FINAL RULES

MoEFCC issues the Battery Waste Management Rules, 2022 in place of the 2001 battery rules

S.O. 3984(E), the Battery Waste Management Rules, 2022, sets EPR for all batteries: collection targets by type, recovery, recycled content.

S.O. 3984(E), DATED August 22, 2022, is the Battery Waste Management Rules, 2022 of the Ministry of Environment, Forest and Climate Change, made in supersession of the Batteries (Management and Handling) Rules, 2001. Its preamble records that the draft, the Battery Waste Management Rules, 2020, was published by S.O. 770(E) dated February 20, 2020, and that the objections and suggestions received were duly considered. The rules came into force on publication; the Gazette is dated August 24, 2022.

THE CHANGE

Makes the Battery Waste Management Rules, 2022 in supersession of the Batteries (Management and Handling) Rules, 2001: producers of all types of batteries carry Extended Producer Responsibility (EPR) for collecting and recycling or refurbishing waste batteries, with yearly collection targets by battery type, minimum recovery by recyclers and minimum use of domestically recycled materials, met through EPR certificates on a portal of the Central Pollution Control Board (CPCB).

KEY FACTS

TYPE
Final rules

S.O. NUMBER
S.O. 3984(E)

DATED
August 22, 2022

APPLIES FROM
On the date of their publication in the Official Gazette (rule 1(2)). The notification is dated August 22, 2022; the Gazette is dated August 24, 2022, and the e-Gazette lists it as published that day.

REFERENCES

S.O. 3984(E)

CG-DL-E-24082022-238351

MoEFCC issues the Battery Waste Management Rules, 2022 in place of the 2001 battery rules

S.O. 3984(E) · August 22, 2022

S.O. 3984(E), dated August 22, 2022, is the Battery Waste Management Rules, 2022 of the Ministry of Environment, Forest and Climate Change, made in supersession of the Batteries (Management and Handling) Rules, 2001. Its preamble records that the draft, the Battery Waste Management Rules, 2020, was published by S.O. 770(E) dated February 20, 2020, and that the objections and suggestions received were duly considered. The rules came into force on publication; the Gazette is dated August 24, 2022.

The rules apply to all types of batteries regardless of chemistry, shape, volume, weight, material composition and use, defined as portable (sealed and less than five kilograms), automotive, electric vehicle and industrial batteries, and not to batteries in military or security equipment or equipment sent into space. Producers, meaning those who manufacture or sell batteries under their own brand, including in equipment, or import batteries or equipment containing them, carry Extended Producer Responsibility (EPR): they register with the Central Pollution Control Board (CPCB), submit an EPR plan by June 30 every year and annual returns by June 30 of the next financial year, and may not send collected waste batteries for landfilling or incineration.

Schedule II sets collection targets for each type, with 100% recycling or refurbishment of what is collected. Automotive batteries start at a minimum of 30% of the quantity placed in the market in 2019-20 for 2022-2023 and reach 90% from 2025-2026; portable rechargeable batteries used in consumer electronics start at 50% of the 2017-18 quantity for 2022-2023; electric vehicle batteries start at 70% in 2024-2025 for e-rickshaws, 2026-2027 for two wheelers and 2029-2030 for four wheelers. Compliance cycles run ten years for portable batteries, seven years for automotive, industrial, e-rickshaw and two-wheeler batteries, and fourteen years for four-wheeler batteries.

Recyclers must recover at least 70%, 80% and then 90% of the dry weight of portable and electric vehicle batteries in 2024-25, 2025-26 and 2026-27 onwards, and 55%, 60% and 60% of automotive and industrial batteries. Producers must use domestically recycled materials in new batteries: 35% rising to 40% of total dry weight for automotive and industrial batteries from 2024-25, and 5% rising to 20% for portable and electric vehicle batteries from 2027-28. EPR certificates, generated on CPCB's portal from recyclers' and refurbishers' output, are valid for seven years, and Schedule I limits mercury and cadmium content and requires the crossed out wheeled bin symbol on batteries and battery packs, or on the packaging of those too small to carry it.

The notification (F. No. 12/36/2019-HSMD) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 3810, dated August 24, 2022, and the e-Gazette put it online the same day.

S.O. number	S.O. 3984(E)
Dated	August 22, 2022
Issued	August 24, 2022
Gazette ID	CG-DL-E-24082022-238351
Rule	Battery
Type	Final rules
Supersedes	Batteries (Management and Handling) Rules, 2001
Products	• Portable batteries • Automotive batteries • Electric vehicle batteries • Industrial batteries
What it does	Makes the Battery Waste Management Rules, 2022 in supersession of the Batteries (Management and Handling) Rules, 2001: producers of all types of batteries carry Extended Producer Responsibility (EPR) for collecting and recycling or refurbishing waste batteries, with yearly collection targets by battery type, minimum recovery by recyclers and minimum use of domestically recycled materials, met through EPR certificates 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 notification is dated August 22, 2022; the Gazette is dated August 24, 2022, and the e-Gazette lists it as published that day.
Completes the draft	S.O. 770(E) of February 20, 2020; objections and suggestions received were considered
Conditions	• The rules apply to producers, dealers, consumers and entities involved in collection, segregation, transportation, refurbishment and recycling of waste battery, and to all types of batteries regardless of chemistry, shape, volume, weight, material composition and use; not to batteries in equipment connected with the protection of essential security interests, including military purposes, or equipment designed to be sent into space (rule 2). • Producers register through CPCB's centralized portal in Form 1(A); the registration is valid for five years, and renewal is filed before sixty days of its expiry (rules 4(4), 4(5) and 11(4)). • Producers submit an EPR plan in Form 1(C) by June 30 every year, and for batteries manufactured in FY 2022-23 within three months

of the publication of the rules; annual returns in Form 3 are due by June 30 of the next financial year (rule 4(7), (8) and (11)).

- Waste battery collected by a producer is sent for recycling or refurbishing and not for landfilling or incineration (rule 4(3)).
- Refurbishers and recyclers register with the State Pollution Control Board through the portal and file quarterly returns in Form 4 by the end of the month succeeding the end of the quarter (rules 8 and 9).
- EPR certificates for recyclers (kg) = (actual recovery of battery materials in percentage / recovery target for the year in percentage) x quantity of battery processed (kg) x (1-A), where A = 0 for waste battery generated domestically and 0.2 for waste battery sourced through imports; certificates are valid for seven years, and a producer may buy up to its current-year liability, plus leftover liability of preceding years, plus ten percent (rule 10(8), (11) and (14)).
- Schedule I says a battery that contains up to 0.0005% (5 ppm) of mercury by weight may only be placed till 2025, and that a battery that contains up to 0.002% (2000 ppm) of cadmium by weight may only be placed; the mercury limit does not apply to button zinc silver oxide and button zinc air batteries with a mercury content < 2%, and the cadmium limit does not apply to portable batteries for emergency and alarm systems, including emergency lighting, and medical equipment (Schedule I, paragraph 1).
- No battery or battery pack may be placed on the market unless marked with the crossed out wheeled bin symbol; where the symbol would be smaller than 0.5 cm x 0.5 cm, the battery need not be marked and a symbol of at least 1 cm x 1 cm is printed on the packaging. A battery or button cell containing mercury, cadmium or lead is marked with the chemical symbol Hg, Cd or Pb (Schedule I, paragraph 2).
- An unfulfilled obligation is carried forward for three years, with 75, 60 or 40 percent of the environmental compensation returned if the shortfall is addressed within one, two or three years, after which it is forfeited (rule 13(6) and (7)).

Applies to

Producers who manufacture, sell under their own brand or import batteries or equipment containing batteries; dealers; consumers; entities that collect, segregate and treat waste batteries; refurbishers and recyclers of waste battery.

Issued under

Sub-section (1), clause (v) and clause (vii) of sub-section (2) of section 3, sub-section (1), clause (c) and clause (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	Text
Rule 4(14): minimum use of recycled materials, Portable	2027-28: 5; 2028-29: 10; 2029-30: 15; 2030-31 and onwards: 20 (percent of total dry weight of a Battery)
Rule 4(14): minimum use of recycled materials, Electric Vehicle	2027-28: 5; 2028-29: 10; 2029-30: 15; 2030-31 and onwards: 20
Rule 4(14): minimum use of recycled materials, Automotive	2024-25: 35; 2025-26: 35; 2026-27: 40; 2027-28 and onwards: 40
Rule 4(14): minimum use of recycled materials, Industrial	2024-25: 35; 2025-26: 35; 2026-27: 40; 2027-28 and onwards: 40
Rule 10(4): recovery target, Portable	2024-25: 70; 2025-26: 80; 2026-27 and onwards: 90 (percent)
Rule 10(4): recovery target, Automotive	2024-25: 55; 2025-26: 60; 2026-27 and onwards: 60
Rule 10(4): recovery target, Industrial	2024-25: 55; 2025-26: 60; 2026-27 and onwards: 60
Rule 10(4): recovery target, Electric Vehicle	2024-25: 70; 2025-26: 80; 2026-27 and onwards: 90
Schedule II(vi), portable rechargeable batteries in consumer electronics: 2022-2023	Minimum 50% of the quantity of Battery placed in the market in 2017-18.
Schedule II(vi): 2023-2024	Minimum 60% of the quantity of Battery placed in the market in 2018-19.
Schedule II(vi): 2024-2025 to 2031-2032	Minimum 70% of the quantity of Battery placed in the market in 2019-2020 to 2026-27, year by year.
Schedule II(vi): 2032-33 and onwards	Minimum 70% of the quantity of Battery placed in the market in 5th preceding financial year (i.e. 2027-28) and onwards.
Schedule II(vii), other portable batteries: 2025-2026	Minimum 50% of the quantity of Battery placed in the market in 2022-23.
Schedule II(vii): 2026-2027	Minimum 60% of the quantity of Battery placed in the market in 2023-24.
Schedule II(vii): 2027-2028 to 2034-2035	Minimum 70% of the quantity of Battery placed in the market in 2024-25 to 2031-32, year by year.

Schedule II(vii): 2035-2036 and onwards	Minimum 70% of the quantity of Battery placed in the market in 3rd preceding financial year (i.e. 2032-33) and onwards
Schedule II(viii), automotive batteries: 2022-2023	Minimum 30% of the quantity of Battery placed in the market in 2019-20.
Schedule II(viii): 2023-2024	Minimum 50% of the quantity of Battery placed in the market in 2020-21.
Schedule II(viii): 2024-2025	Minimum 70% of the quantity of Battery placed in the market in 2021-22.
Schedule II(viii): 2025-2026 to 2028-2029	Minimum 90% of the quantity of Battery placed in the market in 2022-23 to 2025-26, year by year.
Schedule II(viii): 2029-2030 and onwards	Minimum 90% of the quantity of Battery placed in the market in 3rd preceding financial year (i.e. 2026-27) and onwards
Schedule II(ix), industrial batteries: 2022-2023	Minimum 40% of the quantity of Battery placed in the market in 2019-20.
Schedule II(ix): 2023-2024	Minimum 50% of the quantity of Battery placed in the market in 2020-21.
Schedule II(ix): 2024-2025	Minimum 60% of the quantity of Battery placed in the market in 2021-22.
Schedule II(ix): 2025-2026 to 2028-2029	Minimum 70% of the quantity of Battery placed in the market in 2022-23 to 2025-26, year by year.
Schedule II(ix): 2029-2030 and onwards	Minimum 70% of the quantity of Battery placed in the market in 3rd preceding financial year (i.e. 2026-27) and onwards
Schedule II(x), electric vehicle batteries of e-rickshaws (three wheelers): 2024-2025 to 2030-2031	Minimum 70% of the quantity of Battery placed in the market in 2021-22 to 2027-28, year by year.
Schedule II(x): 2031-2032 and onwards	Minimum 70% of the quantity of Battery placed in the market in the 3rd preceding financial year (i.e. 2028-29) and onwards
Schedule II(xi), electric vehicle batteries of two wheelers: 2026-2027 to 2032-2033	Minimum 70% of the quantity of Battery placed in the market in 2022-23 to 2028-29, year by year.
Schedule II(xi): 2033-2034 and onwards	Minimum 70% of the quantity of Battery placed in the market in the 4th preceding financial year (i.e. 2029-30) and onwards
Schedule II(xii), electric vehicle batteries of four wheelers: 2029-2030 to 2038-2039	Minimum 70% of the quantity of Battery placed in the market in 2021-22 to 2030-31, year by year.

Schedule II(xii): 2039-2040	Minimum 80% of the quantity of Battery placed in the market in 2031-32.
Schedule II(xii): 2040-2041 to 2042-2043	Minimum 70% of the quantity of Battery placed in the market in 2032-33 to 2034-35, year by year.
Schedule II(xii): 2043-2044 and onwards	Minimum 70% of the quantity of Battery placed in the market in the 8th preceding financial year (i.e. 2035-36) and onwards

The notification (PDF, 1.5 MB)

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