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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 2 नवम्बर, 2022

सा.का.नि. 801(अ).—प्रारूप नियम, अर्थात् ई-अपशिष्ट (प्रबंधन) नियम, 2022 भारत सरकार द्वारा पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा भारत के राजपत्र, असाधारण, भाग II, धारा 3, उप-धारा (i) अधिसूचना संख्या का.आ. 360 (प्र.), तारीख 19 मई, 2022 में प्रकाशित किये गये थे, जिसमें उन सभी व्यक्तियों से जिनकी इनसे प्रभावित होने की संभावना है उस तारीख से जिसको उक्त अधिसूचना में अंतर्विष्ट राजपत्र की प्रतियां जनता को उपलब्ध कराई गई थी, साठ दिनों की अवधि की समाप्ति से पूर्व आपत्तियां और सुझाव मांगे गए थे;

और उक्त अधिसूचना वाले राजपत्र की प्रतियां 19 मई, 2022 को जनता को उपलब्ध करा दी गई थीं;

और उक्त अवधि के भीतर उक्त प्रारूप अधिसूचना के संबंध में जनता से प्राप्त आपत्तियों और सुझावों पर केंद्रीय सरकार द्वारा सम्यक्तः विचार कर लिया गया है;

अतः अब केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम 1986 के नियम 5 के उप-नियम (3) के साथ पठित, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6, 8 और 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और ई-अपशिष्ट (प्रबंधन) नियम, 2016 के अधिक्रमण में, उन बातों के सिवाए अधिकांत करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया हो, निम्नलिखित नियम बनाती है, अर्थात्:-

अध्याय 1

प्रस्तावना

1. संक्षिप्त नाम और प्रारंभ। (1) इन नियमों का संक्षिप्त नाम ई-अपशिष्ट (प्रबंधन) नियम, 2022 है।

(2) ये नियम 1 अप्रैल, 2023 की तारीख से लागू होंगे।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 2nd November 2022

G.S.R. 801(E).—Whereas the draft rules, namely the E-Waste (Management) Rules, 2022 were published by the Government of India in the Ministry of Environment, Forest and Climate Change, *vide* notification number S.O. 360 (E), dated the 19th May, 2022 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 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 19th day of May, 2022;

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, and in supersession of the E-waste (Management) Rules, 2016, 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, 2022.

(2) They shall come into force from the 1st day of April, 2023.

2. Application. - These rules shall apply to every manufacturer, producer refurbisher, dismantler and recycler involved in manufacture, sale, transfer, purchase, refurbishing, dismantling, recycling 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) waste batteries as covered under the Battery Waste Management Rules, 2022;
- (b) packaging plastics as covered under the Plastic Waste Management Rules, 2016;
- (c) micro enterprise as defined in the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006); and
- (d) 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) 'bulk consumer' means any entity which has used at least one thousand units of electrical and electronic equipment listed in Schedule I, at any point of time in the particular Financial Year and includes e-retailer;
- (c) 'business' means manufacturing, production, assembling and import of electrical and electronic equipment as listed in Schedule I and refurbishing, recycling, disposal and treatment of e-waste;
- (d) 'component' means one of the parts of a sub-assembly or assembly of which a manufactured product is made up of and into which it may be resolved and includes an accessory or attachment to another component;
- (e) '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 and Items which are substantially or totally consumed during a manufacturing process shall be deemed to be consumables;
- (f) 'dismantler' means any person or entity engaged in dismantling of used electrical and electronic equipment into their components and having authorisation from concerned State Pollution Control Board or Pollution Control Committee as per the guidelines of the Central Pollution Control Board;
- (g) 'disposal and treatment' means any operation which does not lead to recycling, recovery or reuse and includes physicochemical or biological treatment, incineration and deposition in secured landfill;
- (h) 'end-of-life' of the product means the time when the product is intended to be discarded by the user;
- (i) '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;
- (j) 'electrical and electronic equipment' means equipment which are dependent on electric current or electro-magnetic field in order to become functional and also the equipment for the generation, transfer and measurements of the electricity;
- (k) 'e-retailer' means an individual or company or business entity that uses an electronic network such as internet, social media, telephone or any other media, to sell its goods;
- (l) 'e-waste' means electrical and electronic equipment, including solar photo-voltaic modules or panels or cells, whole or in part discarded as waste, as well as rejects from manufacturing, refurbishment and repair processes;
- (m) 'extended producer responsibility' means responsibility of any producer of electrical or electronic equipment as given in Schedule-I for meeting recycling targets as per Schedule-III and Schedule-IV, only through registered recyclers of e-waste to ensure environmentally sound management of such waste;
- (n) 'facility' means any location wherein the process incidental to the collection, reception, storage, segregation, refurbishing, recycling, disposal and treatment of e-waste are carried out;
- (o) '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;
- (p) '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 the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006), which has facilities for manufacture of electrical and electronic equipment as specified in Schedule-I;
- (q) '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;
- (r) 'part' means an element of a sub-assembly or assembly including its component, spares or accessory not normally useful by itself and not amenable to further disassembly for maintenance purposes;
- (s) 'portal' means the online system developed by the Central Pollution Control Board for the purposes of these rules;
- (t) 'producer' means any person or entity who, -
- (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; or
 - (iv) who imports used electrical and electronic equipment;
- irrespective of the selling technique used such as dealer, retailer, e-retailer, etc.;
- (u) 'recycler' means any person or entity who is engaged in recycling and reprocessing of waste electrical and electronic equipment or assemblies or their components or their parts for recovery of precious, semi-precious metals including rare earth elements and other useful recoverable materials to strengthen the secondary sourced materials and having facilities as elaborated in the guidelines of the Central Pollution Control Board made in this regard;
 - (v) 'refurbisher' means any person or entity repairing or assembling used electrical and electronic equipment as listed in Schedule-I for extending its working life over its originally intended life and for same use as originally intended, and selling the same in the market;
 - (w) 'Schedule' means the Schedule appended to these rules;
 - (x) '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; and
 - (y) 'target' means the quantity of e-waste to be recycled through registered recycler by the producer in fulfilment of extended producer responsibility.
- (2) Words and expressions used in these rules and not defined but defined in the Act shall have the same meanings as respectively, as assigned to them in the Act.

CHAPTER II

Extended Producer Responsibility Framework

4. Registration. - (1) The entities shall register on the portal in any of the following category, namely: -

- (a) manufacturer;
- (b) producer;
- (c) refurbisher; or
- (d) recycler.

(2) In case any entity falls in more than one categories under sub-rule (1), then the entity shall register under those categories separately.

(3) No entity referred in sub-rule (1) shall carry out any business without registration.

(4) The entities registered under sub-rule (1) shall not deal with any unregistered manufacturer, producer, recycler and refurbisher.

(5) Where 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 these rules 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 to be heard and in addition, environmental compensation charges may also be levied as per rule 22 in such cases.

(6) The Central Pollution Control Board may charge such registration fee and annual maintenance charges from the entities seeking registration under these rules based on capacity of e-waste generated or recycled or handled by them as laid down by the Central Pollution Control Board with the approval of the Steering Committee.

CHAPTER III

RESPONSIBILITIES

5. Responsibilities of the manufacturer. – All manufacturer shall have to, -

- (1) register on the portal;
- (2) collect e-waste generated during the manufacture of any electrical and electronic equipment and ensure its recycling or disposal;
- (3) file annual and quarterly returns in the laid down form on the portal on or before end of the month succeeding the quarter or year, as the case may be, to which the return relates.

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

- (1) registration on the portal;
- (2) obtaining and implementing extended producer responsibility targets as per Schedule-III and Schedule-IV through the portal:

Provided that the producer having extended producer responsibility plan under the provisions of the erstwhile E-Waste (Management) Rules, 2016 shall migrate under these rules as per the procedure laid down by the Central Pollution Control Board with approval of Steering Committee;

- (3) creating awareness through media, publications, advertisements, posters or by any other means of communication;
- (4) file annual and quarterly returns in the laid down form on the portal on or before the end of the month succeeding the quarter or year, as the case may be, to which the return relates.

7. Responsibilities of the refurbisher. – All refurbisher shall have to, -

- (1) register on the portal;
- (2) collect e-waste generated during the process of refurbishing and hand over the waste to registered recycler and upload information on the portal;
- (3) ensure that the refurbished equipment shall be as per Compulsory Registration Scheme of the Ministry of Electronics and Information Technology and Standards of Bureau of Indian Standards framed for this purpose;
- (4) file annual and quarterly returns in the laid down form on the portal on or before the end of the month succeeding the quarter or year, as the case may be, to which the return relates.

8. Responsibilities of bulk consumer. - Bulk consumers of electrical and electronic equipment listed in Schedule I shall ensure that e-waste generated by them shall be handed over only to the registered producer, refurbisher or recycler.

9. Responsibilities of the recycler. - All recycler shall have to, -

- (1) register on the portal;
- (2) ensure that the facility and recycling processes are in accordance with the standards or guidelines laid down by the Central Pollution Control Board in this regard from time to time;
- (3) ensure that the fractions or material not recycled in its facility is sent to the respective registered recyclers;
- (4) ensure that residue generated during recycling process is disposed of in an authorised treatment storage disposal facility;
- (5) maintain record of e-waste collected, dismantled, recycled and sent to registered recycler on the portal and make available all records for verification or audit as and when required;
- (6) file annual and quarterly returns in the laid down form on the portal on or before the end of the month succeeding the quarter or year, as the case may be, to which the return relates;