DRAFT RULES

MoEFCC proposes extended producer responsibility for waste tires from 2022-23

Draft S.O. 5497(E) proposes EPR for waste tires: yearly recycling targets for tire producers, met by buying certificates from registered recyclers.

S.O. 5497(E), A DRAFT notification of the Ministry of Environment, Forest and Climate Change dated December 31, 2021, proposes the "Regulations on the Extended Producer Responsibility for waste tyre" under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. The Central Government proposes to issue it under sections 6, 8 and 25 of the Environment (Protection) Act, 1986. The draft records that "Waste pneumatic and other tyre" is classified as other waste in Schedule III, Part B of those rules, at Basel No. B-3140.

THE CHANGE

Proposes the "Regulations on the Extended Producer Responsibility for waste tyre" under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016: manufacturers and importers of new tires and importers of waste tires would meet yearly recycling targets by buying EPR certificates online from registered recyclers on the portal of the Central Pollution Control Board (CPCB).

KEY FACTS

TYPE

Draft rules

S.O. NUMBER

S.O. 5497(E)

DATED

December 31, 2021

APPLIES FROM

Proposed: from the Financial Year 2022-23 (paragraph 2 of the draft regulation)

REFERENCES

S.O. 5497(E)

CG-DL-E-01012022-232335

MoEFCC proposes extended producer responsibility for waste tires from 2022-23

S.O. 5497(E) · December 31, 2021

S.O. 5497(E), a draft notification of the Ministry of Environment, Forest and Climate Change dated December 31, 2021, proposes the "Regulations on the Extended Producer Responsibility for waste tyre" under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. The Central Government proposes to issue it under sections 6, 8 and 25 of the Environment (Protection) Act, 1986. The draft records that "Waste pneumatic and other tyre" is classified as other waste in Schedule III, Part B of those rules, at Basel No. B-3140.

Producers, meaning anyone who manufactures new tires, imports new tires or imports waste tires, would have yearly EPR obligations. For manufacturers and importers of new tires, these would be 35% of the quantity of new tires manufactured or imported in 2020-21 for 2022-23, 70% of the 2021-22 quantity for 2023-24, 100% of the 2022-23 quantity for 2024-25, and after that 100% of the quantity of two years earlier. For units established after April 1, 2022, the obligation would start after two years. A waste tire importer's obligation would be 100% of the tires imported in the previous year, and the import of waste tires for producing pyrolysis oil or char would be prohibited.

Producers would meet their obligations by buying EPR certificates from registered recyclers. CPCB would generate the certificates on its portal from the quantity of each end product, a conversion factor CPCB prescribes and a weightage: 1.25 for rubber reclamation and recovered carbon black, 1.10 for crumb rubber modified bitumen, 1.00 for crumb rubber and 0.75 for pyrolysis oil and char. Environmental compensation would apply to unmet obligations and false certificates, and false information resulting in a recycler's over generation of certificates above 5% of the actual recycled waste would result in revocation of its registration and environmental compensation that is not returnable.

The draft invited objections and suggestions in writing, by post to the Secretary of the Ministry or by email to the two addresses printed in the notice, within sixty days from the date on which copies of the Gazette were made available to the public. Counted from the Gazette's issue date (December 31, 2021), the period ended on March 1, 2022; counted from the day it was put online (January 1, 2022), on March 2, 2022. These closing dates are worked out, not printed. G.S.R. 593(E) of July 21, 2022, which made the final rules, records that copies were made available to the public on December 31, 2021.

The notification (F. No. 09/6/2021-HSMD) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 5091, dated December 31, 2021; the e-Gazette put it online on January 1, 2022.

S.O. number	S.O. 5497(E)
Dated	December 31, 2021
Put online	January 1, 2022
Gazette ID	CG-DL-E-01012022-232335
Rule	Tires
Type	Draft rules
Products	New tires, Waste tires
What it does	Proposes the "Regulations on the Extended Producer Responsibility for waste tyre" under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016: manufacturers and importers of new tires and importers of waste tires would meet yearly recycling targets by buying EPR certificates online from registered recyclers on the portal of the Central Pollution Control Board (CPCB).
Applies from	Proposed: from the Financial Year 2022-23 (paragraph 2 of the draft regulation)
Comments	Closing date March 1, 2022, worked out: 60 days from December 31, 2021, the day G.S.R. 593(E) says copies were made public
Made final by	G.S.R. 593(E) of July 21, 2022
Conditions	• Producers (any person or entity who manufactures new tires, imports new tires or imports waste tires) and recyclers of waste tires would register on the centralized portal of CPCB; no entity would carry out business without registration or deal with an unregistered producer or recycler (paragraphs 3(e), 4 and 5). • Recycling would mean converting waste tires into reclaimed rubber, crumb rubber, crumb rubber modified bitumen (CRMB), recovered carbon black, or pyrolysis oil or char (paragraph 3(f)). • Producers would fulfill their EPR obligation only by buying EPR certificates online from registered recyclers, and would file quarterly returns by the end of the month succeeding the end of each quarter (paragraphs 6.3 and 9). • EPR certificates would be valid for 2 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 could buy certificates up to its current-year liability, plus any leftover liability of preceding years, plus 10% of the current-year liability (paragraphs 7.2, 7.3 and 8.1).

- An unfulfilled obligation would be carried forward for up to 3 years; 85%, 60% or 30% of the environmental compensation levied would be returned if the shortfall is addressed after 1, 2 or 3 years (paragraph 12.4).
- A Steering Committee under the Chairman of CPCB or his nominee would oversee the regime and would review and revise the targets, weightage and permissibility of modes of recycling with the approval of the Ministry (paragraph 15).

Applies to	Manufacturers and importers of new tires, importers of waste tires, and recyclers of waste tires.
Issued under	Sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986); published as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986
Signed by	NARESH PAL GANGWAR, Jt. Secy.

The notification, entry by entry

Entry	Text
Paragraph 6.1(a)(i): EPR obligation of the Year 2022-23	35% of the quantity of new tyres manufactured/imported in Year 2020-21
Paragraph 6.1(a)(ii): EPR obligation of the Year 2023-24	70% of the quantity of new tyres manufactured/imported in Year 2021-22
Paragraph 6.1(a)(iii): EPR obligation of the Year 2024-25	100% of the quantity of new tyres manufactured/imported in Year 2022-23
Paragraph 6.1(a)(iv): after 2024-25 (Year Y)	100% of the quantity of new tyres manufactured/imported in the year (Y-2)
Paragraph 6.1(a)(v): units established after April 1, 2022	The EPR obligation will start after two years (Y) and will be 100% of the new tyres manufactured/imported in the year (Y-2)
Paragraph 6.1(b)(i): waste tyre importer	The EPR obligation in year (Y) will be 100% of the tyre imported in year (Y-1)
Paragraph 6.1(b)(ii): waste tyre importer	The import of waste tyre for the purpose of producing pyrolysis oil/ char is prohibited
Paragraph 7.1: Rubber Reclamation	Weightage allocated to the end product (WP): 1.25
Paragraph 7.1: Recovered Carbon black	Weightage allocated to the end product (WP): 1.25
Paragraph 7.1: Crumb rubber Modified Bitumen (CRMB)	Weightage allocated to the end product (WP): 1.10

Paragraph 7.1: Crumb rubber	Weightage allocated to the end product (WP): 1.00
Paragraph 7.1: Pyrolysis oil and char	Weightage allocated to the end product (WP): 0.75

The notification (PDF, 1.5 MB)

Gazette of India, CG-DL-E-01012022-232335, published December 31, 2021.

Checked against the official copy on October 27, 2026.

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