

e-WASTE (MANAGEMENT) RULES 2016

earlier

e-Waste (Management and Handling) Rules 2011

Introduction

- Increasing use and dependence on Electrical and Electronic Equipment (EEE), such as, Mobile Phones, Personal Computers, Laptops, Servers, Data Storage Devices, Photocopying Machines, Televisions, Washing Machines, Refrigerators, Air Conditioners, etc. resulting into generation of large quantities of e-Waste.
- The EEE have valuable materials and hazardous/ toxic substances in their components. After their useful life, they may not cause any harm if stored safely in households/stores, however, if the e-Waste is opened-up and attempts are made for retrieval of useful components or material in an unscientific manner or if the material is disposed in open, then it may cause health risks and damage to environment.

Objective & Application

- To enable the recovery and/or reuse of useful material from Waste Electrical and Electronic Equipment (WEEE), thereby reducing the hazardous wastes destined for disposal and to ensure environmentally sound management of all types of WEEE.
- These rules may be called the E-Waste (Management) Rules, 2016.
- They shall come into force from the 1st day of October, 2016.

Application

- Apply to every manufacturer, producer, consumer, bulk consumer, collection centres, dealers, e-retailer, refurbisher, dismantler and recycler involved in manufacture, sale, transfer, purchase, collection, storage and processing of e-waste or electrical and electronic equipment listed in **Schedule I**, including their components, consumables, parts and spares which make the product operational but shall not apply to –
 - (a) used lead acid batteries as covered under the Batteries (Management and Handling) Rules, 2001 made under the Act;
 - (b) micro enterprises as defined in the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006); and 2
 - (c) radio-active wastes as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and rules made there under.

Schedule – I

(Categories of electrical and electronic equipment including their components, consumables, parts and spares covered under the rules)

Sr. No.	Categories of electrical and electronic equipment
i.	Information technology and telecommunication equipment :
	<ul style="list-style-type: none">• Centralised data processing: Mainframes, Minicomputers,• Personal Computing: Personal Computers (Central Processing Unit with input and output devices)• Personal Computing: Laptop Computers (Central Processing Unit with input and output devices)• Personal Computing: Notebook Computers• Personal Computing: Notepad Computers• Printers including cartridges• Copying equipment• Electrical and electronic typewriters• User terminals and systems

Sr. No.	Categories of electrical and electronic equipment
	<ul style="list-style-type: none">• User terminals and systems• Facsimile• Telex• Telephones• Pay telephones• Cordless telephones• Cellular telephones• Answering systems
ii.	<p>Consumer electrical and electronics:</p> <ul style="list-style-type: none">• Television sets (including sets based on (Liquid Crystal Display and Light Emitting Diode technology)• Refrigerator• Washing Machine• Air-conditioners excluding centralised air conditioning plants• Fluorescent and other Mercury containing lamps

Important Definitions

- 'bulk consumer' means bulk users of electrical and electronic equipment such as Central Government or State Government Departments, public sector undertakings, banks, educational institutions, multinational organisations, international agencies, partnership and public or private companies that are registered under the Factories Act, 1948 (63 of 1948) and the Companies Act, 2013 (18 of 2013) and health care facilities which have turnover of more than one crore or have more than twenty employees;
- 'consumer' means any person using electrical and electronic equipment excluding the bulk consumers;

Important Definitions

- 'end-of-life' of the product means the time when the product is intended to be discarded by the user;
- 'e-waste' means electrical and electronic equipment, whole or in part discarded as waste by the consumer or bulk consumer as well as rejects from manufacturing, refurbishment and repair processes;

Important Definitions

- ‘Extended Producer Responsibility’ means responsibility of any producer of electrical or electronic equipment, for channelisation of e-waste to ensure environmentally sound management of such waste. Extended Producer Responsibility may comprise of implementing take back system or setting up of collection centres or both and having agreed arrangements with authorised dismantler or recycler either individually or collectively through a Producer Responsibility Organisation recognised by producer or producers in their Extended Producer Responsibility - Authorisation;

Important Definitions

- ‘Extended Producer Responsibility - Authorisation’ means a permission given by Central Pollution Control Board to a producer, for managing Extended Producer Responsibility with implementation plans and targets outlined in such authorisation including detail of Producer Responsibility Organisation and e-waste exchange, if applicable;
- ‘manufacturer’ means a person or an entity or a company as defined in the Companies Act, 2013 or a factory as defined in the Factories Act, 1948 or Small and Medium Enterprises as defined in Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006), which has facilities for manufacture of electrical and electronic equipment;

Important Definitions

- ‘producer’ means any person who, irrespective of the selling technique used such as dealer, retailer, e-retailer, etc.; (i) manufactures and offers to sell electrical and electronic equipment and their components or consumables or parts or spares under its own brand; or (ii) offers to sell under its own brand, assembled electrical and electronic equipment and their components or consumables or parts or spares produced by other manufacturers or suppliers; or (iii) offers to sell imported electrical and electronic equipment and their components or consumables or parts or spares;
- ‘recycler’ means any person who is engaged in recycling and reprocessing of waste electrical and electronic equipment or assemblies or their components and having facilities as elaborated in the guidelines of Central Pollution Control Board;

Responsibilities of the manufacturer

- collect e-waste generated during the manufacture and channelise it for recycling or disposal;
- apply for an authorisation in Form 1 (a) from the concerned State Pollution Control Board;
- ensure that no damage is caused to the environment during storage and transportation of e-waste;
- maintain records of the e-waste generated, handled and disposed;
- file annual returns in Form-3, to the concerned State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates.

Responsibilities of the producer

- implementing the Extended Producers Responsibility with the following frameworks, namely:-
 - (a) collection and channelisation of e-waste generated from the 'end-of-life' products with the targets prescribed in Sch. III in EPR – Authorisation.
 - (b) the mechanism used for authorised dismantler or recycler shall be as per EPR - Authorisation.
 - (c) for disposal in Treatment, Storage and Disposal Facility, a pre treatment is necessary to immobilise the mercury and reduce the volume of waste.

Responsibilities of the producer

(d) EPR should comprise of general scheme for collection of e-waste from the market placed earlier, such as through dealer, collection centres, Producer Responsibilities organization, through buy-back arrangement, exchange scheme, deposit refund system etc. and channelising to authorised recyclers.

(e) providing contact details such as address, e-mail address, toll-free telephone numbers or helpline numbers to consumer(s) or bulk consumer(s) through their website and product user documentation so as to facilitate return of end-of-life electrical and electronic equipment;

(f) creating awareness through media, publications, advertisements, posters, or by any other means of communication.

Responsibilities of the producer

- the import of electrical and electronic equipment shall be allowed only to producers having EPR- authorisation;
- maintaining **records in Form-2**
- filing **annual returns in Form-3**, to the CPCB on or before the 30th day of June following the financial year to which that return relates.
- Producer shall **apply to the CPCB for authorisation in Form 1**, for Authorisation.
- Operation without Extended Producer Responsibility- Authorisation by any producer, as defined in this rule, shall be considered as causing damage to the environment.

Schedule – III

Targets for Extended Producer Responsibility - Authorisation

No.	Year	E-Waste collection Target (Number/Weight)
(i)	During first two year of implementation of rules.	30% of the quantity of waste generation as indicated in EPR Plan
(ii)	During third and fourth years of implementation of rules.	40% of the quantity of waste generation as indicated in EPR Plan
(iii)	During fifth and sixth years of implementation of rules.	50% of the quantity of waste generation as indicated in EPR Plan
(iv)	Seventh year onward of implementation of rules.	70% of the quantity of waste generation as indicated in EPR Plan

Responsibilities of consumer or bulk consumer

- consumers or bulk consumers shall ensure that e-waste generated by them is channelised through collection centre or dealer of authorised producer or dismantler or recycler or through the designated take back service provider of the producer to authorised dismantler or recycler;
- bulk consumers shall maintain record of e-waste generated by them in Form-2 and make such records available for scrutiny by the concerned State Pollution Control Board;

Responsibilities of consumer or bulk consumer

- consumers or bulk consumers shall ensure that such end-of-life electrical and electronic equipment are not admixed with e-waste containing radioactive material as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and rules made there under;
- bulk consumers shall **file annual returns in Form-3**, to the concerned State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates. In case of the bulk consumer with multiple offices in a State, one annual return combining information from all the offices shall be filed to the concerned State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates

Storage of e-waste

- Every manufacturer, producer, bulk consumer, collection centre, dealer, refurbisher, dismantler and recycler may store the e-waste for a period not exceeding one hundred and eighty days and
- shall maintain a record of collection, sale, transfer and storage of wastes and make these records available for inspection:

Provided that the concerned State Pollution Control Board may extend the said period up to three hundred and sixty five days in case the waste needs to be specifically stored for development of a process for its recycling or reuse.