

# **The E-waste (Management and Handling) Rules, 2011**

UNION OF INDIA

India

The Environment (Protection) Act, 1986

## **The E-waste (Management and Handling) Rules, 2011**

### **Rule THE-E-WASTE-MANAGEMENT-AND-HANDLING of 2011**

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Central Government ActThe E-waste (Management and Handling) Rules, 2011

#### **1. Short title and commencement. -**

(1)These rules may be called the E-waste (Management and Handling) Rules, 2011.(2)They shall come into effect from 1st May, 2012.

#### **2. Application. -**

These rules shall apply to every producer, consumer or bulk consumer involved in the manufacture, sale, purchase and processing of electrical and electronic equipment or components as specified in Schedule-I, collection centre, dismantler and recycler of e-waste and shall not apply to-(a)batteries as covered under the Batteries (Management and Handling) Rules, 2001 made under the Act;(b)Micro and small enterprises as defined in the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006); and(c)radio-active wastes as covered under the provisions of the Atomic Energy Act, 1962 (33 of 1962) and rules made thereunder.

#### **3. Definitions. -**

(1)In these rules, unless the context otherwise requires,-(a) 'Act' means the Environment (Protection) Act, 1986 (29 of 1986);(b)'authorisation' means permission for handling, collection, reception, storage, transportation, dismantling, recycling, treatment and disposal of e-waste granted under sub-rule (3) of rule 9;(c)'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 organizations, international agencies and private companies that are registered under the Factories Act, 1948 and Companies Act, 1956;(d)'central pollution control board', means the Central Pollution Control Board constituted

under sub-section (1) of section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);(e)'collection centre' means a centre established, individually or jointly or a registered society or a designated agency or a company or an association to collect e-waste;(f)'consumer' means any person using electrical and electronic equipment excluding the bulk consumers;(g)'dismantler' means any person or registered society or a designated agency or a company or an association engaged in dismantling of used electrical and electronic equipment into their components;(h)'disposal' means any operation which does not lead to recycling, recovery or reuse and includes physico-chemical or biological treatment, incineration and deposition in secured landfill;(i)'environmentally sound management of e-waste' means taking all steps required to ensure that e-waste are managed in a manner which shall protect health and environment against any adverse effects, which may result from hazardous substance contained in such wastes;(j)'electrical and electronic equipment' means equipment which is dependent on electric currents or electro-magnetic fields to be fully functional;(k)'e-waste' means waste electrical and electronic equipment, whole or in part or rejects from their manufacturing and repair process, which are intended to be discarded;(l)'extended producer responsibility' means responsibility of any producer of electrical or electronic equipment, for their products beyond manufacturing until environmentally sound management of their end-of-life products;(m)'facility' means any location wherein the process incidental to the collection, reception, storage, segregation, refurbishing, dismantling, recycling, treatment and disposal of e-waste are carried out;(n)'Form' means form appended to these rules;(o)'historical e-waste' means e-waste generated from electrical and electronic equipment as specified in Schedule I, which was available on the date from which these rules come into force;(p)'orphaned products' means non-branded or assembled electrical and electronic equipment as specified in Schedule I or those produced by a company, which has closed its operations or has stopped product support;(q)'producer' means any person who, irrespective of the selling technique used;(i) manufactures and offers to sell electrical and electronic equipment under his own brand; or(ii) offers to sell under his own brand, assembled electrical and electronic equipment produced by other manufacturers or suppliers; or(iii) offers to sell imported electrical and electronic equipment;(r)'recycler' means any person who is engaged in recycling or reprocessing of used electrical and electronic equipment or assemblies or their component;(s)'Schedule' means the Schedule appended to these rules;(t)'State Government in relation to a Union territory' means, the Administrator thereof appointed under article 239 of the Constitution;(u)'state pollution control board' means the concerned State Pollution Control Board or the Pollution Control Committee of the Union territories constituted under sub-section (1) of section 4 of the Water (Prevention and Control of Pollution) Act, 1974;(v)'transporter' means a person engaged in the off-site transportation of e-waste by air, rail, road or water.(2) Words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in that Act.

## **5. Responsibilities of collection centers. -**

Collection centre shall-(1) obtain an authorization in accordance with the procedure under rule 9 from the State Pollution Control Board or Pollution Control Committee concerned as the case may be and provide details such as address, telephone numbers/helpline number, e-mail, etc., of such collection centre to the general public;(2) ensure that the e-waste collected by them is stored in a

secured manner till it is sent to registered dismantler(s) or recycler(s) as the case may be;(3)ensure that no damage is caused to the environment during storage and transportation of e-waste;(4)file annual returns in Form 3, to the State Pollution Control Board or Pollution Control Committee concerned on or before the 30th day of June following the financial year to which that return relates; and(5)maintain records of the e-waste handled in Form 2 and make such records available for scrutiny by the State Pollution Control Board or the Pollution Control Committee concerned.

## **6. Responsibilities of consumer or bulk consumer. -**

(1)Consumers or Bulk consumers of electrical and electronic equipment listed in Schedule I shall ensure that e-waste generated by them is channelised to authorized collection center(s) or registered dismantler(s) or recycler(s) or is returned to the pick-up or take back services provided by the producers; and(2)bulk consumers shall maintain records of e-waste generated by them in Form 2 and make such records available for scrutiny by the State Pollution Control or the Pollution Control Committee concerned.

## **7. Responsibilities of dismantler. -**

Every dismantler shall-(1)obtain authorization and registration from the State Pollution Control Board in accordance with the procedure under the rules 9 and 11;(2)ensure that no damage is caused to the environment during storage and transportation of e-waste;(3)ensure that the dismantling processes do not have any adverse effect on the health and the environment;(4)ensure that the facility and dismantling processes are in accordance with the standards or guidelines published by the Central Pollution Control Board from time-to-time;(5)ensure that dismantled e-waste are segregated and sent to the registered recycling facilities for recovery of materials;(6)ensure that non-recyclable/non-recoverable components are sent to authorized treatment storage and disposal facilities;(7)file a return in Form 3, to the State Pollution Control Board or the Pollution Control Committee concerned as the case may be, on or before 30th June following the financial year to which that return relates;(8)not process any e-waste for recovery or refining of materials, unless he is registered with State Pollution Control Board as a recycler for refining and recovery of materials.

## **8. Responsibilities of recycler. -**

Every recycler shall-(1)obtain authorization and registration from State Pollution Control Board in accordance with the procedure under the rules 9 and 11;(2)ensure that the facility and recycling processes are in accordance with the standards laid down in the guidelines published by the Central Pollution Control Board from time-to-time;(3)make available all records to the Central or State Pollution Control Board or Pollution Control Committee of Union territories for inspection;(4)ensure that residue generated thereof is disposed of in a hazardous waste treatment storage disposal facility;(5)file annual returns in Form 3, to the State Pollution Control Board or Pollution Control Committee concerned as the case may be, on or before 30th June following the financial year to which that returns relate.

## **9. Procedure for grant of authorization. -**

(1) Every producer of electrical and electronic equipment listed in Schedule I, collection centre, dismantler and recycler of e-waste shall obtain an authorization from the State Pollution Control Board or Pollution Control Committee of Union territories concerned as the case may be. (2) Every producer of electrical and electronic equipment listed in Schedule I, collection centre, dismantler and recycler of e-waste shall make an application, within a period of three months starting from the date of commencement of these rules in Form 1 to the State Pollution Control Board or the Pollution Control Committee for grant of authorization: Provided that any person authorized under the provisions of the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008, prior to the date of coming into force of these rules shall not be required to make an application for authorization till the period of expiry of such authorization: Provided further that a recycler of e-waste who has not been authorized under the provisions of the Hazardous Waste (Management, Handling and Transboundary Movements) Rules, 2008, shall require authorization following the procedure mentioned in sub-rule (1) above. (3) On receipt of the application complete in all respects for the authorization, the State Pollution Control Board or Pollution Control Committee of Union territories may, after such enquiry as it considers necessary and on being satisfied that the applicant possesses appropriate facilities, technical capabilities and equipment to handle e-waste safely, grant within a period of ninety days an authorization in Form 1(a) to the applicant to carry out safe operations in the authorized place only, which shall be valid for a period of five years. (4) The State Pollution Control Board or Pollution Control Committee of the Union territories after giving reasonable opportunity of being heard to the applicant shall refuse to grant any authorization. (5) Every person authorized under these rules shall maintain the record of e-waste handled by them in Form-2 and prepare and submit to the State Pollution Control Board or Pollution Control Committee, an annual return containing the details specified in Form 3 on or before 30<sup>th</sup> day of June following the financial year to which that return relates. (6) An application for the renewal of an authorization shall be made in Form-1 before sixty days of its expiry and the State Pollution Control Board or Pollution Control Committee may renew the authorization after examining each case on merit and subject to the condition that there is no report of violation of the provisions of the Act or the rules made thereunder or the conditions specified in the authorization. (7) Every producer of electrical and electronic equipment listed in Schedule I, collection centre, dismantler and recycler of e-waste shall take all steps, wherever required, to comply with the conditions specified in the authorization. (8) The State Pollution Control Board in case of a respective State or the Pollution Control Committee in case of Union territories shall maintain a register containing particulars of the conditions imposed under these rules for environmentally sound management of e-waste, and it shall be open for inspection during office hours to any person interested or affected or a person authorized by him on his behalf.

## **10. Power to suspend or cancel an authorization. -**

(1) The State Pollution Control Board or Pollution Control Committee of the Union territories may, if in its opinion, the holders of the authorization has failed to comply with any of the conditions of the authorization or with any provisions of the Act or these rules and after giving a reasonable opportunity of being heard and after recording reasons thereof in writing cancel or suspend the

authorization issued under these rules for such period as it considers necessary in the public interest.(2)Upon suspension or cancellation of the authorization, the State Pollution Control Board or Pollution Control Committee of the Union territories may give directions to the persons whose authorization has been suspended or cancelled for the safe storage of the e-waste and such person shall comply with such directions.

## **11. Procedure for grant of registration. -**

(1)Every dismantler or recycler of e-waste shall make an application, within a period of three months starting from the date of commencement of these rules, in Form-4 in triplicate to the State Pollution Control Board accompanied with a copy of the following documents for the grant or renewal of registration:-(i)consent to establish granted by the State Pollution Control Board under Water (Prevention and Control of Pollution) Act, 1974, (25 of 1974) and Air (Prevention and Control of Pollution) Act, 1981 (21 of 1981);(ii)certificate of registration issued by the District Industries Centre or any other government agency authorized in this regard;(iii)proof of installed capacity of plant and machinery issued by the District Industries Centre or any other government agency authorized in this behalf;(iv)in case of renewal, a certificate of compliance of effluent and emission standards, treatment and disposal of hazardous wastes as applicable from the State Pollution Control Board or Committee of the Union territories or any other agency designated for this purpose:Provided that any person registered under the provisions of the Hazardous Wastes (Management, Handling and Transboundary Movements) Rules, 2008, prior to the date of coming into force of these rules shall not be required to make an application for registration till the period of expiry of such registration: Provided further that a recycler of e-waste who has not been registered under the provisions of the Hazardous Waste (Management, Handling and Transboundary Movements) Rules, 2008, shall require registration following the procedure mentioned in sub-rule (1) of rule 11.(2)The State Pollution Control Board, on being satisfied that the application is complete in all respects and that the applicant is utilizing environmentally sound technologies and possess adequate technical capabilities, requisite facilities and equipment to recycle and process e-waste, may grant registration to such applicants stipulating therein necessary conditions as deemed necessary for carrying out safe operations in the authorized, place only.(3)The State Pollution Control Board shall dispose of the application for registration within a period of ninety days from the date of the receipt of such application complete in all respects.(4)The registration granted under these rules shall be valid initially for a period of two years and thereafter for a period of maximum five years on subsequent renewals from the date of its issue, unless the operation is discontinued by the unit or the registration suspended or cancelled by the State Pollution Control Board.(5)The State Pollution Control Board may after giving reasonable opportunity of being heard to the applicant, by order, refuse to grant or renew.(6)The State Pollution Control Board shall monitor the compliance of conditions stipulated for granting registration.(7)The State Pollution Control Board may cancel or suspend a registration granted under these rules, if it has reasons to believe that the registered recycler has failed to comply with any of the conditions of registration, or with any provisions of the Act or rules made thereunder, after giving an opportunity to the recycler to be heard and after recording the reasons therefor.(8)An application for the renewal of registration shall be made in Form-4 before sixty days of its expiry and the State Pollution Control Board or Pollution Control Committee may renew the registration after examining each case on merit and

subject to the condition that there is no report of violation of the provisions of the Act or the rules made thereunder or the conditions specified in the registration.(9)The dismantler or recycler shall maintain records of the e-waste purchased and processed and shall file annual returns of its activities of previous year in Form 3 to the State Pollution Control Board or Pollution Control Committee on or before 30th day of June of every year.(10)The Central Government and the Central Pollution Control Board may issue guidelines for standards of performance for recycling processes from time-to-time.

## **12. Procedure for storage of e-waste. -**

Every producer, collection centre, dismantler or recyclers may store the e-waste for a period not exceeding one hundred and eighty days and shall maintain a record of collection, sale, transfer, storage and segregation of wastes and make these records available for inspection: Provided that the State Pollution Control Board may extend the said period up to one year in the following cases, namely,-(i)Collection centers in the States, which do not have any registered dismantling or recycling facility; or Dismantlers in the States, which do not have any registered recycling facility;(ii)the waste which needs to be specifically stored for development of a process for its recycling or reuse.

## **13. Reduction in the use of hazardous materials in the manufacture of electrical and electronic equipment. -**

(1)Every producer of electrical and electronic equipment listed in schedule I shall ensure that, new electrical and electronic equipment does not contain Lead, Mercury, Cadmium, Hexavalent Chromium, polybrominated biphenyls or polybrominated diphenyl ethers:Provided that a maximum concentration value of 0.1% by weight in homogenous materials for lead, mercury, hexavalent chromium, polybrominated biphenyls and polybrominated diphenyl ethers and of 0.01% by weight in homogenous materials for cadmium shall be permitted.(2)The applications listed in Schedule-II shall be exempted from provisions of sub-rule (1) of rule 13.(3)The sub-rule (1) of rule 13 shall not apply to components of electrical and electronic equipment manufactured or placed in the market six years before the date of commencement of these rules.(4)In the event of such reduction in the hazardous materials used in the electrical and electronic equipment, the detailed information on the constituents of the equipment shall be provided in the product information booklet.(5)Imports or placement in the market for new electrical and electronic equipment shall be permitted only for those which are compliant to provisions of sub-rule (1) of rule 13.(6)Manufacture and supply of electrical and electronic equipment used for defense and other similar strategic applications shall be excluded from provisions of sub-rule (1) of rule 13.(7)Such reduction in use of hazardous substances in manufactured or imported electrical and electronic equipment shall be achieved within a period of two years from the date of commencement of these rules.

## **14. Duties of Authorities. -**

Subject to other provisions of these rules, the authorities shall perform duties as specified in

Schedule III.

### **15. Annual Report. -**

(1)The State Boards and the Committees shall prepare and submit to the Central Pollution Control Board an annual report with regard to the implementation of these rules by the 30th September every year in Form 5.(2)The Central Pollution Control Board shall prepare the consolidated annual review report on management of e-waste and forward it to the Central Government along with its recommendations before the 30th December every year.

### **16. Transportation of e-waste. -**

(1)In case of transportation of e-waste for final disposal to a facility in a State other than the State where the waste is generated/collected, the transporter shall obtain 'No Objection Certificate' from the State Pollution Control Board concerned and shall intimate the State Pollution Control Board of the State(s) of transit.(2)In case of transportation of e-waste for dismantling or for recycling in a State other than the State where the waste is generated or collected, the transporter shall give prior intimation to the State Pollution Control Boards concerned and the State Pollution Control Boards of the State(s) of transit.

### **17. Accident reporting and follow-up. -**

Where an accident occurs at the facility processing e-waste or during transportation of e-waste, the producer, transporter, dismantle or recycler, as the case may be, shall report immediately to the State Pollution Control Boards or Committees of Union territories about the accident.

**18. The collection, storage, transportation, segregation, refurbishment, dismantling, recycling and disposal of e-waste shall be in accordance with the procedures prescribed in the guidelines published by the Central Pollution Control Boards from time-to-time.**