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PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 22 मार्च, 2018

सा.का.नि. 261(अ).—प्रारूप नियम, अर्थात् ई-अपशिष्ट (प्रबंधन) संशोधन नियम, 2017 भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय द्वारा भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में अधिसूचना सं. सा.का.नि. 1349(अ) तारीख 30 अक्टूबर, 2017 के द्वारा प्रकाशित किए गए थे, जिसमें ऐसे सभी व्यक्तियों से जिनकी उससे प्रभावित होने की संभावना है, उस तारीख जिसकी अधिसूचना जनता को उपलब्ध करा दी गई थी, से साठ दिन की समाप्ति से पहले आक्षेप या सुझाव आमंत्रित किए गए थे;

और उक्त अधिसूचना जनता को तारीख 30 अक्टूबर, 2017 को उपलब्ध करा दी गई थी;

और उक्त प्रारूप नियमों के संबंध में विनिर्दिष्ट अवधि के भीतर जनता से प्राप्त आक्षेप और सुझावों पर केन्द्र सरकार द्वारा सम्यक रूप से विचार किया गया है;

अतः अब केन्द्र सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 6, 8 और 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, ई-अपशिष्ट (प्रबंधन) नियम, 2016 का संशोधन करने के लिए, एतद्वारा, निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम ई-अपशिष्ट (प्रबंधन) संशोधन नियम, 2018 है।
(2) ये सरकारी राजपत्र में इनके प्रकाशन की तारीख से प्रवृत्त होंगे।
2. ई-अपशिष्ट (प्रबंधन) नियम, 2016 में, -
 - (क) नियम 5 में, उप-नियम (1) में खण्ड (छ) के पश्चात, निम्नलिखित खण्ड अंतःस्थापित किया जाएगा, अर्थात् :-

"(ज) नियम 5 के उपबंध उन उत्पादकों पर लागू होंगे जिन्होंने चालू वित्त वर्ष में बाजार में कोई माल रखा है और विस्तारित उत्पादक उत्तरदायित्व योजना के लिए लक्ष्य नियम 13 के उप-नियम (1) के खण्ड (ii) तथा अनुसूची-III के अनुसार होंगे।"

"केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा समय-समय पर जारी मार्गदर्शक सिद्धांतों में उल्लिखित उनके औसत जीवन अवधि की समतुल्य अवधि के लिए वर्ष वार बाजार में रखे गए विद्युत और इलेक्ट्रॉनिक उपकरणों के ब्यौरे (नीचे दी गई सारणी I के प्ररूप के अनुसार)।";

(II) मद 9 में, प्रविष्टि (ख) के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :-

"(ख) केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा समय-समय पर जारी मार्गदर्शक सिद्धांतों में यथाविनिर्दिष्ट खतरनाक पदार्थों में कमी के अनुपालन के समर्थन में उनके द्वारा रखे गए तकनीकी दस्तावेजों के संबंध में घोषणा का प्रबंध कराया जाना।"

(i) प्ररूप 3 में, शीर्षक के स्थान पर निम्नलिखित शीर्षक रखा जाएगा, अर्थात् :-

"मात्रा मीट्रिक टन (एमटी) में"

[फा. सं. 12-16/2017-एचएसएमडी]

रीतेश कुमार सिंह, संयुक्त सचिव

टिप्पण : मूल नियम, भारत के राजपत्र, असाधारण, भाग-II, खंड-3, उपखंड (i) में अधिसूचना संख्या सा.का.नि. 338(अ), तारीख 23 मार्च, 2016 में प्रकाशित किए गए थे।

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.