



**OFFICE OF THE COMMISSIONER OF CUSTOMS (NS-III),  
MUMBAI ZONE-II, JAWAHARLAL NEHRU CUSTOM HOUSE,  
NHAVA SHEVA, TALUKA: URAN, DISTRICT: RAIGAD,  
MAHARASHTRA-400707.**

F.No. S/22-Gen-402/2017-18/AM(I) Part-I

Date: 15.03.2018

**PUBLIC NOTICE No. 41/2018**

**Subject:** Compliance of E-Waste (Management) Rules, 2016- reg.

Attention of all Custom Brokers, Exporters, Importers, Members of the Trade and other stake holders is invited to the E-Waste (Management) Rules, 2016 (available at: <http://www.moef.gov.in/sites/default/files/EWM%20Rules%202016%20english%2023.03.2016.pdf> ), which entered into force on the 1<sup>st</sup> day of October, 2016 and to the Public Notice No. 24/2018 dated 07.02.2018 issued on the above mentioned subject.

2. For the sake of easy reference, important provisions of said "E-Waste (Management) Rules, 2016" in relation to import and export are reproduced below:

**Rule 2 Application: These rules shall 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** –

**(b) micro enterprises** as defined in the Micro, Small and Medium Enterprises Development Act, 2006 (27 of 2006);

**Rule 3 Definitions:**

(p) 'electrical and electronic equipment' means equipment which are dependent on electric current or electro-magnetic field in order to become functional;

(r) '**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;

(t) '**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;

(u) '**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;

**(cc) '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;**

**Rule 5. Responsibilities of the producer.** - The producer of electrical and electronic equipment listed in **Schedule I** shall be responsible for –

(1) implementing the Extended Producers Responsibility with the following frameworks, namely:- (a) collection and channelisation of e-waste generated from the 'end-of-life' of their products or 'end-of-life' products with same electrical and electronic equipment code and historical waste available on the date from which these rules come into force as per Schedule I in line with the targets prescribed in Schedule III in Extended Producer Responsibility - Authorisation;

**(3) the import of electrical and electronic equipment shall be allowed only to producers having Extended Producer Responsibility authorisation;**

(7) Operation without Extended Producer Responsibility-Authorisation by any producer, as defined in this rule, shall be considered as causing damage to the environment.

**Rule 13. Procedure for Seeking and Grant of Authorisation.** -

**(1) Extended Producer Responsibility - Authorisation of Producers.** – (i) Every producer of electrical and electronic equipment listed in Schedule I, shall make an application for Extended Producer Responsibility - Authorisation within a period of ninety days starting from the date of these rules coming into force in Form-1 to **Central Pollution Control Board;**

**Rule 16. Reduction in the use of hazardous substances in the manufacture of electrical and electronic equipment and their components or consumables or parts or spares.** –

**(6) 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) and sub rule (4) of rule 16;**

***Sub-rule (1):** Every producer of electrical and electronic equipment and their components or consumables or parts or spares **listed in Schedule I** shall ensure that, new Electrical and Electronic Equipment and their components or consumables or parts or spares do not contain Lead, Mercury, Cadmium, Hexavalent Chromium, polybrominated biphenyls and polybrominated diphenyl ethers beyond 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.*

**Sub-rule (4):** Every producer of applications listed in Schedule II shall ensure that the limits of hazardous substances as given in Schedule II are to be complied.

**Rule 17. Duties of authorities.** - Subject to other provisions of these rules, the authorities shall perform duties as specified in Schedule IV.

**SCHEDULE IV [See rule (17)] LIST OF AUTHORITIES AND CORRESPONDING DUTIES:**

**Central Pollution Control Board, Delhi:** Wherever necessary, Central Pollution Control Board will seek the help of **customs department** or any other agency of the Government of India.

**Port authority under Indian Ports Act, 1908 (15 of 1908) and Customs Authority under the Customs Act, 1962 (52 of 1962):**

**(i) Verify the Extended Producer Responsibility - Authorisation.**

(ii) Inform Central Pollution Control Board of any illegal traffic for necessary action.

(iii) Take action against importer for violations under the Indian Ports Act, 1908/Customs Act, 1962.

**3.** In view of the above, attention of all the Custom Brokers, Exporters, Importers, Members of the Trade and other stake holders is again invited to above provisions of E-Waste (Management) Rules, 2016 for compliance for smooth and expeditious clearances. In case of any difficulty, the specific issue may be brought to the notice of Deputy/Assistant Commissioner in charge of Appraising Main (Import), NS-III (email address: [appraisingmain.jnch@gov.in](mailto:appraisingmain.jnch@gov.in) )

**4.** This issues with approval of the Chief Commissioner of Customs, Mumbai Zone-II, JNCH. Action to be taken in terms of decisions taken in this Public Notice should be considered as standing order for the purpose of officers and staff.

**Sd/-**

**(SUBHASH AGRAWAL)**

Commissioner of Customs (NS-III)

Copy to:

- i. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH.
- ii. The Commissioner of Customs, NS-G/ NS-I/ NS-II / NS-IV / NS-V, JNCH.
- iii. All Additional / Joint Commissioner of Customs, JNCH.
- iv. All Deputy / Assistant Commissioner of Customs, JNCH.
- v. All Sections / Groups of NS-G, NS-I, NS-II / NS-III/ NS-IV / NS-V, JNCH.
- vi. Representative of BCBA / FIEO for information and circulation among their members for information.
- vii. AC/DC, EDI for uploading on JNCH website immediately