website and product user documentation so as to facilitate return of end-of-life electrical and electronic equipment;
- (f) creating awareness through media, publications, advertisements, posters, or by any other means of communication and product user documentation accompanying the equipment, with regard to -