AMENDMENT

MoEFCC adds refrigerant destruction duties and three new schedules to the E-Waste (Management) Rules, 2022

G.S.R. 534(E) adds refrigerant destruction duties to the e-waste rules and exempts listed equipment and spares from rule 16(1) in three new schedules.

G.S.R. 534(E), A NOTIFICATION OF the Ministry of Environment, Forest and Climate Change dated July 24, 2023, makes the E-Waste (Management) Second Amendment Rules, 2023 under sections 6, 8 and 25 of the Environment (Protection) Act, 1986 read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986. They amend the E-Waste (Management) Rules, 2022 and come into force on the date of their publication in the Official Gazette. The notification refers to no earlier draft.

THE CHANGE

Refrigerant destruction clauses in rules 5, 7 and 9; a conversion factor clause in rule 14; sub-rule (2) of rule 16 replaced by sub-rules (2), (2A) and (2B); new Schedules II A, II B and II C; and S.No. 37 omitted from the Table of Schedule II.

KEY FACTS

TYPE
Amendment

G.S.R. NUMBER
G.S.R. 534(E)

DATED
July 24, 2023

APPLIES FROM
On the date of their publication in the Official Gazette (rule 1(2)); the Gazette is dated July 25, 2023

REFERENCES

G.S.R. 534(E)

CG-DL-E-25072023-247586

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G.S.R. 534(E) · July 24, 2023

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Rule 5 gains a clause (4), and rules 7 and 9 gain clauses (5) and (11), each to 'ensure secure, accountable and sustainable management of refrigerant' by adopting approved destruction technologies as per the guidelines issued by the Central Pollution Control Board: in rule 5, refrigerant generated during the manufacture of refrigeration and air-conditioning equipment; in rules 7 and 9, refrigerant generated from end-of-life refrigeration and air-conditioning equipment. Rule 14 gains a sub-clause under which, for multiple end products of recycling, the conversion factor for generating EPR certificates follows the Board's guidelines approved by the Steering Committee.

Sub-rule (2) of rule 16 is replaced by three sub-rules. Sub-rule (1) of rule 16 does not apply to components, consumables, parts or spares for the equipment in a new Schedule II B placed in the market on or before May 1, 2014; to the equipment in a new Schedule II C placed in the market on or before April 1, 2025; or, till April 1, 2028, to components, consumables, parts or spares for that equipment. The exemptions for parts and spares hold where 'reduction of hazardous substances compliant parts and spares are not available'. In sub-rules (3) and (13), the words 'and Schedule II A' are inserted after 'Schedule II'.

Schedule II A lists 24 applications exempted from sub-rule 1 of rule 16 specific to medical devices and monitoring and control instruments including laboratory equipment, such as 'Lead, cadmium and mercury in detectors for ionising radiation' and 'Lead in solders in portable emergency defibrillators'. Schedule II B lists 21 categories of information technology and telecommunication equipment and consumer electrical and electronics, with codes ITEW1 to ITEW16 and CEEW1 to CEEW5. Schedule II C lists 85 categories, from telecommunications equipment to medical devices and laboratory instruments, with codes from ITEW17 to LIW2. S.No. 37 and its entries are omitted from the Table of Schedule II.

The notification (F. No. 12/136/2021-HSMD) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 428, dated July 25, 2023. Its Note records that the principal rules were published by G.S.R. 801(E), dated November 2, 2022, and amended by G.S.R. 61(E), dated January 30, 2023.

G.S.R. number	G.S.R. 534(E)
Dated	July 24, 2023
Issued	July 25, 2023
Gazette ID	CG-DL-E-25072023-247586
Rule	E-waste
Type	Amendment
Amends	E-Waste (Management) Rules, 2022
Products	• Refrigeration and air-conditioning equipment • Electrical and electronic equipment
What it does	Refrigerant destruction clauses in rules 5, 7 and 9; a conversion factor clause in rule 14; sub-rule (2) of rule 16 replaced by sub-rules (2), (2A) and (2B); new Schedules II A, II B and II C; and S.No. 37 omitted from the Table of Schedule II.
Applies from	On the date of their publication in the Official Gazette (rule 1(2)); the Gazette is dated July 25, 2023
Conditions	• Sub-rule (1) of rule 16 does not apply to components or consumables or parts or spares for the equipment in Schedule II B placed in the market on or before May 1, 2014, provided reduction of hazardous substances compliant parts and spares are not available (rule 16(2)). • Sub-rule (1) of rule 16 does not apply to the equipment in Schedule II C placed in the market on or before April 1, 2025 (rule 16(2A)), nor, till April 1, 2028, to components or consumables or parts or spares for that equipment, provided compliant parts and spares are not available (rule 16(2B)). • Refrigerant is to be managed 'by adopting approved destruction technologies as per the guidelines issued by the Central Pollution Control Board' (rules 5(4), 7(5) and 9(11)). • For multiple end products of recycling, the conversion factor for EPR certificates is set by guidelines of the Central Pollution Control Board approved by the Steering Committee (rule 14(1)(ii)(c)).
Applies to	Those with duties under rules 5, 7 and 9 of the E-Waste (Management) Rules, 2022 that handle refrigerant from refrigeration and air-conditioning equipment; recyclers generating EPR certificates; and the electrical and electronic equipment in Schedules II A, II B and II C.

Issued under	Sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (4) of rule 5 of the Environment (Protection) Rules, 1986
Signed by	NARESH PAL GANGWAR, Addl. Secy.

The notification, entry by entry

Entry	Before	After
Rule 5, clause (4) (inserted)		ensure secure, accountable and sustainable management of refrigerant generated during the manufacture of refrigeration and air-conditioning equipment by adopting approved destruction technologies as per the guidelines issued by the Central Pollution Control Board.
Rule 7, clause (5) (inserted)		ensure secure, accountable and sustainable management of refrigerant generated from the end-of life refrigeration and air-conditioning equipment by adopting approved destruction technologies as per the guidelines issued by the Central Pollution Control Board.
Rule 9, clause (11) (inserted)		ensure secure, accountable and sustainable management of refrigerant generated from the end-of life refrigeration and air-conditioning equipment by adopting approved destruction technologies as per the guidelines issued by the Central Pollution Control Board.
Rule 14, sub-rule (1), clause (ii), sub-clause (c) (inserted)		In case of multiple end products of recycling, the conversion factor for generation of extended producer responsibility certificate shall be determined as per the guidelines issued by the Central Pollution Control Board with the approval of the Steering Committee.
Rule 16, sub-rule (2) (substituted)		The provisions of sub-rule (1) shall not apply to components or consumables or parts or spares required for electrical and electronic equipment specified in Schedule – II B placed in the market on or before the 1st May, 2014 provided reduction of hazardous substances compliant parts and spares are not available.
Rule 16, sub-rule (2A) (inserted with the substitution)		The provisions of sub-rule (1) shall not apply to electrical and electronic equipment specified in Schedule – II C placed in the market on or before the 1st April, 2025.
Rule 16, sub-rule (2B) (inserted with the substitution)		The provisions of sub-rule (1) shall not apply to components or consumables or parts or spares required for electrical and electronic equipment referred in sub-rule (2A) till the 1st April, 2028, provided reduction of hazardous substances compliant parts and spares are not available.
Rule 16, sub-rules (3) and (13)	Schedule II	Schedule II and Schedule II A
Schedule II, the Table, S.No. 37		S.No. 37 and the entries relating thereto shall be omitted.

Schedule II A (inserted) [See rules 16(3), 16(13)]	Applications exempted from the provisions of sub-rule 1 of rule 16 specific to medical devices and monitoring and control instruments including laboratory equipment as listed in Schedule - I: 24 entries, below.
Schedule II A, 1 (Equipment utilising or detecting ionising radiation)	Lead, cadmium and mercury in detectors for ionising radiation.
Schedule II A, 2 (Equipment utilising or detecting ionising radiation)	Lead bearings in X-ray tubes.
Schedule II A, 3 (Equipment utilising or detecting ionising radiation)	Lead in electromagnetic radiation amplification devices: micro-channel plate and capillary plate.
Schedule II A, 4 (Equipment utilising or detecting ionising radiation)	Lead in glass frit of X-ray tubes and image intensifiers and lead in glass frit binder for assembly of gas lasers and for vacuum tubes that convert electromagnetic radiation into electrons.
Schedule II A, 5 (Equipment utilising or detecting ionising radiation)	Lead in shielding for ionising radiation.
Schedule II A, 6 (Equipment utilising or detecting ionising radiation)	Lead in X-ray test objects.

Schedule II A, 7 (Equipment utilising or detecting ionising radiation)	Lead stearate X-ray diffraction crystals.
Schedule II A, 8 (Equipment utilising or detecting ionising radiation)	Radioactive cadmium isotope source for portable X-ray fluorescence spectrometers.
Schedule II A, 9 (Sensors, detectors and electrodes)	Lead and cadmium in ion selective electrodes including glass of pH electrodes.
Schedule II A, 10 (Sensors, detectors and electrodes)	Lead anodes in electrochemical oxygen sensors.
Schedule II A, 11 (Sensors, detectors and electrodes)	Lead, cadmium and mercury in infra-red light detectors.
Schedule II A, 12 (Sensors, detectors and electrodes)	Mercury in reference electrodes: low chloride mercury chloride, mercury sulphate and mercury oxide.
Schedule II A, 13 (Others)	Cadmium in helium-cadmium lasers.
Schedule II A, 14 (Others)	Lead and cadmium in atomic absorption spectroscopy lamps.
Schedule II A, 15 (Others)	Lead in alloys as a superconductor and thermal conductor in MRI.
Schedule II A, 16 (Others)	Lead and cadmium in metallic bonds to superconducting materials in MRI and SQUID detectors.
Schedule II A, 17 (Others)	Lead in counterweights.
Schedule II A, 18 (Others)	Lead in single crystal piezoelectric materials for ultrasonic transducers.

Schedule II A, 19 (Others)	Lead in solders for bonding to ultrasonic transducers.
Schedule II A, 20 (Others)	Mercury in very high accuracy capacitance and loss measurement bridges and in high frequency RF switches and relays in monitoring and control instruments not exceeding 20 mg of mercury per switch or relay.
Schedule II A, 21 (Others)	Lead in solders in portable emergency defibrillators.
Schedule II A, 22 (Others)	Lead in solders of high performance infrared imaging modules to detect in the range 8-14 µm.
Schedule II A, 23 (Others)	Lead in Liquid crystal on silicon (LCoS) displays.
Schedule II A, 24 (Others)	Cadmium in X-ray measurement filters.
Schedule II B (inserted) [See rule 16 (2)]	Categories of electrical and electronic equipment including their components, consumables, parts and spares covered under the rules: 21 categories. Information technology and telecommunication equipment, 1 to 16 (ITEW1 to ITEW16), from 'Centralized data processing: Mainframes, Minicomputers' to 'Answering System'; Consumer Electrical and Electronics and Photovoltaic Panels, 17 to 21 (CEEW1 to CEEW5), from 'Television sets' to 'Fluorescent and other Mercury containing lamps'.
Schedule II C (inserted) [See rules 16 (2A) and 16 (2B)]	Categories of electrical and electronic equipment including their components, consumables, parts and spares covered under the rules: 85 categories. Information technology and telecommunication equipment, 1 to 11 (ITEW17 to ITEW27); Consumer Electrical and Electronics and Photovoltaic Panels, 12 to 25 (CEEW6 to CEEW19); Large and Small Electrical and Electronic Equipment, 26 to 59 (LSEEW1 to LSEEW34); Electrical and Electronic Tools (With the exception of large- Scale Stationary Industrial Tools), 60 to 67 (EETW1 to EETW8); Toys, Leisure and Sports Equipment, 68 to 73 (TLSEW1 to TLSEW6); Medical Devices (With the Exception of All Implanted and Infected Products), 74 to 83 (MDW1 to MDW10); Laboratory Instruments, 84 and 85 (LIW1 and LIW2).

The notification (PDF, 775 KB)

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