AMENDMENT

MoEFCC ties battery EPR certificate prices to environmental compensation and rewords the carry forward

G.S.R. 190(E) sets battery EPR certificate prices between 30% and 100% of environmental compensation and rewords the carry forward in Schedule II.

G.S.R. 190(E), A NOTIFICATION of the Ministry of Environment, Forest and Climate Change dated March 14, 2024, makes the Battery Waste Management (Amendment) Rules, 2024 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

'However, up to 60% of the remaining quantity of battery placed in the market during the applicable compliance cycle may be carried forward to the next compliance cycle.' EPR certificate prices lie between 30% and 100% of the Environmental Compensation leviable under rule 13.

KEY FACTS

TYPE
Amendment

G.S.R. NUMBER
G.S.R. 190(E)

DATED
March 14, 2024

APPLIES FROM
On the date of their publication in the Official Gazette (rule 1(2)); the Gazette is dated March 14, 2024

REFERENCES

G.S.R. 190(E)

CG-DL-E-14032024-252990

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G.S.R. 190(E) · March 14, 2024

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Rule 10(17) now has the Central Pollution Control Board fix the highest and the lowest price for EPR certificates at 100% and 30%, respectively, of the Environmental Compensation leviable on the obligated entities for non-fulfillment of EPR obligations as determined by the Board under rule 13, and a new rule 10(18) requires the exchange price between registered entities through the portal to lie between the two. Under rule 13(3), the Board prepares and recommends guidelines for imposing and collecting Environmental Compensation from producers and from entities refurbishing and recycling waste battery, may consult the Committee for Implementation under rule 15, and submits the guidelines to the Ministry for concurrence.

In the tables of Schedule II, the carry-forward sentence in column (5), which allowed up to 60% (20% in clause (viii)) of the average quantity of Battery placed in the market per year during the ten, seven or fourteen year cycle, is replaced in clauses (vi) to (xii), at both places, by: 'However, up to 60% of the remaining quantity of battery placed in the market during the applicable compliance cycle may be carried forward to the next compliance cycle.' In clause (xii), after Sl.No. (xiv), the figure '(viii)' becomes '(xv)'.

The notification (F. No. 12/36/2019-HSMD) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), No. 177, dated March 14, 2024. Its Note records that the principal notification was published by S.O. 3984(E), dated August 22, 2022, and last amended by S.O. 4669(E), dated October 25, 2023.

G.S.R. number	G.S.R. 190(E)
Dated	March 14, 2024
Gazette ID	CG-DL-E-14032024-252990
Rule	Battery
Type	Amendment
Amends	Battery Waste Management Rules, 2022
Products	Batteries

Before	Column (5) of the tables in clauses (vi) to (xii) of Schedule II allowed a carry forward of up to 60% (20% in clause (viii)) of the average quantity of Battery placed in the market per year during the ten, seven or fourteen year cycle.
After	'However, up to 60% of the remaining quantity of battery placed in the market during the applicable compliance cycle may be carried forward to the next compliance cycle.' EPR certificate prices lie between 30% and 100% of the Environmental Compensation leviable under rule 13.
Applies from	On the date of their publication in the Official Gazette (rule 1(2)); the Gazette is dated March 14, 2024
Conditions	• The highest and the lowest price for EPR certificates equal 100% and 30%, respectively, of the Environmental Compensation leviable on the obligated entities for non-fulfillment of EPR obligations as determined by the Central Pollution Control Board under rule 13; the exchange price through the portal must lie between them (rule 10(17) and (18)). • The Environmental Compensation guidelines are prepared and recommended by the Central Pollution Control Board, which may consult the Committee for Implementation under rule 15, and are submitted to the Ministry for concurrence (rule 13(3)).
Applies to	Producers of Battery, entities involved in refurbishment and recycling of waste battery, and registered entities exchanging EPR certificates under the Battery Waste Management Rules, 2022.
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 10, sub-rule (17) (substituted)		The Central Pollution Control Board shall fix the highest and the lowest price for Extended Producer Responsibility certificates which shall be equal to 100% and 30%, respectively of the Environmental Compensation leviable on the obligated entities for non-fulfilment of Extended Producer Responsibility obligations as determined by the Central Pollution Control Board under rule 13.

Rule 10, sub-rule (18) (inserted)		The exchange price of Extended Producer Responsibility certificate between registered entities through the portal shall be between the highest and the lowest prices referred to in sub-rule (17).
Rule 13, sub-rule (3) (substituted)		The Central Pollution Control Board shall prepare and recommend guidelines for imposition and collection of Environmental Compensation from producers and entities involved in refurbishment and recycling of waste battery, in case of non-compliance of these rules. The Central Pollution Control Board may consult the Committee for Implementation constituted under rule 15. The recommended guidelines shall be submitted to the Ministry of Environment, Forest and Climate Change for concurrence.
Schedule II, clauses (vi) and (vii), the table, column (5), at both places	However, there may be a carry forward of up to 60% of the average quantity of Battery placed in the market per year during the ten year cycle to the next compliance cycle.	However, up to 60% of the remaining quantity of battery placed in the market during the applicable compliance cycle may be carried forward to the next compliance cycle.
Schedule II, clause (viii), the table, column (5), at both places	However, there may be a carry forward of up to 20% of the average quantity of Battery placed in the market per year during the seven year cycle to the next compliance cycle.	However, up to 60% of the remaining quantity of battery placed in the market during the applicable compliance cycle may be carried forward to the next compliance cycle.
Schedule II, clauses (ix), (x) and (xi), the table, column (5), at both places	However, there may be 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.	However, up to 60% of the remaining quantity of battery placed in the market during the applicable compliance cycle may be carried forward to the next compliance cycle.
Schedule II, clause (xii), the table, column (5), at both places	However, there may be a carry forward of up to 60% of the average quantity of Battery placed in the market per year during the fourteen year cycle to the next compliance cycle.	However, up to 60% of the remaining quantity of battery placed in the market during the applicable compliance cycle may be carried forward to the next compliance cycle.
Schedule II, clause (xii), the table, after Sl.No. (xiv)	(viii)	(xv)

The notification (PDF, 1.5 MB)

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