AMENDMENT

MoEFCC amends the battery waste rules on one-time registration, EPR certificates and three-wheeler targets

S.O. 4669(E) makes battery EPR registration one-time, changes the rules for EPR certificates and sets new targets for three-wheeler EV batteries from 2026-27.

S.O. 4669(E), A NOTIFICATION of the Ministry of Environment, Forest and Climate Change dated October 25, 2023, makes the Battery Waste Management (Amendment) Rules, 2023 under sections 3, 6, 8 and 25 of the Environment (Protection) Act, 1986. They amend the Battery Waste Management Rules, 2022 and come into force on the date of their publication in the Official Gazette.

THE CHANGE

Amends the Battery Waste Management Rules, 2022: the definitions of Battery and Producer; one-time registration of Producers, deemed after two weeks; EPR for Battery put to self-use and for pre-consumer waste battery; rules for generating, using and trading EPR certificates; new targets for three-wheeler Electric Vehicles Battery; marking with the EPR registration number by March 31, 2025; and new Forms 1(B) and 3.

KEY FACTS

TYPE

Amendment

S.O. NUMBER

S.O. 4669(E)

DATED

October 25, 2023

APPLIES FROM

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

REFERENCES

S.O. 4669(E)

CG-DL-E-26102023-249699

MoEFCC amends the battery waste rules on one-time registration, EPR certificates and three-wheeler targets

S.O. 4669(E) · October 25, 2023

S.O. 4669(E), a notification of the Ministry of Environment, Forest and Climate Change dated October 25, 2023, makes the Battery Waste Management (Amendment) Rules, 2023 under sections 3, 6, 8 and 25 of the Environment (Protection) Act, 1986. They amend the Battery Waste Management Rules, 2022 and come into force on the date of their publication in the Official Gazette.

'Battery' now means a new or refurbished cell or Battery, including accumulator, and includes disposable primary or secondary battery. A Producer now includes one who imports Battery or equipment containing Battery, and one who manufactures or assembles Battery or refurbished Battery for sale to a Producer without its own brand name. Every Producer has EPR for the Battery it introduces in the market and the Battery it puts to self-use, must manage pre-consumer waste battery and report it in Form 3, and must meet the collection, recycling and refurbishment targets of Schedule II.

Registration becomes one-time: a Producer applies through the online centralized portal in Form 1(A), receives a certificate in Form 1(B) valid until cancelled or withdrawn, and is deemed registered if the Central Pollution Control Board does not refuse within two weeks. A Producer that stops operations must still discharge its EPR for batteries already in the market. Returns in Form 1(C) are due by June 30 each year, and producers must mark all Battery or Battery packs with their EPR registration number on or before March 31, 2025.

EPR certificates for recyclers and refurbishers are generated from the weight of waste Battery processed or refurbished and the weight of Battery material produced; none are generated for imported waste Battery, and a certificate can be used only for the same category of Battery. One or more trading platforms may be set up, and the Central Pollution Control Board fixes the highest and lowest price for EPR certificates every six months or as required. The Central Government may relax timelines for filing returns by up to nine months, and the implementation committee under rule 15 meets at least once in six months.

In Schedule II, the targets for Electric Vehicles Battery of three wheelers, including E-rickshaw and E-cart (categories L5, L5-M, L5-N), are replaced: for the compliance cycle 2026-27 to 2032-33, a yearly minimum collection of 70% of the quantity of Battery placed in the market five years earlier, starting with 2021-22, and collection and refurbishment or recycling of 100% by the end of the seven year cycle, with 'a carry forward of up to 60% of the average quantity of Battery placed in the market per year during the seven year cycle to the next compliance cycle'. Against Sl.No. (xi) in clause (xii), 80% becomes 70%. In Schedule I, 'portable Battery that contains up to 0.002% (20 ppm) of cadmium by weight shall only be placed'.

The notification (F. No. 12/36/2019-HSMD) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 4483, dated October 25, 2023.

S.O. number	S.O. 4669(E)
Dated	October 25, 2023
Put online	October 26, 2023
Gazette ID	CG-DL-E-26102023-249699
Rule	Battery
Type	Amendment
Amends	Battery Waste Management Rules, 2022
Products	• Batteries • Electric vehicle batteries of three wheelers
What it does	Amends the Battery Waste Management Rules, 2022: the definitions of Battery and Producer; one-time registration of Producers, deemed after two weeks; EPR for Battery put to self-use and for pre-consumer waste battery; rules for generating, using and trading EPR certificates; new targets for three-wheeler Electric Vehicles Battery; marking with the EPR registration number by March 31, 2025; and new Forms 1(B) and 3.
Applies from	On the date of their publication in the Official Gazette (rule 1(2)); the Gazette is dated October 25, 2023
Conditions	• Producers must ensure that all Battery or Battery packs produced are marked with the EPR registration number issued under rule 4 on or before March 31, 2025 (Schedule I, paragraph 2(ia)). • Producers furnish the return in Form 1(C) on or before June 30 every year (rule 4(7)), and annual returns in Form 3 by June 30 of the following financial year. • Registration of a Producer is one-time and valid until cancelled or withdrawn; it is deemed done on the expiry of two weeks if not refused by the Central Pollution Control Board (rule 11(3) and (4)). • No EPR certificate is generated for recycling or refurbishment of waste Battery imported under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (rule 10(8)). • An EPR certificate in a category can only be used for off-setting, carry forward and sale for the same category of Battery (rule 10(9)).

- The Central Government may by order relax timelines for filing returns by producer, recycler and refurbisher 'upto nine months' (rule 14(6)).

Applies to

Producers of Battery, including importers of Battery or equipment containing Battery and those who manufacture or assemble Battery for a Producer without their own brand name; recyclers and refurbishers of waste Battery.

Issued under

Sub-section (1), clauses (v) and (vii) of sub-section (2) of section 3, sub-section (1), clauses (c) and (d) of sub-section (2) of section 6, section 8, clause (b) of sub-section (2) of section 25 of the Environment (Protection) Act, 1986 (29 of 1986)

Signed by

NARESH PAL GANGWAR, Addl. Secy.

The notification, entry by entry

Entry	Before	After
Rule 3(1)(c), 'Battery' (substituted)		'Battery' means new or refurbished cell or Battery, including accumulator, which is any source of electrical energy generated by direct conversion of chemical energy and includes disposable primary or secondary battery;
Rule 3(1)(u), 'Producer', sub-clause (iii) (substituted by (iii) and (iv))		(iii) import of Battery or equipment containing Battery; or (iv) manufacture or assembling of Battery or refurbished Battery including in equipment for sale to the Producer mentioned in sub-clause (ii) without its own brand name;
Rule 4, sub-rules (1), (2) and (2A) (substituted)		(1) Every Producer shall have the obligation of Extended Producer Responsibility for the Battery that they introduce in the market and the Battery which they put to self-use, to ensure the recycling or refurbishing obligations as per Schedule II; (2) Every Producer shall have the obligation for environmentally sound management of pre-consumer waste battery generated during manufacturing or assembling or import of a Battery or Battery pack and every Producer shall file the annual returns in Form 3 in respect of pre-consumer waste battery generated in the preceding financial year. (2A) Every Producer shall meet the collection and recycling and refurbishment targets as mentioned in Schedule II for Battery or Battery pack made available in the market including the Battery which they put for self-use.
Rule 4, sub-rules (4) and (5) (substituted)		(4) Every Producer shall obtain registration from the Central Pollution Control Board through online centralised portal in Form 1(A). (5) The Central Pollution Control Board on registration of the Producer shall issue a certificate of registration in Form 1(B) to such Producer which shall be valid until it is cancelled or withdrawn.

Rule 4, sub-rules (6) and (6A) (substituted)		(6) Every Producer shall inform the Central Pollution Control Board of any changes to the information contained in the Extended Producer Responsibility registration. (6A) In case the Producer stops its operations, the Producer shall have to discharge its Extended Producer Responsibility obligation in respect of Batteries already made available in the market till closure of operations, in accordance with provisions of these rules.
Rule 4, sub-rule (7) (substituted)		The Producer shall furnish a return regarding the Battery manufactured or assembled or imported in the preceding financial year in Form 1(C) to the Central Pollution Control Board on or before the 30th June of every year.
Rule 4, sub-rule (8)		Omitted.
Rule 4, sub-rule (16) (inserted)		The Producer shall take measures for sustainable production of Battery or Battery pack including in accordance with the guidelines issued by the Central Pollution Control Board.
Rule 8, sub-rule (4) (substituted)		The total weight of waste Battery processed by entity involved in refurbishment of waste Battery, on quarterly basis, shall be made available on the portal developed by the Central Pollution Control Board for generation of Extended Producer Responsibility certificates.
Rule 9, sub-rule (4) (substituted)		The total weight of waste Battery processed by entity involved in recycling of waste Battery, on quarterly basis, shall be made available on the portal developed by the Central Pollution Control Board.
Rule 9, sub-rule (5) (substituted)		Recycler shall not deal with any other entity not having registration mandated under these rules.
Rule 10, sub-rule (2)	and shall include Goods and Services Tax data of the entity	based on relevant parameters as prescribed by the Central Pollution Control Board
Rule 10, sub-rule (3)	Central Pollution Control Board will provide for the issuance of such certificates on the online portal	Omitted.
Rule 10, sub-rules (4) and (5)		Omitted.
Rule 10, sub-rule (6)	in exchange of Waste Battery	for fulfilling their extended producer responsibility obligations

Rule 10, sub-rules (7) and (8) (substituted)	(7) The Extended Producer Responsibility certificate for recycler or for refurbisher shall be generated based on the weight of waste Battery processed or refurbished, as the case may be, and weight of Battery material produced as per guidelines of the Central Pollution Control Board and the Central Pollution Control Board shall ensure that every certificate is issued based on the waste Battery processed or refurbished. (8) No Extended Producer Responsibility certificate shall be generated for the recycling or refurbishment of waste Battery imported under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and separate accounting shall be maintained and reported for recycling or refurbishment of imported waste Battery.
Rule 10, sub-rule (9) (substituted)	An Extended Producer Responsibility certificate in a category can only be used for off-setting, carry forward and sale for the same category of Battery.
Rule 10, sub-rules (15) to (17) (inserted)	(15) One or more trading platform for sale and purchase of Extended Producer Responsibility certificates may be established through agency accredited and in accordance with the guidelines issued by the Central Pollution Control Board with the approval of the Central Government. (16) The operation and regulation of electronic platform (s) shall be as per guidelines notified by the Central Government based on the recommendations of Central Pollution Control Board. (17) The Central Pollution Control Board shall fix the highest and lowest price for Extended Producer Responsibility certificate every six month or as required, keeping in view the cost for collection and environmentally sound management of waste Battery and the environmental compensation regime in force.
Rule 11, sub-rule (3) (words inserted after 'application')	and on the expiry of the said period of two weeks, the registration shall be deemed to be done, if not refused by the Central Pollution Control Board.
Rule 11, sub-rules (4) and (5) (substituted)	(4) The registration of Producer shall be valid until is cancelled or withdrawn by the Central Pollution Control Board. (5) The Central Pollution Control Board shall share all relevant information regarding Producer with the State Pollution Control Board through online portal.
Rule 11, sub-rules (6) and (9)	Omitted.
Rule 11, sub-rule (17) (substituted)	Central Pollution Control Board shall issue guidelines for environmentally sound procedures of collection, storage, transportation, refurbishment, and recycling of waste Battery, and for implementation of various provisions of these rules.

Rule 11, sub-rule (21) (substituted)		The Central Pollution Control Board shall prepare an annual report containing information which, inter alia, includes the Extended Producer Responsibility targets of Producers, recycling and refurbishment of waste Battery, generation and exchange of Extended Producer Responsibility certificates, and collection and utilisation of environmental compensation and furnish to the Central Government.
Rule 11, sub-rule (24)	with respect to sub-rule (4) of rule 10	Omitted.
Rule 14, sub-rule (6) (inserted)		Central Government may by order relax timelines under this rules upto nine months for filing of returns by producer, recycler and refurbisher under the rules and modalities for effective implementation of the rules.
Rule 15, sub-rule (6) (inserted)		The Committee shall meet at least once in six months and submit its report to the Central Government.
Schedule I, paragraph 1, clause (ii) (substituted)		portable Battery that contains up to 0.002% (20 ppm) of cadmium by weight shall only be placed;
Schedule I, paragraph 2, clause (ia) (inserted)		producers shall, on or before the 31st March, 2025, ensure that all Battery or Battery packs produced are appropriately marked with Extended Producer Responsibility registration number issued under rule 4.
Schedule II, clause (v)	as well	in accordance with the allocated target
Schedule II, clause (x) (substituted): Electric Vehicles Battery of three wheelers		For Electric Vehicles Battery of three wheelers, including E-rickshaw, categories L5, L5-M, L5-N, E-cart as defined under the Central Motor Vehicle Rules, 1989: compliance cycle 2026-27 till 2032-33, with a mandatory waste battery collection target of minimum 70% of the quantity of Battery placed in the market in 2021-22 for 2026-2027, and so on to 2027-28 for 2032-2033; collection of 100% Waste Battery and of 100% of refurbishment or recycling mandatory by end of the seven year compliance cycle against the Battery placed in the market during the cycle, with a carry forward of up to 60% of the average quantity of Battery placed in the market per year during the seven year cycle to the next compliance cycle. From 2033-34 (cycle 2033-34 till 2039-40 and onwards): minimum 70% of the quantity placed in the market in the 5th preceding financial year (i.e. 2028-29) and onwards.
Schedule II, clause (xii), the table, Sl.No. (xi), column (4)	80%	70%

Form 1(A), heading	or renewal	Omitted.
Form 1(B) (substituted): format for grant of registration to Producers		M/s---------- is hereby granted one-time registration as Producer of waste Battery in line with provisions under Battery Waste Management Rules, 2022.
Form 1(C), heading	Extended Producer Responsibility plan	return regarding Battery placed in market
Form 1(C), Sl. No. 6, column (2)		Type of Battery placed in the market, including the Battery put to self-use, with brand name and the total number and weight of the Battery, as well as dry weight of Battery
Form 3 (substituted)		Annual returns to be submitted by Producer by 30th day of June of the following financial year, including details of pre-consumer waste battery and ways of disposal. Note: EPR target compliance includes Battery put to self-use.

The notification (PDF, 827 KB)

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