

LEGAL ALERT

New E-Waste Management Rules, 2016 for Bulk Consumers

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The Ministry of Environment, Forest and Climate Change has notified the E-Waste (Management) Rules, 2016 ("Rules 2016") in supersession of E-Waste (Management and Handling) Rules, 2011 ("Rules 2011"). These Rules 2016 will be effective from October 1, 2016. Below is a glimpse of key changes brought in by Rules 2016, which may be noted for implementation by your organisation as a bulk consumer:

1. The application of Rule 2016 also encompasses manufacturer, collection centres, dealers, e-retailer, refurbisher. Additionally, the scope of activities/products is also enhanced to cover the components, consumables, parts and spares of electrical and electronic equipment specified in Schedule I of the Rules 2016.
2. The definition of "bulk consumer" is expanded to also include public companies that are registered under the Factories Act, 1948 and Companies act 2013 and health care facilities which have turnover of more than one crore or have more than twenty employees. [Rule 3(c)];
3. The Rules 2016 have added certain new concepts which are indicated below:
 - a. Channelisation means to direct the path for movement of e-wastes from collection onwards to authorised dismantler or recycler. In case of fluorescent and other mercury containing lamps, where recyclers are not available, this means path for movement from collection centre to Treatment, Storage and Disposal facility. [Rule3(i)]
 - b. Dealer means any individual or firm that buys or receives electrical and electronic equipment as listed in Schedule I of Rules 2016 and their components or consumables or parts or spares from producers for sale. [Rule 3(j)]
 - c. Deposit refund scheme means a scheme whereby the producer charges an additional amount as a deposit at the time of sale of the electrical and electronic equipment and returns it to the consumer along with interest when at the end-of life of the electrical and electronic equipment such electrical and electronic equipment is returned [Rule 3(k)]. The said scheme is optional for the consumers.
 - d. E-retailer means an individual or company or business entity that uses an electronic network, such as, internet, telephone, to sell its goods. [Rule 3(q)]
 - e. Refurbisher means any company or undertaking registered under the Factories Act, 1948 or the Companies Act, 1956 or both or district industries centre engaged in refurbishment of used electrical and electronic equipment. [Rule 3(gg)]
 - f. Refurbishment means repairing of used electrical and electronic equipment as listed in Schedule I of Rules 2016 for extending its working life for its originally intended use and selling the same in the market or returning to owner. [Rule 3(ff)]
 - g. End-of-life of the product means the time when the product is intended to be discarded by the user. The term "end-of-life" was even used in the Rules 2011, however the term was not

defined in the Rules 2011. Rules 2016 now provide a clear definition of the said term to provide greater clarity and facilitate implementation.

4. The definition of “e-waste” has been expanded to also include electrical and electronic equipment discarded as waste by consumer or bulk consumer whereas earlier the definition only covered such waste which was generated as rejects in the manufacturing and repairing process [Rule 3(r)];
5. The responsibilities of consumer or bulk consumer are enhanced to include two new compliances in addition to what was given in the Rules 2011. The said compliances are:
 - a. They shall be under obligation to ensure that 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.
 - b. They are required to file annual return in Form-3, to concerned state pollution control board on or before the 30th day of June following the financial year to which that return relates. Moreover, if there are multiple offices of bulk consumer in a State, one annual return combining information for all the offices can also be filed [Rule 9];
6. Bulk consumers are now required to follow the procedural requirements for storage of e-waste. [Rule 15];
7. Further, Schedule I is revised to include “Fluorescent and other Mercury containing lamps” under the category of consumer electrical and electronics.

Please note that the above points only highlight the key changes made by the Rules 2016 for bulk consumers and each company must refer to complete text of the rules to determine the full applicability of these rules.

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