FINAL RULES

MoEFCC issues the E-Waste (Management) Rules, 2022, in force from April 1, 2023

G.S.R. 801(E), the E-Waste (Management) Rules, 2022, in force April 1, 2023, sets EPR recycling targets, CPCB registration and hazardous substance limits.

G.S.R. 801(E), DATED November 2, 2022, is the E-Waste (Management) Rules, 2022 of the Ministry of Environment, Forest and Climate Change, made in supersession of the E-waste (Management) Rules, 2016. It completes the draft S.O. 360(E) of May 19, 2022, recording that copies of the draft were made available to the public on May 19, 2022 and that the objections and suggestions received were duly considered. The rules came into force on April 1, 2023.

KEY FACTS

TYPE
Final rules

G.S.R. NUMBER
G.S.R. 801(E)

DATED
November 2, 2022

APPLIES FROM
April 1, 2023 (rule 1(2): "from the 1st day of April, 2023").

REFERENCES

G.S.R. 801(E)

CG-DL-E-02112022-239987

THE CHANGE

Makes the E-Waste (Management) Rules, 2022 in supersession of the E-waste (Management) Rules, 2016: manufacturers, producers, refurbishers and recyclers register on a portal of the Central Pollution Control Board (CPCB), and producers meet the recycling targets in Schedules III and IV by buying EPR certificates from registered recyclers.

MoEFCC issues the E-Waste (Management) Rules, 2022, in force from April 1, 2023

G.S.R. 801(E) · November 2, 2022

G.S.R. 801(E), dated November 2, 2022, is the E-Waste (Management) Rules, 2022 of the Ministry of Environment, Forest and Climate Change, made in supersession of the E-waste (Management) Rules, 2016. It completes the draft S.O. 360(E) of May 19, 2022, recording that copies of the draft were made available to the public on May 19, 2022 and that the objections and suggestions received were duly considered. The rules came into force on April 1, 2023.

They apply to every manufacturer, producer, refurbisher, dismantler and recycler of the electrical and electronic equipment in Schedule I: 106 codes in seven categories, from information technology and telecommunication equipment to medical devices and laboratory instruments. They do not apply to waste batteries under the Battery Waste Management Rules, 2022, packaging plastics, micro enterprises or radio-active wastes. Manufacturers, producers, refurbishers and recyclers register on the portal of the Central Pollution Control Board (CPCB), and bulk consumers hand their e-waste only to a registered producer, refurbisher or recycler.

Producers meet Extended Producer Responsibility (EPR) through EPR certificates bought from registered recyclers. Schedule III sets the target as a share of the quantity of each item placed in the market X years earlier, X being the product's average life: 60% for 2023-2024 and 2024-2025, 70% for 2025-2026 and 2026-2027, and 80% from 2027-2028. Producers who started sales recently follow Schedule IV, from 15% of 2021-22 sales for 2023-2024 to 20% of the sales of two years back from 2025-2026. Importers of used equipment carry a 100% obligation for the imported material after end of life, if not re-exported, and the targets do not apply to waste from solar photo-voltaic modules, panels or cells, which their manufacturers and producers store up to 2034-2035 under CPCB guidelines.

Certificates are valid for two years from the end of the financial year of generation, and a producer may buy up to its current-year liability plus any leftover liability plus 5 percent. Refurbishing certificates defer an obligation, and 75 percent of the deferred quantity is added back when the refurbished product's extended life ends. New equipment may not contain lead, mercury, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers above 0.1 percent, or cadmium above 0.01 percent, by weight in homogenous materials, except for the applications in Schedule II. An unmet obligation is carried forward up to three years, with 85, 60 or 30 percent of the environmental compensation returned if it is addressed after one, two or three years.

The notification (F. No. 12/136/2021-HSMD) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 713, dated November 2, 2022, and the e-Gazette put it online the same day.

G.S.R. number	G.S.R. 801(E)
Dated	November 2, 2022
Gazette ID	CG-DL-E-02112022-239987
Rule	E-waste
Type	Final rules
Supersedes	E-waste (Management) Rules, 2016
Products	• Information technology and telecommunication equipment • Consumer electrical and electronics and photovoltaic panels • Large and small electrical and electronic equipment • Electrical and electronic tools • Toys, leisure and sports equipment • Medical devices • Laboratory instruments
What it does	Makes the E-Waste (Management) Rules, 2022 in supersession of the E-waste (Management) Rules, 2016: manufacturers, producers, refurbishers and recyclers register on a portal of the Central Pollution Control Board (CPCB), and producers meet the recycling targets in Schedules III and IV by buying EPR certificates from registered recyclers.
Applies from	April 1, 2023 (rule 1(2): “from the 1st day of April, 2023”).
Completes the draft	S.O. 360(E) of May 19, 2022; objections and suggestions received were considered
Conditions	• The rules apply to every manufacturer, producer, refurbisher, dismantler and recycler of e-waste or of the equipment in Schedule I, but not to waste batteries covered under the Battery Waste Management Rules, 2022, packaging plastics covered under the Plastic Waste Management Rules, 2016, micro enterprises or radio-active wastes (rule 2). • Manufacturers, producers, refurbishers and recyclers register on the portal and deal only with registered entities; registration may be revoked for up to three years for false information (rule 4). • Bulk consumers, entities that used at least one thousand units of the listed equipment in a financial year, including e-retailers, hand their e-waste only to a registered producer, refurbisher or recycler (rules 3(1)(b) and 8). • Manufacturers and producers of solar photo-voltaic modules, panels or cells register on the portal, store the waste generated up

to the year 2034-2035 as per CPCB guidelines and file annual returns up to 2034-2035 (rule 12).

- EPR certificates are valid for two years from the end of the financial year of generation, in denominations of 100, 200, 500 and 1000 kg; a producer may buy up to its current-year liability, plus leftover liability of preceding years, plus 5 percent, proportionately each quarter (rules 14(1) and 15).
- Refurbishing certificates defer a producer's obligation; on expiry of the refurbished product's extended life, 75 percent of the deferred quantity is added to the producer's obligation (rule 14(2)).
- E-waste may be stored for up to one hundred and eighty days, which CPCB may extend to three hundred and sixty-five days (rule 11).
- Only new equipment compliant with rule 16(1) and (4) may be imported or placed in the market; the applications in Schedule II are exempt from rule 16(1), and equipment for defense and similar strategic applications is excluded (rule 16).
- An unfulfilled obligation is carried forward up to three years, with 85, 60 or 30 percent of the environmental compensation returned if the shortfall is addressed after one, two or three years (rule 22(4)).

Applies to	Manufacturers, producers (including sellers under their own brand, sellers of imported equipment and importers of used equipment), refurbishers, dismantlers, recyclers and bulk consumers of the equipment in Schedule I, including solar photo-voltaic modules, panels and cells.
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
Schedule III: 2023-2024	60% of the quantity of an EEE placed in the market in year Y-X, where ‘X’ is the average life of that product
Schedule III: 2024-2025	60% of the quantity of an EEE placed in the market in year Y-X, where ‘X’ is the average life of that product
Schedule III: 2025-2026	70% of the quantity of an EEE placed in the market in year Y-X, where ‘X’ is the average life of that product

Schedule III: 2026-2027	70% of the quantity of an EEE placed in the market in year Y-X, where 'X' is the average life of that product
Schedule III: 2027-2028	80% of the quantity of an EEE placed in the market in year Y-X, where 'X' is the average life of that product
Schedule III: 2028-2029 onwards	80% of the quantity of an EEE placed in the market in year Y-X, where 'X' is the average life of that product
Schedule III: Notes	The target shall be reviewed and may be increased after the end of year 2028-2029; importers of used electrical and electronic equipment shall have 100% extended producer responsibility obligation for the imported material after end of life, if not re-exported; the targets shall not be applicable for waste generated from solar photo-voltaic modules or panels or cells.
Schedule IV, producers who have started sales operations recently: 2023-2024	15% of the sales figure of financial year 2021-22
Schedule IV: 2024-2025	20% of the sales figure of financial year 2022-23
Schedule IV: 2025-2026 onwards	20% of the sales figure of the financial year two years back
Rule 16(1): hazardous substances in new equipment	Lead, Mercury, Cadmium, Hexavalent Chromium, polybrominated biphenyls and polybrominated diphenyl ethers not beyond a maximum concentration value of 0.1 per cent by weight in homogenous materials, and of 0.01 per cent by weight in homogenous materials for cadmium
Schedule I: equipment covered	106 codes in seven categories, from Centralized data processing: Mainframes, Minicomputers (ITEW1) to Equipment having electrical and electronic components (LIW2)

The notification (PDF, 1.5 MB)

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Read online: indusdesk.com/moefcc/tracker/issues-e-waste-management-rules-2022-in-force-239987/