AMENDMENT

MoEFCC adds extended producer responsibility for waste tires to the hazardous waste rules as Schedule IX

G.S.R. 593(E) puts EPR for waste tires into the hazardous waste rules: producers buy recyclers' certificates against yearly targets from 2022-2023.

G.S.R. 593(E), DATED JULY 21, 2022, is the Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022 of the Ministry of Environment, Forest and Climate Change. It completes the draft S.O. 5497(E) of December 31, 2021, recording that copies of the draft were made available to the public on December 31, 2021 and that the objections and suggestions received were duly considered. It inserts sub-rule (4) in rule 9, under which the utilization and management of waste tires follows Schedule IX, and Schedule IX itself, "Extended Producer Responsibility (EPR) for Waste Tyre".

THE CHANGE

Inserts sub-rule (4) in rule 9 and Schedule IX, "Extended Producer Responsibility (EPR) for Waste Tyre", into the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016: tire producers meet yearly recycling targets by buying EPR certificates from registered recyclers on a portal of the Central Pollution Control Board (CPCB).

KEY FACTS

TYPE
Amendment

G.S.R. NUMBER
G.S.R. 593(E)

DATED
July 21, 2022

APPLIES FROM
On the date of their publication in the Official Gazette (rule 1(2)). The Gazette is dated July 21, 2022; the e-Gazette lists it as published on July 22, 2022. Schedule IX describes 2022-2023 as the year in which it comes into force.

REFERENCES

G.S.R. 593(E)

CG-DL-E-22072022-237454

MoEFCC adds extended producer responsibility for waste tires to the hazardous waste rules as Schedule IX

G.S.R. 593(E) · July 21, 2022

G.S.R. 593(E), dated July 21, 2022, is the Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022 of the Ministry of Environment, Forest and Climate Change. It completes the draft S.O. 5497(E) of December 31, 2021, recording that copies of the draft were made available to the public on December 31, 2021 and that the objections and suggestions received were duly considered. It inserts sub-rule (4) in rule 9, under which the utilization and management of waste tires follows Schedule IX, and Schedule IX itself, "Extended Producer Responsibility (EPR) for Waste Tyre".

Schedule IX applies to producers, recyclers of waste tires and retreaders, who register on the portal of the Central Pollution Control Board (CPCB). Producers include those who manufacture and sell new tires domestically, sell under their own brand new tires made by others, sell imported new tires, import vehicles fitted with new tires, import new tires for new vehicles sold domestically, or import waste tires. Their obligation is 35% of the new tires manufactured or imported in 2020-2021 for 2022-2023, 70% of the 2021-2022 quantity for 2023-2024 and 100% of the 2022-2023 quantity for 2024-2025, then 100% of the quantity of two years earlier; for units established after April 1, 2022, it starts after two years. A waste tire importer's obligation is 100% of the previous year's imports, and importing waste tires to produce pyrolysis oil or char is prohibited.

Producers meet the obligation by buying EPR certificates from registered recyclers. CPCB generates them from the quantity of each end product, a conversion factor CPCB determines and a weightage: 1.30 for reclaimed rubber, 1.25 for recovered carbon black usable for new tires, 1.10 for crumb rubber modified bitumen, 1.00 for crumb rubber, and, for pyrolysis oil and char used only as fuel, 0.80 by the continuous and 0.50 by the batch pyrolysis method. The draft had a weightage of 1.25 for rubber reclamation and 0.75 for pyrolysis oil and char, and no provision for retreading, under which retreading certificates now defer an obligation by one year.

Environmental compensation applies to unmet obligations, false certificates and unregistered entities, under guidelines CPCB lays down for approval by the Steering Committee and the Central Government. An unmet obligation is carried forward up to three years, with 85%, 60% or 30% of the compensation returned if it is addressed after the first, second or third year. A Steering Committee under the Chairman of CPCB or his nominee oversees the regime and reviews and revises the targets, weightage and permissibility of modes of recycling with the approval of the Central Government.

The notification (F. No. 09/6/2021-HSMD) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 520, dated July 21, 2022; the e-Gazette put it online on July 22, 2022.

G.S.R. number	G.S.R. 593(E)
Dated	July 21, 2022
Put online	July 22, 2022
Gazette ID	CG-DL-E-22072022-237454
Rule	Tires
Type	Amendment
Amends	Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016
Products	New tires, Waste tires
What it does	Inserts sub-rule (4) in rule 9 and Schedule IX, "Extended Producer Responsibility (EPR) for Waste Tyre", into the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016: tire producers meet yearly recycling targets by buying EPR certificates from registered recyclers on a portal of the Central Pollution Control Board (CPCB).
Applies from	On the date of their publication in the Official Gazette (rule 1(2)). The Gazette is dated July 21, 2022; the e-Gazette lists it as published on July 22, 2022. Schedule IX describes 2022-2023 as the year in which it comes into force.
Completes the draft	S.O. 5497(E) of December 31, 2021; objections and suggestions received were considered
Conditions	• Producers include any person or entity who manufactures and sells new tires domestically, sells domestically under its own brand new tires made by other manufacturers or suppliers, sells imported new tires, imports vehicles fitted with new tires, is an automobile manufacturer importing new tires for use in new vehicles sold domestically, or imports waste tires (paragraph 1(e)). • A "waste tyre" is "any tyre, including tubes and flaps that is no longer mounted on a vehicle and is no longer used for its intended purpose" (paragraph 1(m)). • Producers, recyclers of waste tires and retreaders register on CPCB's portal; no entity may carry out business without registration or deal with an unregistered producer or recycler (paragraphs 2 and 3). • Retreading certificates defer a producer's obligation by one year for the corresponding quantity of waste tires; the obligation is

extinguished only after end of life disposal through a registered recycler (paragraph 4(2)).

- Producers fulfill their obligation only by online purchase of EPR certificates from registered recyclers, proportionately each quarter, and file quarterly returns by the end of the month succeeding the end of the quarter (paragraphs 4(4), 6(2) and 7).
- EPR certificates are valid for two years from the end of the financial year in which they were generated, in denominations of "100, 200, 500 and 1000 Metric Tonnes"; a producer may buy up to its current-year liability, plus leftover liability of preceding years, plus 10% of the current-year liability (paragraphs 5(3), 5(4) and 6(1)).
- Registration can be revoked for up to three years for false information; an unfulfilled obligation is carried forward up to three years, with 85%, 60% or 30% of the environmental compensation returned if the shortfall is addressed after the first, second or third year (paragraphs 3(4) and 10(4)).
- False information resulting in over generation of certificates by a recycler above 5% of the actual recycled waste results in revocation of registration and environmental compensation which is not returnable (paragraph 10(5)).

Applies to	Tire manufacturers, sellers of new tires under their own brand, sellers of imported new tires, importers of vehicles fitted with new tires, automobile manufacturers importing new tires, importers of waste tires, recyclers of waste tires and retreaders.
Issued under	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
Signed by	NARESH PAL GANGWAR, Addl. Secy.

The notification, entry by entry

Entry	Text
Paragraph 4(1)(a)(i): EPR obligation of the year 2022-2023 (the year in which this Schedule comes into force)	35% of the quantity of new tyres manufactured or imported in year 2020-2021
Paragraph 4(1)(a)(ii): EPR obligation of the year 2023-2024	70% of the quantity of new tyres manufactured or imported in year 2021-2022
Paragraph 4(1)(a)(iii): EPR obligation of the year 2024-2025	100% of the quantity of new tyres manufactured or imported in year 2022-2023

Paragraph 4(1)(a)(iv): after the year 2024-2025 (year Y)	100% of the quantity of new tyres manufactured or imported in the year (Y-2)
Paragraph 4(1)(a)(v): units established after April 1, 2022	The extended producer responsibility obligation shall start after two years (Y) and shall be 100% of the new tyres manufactured or imported in the year (Y-2)
Paragraph 4(1)(b)(i): waste tyre importer	The extended producer responsibility obligation in year (Y) shall be 100% of the tyre imported in year (Y-1)
Paragraph 4(1)(b)(ii): waste tyre importer	The import of waste tyre for the purpose of producing pyrolysis oil or char is prohibited.
Paragraph 5(1): Reclaimed Rubber	Weightage allocated to the end product (WP): 1.30
Paragraph 5(1): Recovered Carbon Black usable as raw material for manufacture of new tyre	Weightage allocated to the end product (WP): 1.25
Paragraph 5(1): Crumb rubber Modified Bitumen (CRMB)	Weightage allocated to the end product (WP): 1.10
Paragraph 5(1): Crumb rubber	Weightage allocated to the end product (WP): 1.00
Paragraph 5(1): Pyrolysis oil and char (usable as fuel only), extracted from continuous pyrolysis method	Weightage allocated to the end product (WP): 0.80
Paragraph 5(1): Pyrolysis oil and char (usable as fuel only), extracted from batch pyrolysis method	Weightage allocated to the end product (WP): 0.50

The notification (PDF, 1.3 MB)

Gazette of India, CG-DL-E-22072022-237454, published July 21, 2022.

Checked against the official copy on October 27, 2026.

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