

MYWASTESOLUTION

Technical Report



E-WASTE RULES AND REGULATIONS



mywastesolution.com

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Recycling takes little effort on your
part, For a big difference to our
world.

CEO Statement



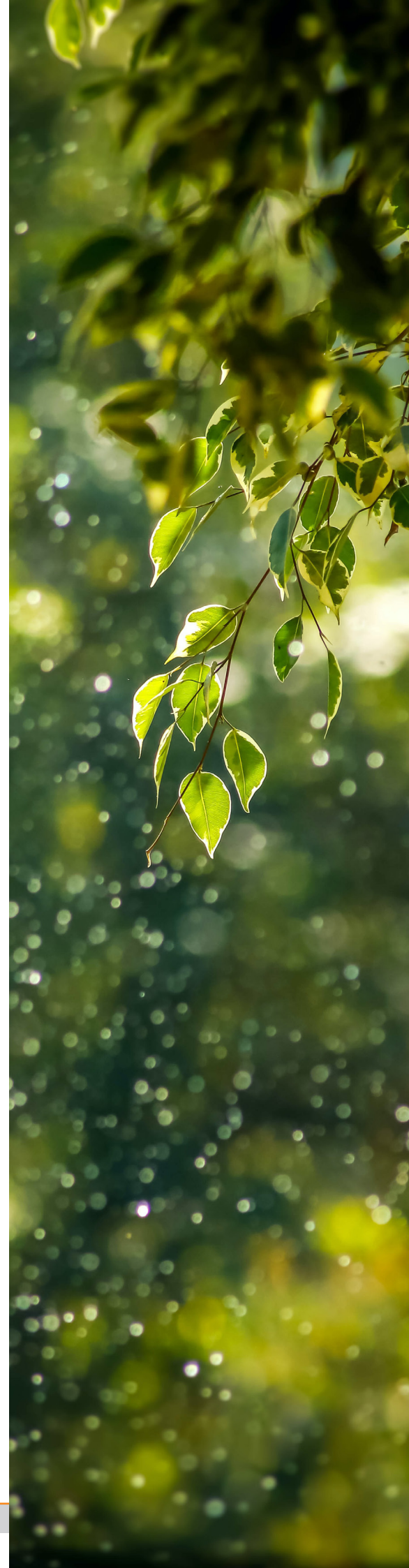
Sahil Sanwal

At mywastesolution.com our aim is to collaboratively build a sustainable environment for the future generations. Our company's purpose is to solve the issues related to waste recycling, treatment, legal, and compliances.

Through this technical report we aim to deliver insights into technical approaches that industry can take in better and efficient waste management.

Our team at mywastesolution.com is regularly assessing and reviewing the people's needs to make the earth a greener place. We are committed to contribute towards a better world through innovative and value added services. Our leadership in this industry is directly attributable to our talented team's dedicated attention to your needs and executing effective solutions to achieve success. Thus, we believe we can build a better future together.

**Let's nurture the nature so we can
have a better future**



Researcher Statement



Gargi Ojha

I am a Law Student pursuing my Bachelor's degree at Indore institute of law with an interest in contributing to a deeper understanding of E- Waste Laws, 2018. I have used a theoretical approach in the report.

This study aims to offer a concise summary of the E- waste management act released by the Ministry of Environment, Forestry, and Climate Change, so that every one may comprehend and obtain correct information about all the provisions.



REDUCE



RECYCLE



REUSE

REPORT PURPOSE

Scientific and technical breakthroughs, as well as misuse of natural resources, have resulted in a slew of issues that are having a devastating impact on the environment and people's health. If computers, televisions, VCRs, stereos, fax machines, electric lights, mobile phones, audio equipment, and batteries are not properly disposed of, lead and other toxins can be released into the land and groundwater. Considering all these problems various laws have been enacted in India to address these issues and The Ministry of Environment and Forest has also established certain rules and guidelines for the disposal of e-waste and one of them is E- waste management Rules. Consumers of technology must identify and dispose of electronic waste in compliance with the above mentioned act.

Environment education is important in the formal education system, and the objective of this report is to transmit the regulations governing E-waste management in the simplest form to all the interested person who finds it difficult to grasp legal terminology



INTRODUCTION

E-Waste is anything that is produced after an electric product is used. Because of the presence of hazardous components such as lead, cadmium, lead oxide (in cathode ray tubes), poisonous gases, toxic metals, biologically active compounds, acids, polymers, and plastic additives, e-waste is considered harmful and management of E-waste is a serious challenge.

In response to the rising challenge of e-waste, The Ministry of Environment and Forests has issued e-waste (Management and Handling) Rules, 2011, in accordance with Sections 6, 8, and 25 of the Environment (Protection) Act, 1986, for the first time in India. However, in order to ensure effective execution of those Rules and to define the role of producers, the Government of India issued the New E-Waste (Management) Rules, 2016, Which came into force from the 1st day of October, 2016 and superseded the E-Waste (Management and Handling) Rules, 2011.

E-WASTE (MANAGEMENT) RULES, 2016

The E-waste (Management) Rules, 2016 consists of 24 rules divided in Six Chapters and four Schedules. The rules' objectives are to allow the restoration and/or reuse of beneficial material from e-waste, therefore reducing the hazardous wastes designated for disposal, and to provide ecologically sound control of all types of electrical and digital equipment waste.

CHAPTER -1 OF THE E-WASTE MANAGEMENT RULES, 2016

To whom do they apply?

According to Rule 2 of The E-Waste (Management) Rules, 2016. It applies to all producer, Consumer or bulk consumer, Dismantler and recycler, and collector of E-waste who is engaged in the sale, manufacturing, purchase, processing, or use of the electrical and electronic equipment or components listed in Schedule 1 of the said rules.

Exceptions-

Used Batteries and leads covered under the Batteries (Management and Handling) Rules, 2001, Micro and small enterprises covered under Micro, Small and Medium Enterprises Development Act, 2006 ; and Radioactive Waste as per Rule 2(1)(i) of Atomic Energy Act, 1962.

CHAPTER -2 OF THE E-WASTE MANAGEMENT RULES, 2016

Responsibilities :

The Responsibilities of manufacturer, producer, collection centers, dealers, refurbisher, consumer/bulk consumer, dismantler and recycler in relation to e-waste management given under the Rules 4 to 12.

Manufacturer-

Manufacturer as defined in the E-waste (Management) Rules, 2016, Rule 3 (z) - means a person or an entity or a company as defined in the Companies Act, 2013 or a factory as defined in the Factories Act, 1948 or Small and Medium Enterprises as defined in Micro, Small and Medium Enterprises Development Act, 2006, which has facilities for manufacture of electrical and electronic equipment;

1) Responsibilities of Manufacturer (According to the Rule 4 of the E-waste management Rules, 2016)

- The manufacturer is responsible for collecting and channelling e-waste created during the production of any electrical and electronic equipment for recycling or disposal.
- Apply for the authorisation of Form-1:
- In accordance with the procedures as prescribed under sub rule (2) rule 13 from the concerned State Pollution Control Board, which shall give the authorisation in accordance with Form 1(bb).
- Assuring that the environment is not affected during the transport and storage of E-waste;
- Maintaining the records of E-waste generated, disposed and handling as per the prescribed Form-2 as may be needed for the scrutiny by the State Pollution Control Board;
- 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.

Producer- It is defined in the Rule 3 (cc), of E-waste (Management) Rules, 2016, '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;

2) Responsibilities of Producer (According to the Rule 5 of the E-waste management Rules, 2016)

1. For the implementation of the Extended producer Responsibility, the Producer responsibilities can be pointed as follows:
 - The producer is responsible for collecting and channelling e-waste created by the 'end of life' of their devices for recycling or disposal with the targets prescribed in Sch. III in EPR – Authorisation.
 - The mechanism utilised for authorised dismantlers or recyclers must be in accordance with EPR - Authorisation. In the case of fluorescent and other mercury-containing lamps, when recyclers are not available, channelization may occur from the collection centre to the Treatment, Storage, and Disposal Facility;
 - Pretreatment is required for disposal in a Treatment, Storage, and Disposal Facility in order to immobilise the mercury and minimise the volume of waste.



- EPR should include a broad system for collecting e-waste created and collected from the market, as well as dealers, Producer responsibility organisations, Collection centres, Buy-back or Exchange Schemes, and other means of channelling e-waste to Authorized recyclers;
 - Provide contact information such as name, email address, postal address, toll free telephone numbers/contact numbers, or any other helpline numbers to consumers or bulk consumers via the producer's web-site or in the product user interface (document) to make the end-of-life electrical and electronic equipment (EEE) return policy easier for them.
 - Raising awareness through the media, newspapers, commercials, posters, radio, or any other forms of communication on the correct disposal of electrical and electronic equipment (EEE) when the product is no longer in use;
 - Extended Producer Responsibility may be implemented individually or collectively by the producer. Individual producer responsibility requires the producer to set up his or her own collection centre or implement a take-back system, or both, in order to meet Extended Producer Responsibility. In a collective system, producers might join a Producer Responsibility Organization, an e-waste exchange, or both. Individual producers must request Extended Producer Responsibility - Authorisation from the Central Pollution Control Board in all cases, in accordance with Form-1 and the method outlined in sub-rule (1) of Rule 13.
1. to give information on the implementation of a Deposit Refund Scheme to assure the collection of end-of-life products and their distribution to authorised dismantlers or recyclers, if such a scheme is included in the Extended Producer Responsibility Plan. Provided, however, that the producer shall reimburse the deposit amount collected from the consumer or bulk consumer at the time of sale, as well as interest at the current rate for the term of the deposit, at the time of take-back of the end-of-life product;
 2. Only producers with Extended Producer Responsibility authorization shall be permitted to import electrical and electronic equipment;
 3. maintaining records in Form-2 of the e-waste handled and making such records available for scrutiny by the Central Pollution Control Board or the concerned State Pollution Control Board; and
 4. Submitting yearly returns in Form-3 to the Central Pollution Control Board by the 30th day of June following the fiscal year to which the return pertains. If a Producer has numerous offices in a State, he or she must file a single annual return containing information from all of the locations.
 5. The Producer must request for an authorisation in Form 1 from the Central Pollution Control Board, which will then give the Extended Producer Responsibility - Authorisation in Form 1 (aa).
 6. Any producer that operates without Extended Producer Responsibility-Authorization, as specified in this rule, is regarded to be inflicting environmental damage.

Collection Centre- It is defined in the Rule 3 (e), of E-waste (Management) Rules, 2016, as '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;

3) RESPONSIBILITIES OF COLLECTION CENTRES (ACCORDING TO THE RULE 6 OF THE E-WASTE MANAGEMENT RULES, 2016.)

1. Collect consumer-generated E-waste on behalf of the producer, dealers, and bulk consumers and deliver it to a dismantler or recycler for recycling.
2. ensure that the facilities are in compliance with the Central Pollution Control Board's rules or recommendations as they are released from time to time;
3. ensure that the e-waste they collect is stored safely until it is sent to an authorised dismantler or recycler, as the case may be;
4. Make sure that no environmental damage or injury occurs during the dismantling or recycling of E-waste;
5. Maintain Form-2 records of all e-waste handled in accordance with the Central Pollution Control Board's guidelines, and make such records accessible for inspection by the Central Pollution Control Board or the relevant State Pollution Control Board as needed.

Dealers- It is defined in the Rule 3 (j), of E-waste (Management) Rules, 2016, as '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;



4) RESPONSIBILITIES OF DEALERS (ACCORDING TO RULE 7 OF THE E-WASTE MANAGEMENT RULES, 2016.)

1. If the dealer has been designated to collect e-waste on behalf of the producer, the dealer shall collect the e-waste by providing the consumer with a box, bin, or a demarcated area to deposit e-waste, or through a take back system, and send the e-waste so collected to the collection centre, dismantler, or recycler as designated by the producer.
2. The dealer, retailer, or e-retailer shall repay the sum to the depositor of e-waste in accordance with the producer's take-back system or Deposit Refund Scheme.
3. Each dealer is responsible for ensuring that the e-waste created is securely delivered to authorised dismantlers or recyclers.
4. Ensure that no environmental damage occurs during the storage and transportation of e-waste.

Refurbisher - It is defined in the Rule 3 (gg), of E-waste (Management) Rules, 2016, as '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;

5) RESPONSIBILITIES OF THE REFURBISHER (ACCORDING TO THE RULE 8 OF THE E-WASTE MANAGEMENT RULES, 2016.)

1. collect e-waste generated during the refurbishment process and transport it through its collection centre to an authorised dismantler or recycler;
2. submit an application in Form 1(a) to the concerned State Pollution Control Board for a one-time authorization in accordance with the process outlined in sub-rule (4) of rule 13;
 - The relevant State Pollution Control Board shall approve the Refurbisher on a one-time basis in accordance with Form 1 (bb), and the authorization will be regarded accepted if no objections are received within thirty days;
 - On an annual basis, the authorised Refurbisher must provide information of e-waste created to the relevant State Pollution Control Board;
3. ensure that no environmental damage occurs during the storage and transportation of e-waste;
4. ensure that the refurbishment method has no negative impact on human health or the environment;
5. Ensure that the e-waste produced is transferred safely to authorised collection centres, dismantlers, or recyclers;
6. On or before the 30th day of June following the financial year to which the return pertains, file annual returns in Form-3 with the competent State Pollution Control Board;
7. Keep track of the e-waste handled in Form-2, and make those documents accessible for inspection by the appropriate authorities.

Consumer- It is defined in the Rule 3 (h), of E-waste (Management) Rules, 2016, as 'consumer' means any person using electrical and electronic equipment excluding the bulk consumers;

Bulk Consumer - It is defined in the Rule 3 (c), of E-waste (Management) Rules, 2016, as '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;

6) RESPONSIBILITIES OF CONSUMER OR BULK CONSUMER (ACCORDING TO THE RULE 9 OF THE E-WASTE MANAGEMENT RULES, 2016)

1. Consumers or bulk consumers must assure that e-waste generated by them is correctly channelled through collection centres, authorised producers, dealers, recyclers, or dismantlers via the producer's approved take back, buyback, or exchange services provider to the recycler or dismantler.
2. Bulk users of electrical and electronic equipment indicated in Schedule I must keep Form-2 records of e-waste generated and make them available for inspection by the State Pollution Control Board;
3. End-of-life electrical and electronic equipment described in Schedule I must not be combined with e-waste containing radioactive material as defined by the Atomic Energy Act, 1962 (33 of 1962) and its rules;
4. On or before the 30th day of June following the financial year to which the return pertains, bulk users of electrical and electronic equipment mentioned in Schedule I must file annual returns in Form-3 with the appropriate State Pollution Control Board. If a bulk consumer has numerous offices in a State, one annual report containing information from all offices must be submitted with the State Pollution Control Board on or by the 30th day of June following the fiscal year to which the return applies.

Dismantler- It is defined in the Rule 3 (i), of E-waste (Management) Rules, 2016, as '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.



(7) RESPONSIBILITIES OF THE DISMANTLER (ACCORDING TO THE RULE 10 OF THE E-WASTE MANAGEMENT RULES, 2016)

1. Ensure that the facility and dismantling processes adhere to the requirements and recommendations established by the Central Pollution Control Board from time to time;
2. acquire authorization from the State Pollution Control Board in accordance with the procedure outlined in rule 13 sub-rule (3);
3. ensure that no environmental damage occurs during the storage and transportation of e-waste;
4. ensure that the dismantling processes have no negative impact on human health or the environment;
5. ensure that dismantled electronic waste is separated and transferred to authorised recycling facilities for material recovery;
6. Ensure that non-recyclable or non-recoverable components are transported to authorised treatment, storage, and disposal facilities;
7. Keep a Form-2 record of all e-waste collected, dismantled, and sent to an authorised recycler, and make that record available for inspection by the Central Pollution Control Board or the State Pollution Control Board concerned;
8. On or before the 30th day of June following the financial year to which the return relates, file a Form-3 return with the appropriate State Pollution Control Board;
9. not process any e-waste for material recovery or refining unless he is registered with the relevant -State Pollution Control Board as a recycler for material refining and recovery;
10. Any action without authorization by a dismantler, as defined in this rule, shall be deemed as producing damage to the environment.

Recycler - It is defined in the Rule 3 (ee), of E-waste (Management) Rules, 2016, as '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;

8) RESPONSIBILITY OF THE RECYCLER (ACCORDING TO THE RULE 11 OF THE E-WASTE MANAGEMENT RULES, 2016)

1. shall ensure that the facility and recycling operations are in compliance with the norms or recommendations issued from time to time by the Central Pollution Control Board;
2. Obtain authorization from the relevant State Pollution Control Board in accordance with the procedure outlined in rule 13 sub-rule (3).
3. ensure that no environmental damage occurs during the storage and transportation of e-waste;
4. ensuring that the recycling methods have no negative impact on human health or the environment;
5. Make all records accessible for examination to the Central Pollution Control Board or the relevant State Pollution Control Board;
6. Ensure that any fractions or material that cannot be recycled at its facilities are forwarded to the appropriate authorised recyclers.
7. Make Sure that any residue generated during the recycling process is disposed of in an authorised treatment storage disposal facility.
8. Keep a Form-2 record of e-waste collected, dismantled, recycled, and shipped to an authorised recycler and make it accessible for inspection by the Central Pollution Control Board or the relevant State Pollution Control Board.
9. submit yearly returns in Form-3 to the relevant State Pollution Control Board on or by the 30th day of June following the fiscal year to which the return pertains;
10. may accept discarded electrical and electronic equipment or components that are not included in Schedule I for recycling, provided that they do not contain any radioactive material and that this is mentioned when obtaining authorization from the relevant State Pollution Control Board.
11. Any recycler who operates without authorization, as defined in this rule, is regarded to be creating environmental harm.

State Government- It is defined in the Rule 3 (jj), of E-waste (Management) Rules, 2016, as State Government in relation to an Union territory means, the Administrator there of appointed under article 239 of the Constitution;

9) RESPONSIBILITIES OF THE STATE GOVERNMENT FOR ENVIRONMENTALLY SOUND MANAGEMENT OF E-WASTE (ACCORDING TO THE RULE 12 OF THE E-WASTE MANAGEMENT RULES, 2016)

1. The State Department of Industry, or any other government body authorised by the State Government in this respect, should oversee the earmarking or allocation of industrial space or shed for e-waste dismantling and recycling in current and forthcoming industrial parks, estates, and industrial clusters.
2. The State Department of Labour, or any other government agency authorised by the State Government in this respect, shall:
 - ensure that workers participating in dismantling and recycling are recognised and registered;
 - Assist in the development of groups of such employees in order to ease the establishment of dismantling facilities;
 - carry out industrial skill development initiatives for workers engaged in dismantling and recycling;
 - conduct yearly inspections to guarantee the safety and health of workers participating in dismantling and recycling;
3. The state government is responsible for developing an integrated plan for the successful execution of these rules, as well as submitting an annual report to the Ministry of Environment, Forestry, and Climate Change.

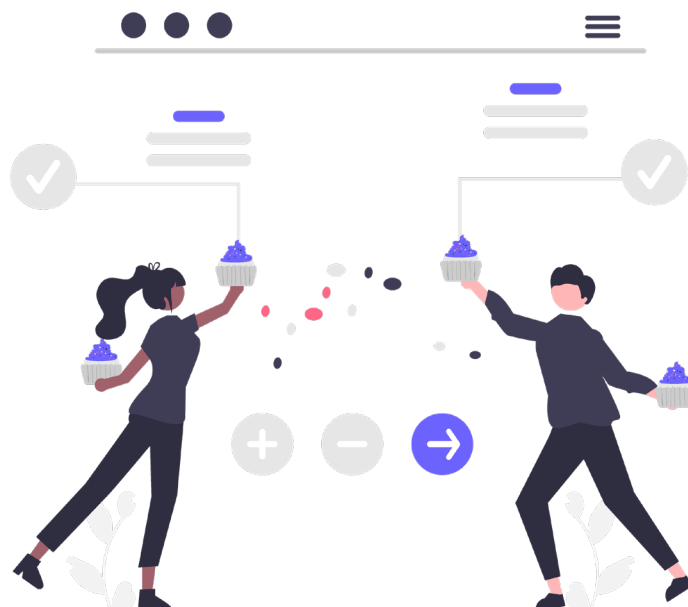
CHAPTER-3 OF E- WASTE MANAGEMENT RULES, 2016

(Procedure for Seeking And Grant Of Authorisation For Management of E-waste) :

Rules 13 and 14 of the E-Waste (Management) Rules, 2016 outline the Procedure for Seeking And Grant Of Authorisation For Management of E-waste.

10) Procedure for Seeking and Grant of Authorisation (According to Rule 13 of E- Waste Management Rules, 2016)

1. An Extended Producer Responsibility certificate must be obtained by every e-waste producer, manufacturer, refurbisher, dismantler, and recycler.



(i) Every producer of electrical and electronic equipment mentioned in Schedule I must submit a Form-1 application to the Central Pollution Control Board for Extended Producer Responsibility - Authorization within ninety days of the regulations coming into force.

(ii) On receipt of a complete application, the Central Pollution Control Board will evaluate the Extended Producer Responsibility Plan and, if satisfied that the producer has detailed out an effective system to manage Extended Producer Responsibility in the country, will grant Extended Producer Responsibility - Authorisation, in Form 1(aa) within 120 days. The Extended Producer Responsibility - Authorisation is valid for five years. This authorization must specify, among other things, the amount of e-waste to be collected during the year, segmented by product code. The actual objective for e-waste collection for dismantling or recycling will be determined depending on the quantity of electrical and electronic equipment, product code wise, placed on the market in previous years, as well as the average equipment life. The producer shall state the predicted amount of e-waste created during the current year, as well as the amount expected to be collected with the collection scheme planned to be implemented by the producer, in the Extended Producer Responsibility plan. The targets must be set by the Central Pollution Control Board in line with Schedule III.

(iii) the Central Pollution Control Board, after giving reasonable opportunity of being heard to the applicant shall refuse to grant Extended Producer Responsibility – Authorisation;

(iv) if the Central Pollution Control Board refuses to grant Extended Producer Responsibility - Authorisation, the producer forfeits his right to sell any Electrical and Electronic Equipment until the Extended Producer Responsibility - Authorisation is granted;

(v) Following the approval of Extended Producer Responsibility - Authorisation, the Central Pollution Control Board shall transmit the Extended Producer Responsibility Plan to the relevant State Pollution Control Board for monitoring.

(vi) an application for the renewal of Extended Producer Responsibility-Authorisation in Form-1 must be presented to the Central Pollution Control Board within one hundred and twenty days after its expiry. The Central Pollution Control Board may renew the authorization for a period of five years after receiving a compliance report from the concerned State Pollution Control Board, which must submit the compliance report to the Central Pollution Control Board within sixty days of the application's receipt. In the case that the State Pollution Control Board does not submit a compliance report within sixty days, the Central Pollution Control Board may renew the Extended Producer Responsibility- Authorisation after conducting an on-the-spot investigation, provided that there is no report of a violation of the provisions of the Act, the rules made thereunder, or the conditions specified in the Extended Producer Responsibility- Authorisation.

(vii) every producer of Electrical and Electronic Equipment mentioned in Schedule I will take all necessary efforts to comply with the Extended Producer Responsibility –Authorisation requirements;



(viii) The responsible State Pollution Control Board must monitor compliance with the Extended Producer Responsibility - Authorisation, take notice of any non-compliance, and notify the Central Pollution Control Board, if necessary, to take appropriate action;

(ix) The Central Pollution Control Board shall conduct random checks and, if the holders of the Extended Producer Responsibility - Authorisation have failed to comply with any of the authorisation's conditions or any provisions of the Act or these rules, cancel or suspend the Extended Producer Responsibility - Authorisation issued under these rules after giving a reasonable opportunity to be heard and recording reasons in writing.

(x) For environmentally sound management of e-waste, the Central Pollution Control Board must keep an online record of Extended Producer Responsibility - Authorization given with conditions imposed under these regulations, which shall be available to any citizen of the country.

(xi) On or before the 30th day of June of each year, the producer authorised under this rule shall keep records in Form-2 and file annual returns of its previous year's operations in Form-3 with the Central Pollution Control Board.

PROCEDURE FOR REGISTRATION WITH CENTRAL POLLUTION CONTROL BOARD OR STATE POLLUTION CONTROL BOARD:

According to rule 13(2), (3), (4), Every e-waste manufacturer, refurbisher, dismantler, or recycler must apply for a registration of consent to determine plant and collection centre; a registration certificate issued by the District Industries Centre; and proof of installed capacity of plant and machinery issued by the District Industries Centre. The application must be processed within 120 days

The State Pollution Control Board assesses whether an application complies with all statutory criteria and employs environmentally friendly technology and equipment. After determining that the registration application is complete in all aspects, the Board issues a registration. The registration will be valid for five years. Every manufacturer, producer, bulk consumer, collection centre, dealer, refurbisher, dismantler, and recycler has 180 days to store e-waste and must keep a record of waste collection, sale, transfer, storage, and segregation and make these documents available for examination. There is no time limit set for the inspection.



POWER TO SUSPEND OR CANCEL AN AUTHORISATION (ACCORDING TO THE RULE 14 OF E-WASTE MANAGEMENT RULES, 2016)

1. If, in its opinion of State Pollution Control Board, the holder of a Manufacturer, Dismantler, Recycler, or Refurbisher Authorisation has failed to comply with any of the conditions of the authorisation or with any provisions of the Act or these rules, the State Pollution Control Board may, after giving a reasonable opportunity of being heard and recording reasons thereof in writing, cancel or suspend the authorisation issued under these rules for such period as it considers necessary in the circumstances and should inform Central Pollution Control Board within ten days of cancellation;
2. If, in its opinion, the holders of the Extended Producer Responsibility- Authorisation have failed to comply with any of the conditions of the authorisation or with any provisions of the Act or these rules, the Central Pollution Control Board may, after giving a reasonable opportunity of being heard and recording reasons in writing, cancel or suspend the Extended Producer Responsibility- Authorisation issued under these rules for such period as it considers appropriate.
3. Upon suspension or cancellation of the authorization, the Central Pollution Control Board or the State Pollution Control Board may issue directions to the persons whose authorization has been suspended or cancelled regarding the safe storage and management of e-waste, and such persons must follow such directions.

CHAPTER IV OF E-WASTE MANAGEMENT RULES, 2016

11) PROCEDURE FOR STORAGE OF E-WASTE (ACCORDING TO THE RULE 15 OF E-WASTE MANAGEMENT RULES, 2016)

Every manufacturer, producer, bulk consumer, collection centre, dealer, refurbisher, dismantler, and recycler may store e-waste for a period of not more than one hundred and eighty days and must keep a record of collection, sale, transfer, and storage of wastes and make these records available for inspection:

Provided, however, that the concerned State Pollution Control Board may extend the said period up to three hundred and sixty five days if the waste needs to be specifically stored for development of a process for its recycling or reuse.



CHAPTER V OF E-WASTE MANAGEMENT RULES, 2016

12) REDUCTION IN THE USE OF HAZARDOUS SUBSTANCES IN THE MANUFACTURE OF ELECTRICAL AND ELECTRONIC EQUIPMENT AND THEIR COMPONENTS OR CONSUMABLES OR PARTS OR SPARES (ACCORDING TO THE RULE 16 OF E-WASTE MANAGEMENT RULES, 2016)

1. Every manufacturer of electrical and electronic equipment and their components or consumables or parts or spares listed in Schedule I must ensure that new electrical and electronic equipment and their components or consumables or parts or spares do not contain Lead, Mercury, Cadmium, Hexavalent Chromium, polybrominated biphenyls, and polybrominated diphenyl ethers in concentrations greater than 0.1 percent by weight in homogenous materials for lead, mercury, hexavalent chromium
2. If Reduction of Hazardous Substances compliance parts and spares are not available, components, consumables, parts, or spares necessary for electrical and electronic equipment placed on the market before to May 1, 2014 may be exempted from the provisions of sub-rule (1) of rule 16.
3. The applications specified in Schedule II are excluded from the provisions of Rule 16 sub-rule (1).
4. Every producer of applications listed in Schedule II is responsible for ensuring that the hazardous substance limitations set out in Schedule II are followed.
5. In the product user documentation, every producer must include detailed information on the equipment's constituents and their components, consumables, parts, and spares, as well as a statement of adherence to the Reduction of Hazardous Substances provisions.
6. New electrical and electronic equipment may only be imported or placed on the market if it complies with the rules of sub-rule (1) and sub-rule (4) of rule 16.
7. The manufacture and supply of electrical and electronic equipment for defence and other comparable strategic uses is exempt from the restrictions of rule 16, sub-rule (1).
8. When applying for Extended Producer Responsibility - Authorization, each producer must give information on whether or not the conditions of sub-rule (1) of rule 16 have been fulfilled. This data must be provided in the form of a self-declaration.
9. The Central Pollution Control Board must perform random sampling of electrical and electronic equipment placed on the market in order to monitor and verify compliance with the Reduction of Hazardous Substances provisions, with the Producer bearing the expense of sampling and testing. The Central Pollution Control Board's standards for random sampling must be followed.
10. If a product fails to comply with the Reduction of Hazardous Substances provisions, the Producers must take corrective action to bring the product into compliance, as well as withdraw or recall the product from the market, within a reasonable time frame, as per the Central Pollution Control Board's guidelines.
11. With respect to the items mentioned in Schedule I and II, the Central Pollution Control Board should publish the techniques for sampling and analysis of Hazardous Substances as indicated in sub-rule(1) of rule 16 and enlist the labs for this purpose.

CHAPTER VI MISCELLANEOUS

14) ACCORDING TO THE RULE 17 OF THE ACT,

Authorities' responsibilities - Subject to the other provisions of these rules, the authorities must carry out the responsibilities listed in Schedule IV.

13) ACCORDING TO THE RULE 18 OF THE ACT,

Annual Report- (1) By the 30th day of September of each year, the responsible State Pollution Control Board shall prepare and submit to the Central Pollution Control Board an annual report in Form-5 on the implementation of these rules to the Central Pollution Control Board.

(2) Before the 30th day of December each year, the Central Pollution Control Board prepares a consolidated annual review report on e-waste management and submits it to the Central Government with suggestions.

14) ACCORDING TO THE RULE 19 OF THE ACT,

Transportation of e-waste. –The transportation of e-waste should be carried out in accordance with the manifest system, with the transporter obliged to carry a document (three copies) created by the sender, containing the details specified in Form-6:

The transfer of waste generated from manufacturing or recycling to a treatment, storage, and disposal facility should comply with the rules of the Hazardous Wastes (Management, Handling, and Transboundary Movement) Rules, 2008

15) ACCORDING TO THE RULE 20 OF THE ACT,

Accident reporting - In the event of an accident at an e-waste processing facility or during e-waste transportation, the producer, refurbisher, transporter, dismantler, or recycler, as the case may be, shall immediately report the accident to the concerned State Pollution Control Board via telephone and e-mail.

16) ACCORDING TO THE RULE 21 OF THE ACT,

Liability of Manufacturers, producers, importers, transporters, refurbishers, dismantlers, and recyclers -

(1) The manufacturer, producer, importer, transporter, refurbisher, dismantler, and recycler are all accountable for any environmental or third-party harm caused by incorrect e-waste handling and management.

(2) The manufacturer, producer, importer, transporter, refurbisher, dismantler, and recycler shall be responsible to pay financial penalties imposed by the State Pollution Control Board with the prior consent of the Central Pollution Control Board for any infringement of the provisions of these rules.

17) ACCORDING TO THE RULE 22 OF THE ACT,

Appeal- (1) Any person aggrieved by an order of suspension, cancellation, or refusal of authorization or renewal issued by the Central Pollution Control Board or State Pollution Control Board may, within thirty days of the date on which the order is communicated to him, file an appeal in Form 7 with the Appellate Authority, which consists of the State's Environment Secretary.

(2) The Appellate Authority may hear the appeal after the thirty-day deadline has expired if it is satisfied that the appellant was prevented from filing the appeal in time by sufficient cause.

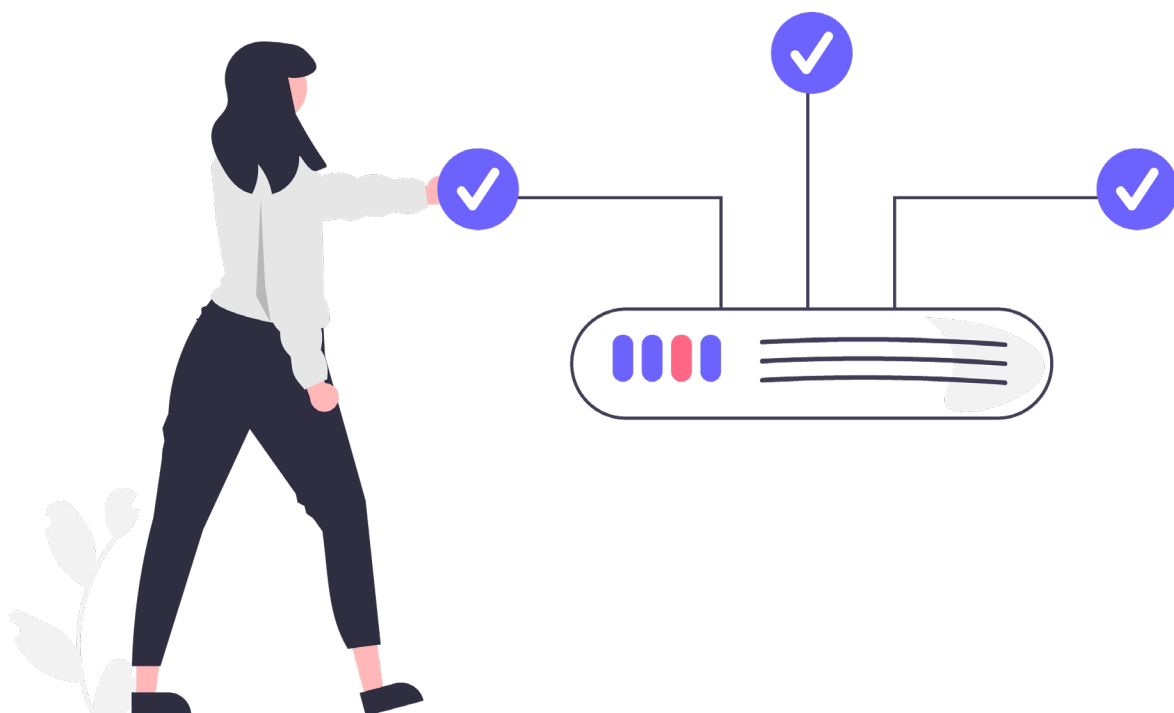
(3) Every appeal filed under this rule must be resolved within sixty days of its filing.

18) ACCORDING TO THE RULE 23 OF THE ACT,

The collection, storage, transportation, segregation, refurbishing, dismantling, recycling, and disposal of e-waste must follow the processes outlined in the Central Pollution Control Board's rules, which are updated on a regular basis. The implementation of the e-waste (Management and Handling) Amendment Rules, 2011, must follow the guidelines established by the Central Pollution Control Board from time to time.

19) ACCORDING TO THE RULE 24 OF THE ACT,

Urban Local Bodies (Municipal Committee, Council, or Corporation) are responsible for collecting and channelling e-waste from orphan products to an authorised dismantler or recycler.



FORM 1 -

Applicable to producers seeking Extended Producer Responsibility - Authorisation

The application form should contain the following information:

1. Producer's complete name and address, as well as phone numbers, e-mail addresses, and other contact information (It should be the place from where sale in entire country is being managed)
2. Name of the Authorised Person, as well as full address, including e-mail, phone, and fax numbers.
3. Name, address, and contact information for the Producer Responsibility Organization, if any, including complete address, e-mail, phone, and fax number, if engaged to carry out the Extended Producer Responsibility.
4. Details on electrical and electronic equipment placed on the market year by year over the last ten years in the form of Table 1 (see E- Waste Management Rules,2016 Form 1, Table 1).
5. Table 2 shows the estimated creation of electrical and electronic equipment waste item-by-item, as well as the estimated collection target for the following year, including those created by their service centres:(- see E- Waste Management Rules,2016 Form 1, Table 2).
6. (a) Please outline your overall strategy for completing your Extended Producer Responsibility requirements, including any targets. This should include a general scheme for collecting used/waste Electrical and Electronic Equipment from previously sold Electrical and Electronic Equipment, whether directly or through any authorised agency, such as through dealers and collection centres, Producer Responsibility Organizations, buy-back arrangements, exchange schemes, Deposit Refund Schemes, and so on, and channelling the items collected to authorised recyclers.
(b) Provide a list of addresses, as well as documents of agreements with dealers, collection centres, recyclers, and Treatment, Storage, and Disposal Facilities, among others, as part of your scheme.
7. Estimated budget for Extended Producer Responsibility and related consumer awareness programmes.
8. Specific details on proposed awareness programs.
9. Details for Hazardous Substances Reduction Compliance (must be filed if applicable):
 - (a) Whether or not the Electrical and Electronic Equipment placed on the market conforms with the rule 16 (1) limitations for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls, and polybrominated diphenyl ethers;
 - (b) Provide technical papers (supplier declarations, materials declarations/analytical results) as proof that the product complies with the Reduction of Hazardous Substances (RoHS) rules based on EU standard EN 50581;
 - (c) Documents required:
 - i. Extended Producer Responsibility plan;
 - ii. Copy of the permission from the relevant Ministry/Department for selling their product;
 - iii. Copies of agreement with dealers, collection centre, recyclers, Treatment, Storage and Disposal Facility, etc.;
 - iv. Copy of Directorate General of Foreign Trade license/permission as applicable;
 - v. Self-declaration regarding Reduction of Hazardous Substances provision;
 - vi. Any other document as required.

FORM 1(A)- [SEE RULES 4(2), 8 (2), 13(2) (II), 13(2) (VI) AND 13(4) (I)]

APPLICATION FOR OBTAINING AUTHORISATION FOR GENERATION OR STORAGE OR TREATMENT OR DISPOSAL OF E-WASTE BY MANUFACTURER OR REFURBISHER

From:

To

The Member Secretary,

..... Pollution Control Board or..... Pollution Control Committee

.....

.....

Sir,

I / We hereby apply for authorisation/renewal of authorisation under rule 13(2) (i) to 13(2) (viii) and/or 13 (4) (i) of the E-Waste (Management) Rules, 2016 for collection/storage/ transportation/ treatment/ refurbishing/ disposal of e-wastes.

For Office Use Only

Code No. :

Whether the unit is situated in a critically polluted area as identified by Ministry of Environment and Forests (yes/no);

To be filled in by Applicant

1. Name and full address:

2. Contact Person with designation and contact details such as telephone Nos, Fax.

No. and E-mail:

3. Authorisation required for (Please tick mark appropriate activity/ies*)

(i) Generation during manufacturing or refurbishing* (ii) Treatment, if any (iii) Collection, Transportation, Storage (iv) Refurbishing

4. E-waste details:

(a) Total quantity e-waste generated in MT/A

(b) Quantity refurbished (applicable to refurbisher) (c) Quantity sent for recycling

(d) Quantity sent for disposal

5. Details of Facilities for storage/handling/treatment/refurbishing:

6. In case of renewal of authorisation previous authorisation no. and date and details of annual returns:

Place : _____

Date : _____

Signature _____

(Name _____) Designation: _____

Note:-

(1) The authorisation for e-waste may be obtained along with authorisation for hazardous waste under the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008, if applicable.

(2) Wherever necessary, use additional sheets to give requisite and necessary details.

FORM 1 (AA)- [SEE RULES 5 (6) AND 13(1)(II)]

FORMAT OF EXTENDED PRODUCER RESPONSIBILITY - AUTHORISATION [Extended Producer Responsibility Authorisation for Producer of the Electrical & Electronic Equipment]

1. Number of Authorisation:

Date:

2. M/s. ----- is hereby granted Extended Producer Responsibility - Authorisation based on:

(a) overall Extended Producer Responsibility plan

(b) proposed target for collection of e-waste

3. The Authorisation shall be valid for a period of ____ years from date of issue with following conditions:

(i) You must strictly adhere to the Extended Producer Responsibility plan, a copy of which is attached with this letter;

(ii) You must guarantee that a collection mechanism or centre is established or designated in accordance with the Extended Producer Responsibility plan's specifications. It is necessary to provide information about the collecting mechanism/centre, including the state-by-state configuration.

(iii) You must guarantee that all collected e-waste is sent to an authorised dismantler or recycler according to the information provided. State-specific information on authorised dismantlers or recyclers should be given.

(iv) you must keep e-waste records in Form-2 of these Rules and make them available for inspection by the Central Pollution Control Board;

(v) You must file yearly returns on Form-3 with the Central Pollution Control Board by the 30th day of June following the financial year to which that returns relates;

(vi) The following are the general terms and conditions of the authorization:

a. The authorization must be in accordance with the provisions of the Environment (Protection) Act of 1986 and the Rules promulgated under it;

b. At the request of an officer authorised by the Central Pollution Control Board, the authorization or its renewal must be submitted for examination.

c. Any changes to the authorised Extended Producer Responsibility plan should be reported to the Central Pollution Control Board, and the Central Pollution Control Board's decision should be conveyed within sixty days.

d. It is the authorised person's duty to get prior approval from the applicable State Pollution Control Boards and Central Pollution Control Boards to close the facility.

e. An application for renewal of authorization must be filed in accordance with sub-rule (vi) of rule 13(1) of the E-Waste (Management) Rules, 2016.

f. The Board maintains the right to terminate, change, or withdraw the authorization at any time in accordance with Board or Government policy.

Authorized

Authorized signatory

(with designation)

To,

Concerned Producer Copy to:

- 1. Member Secretary, Concerned State.**
- 2. In-charge, concerned Zonal Office, Central Pollution Control Board.**

FORM 1(bb)- [See rules 4(2), 8(2)(a), 13(2) (iii) and 13(4)(ii)]

FORMAT FOR GRANTING AUTHORISATION FOR GENERATION OR STORAGE OR TREATMENT OR REFURBISHING OR DISPOSAL OF E-WASTE BY MANUFACTURER OR REFURBISHER.

Ref: Your application for Grant of Authorisation

1. (a) Authorisation no. and (b) date of issue
2.of.....is hereby granted an authorisation for generation, storage, treatment, disposal of e-waste on the premises situated at..... for the following:
 - a. quantity of e-waste;
 - b. nature of e-waste.
3. The authorisation shall be valid for a period from to
4. The e-waste mentioned above shall be treated/ disposed off in a manner at
5. The authorisation is subject to the conditions stated below and such conditions as may be specified in the rules for the time being in force under the Environment (Protection) Act, 1986.

Signature

Designation Date:

Authorization terms and conditions

1. The authorization must be in accordance with the provisions of the Environment (Protection) Act of 1986 and the rules enacted thereunder.
2. At the request of an official authorised by the relevant State Pollution Control Board, the authorization or its renewal must be submitted for examination.
3. Any unauthorised change in people, equipment, or working circumstances as specified in the application by the person authorised shall be considered a violation of his authority.
4. It is the authorised person's responsibility to obtain prior approval from the appropriate State Pollution Control Board to close down the operations.

FORM-2 [See rules 4(4), 5(4), 6(5), 8(7), 9(2), 10(7), 11(8), 13 (1) (xi), 13(2)(v), 13(3)(vii) and 13 (4)(v)]-
FORM FOR MAINTAINING RECORDS OF E-WASTE HANDLED OR GENERATED

FORM-3 [See rules 4(5), 5(5), 8(6), 9(4), 10(8), 11(9), 13 (1) (xi), 13(2)(v), 13(3)(vii) and 13(4)(v)] - FORM
FOR FILING ANNUAL RETURNS

[To be submitted by producer or manufacturer or refurbisher or dismantler or recycler by 30th day of June following the financial year to which that return relates].

FORM-4 [See rules 13(3)(i) and 13(3)(vi)] - APPLICATION FORM FOR AUTHORISATION OF FACILITIES POSSESSING ENVIRONMENTALLY SOUND MANAGEMENT PRACTICE FOR DISMANTLING OR RECYCLING OF E-WASTE

Form-5 [See rule 18 (1)] - FORM FOR ANNUAL REPORT TO BE SUBMITTED BY THE STATE POLLUTION CONTROL BOARD TO THE CENTRAL POLLUTION CONTROL BOARD

Form-6 [See rule 19] - E-WASTE MANIFEST

FORM 7 - [See rule 22] - APPLICATION FOR FILING APPEAL AGAINST THE ORDER PASSED BY CENTRAL POLLUTION CONTROL BOARD/STATE POLLUTION CONTROL BOARD

E-waste (Amendment) Rule, 2018

The Central Government has announced the E- Waste (Management) Amendment Rules, 2018 to alter the E-waste (Management) Rules, 2016, w.e.f. 22-03-2018, in exercise of powers conferred by Sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986). The collection objectives set forth in the Rules under the Extended Producer Responsibility (EPR) clause have been updated, and new targets have been established for new producers who have recently begun their sales activities.

The following are some highlights of the amendment made under 2016 E-waste (Management) Rules: -

1. In Rule 5, 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 put any goods on the market during the current fiscal year, and the objectives for the extended producer responsibility plan shall be as specified in clause (ii) of sub-rule (1) of Rule 13 and Schedule III." ;

2. in rule 13; - in sub-rule (1), after clause (xi), the following clauses shall be inserted, namely: -

"(xii) If the producer has only recently started selling their product, i.e. the number of years of sales operations is less than the average life of their product, the Extended Producer Responsibility target shall be applicable as per Schedule-III (A) and these targets shall be applicable from the fiscal year 2018-2019, and once the product reaches its average life as determined by the Central Pollution Control Board, the collection target shall be revised as per Schedule III."

(xiii) At the time of setting targets under Schedule III, the e-waste previously collected by producers under Schedule III(A) in previous years will be accounted for, and eligible set offs will be granted for the corresponding years.

(xiv) As per Schedule III, the updated Extended Producer Responsibility objectives will take effect on October 1, 2017.

(xv) The quantity of e-waste collected by producers under Extended Producer Responsibility from October 1, 2016 to September 30, 2017, will be accounted for in the updated Extended Producer Responsibility objectives as set forth in Schedule III only until March 1, 2018.

(xvi) In the event that the producers transfer or sell assets, the Extended Producer Responsibility duty is likewise passed to the buyer.

(xvii) A Producer Responsibility Organisation must apply to the Central Pollution Control Board for registration in order to carry out the activities defined for Producer Responsibility Organizations in these Rules."

3. In Rule 13, sub-rule (4), clause I the terms "grant or renewal of authorization" should be replaced with "grant of authorization."

4. Rule 16 shall substitute the following sub-rules for sub-rules (9) and (10), namely:

"(9) The Central Pollution Control Board may conduct random sampling of electrical and electronic equipment placed on the market to monitor and verify compliance with 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 the Reduction of Hazardous Substances test shall be as specified in the guide."

"(10) If the product does not comply with the Reduction of Hazardous Substances provisions, the Producer will bear the cost of the Reduction of Hazardous Substances test, and the Producer will also 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 Central Pollution Control Board guidelines."

5. 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 required to pay financial penalties as imposed under the Provisions of the Environment (Protection) Act, 1986 and rules made thereunder for any contravention of the law under these rules by the State Pollution Control Boards with the prior approval of the Central Pollution Control Board in accordance with the Central Pollution Control Board's guidelines."

6. In Rule 22, for sub-rule (1), the following sub-rule shall be substituted, namely - "(1) (a) Any person aggrieved by a Central Pollution Control Board order of suspension, cancellation, refusal, or renewal of an authorisation or its renewal may file an appeal in Form 7 with the Appellate Authority, i.e. the Secretary or nominee of Secretary, Ministry of Environment, Forest and Climate Change, Government of India, New Delhi, within thirty days of the date on which the order is communicated to him.

"(b) Any person aggrieved by a State Pollution Control Boards or Committees order of suspension, cancellation, refusal, or renewal of an authorization or its renewal may file an appeal in Form 7 with 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, within thirty days from the date on which the order is communicated to him.";

7. for rule 23, the following rule shall be substituted, namely: -

"23. E-waste collection, storage, transportation, segregation, refurbishment, dismantling, recycling, and disposal should all be done in accordance with the Central Pollution Control Board's recommendations."

8. In Form I, for item 4, the following item shall be substituted, namely -

In Form I, for item 4, substitute "Details of electrical and electronic equipment placed in market year-wise for the period comparable to its average end-of-life as indicated in the recommendations published by the Central Pollution Control Board from time to time (as per the form of Table 1 given below):"

9. In Form I, in item 9, for entry (b), the following entry shall be substituted, namely –

In Form I, item 9, for entry (b), the following entry shall be replaced: "(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 from time to time by the Central Pollution Control Board;"

10. In Form-3, for the heading the following heading shall be substituted, namely- "Quantity in Metric Tonnes (MT)"