

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE****NOTIFICATION**

New Delhi, the 20th February, 2020

**S.O. 770(E).**—The following draft rules which the Central Government proposes to make, in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), in supersession of the Batteries (Management and Handling) Rules, 2001, published in the Gazette of India, Part II, Section 3, Sub-section 3(ii), vide number S.O.1035(E) dated 16<sup>th</sup> May 2001, except as respects things done or omitted to be done before such supersession is hereby published as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 for the information of the public likely to be affected thereby and notice is hereby given that the said notification will be taken into consideration by the Central Government on or after the expiry of sixty days from the date on which copies of this notification as published in the Gazette of India are made available to the public;

Any person interested in making any objection or suggestion on the proposals contained in the draft notification may do so in writing within the period so specified through post to the Secretary, Ministry of Environment and Forests, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 or electronically at email address: m.gangeya@gov.in; ad.raju@nic.in.

**Draft rules**

**1. Short title-** These rules may be called the **Battery Waste Management Rules, 2020.**

**2. Application—**

These rules shall apply to:

(1) Every manufacturer, producer, collection center, importer, re-conditioner, re-furbisher, dismantler, assembler, dealer, recycler, auctioneer, vehicle service center, consumer and bulk consumer involved in manufacture, processing, sale, purchase, collection, storage, re-processing and use of batteries or components there of including their components, consumables and spare parts which make the product operational;

(2) all types of batteries as listed in Schedule-I, regardless of their shape, volume, weight, material composition or use;

(3) all appliances into which a battery is or may be incorporated.

(4) These Regulations do not apply to batteries used in:

- i. Equipment connected with the protection of the essential security interests such as arms, ammunitions and war material, and intended specifically for military purposes;
- ii. Equipment designed to be sent into space (space exploration)
- iii. Emergency and alarm systems;
- iv. Emergency lighting; and
- v. Medical Equipment

(5) The import, export of battery waste; hazardous waste generated in the establishment of users stated in Rule 2(1) shall be handled as per the provisions under Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008.

**3. Definitions—**In these rules, unless the context otherwise requires, -

(1) 'Act' means the Environment (Protection) Act, 1986 (29 of 1986);

(2) 'assembler' -means a person who manufactures batteries by assembling various components;

(3) 'auction' - means bulk sale of used batteries or component(s) thereof by invitation of tenders or auction, contract or negotiation by individual(s), companies or Government Departments;

(4) 'auctioneer'- means a person (s) who auctions used batteries or components, thereof,

(5) 'authorization' - means permission for handling, collection, reception, storage, transportation, dismantling, recycling, treatment and disposal of batteries;

- (6) 'battery' or "accumulator" means any source of electrical energy generated by direct conversion of chemical energy and includes disposable primary (Alkaline/Mercury/Silver oxide/Zinc Carbon) batteries or rechargeable secondary (Lead Acid/Lithium Ion/Lithium Metal/Nickel Cadmium) batteries or any other battery which is a source of electrical energy and contains (or may produce at end of its life) potassium hydroxide or sodium hydroxide or ammonium chloride or zinc chloride or sulfuric acid or pressurized sulfur dioxide gas or thionyl chloride or magnesium bromide or magnesium perchlorate or mercury or zinc or cadmium or nickel or lithium chloride or any other hazardous material as defined in Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- (7) "battery pack" means any set of batteries or accumulators that are connected or encapsulated within an outer casing so as to form a complete unit that the end-user is not intended to split up or open;
- (8) 'bulk consumer' means a consumer such as Central Government, Railways, Defense, Telecom, Posts and Telegraph, departments of State Government, public sector undertakings, Boards, banks, educational institutions, multinational organizations, international agencies and public or private companies that are registered under the Factories Act, 1948 (63 of 1948) and Companies Act, 2013 (18 of 2013) and health care facilities which have turnover of more than one crore or have more than twenty employees and other agencies or companies who purchase hundred or more than hundred batteries per annum.;
- (9) '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);
- (10) 'collection centre' means a centre established either individually or as association jointly by the manufacturers, producers, importers, assemblers or the dealers to collect battery waste, in pursuance of their responsibilities under rule-5(2)(ii) of these rules and as indicated in the authorization for Extended Producer Responsibility granted to the Producer by Central Pollution Control Board;
- (11) 'component' means one part of the sub assembly or assembly which makes up the battery product. These parts may be hazardous or nonhazardous in nature;
- (12) 'consumer' means a person using batteries excluding bulk consumers;
- (13) 'channelization' means to direct the path for movement of waste batteries after collection to registered dismantler or registered recycler;
- (14) 'dealer' means any individual or firm that buys or-sells batteries or components from the producers or manufacturers or importers or assemblers or retailers or consumers or otherwise for sale or wholesale and/or retail selling to individual or bulk consumer;
- (15) 'dismantler' means any person or registered society or a designated agency or a company or an association engaged in dismantling of used batteries into their components and having facilities as per the guidelines made by Central Pollution Control Board;
- (16) '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;
- (17) 'environmentally sound management of battery waste' means taking all steps required to ensure that batteries 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;
- (18) 'Extended Producer Responsibility' (EPR) means responsibility of any producer of batteries for their products beyond manufacturing until environmentally sound management of their end-of-life products; for channelization of waste batteries 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 registered recycler either individually or collectively through a Producer Responsibility Organization recognized by producer or producers in their Extended Producer Responsibility - Authorization;
- (19) 'EPR-Authorization' means a permission given by Central Pollution Control Board or State Pollution Control Board to a producer, for managing Extended Producer Responsibility with State specific implementation plans and targets outlined in such authorization including detail of Producer Responsibility Organization (PRO) and other details wherever applicable;

- (20) 'EPR management' means setting up an effective waste battery channelization system comprising of setting up collection centres, implementing take back system, agreements with registered dismantler or registered recycler either individually or collectively or through a Producer Responsibility Organization (PRO);
- (21) 'Extended Producer Responsibility Plan' means a plan submitted by a producer to Central Pollution Control Board, at the time of applying for Extended Producer Responsibility - Authorization in which a producer shall provide details of waste battery channelization system for targeted collection including details of Producer Responsibility Organization;
- (22) 'facility' means any location wherein the process incidental to the collection, reception, storage, segregation, refurbishing, dismantling, recycling, treatment and disposal of waste battery are carried out;
- (23) 'form' means form appended to these rules;
- (24) 'importer' means a person who imports new batteries or components thereof for the purpose of sale or manufacturing;
- (25) 'industrial battery' means any battery or battery pack which is—designed exclusively for industrial or professional uses, used as a source of power for propulsion in an electric vehicle, unsealed but is not an automotive battery, or sealed but is not a portable battery;
- (26) 'manufacturer' means a person or an entity or a company as defined in the Companies Act, 2013 (18 of 2013) or a factory as in the Factories Act, 1948 (63 of 1948) which has facilities for manufacture of battery or components thereof;
- (27) 'original equipment manufacturer (OEM)' means manufacturer of equipment or product using batteries as a component;
- (28) "portable battery" means any battery or battery pack which is sealed, can be hand-carried by an average natural person without difficulty, and is neither an automotive battery nor an industrial battery;
- (29) 'producer' means any person who, irrespective of the selling technique used, engaged in;
- i. manufactures and offers to sell batteries and their components or consumables or parts or spares under its own brand; or
  - ii. manufactures or offers to sell equipment / product using a battery or batteries as a component under its own brand; or
  - iii. offers to sell under their own brand, assembled batteries and their components or consumables or parts or spares produced by other manufacturers or suppliers; or
  - iv. offers to sell imported batteries and their components or consumables or parts or spares;
- (30) 'Producer Responsibility Organization (PRO)' means a professional organization authorized or financed collectively or individually by producers, which can take the responsibility for collection and channelization of battery waste generated from the 'end-of-life' of their products to ensure environmentally sound management of battery waste;
- (31) 're-conditioner' means a person involved in repairing of batteries for selling the same in the market;
- (32) 'recycler' means any person who is engaged in recycling or reprocessing of waste batteries or their components and having facilities as elaborated in the guidelines made by Central Pollution Control Board;
- (33) 'registered recycler' means a recycler registered with the Ministry of Environment and Forests or an agency designated by it for reprocessing used batteries or components thereof;
- (34) 'refurbishment' means repairing of used batteries for extending its working life for its originally intended use and selling the same in the market or returning to owner;
- (35) 'refurbisher', for the purpose of these rules, means any person who is engaged in refurbishment;

- (36) 'Schedule' means the Schedule appended to these rules;
- (37) 'State Government in relation to a Union territory means, the Administrator thereof appointed under article 239 of the Constitution;
- (38) 'State Board' means the concerned State Pollution Control Board or the Pollution Control Committee as the case may be;
- (39) 'used batteries' means exhausted, damaged and old batteries or components thereof;
- (40) 'battery waste ' means battery and its components thereof, whole or in part discarded as waste by the consumer or bulk consumer as well as rejects from manufacturing, refurbishment and repair processes;

Note: *the words not defined in these rules will have the same meaning as defined in the Environment (Protection) Act, 1986 and the rules framed there under.*

## CHAPTER II

### 4. Prohibitions and labelling requirements

#### (1) Prohibitions on heavy metal content in the batteries

- (i) No person shall place on the market -
- (a) a battery that contains more than 0.0005% (5 ppm) of mercury by weight;
  - (b) a portable battery that contains more than 0.002% of cadmium by weight
- (ii) The prohibition in paragraph (1)(i)(a) shall not apply to a button cell with mercury content of not more than 2% by weight.
- (iii) The prohibition in paragraph (1)(i)(b) shall not apply to a portable battery intended for use in :
- a. emergency and alarm systems, including emergency lighting;
  - b. medical equipment; or
- (2) a cordless power tool marked with crossed out wheeled bin symbol
- (i) No person shall place on the market any battery or battery pack unless it is marked with the "crossed out wheeled bin symbol" as shown in Schedule II covering at least 5% of the area of the largest side of the battery or battery pack.
- (ii) In the case of cylindrical cells, the crossed out wheeled bin symbol shall cover at least 2 % of the surface area of the battery or battery pack.
- (iii) Where the size of the battery or battery pack is such that the crossed out wheeled bin symbol would be smaller than 0.5 x 0.5 centimeters, the battery or battery pack need not be marked but a crossed out wheeled bin symbol measuring at least 1 x 1 centimeter shall be printed on the packaging.
- (iv) The crossed out wheeled bin symbol shall be printed visibly, legibly and indelibly.

#### (3) Marking with mercury, cadmium and lead symbols

- (i) No person shall place on the market—
- (a) a button cell containing more than 0.0005% of mercury by weight unless it is marked with the chemical symbol "Hg";
  - (b) a battery containing more than 0.002% of cadmium by weight unless it is marked with the chemical symbol "Cd";
  - (c) a battery containing more than 0.004% of lead by weight unless it is marked with the chemical symbol "Pb".
- (ii) Each of the chemical symbols mentioned in paragraph (1) shall—
- (a) be printed beneath the crossed out wheeled bin symbol;
  - (b) cover an area of at least one quarter the size of that symbol; and
  - (c) be printed visibly, legibly and indelibly.

### CHAPTER III

#### 5. Responsibilities

(1) **Responsibilities of manufacturer, importer, assembler and re-conditioner.**- It shall be the responsibility of a manufacturer, importer, assembler and re- conditioner to :

- (i) ensure that the used batteries are collected back as per the Schedule against new batteries sold excluding those sold to original equipment manufacturer and bulk consumer(s);
- (ii) ensure that used batteries collected back are of similar type and specifications as that of the new batteries sold;
- (iii) file annual return of their sales and buy-back to the State Board in Form- 1 latest by 31<sup>st</sup>December of every year;
- (iv) set up collection centers either individually or jointly at various places for collection of used batteries from consumers or dealers;
- (v) ensure that used batteries collected are sent only to the registered recyclers;
- (vi) ensure that necessary arrangements are made with dealers for safe transportation from collection centres to the premises of registered recyclers;
- (vii) ensure that no damage to the environment occurs during transportation of used batteries and no acid should be drained in case of used lead acid batteries;
- (viii) create public awareness through advertisements, publications, posters or by other means with regard to the following:
  - a. hazards of Lead, Cadmium and Mercury; (other elements )
  - b. obligation of consumers to return their used batteries only to the dealers or deliver at collection centres; and
  - c. addresses of dealers and collection centres.
  - d. information on hazards of improper handling, disposal, accidental breakage, damage or improper recycling of batteries;
  - e. instructions for handling and disposal of the equipment after its use, along with the Do's and Don'ts;
- (ix) use the international recycling sign on the Batteries;
- (x) buy recycled lead, (other elements....) only from registered recyclers;
- (xi) bring to the notice of the State Board or the Ministry of Environment, Forests and Climate Change any violation by the dealers.
- (xii) ensure that the new batteries shall be sold only to the dealers, bulk consumers and OEMs registered with CPCB or any agency designated by it.

*Note : The assembler and reconditioners are excluded from the purview of responsibilities as specified in sub-clauses (iv), (vii), (ix) and (xii)*

(2) **In addition to the above responsibilities, specific responsibilities are :**

(i) **Manufacturer:** It shall be the responsibility of a manufacturer to

- (a) collect hazardous waste generated during the manufacture of any battery and channelize it for recycling or disposal;
- (b) apply for an authorization in Form 2(A) in accordance with the procedure prescribed under rule 8(3) from the concerned State Pollution Control Board, which shall give the authorization in accordance with Form 2(B);
- (c) maintain records of battery waste generated, handled and disposed in Form 6 and make such records available for scrutiny by the Concerned State Pollution Control Board;
- (d) file annual returns in Form 1, to the concerned State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates.

**(ii) Producer:** It shall be the responsibility of a producer to

(a) implement the Extended Producers Responsibility with the following frameworks, namely:-

(i) individual producer shall seek EPR-Authorization from Central Pollution Control Board or State Pollution Control Board, as the case may be, in accordance with the Form 3(A);

(ii) collection and channelization of waste batteries at end of life of batteries or end of life of equipment containing battery in line with the targets prescribed in Schedule III in Extended Producer responsibility Authorization.

(iii) the mechanism used for channelization of used batteries including those from registered recycler should be in accordance with the Extended Producer Responsibility Authorization.

(iv) Extended Producer Responsibility Authorisation should comprise of general scheme for collection of waste batteries and Electronic Equipment (containing battery) placed on the market earlier, such as through dealer, collection centers, Producer Responsibility Organisation, through buy-back arrangement, exchange scheme, etc. whether directly or through any authorised agency and channelizing the items so collected to authorised recyclers;

(v) 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 waste batteries;

(vi) creating awareness through media, publications, advertisements, posters, or by any other means of communication and product user documentation accompanying the battery or battery containing equipment, with regard to -

(vii) information on hazardous constituents of the batteries;

(viii) information on hazards of improper handling, disposal, accidental breakage, damage or improper recycling of batteries;

(ix) instructions for handling and disposal of the equipment after its use, along with the Do's and Don'ts;

(x) affixing a visible, legible and indelible symbol given below on the products or product user documentation to prevent waste batteries from being dropped in garbage bins containing waste destined for disposal;

(xi) means and mechanism available for their consumers to return waste batteries for recycling;

(xii) the producer shall opt to implement Extended Producer Responsibility individually or collectively. In individual producer responsibility, producer may set up their own collection centre or implement take back system or both to meet Extended Producer Responsibility. In collective system, producers may tie-up as a member with a Producer Responsibility Organisation or with a waste exchange or both. It shall be mandatory upon on the individual producer in every case to seek Extended Producer Responsibility - Authorization from Central Pollution Control Board in accordance with the Form -3(B) and the procedure laid down in rule 8(2);

(b) to provide information on collection of end-of-life products and their channelization to authorized dismantlers or registered recyclers, if such scheme is included in the Extended Producer Responsibility Plan.

(c) provided that the producer shall refund the deposit amount that has been taken from the consumer or bulk consumer at the time of sale, along with interest at the prevalent rate for the period of the deposit at the time of take back of the end-of-life product;

**(iii) Dealers :** It shall be the responsibility of a dealer to

(a) every dealer shall collect the battery waste by providing the consumer a box, bin or a demarcated area to battery waste, or through take back system on behalf of producer;

(b) ensure that the number of used lead acid batteries (other batteries.....) replace 100% of new Lead Acid batteries (other batteries.....) sold to the consumer. New Batteries should be sold on proper GST invoice.



- (c) raise an invoice in respect of every used battery received from the consumer (unregistered person) under section 31 (3) (F) and pay tax under sub-section 3 or sub-section 4 of Section 9 of CGST Act 2017 as amended from time to time. Further as per section 31 (3)(g), a registered person who is liable to pay tax under sub-section (3) or sub-section (4) shall issue a payment voucher at the time of making payment to the supplier;
- (d) ensure that used batteries collected back are of similar type and specifications as that of the new batteries sold;
- (e) every dealer shall make an application in Form 2 (c) to the concerned State Pollution Control Boards or Pollution Control Committees for grant of one-time registration;
- (f) the registered dealer shall submit details of battery waste collected to the concerned State Pollution Control Board or Pollution Control Committees on yearly basis and registration would be liable for cancellation on failure to furnish these details to the State Pollution Control Boards or Pollution Control Committees; provided that the registration granted to the dealer shall not be cancelled unless they have been given a reasonable opportunity of hearing;
- (g) shall maintain records of the battery waste handled in Form 6 and such records should be available for scrutiny by the appropriate Authority;
- (h) File annual returns of the sale of new batteries and buy-back of old batteries to the manufacturer as well as State Pollution Control Board in Form 1 by 31st May and 30th November of every year;
- (i) ensure safe transportation of collected batteries to the registered collection centers or to the registered recyclers or to the manufacturer.
- (j) shall ensure that no damage is caused to the environment during storage and transportation of used batteries and no acid should be drained in case of lead acid batteries
- (k) registration with State Pollution Control Board for five years and a provision of cancellation for failure in collection of the required number of used batteries as per the said rules, non-submission of timely annual returns to the State Pollution Control Boards, renewal of the registration shall be as per the compliance status, to submit details as per Form 1, registration would be considered as deemed registered if not objected to within thirty days; provided that the registration granted to the dealer shall not be cancelled unless he has been given a reasonable opportunity of hearing;
- (ii) an appeal shall lie against any order of suspension or cancellation or refusal of registration passed by the Member Secretary of the State Pollution Control Board or any other officer designated by the State Pollution Control Board;
- (iii) the appeal shall be in writing and shall be accompanied with a copy of the order appealed against and shall be made within period of thirty days from the date of passing of the order.
- (iv) Recycler :** It shall be the responsibility of a recycler to
- (a) apply for registration to the MoEFCC or an agency designated by it if not applied already, by submitting information in Form 2(C);
- (b) submit annual returns as per Form 1 prescribed under the said rules to State Pollution Control Board/Committee by 30th June and 31st December for every year;
- (c) make available all records relating to receipt of used batteries, sources, quantities and metal yield to be submitted to the State Pollution Control Board/Pollution Control Committees for inspection;
- (d) mark "Recycled" on metal recovered by re-processing;
- (e) create public awareness through advertisements, publications, posters or others with regard to the following :
- hazard of heavy metals
  - obligation of consumers to return used batteries only to the registered dealers or deliver at the designated collection centers.
- (f) Ensure strict compliance of the terms and conditions of registration; however, those already registered with CPCB or agency designated by it for reprocessing used batteries would be bound by the terms and conditions of such registration;
- (g) Central recycling facilities to be developed with capacity greater than 10,000 tons/year so as to make adequate pollution control which is cost effective.

**(v) Consumer or Bulk Consumer :** It shall be the responsibility of a consumer & bulk consumer to

(a) Consumers are required to ensure that used batteries are not disposed of in any manner other than depositing with the seller or in demarcated areas from whom the consumer has bought the new battery;

(b) The consumer shall take proper GST invoice in respect of new battery purchased from the dealer. Additionally Consumer shall receive an invoice from the dealer in respect of every used battery sold under section 31 (3) (f) along with payment voucher under section 31(3) (g) for tax paid under sub-section (3) or sub-section (4) from dealer under CGST Act, 2017

(c) The bulk consumer shall get registered with State Pollution Control Board. It shall be the responsibility of bulk consumer that scrap batteries are not disposed off in any manner other than depositing it to registered recyclers;

(d) The bulk consumer shall file annual return in Form 1 to the State Pollution Control Board. Further, bulk consumer shall provide data of new batteries purchased and old batteries sold with their tariff heading and GSTN.

(e) Bulk consumers or their user units may go to contract or auction for used batteries to registered recyclers only. Bulk consumers are also required to keep a record of valid license of registered recyclers with whom scrap batteries are being deposited.

**(vi) Auctioneer:** It shall be the responsibility of an auctioneer to

(a) the auctioneer shall be registered with State Pollution Control Board

(b) ensure that used batteries are auctioned to the registered recyclers only;

(c) file annual return of their auctions to the State Boards in Form 1 and

(d) maintain a record of such auction and make these records available to the State Board for inspection.

**(vii) Importer :** It shall be the responsibility of an importer to

(a) the importer shall get registered as per Form-2(C) with Central Pollution Control Board for a period of five years and a provision of cancellation for failure in collection of the required number of used batteries as per the said rules, non- submission of timely annual returns to the State Pollution Control Boards/Pollution Control Committees with a copy to Central Pollution Control Board, renewal of the registration shall be as per the compliance status, provided that the registration granted to the importer shall not be cancelled unless he has been given a reasonable opportunity of hearing;

(b) an appeal shall lie against any order of suspension or refusal of registration passed by the Member Secretary of the Central Pollution Control Board or any other officer designated by Central Pollution Control Board;

(c) the appeal shall be in writing and shall be accompanied with a copy of the order appealed against and shall be made within period of thirty days from the date of passing the order.

**(viii) State Pollution Control Board/Pollution Control Committee:** It shall be the responsibility of State Pollution Control Board/Pollution Control Committee to

(a) the State Board is the prescribed authority for ensuring compliance of the provisions of these rules; and

(b) it shall file annual compliance status report to the Central Pollution Control Board by 30<sup>th</sup> of April every year.

(c) State Pollution Control Boards/Pollution Control Committees shall register the dealer on one-time basis and registration would be deemed as considered if not objected to within a period of thirty days;

(d) Periodic monitoring of all the recycling facilities

(e) Periodic audit of data of new batteries purchased and old batteries sold from GST portal in case of Bulk Consumers

**(ix) Central Pollution Control Board :**It shall be the responsibility of Central Pollution Control Board to

(a) Compile and publish the data received every year from the State Boards.

(b) Review the compliance of the rules periodically to improve the collection and recycling of used batteries and appraise MoEFCC.



- (c) Preparation of Guidelines/SOPs for battery recycling facilities
  - (d) Standardization of technologies for all types of battery recycling
  - (e) Technology transfers
  - (f) Standards for battery waste recycling and waste disposal out of recycling facilities
  - (g) Establishment of R&D cell for battery recycling.
  - (h) Authorization of producers..... etc under EPR
- (x) **Collection Centers :** It shall be the responsibility of Collection Centers to
- (a) get registered with State Pollution Control Board/Pollution Control Committee. The Form No. and validity should also be mentioned;
  - (b) ensure that the facilities are in accordance with the standards or guidelines prescribed by the Central Pollution Control Board from time to time;
  - (c) battery waste collected is stored in a secured manner till it is sent to registered dismantler or registered recycler as the case may be;
  - (d) ensure that no damage is caused to the environment during storage and transportation of battery waste and no acid should be drained in case of lead acid batteries;
  - (e) maintain records of the battery waste handled in Form 6 and make such records available for scrutiny by the State Pollution Control Board/Pollution Control Committee.
  - (f) Certain used batteries when disposed may contain residual charge. Such used batteries after being verified may be handed over to suitable agencies like start up organizations and other firms where these batteries can be used till they discharge completely.
- (xi) **Dismantler :** It shall be the responsibility of Dismantler to
- (a) to get registered with State Pollution Control Board/Pollution Control Committee as a recycler for refining and recovery of materials.
  - (b) ensure that no damage is caused to the environment during storage and transportation of battery waste;
  - (c) ensure that the dismantling processes do not have any adverse effect on the health and the environment;
  - (d) ensure that dismantled battery waste are segregated and sent to the registered recycling facilities for recovery of materials;
  - (e) ensure that non-recyclable or non-recoverable components are sent to authorized treatment storage and disposal facilities;
  - (f) Maintain record of battery waste collected, dismantled and sent to the authorized recycler.
  - (g) file annual return in Form 1, to the State Pollution Control Board or the Pollution Control Committee concerned as the case may be, on or before 30th June every year;
- (xii) **Customs Clearance:** Customs clearance on imports of new batteries shall be contingent upon
- (1) valid registration with the Reserve Bank of India (with Importer's Code Number);
  - (2) one-time registration with the CPCB or an agency designated by it in Form 2(C);
  - (3) undertaking in Form 2(D) and
  - (4) a copy of the latest annual return in Form-1

**7. Computerization of Records and Returns:** CPCB or an agency designated by it shall develop a system for computerized tracking of

- (1) distribution and sale of batteries;
- (2) collection, auction, transport and re-processing of used batteries;
- (3) sale of re-processed lead by registered recyclers; and
- (4) sale of lead from all domestic producers or importers.
- (5) Data validation can be done by using information from GSTN portal where all data (sales and purchase) are recorded on HSN code basis/ GSTN Number basis

**CHAPTER IV****8. Procedure for seeking authorization and registration for handling battery wastes****(1) Procedure for registration / renewal of registration of recyclers.**

(i) Every recycler of used batteries shall make an application in Form 2(C) along with the following documents to the Member Secretary, CPCB or an agency designated by it for grant of registration or renewal;

- (a) a copy of the valid consents under Water (Prevention and Control of Pollution) Act, 1974, as amended and Air (Prevention and Control of Pollution) Act, 1981, as amended;
- (b) a copy of the valid authorisation under Hazardous Wastes (Management and Handling) Rules, 2016 as amended;
- (c) a copy of valid certificate of registration with District Industries Centre ; and
- (d) a copy of the proof of installed capacity issued by either State Pollution Control Board/District Industries Centre.

(ii) The Member Secretary, CPCB or any officer designated by the CPCB or an agency designated by it shall ensure that the recyclers possess appropriate facilities, technical capabilities, and equipment to recycle used batteries and dispose of hazardous waste generated;

(iii) The Member Secretary, CPCB or any officer designated by the CPCB or an agency designated by it shall take decision on application for registration within 90 days of receipt of application form with complete details;

(iv) The registration granted under this rule shall be in force for a period of three years from the date of issue or from the date of renewal unless suspended or cancelled earlier;

(v) An application for the renewal of registration shall be made in Form 5 at least six months before its expiry. The Member Secretary, CPCB or any officer designated by the CPCB or an agency designated by it shall renew the registration of the recycler granted after examining each case on merit;

(vi) The Member Secretary, CPCB or any officer designated by the CPCB or an agency designated by it may, after giving reasonable opportunity to the applicant of being heard, refuse to grant registration;

(vii) The Member Secretary, CPCB or any officer designated by the CPCB or an agency designated by it may cancel or suspend a registration issued under these rules, if in his / her opinion, 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 explain and after recording the reasons therefor;

(viii) It shall be the responsibility of the State Boards to monitor the compliance of conditions according as per the clause of registration, and

(ix) An appeal shall lie against any order of suspension or cancellation or refusal of registration passed by the Member Secretary, CPCB or any officer designated by the CPCB or agency designated by it. The appeal shall be in writing and shall be accompanied with a copy of the order appealed against and shall be presented within 30 days of passing of the order.

**(2) EPR-Authorization of Producers**

(1) Every producer of battery/battery containing equipment shall make an application for EPR-Authorisation in accordance with rule 5(2)(ii) within a period of three months starting from the date of commencement of these rules in Form 3 to State Pollution Control Board Pollution Control Committees in case of selling their product in one state or Central Pollution Control Board, in case selling their product in more than one state, for grant of authorization;

(2) In case of pan India authorization, on receipt of the application complete in all respects, a committee constituted by Central Pollution Control Board with the representative members of State Pollution Control Boards or Pollution Control Committees, after evaluating the State specific EPR Plan, after such an enquiry as it considers necessary and on being satisfied that the producer has detailed out an effective system to manage Extended Producer Responsibility in the country, shall recommend granting EPR- Authorisation by Central Pollution Control Board, in Form- 3(B) within a period of one hundred and twenty days. The EPR-Authorization shall be valid initially for a period of five years;

- (3) The Central Pollution Control Board or State Pollution Control Board, as the case may be, after giving reasonable opportunity of being heard to the applicant may refuse to grant EPR-Authorization if not satisfied with the response of the applicant;
- (4) The Central Pollution Control Board after grant of EPR-Authorisation shall forward the State specific Extended Producer Responsibility Plan to respective State Pollution Control Boards or Pollution Control Committees for their implementation;
- (5) An application for the renewal of EPR-Authorisation shall be made in Form-3(A) before sixty days of its expiry and the Central Pollution Control Board or State Pollution Control Board, as the case may be, may renew the authorization after examining each case on merit and on issuance of compliance report by the concerned State Pollution Control Board or Pollution Control Committees and subject to the condition that there is no report of violation of the provisions of the Act or the rules made there under or the conditions specified in the EPR-Authorisation;
- (6) Every producer of battery/battery containing equipment shall take all steps, wherever required, to comply with the conditions specified in the EPR-Authorisation;
- (7) 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 EPR-Authorization for environmentally sound management of battery waste, and it shall monitor the compliance of EPR- Authorization and take cognizance of any non-compliance and also inform Central Pollution Control Board about the action taken.

**(3) Authorisation of Manufacturer, importer, assembler and re-conditioner**

- (1) generating battery waste shall obtain an authorisation from the State Pollution Control Board or Pollution Control Committee of Union territories concerned as the case may be;
- (2) shall make an application, within a period of three months starting from the date of commencement of these rules in Form 2(A) to the State Pollution Control Board or the Pollution Control Committee for grant of authorisation;
- (3) On receipt of the application complete in all respects for the authorisation, 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 battery waste safely, grant within a period of ninety days an authorisation in Form-2(B) to the applicant to carry out safe operations in the authorised 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 may refuse to grant any authorisation if not satisfied with the clarifications of the applicant;
- (5) Every person authorised under these rules shall maintain the record of battery waste handled by them in Form 6 and prepare and submit to the State Pollution Control Board or Pollution Control Committee, an annual return containing the details specified in Form 1 on or before 30th day of June following the financial year to which that return relates;
- (6) An application for the renewal of an authorisation shall be made in Form-5 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 authorisation;
- (7) shall take all steps, wherever required, to comply with the conditions specified in the authorisation;
- (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 battery waste, and it shall be open for inspection during office hours to any person interested or affected or a self-authorized person.

**(4) 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 holder of Manufacturer Authorisation 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 authorisation issued under these rules for such period as it considers necessary in the public interest and inform Central Pollution Control Board within ten days of cancellation;

(2) The Central Pollution Control Board, if in its opinion, the holders of the EPR Authorisation 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 EPR- Authorization issued under these rules for such period as it considers necessary in the public interest and inform State Pollution Control Boards or Pollution Control Committees within ten days of cancellation;

(3) Upon suspension or cancellation of the authorisation, the Central Pollution Control Board or State Pollution Control Board or Pollution Control Committee of the Union territories may give directions to the persons whose authorisation has been suspended or cancelled for the safe storage of the battery waste and such persons shall comply with such directions.

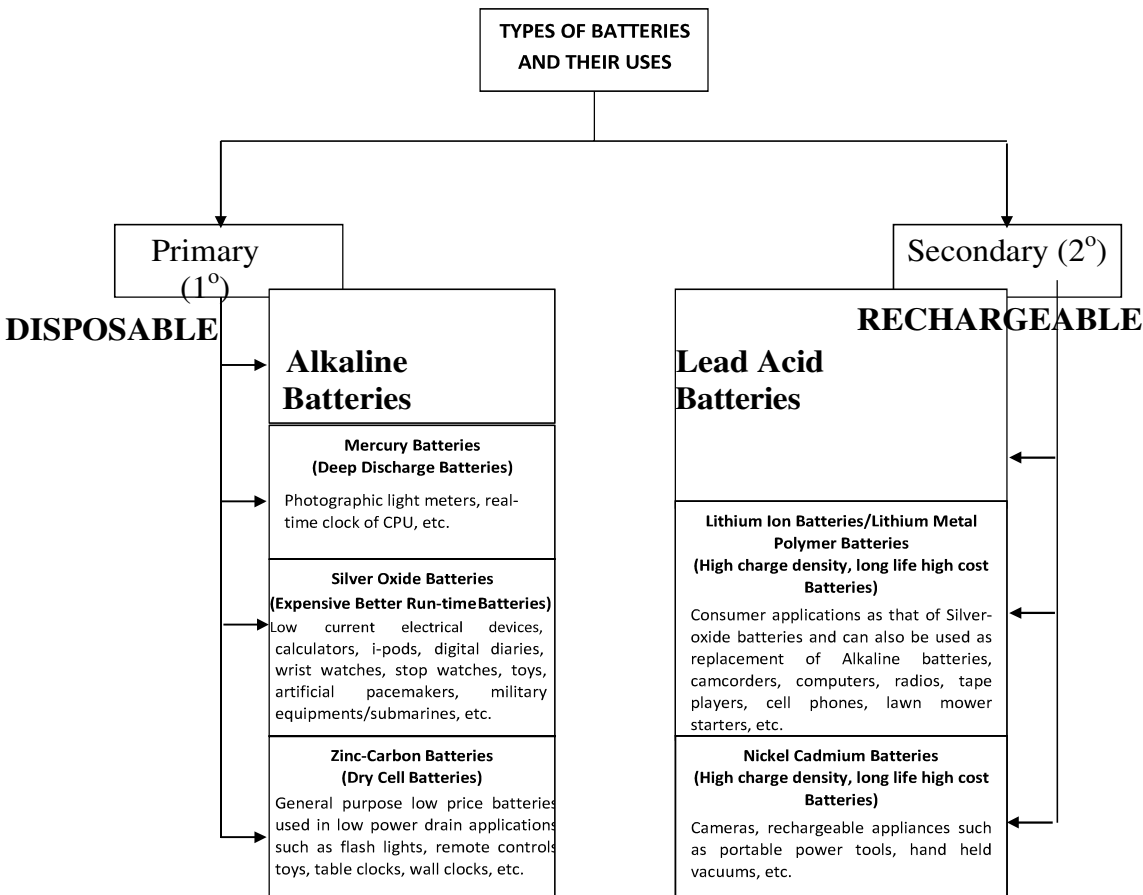
[F. No. 12/36/2019-HSMD]

GEETA MENON, Jt. Secy.

**SCHEDULE-I****Classification of batteries**

<b>Primary cells or non-rechargeable batteries</b>	Alkaline battery, Aluminium–air battery, Aluminium-ion battery, Atomic battery (Betavoltaics, Optoelectric nuclear battery, Nuclear micro-battery), Bunsen cell, Chromic acid cell (Poggendorff cell), Clark cell, Daniell cell, Dry cell, Earth battery, Frog battery, Galvanic cell, Grove cell, Leclanché cell, Lemon/potato battery, Lithium battery, Lithium air battery, Magnesium battery, Mercury battery, Molten salt battery, Nickel oxyhydroxide battery (Oxyride battery), Organic radical battery, Paper battery, Pulvermacher's chain, Silver-oxide battery, Solid-state battery, Voltaic pile (Penny battery, Trough battery), Water-activated battery, Weston cell,  Zinc–air battery, Zinc–carbon battery, Zinc chloride battery.
<b>Secondary cells or Rechargeable batteries</b>	Flow battery (Vanadium redox battery, Zinc–bromine battery, Zinc– cerium battery), Lead–acid battery (Deep cycle battery, VRLA battery, AGM battery, Gel battery), Lithium air battery, Lithium-ion battery (Lithium ion lithium cobalt oxide battery (ICR), Lithium ion manganese oxide battery (IMR), Lithium ion polymer battery, Lithium iron phosphate battery, Lithium–sulfur battery, Lithium– titanate battery, Thin film lithium-ion battery), Magnesium-ion battery, Molten salt battery, Nickel–cadmium battery (Nickel– cadmium battery vented cell type), Nickel hydrogen battery, Nickel–iron battery, Nickel metal hydride battery (Low self-discharge NiMH battery), Nickel–zinc battery, Organic radical battery, Polymer-based battery, Polysulfide bromide battery, Potassium-ion battery, Rechargeable alkaline battery, Rechargeable fuel battery, Silicon air battery, Silver-zinc battery, Silver calcium battery, Sodium-ion battery, Sodium–sulfur battery, Sugar battery,  Super iron battery, Ultra Battery.

**Table - 2 : Classification of batteries in-purview of regulations and mandates**

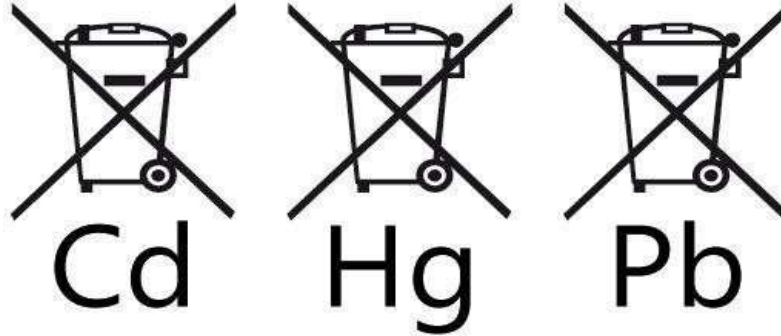


**(High Energy Density Batteries)**

Remote controls, clocks, and radios, digital cameras, hand held games, MP3 players, etc.

**(Heavy Weight LAB Batteries)**

Starting, lightning, and ignition systems(SLI) of automobiles, backup power supply for high end servers, personal computers, telephone exchanges, and in off grid homes with inverters. Portable emergency lights also use lead acid batteries.

**SCHEDULE-II****SCHEDULE - III****Targets for Extended Producer Responsibility – Authorisation**

No.	Year	battery-Waste Collection Target (Number/Weight)
(i)	During first two year of implementation of rules	30% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan.
(ii)	During third and fourth years of implementation of rules	40% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan.
(iii)	During Fifth and Sixth years of implementation of rules	50% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan.
(iv)	Seventh year onward of implementation of rules	70% of the quantity of waste generation as indicated in Extended Producer Responsibility Plan.

**Targets for Lead Acid Batteries**

No.	Year	battery-Waste Collection Target (Number/Weight)
(i)	During first two year of implementation of rules	90% of the quantity
(ii)	During third and fourth years of implementation of rules	100% of the quantity

**Form - 1****(Forms are under review & drafting).**