

F.No.23/63/2023-HSM
Government of India
Ministry of Environment, Forest and Climate Change
(HSM Division)

Jal Block, 2nd Floor,
Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi-110003

Date: 09 January, 2024

OFFICE MEMORANDUM

Subject: Submission of Application for Import or Export of hazardous and other wastes under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and its amendments- reg.

Import/export of hazardous and other wastes is being regulated through the Hazardous and Other Wastes (Management and Transboundary Movement) (HOWM) Rules, 2016 and its amendments. Earlier for obtaining permission from MoEF&CC, the applicant had to apply online on Integrated Waste Management System (IWMS) portal.

2. Further, it was decided to integrate IWMS portal with National Single Window System (NSWS) of Department for Promotion of Industry and Internal Trade (DPIIT). Now, the NSWS portal has been activated for accepting applications under the provisions of HOWM Rules, 2016. Therefore, it has been decided in the Ministry that from February, 2024 onward, applications for import or export of hazardous and other wastes will be accepted only through NSWS (www.nsws.gov.in) portal. The instruction for applying application on NSWS portal is enclosed at **Annexure** for reference.

3. This has approval of the competent authority.

Encl: As above.



(Ved Prakash Mishra)

Director

Email: mishra.vp@gov.in

To,

1. The Director (Customs), Ministry of Finance, Department of Revenue, Central Board of Excise and Customs, North Block, New Delhi-110 001. Email ID- dircus@nic.in

2. The Additional Director General of Foreign Trade, Directorate General of Foreign Trade, Udyog Bhawan, H-Wing, Gate No.2, Maulana Azad Road, New Delhi -110011. Email ID- import-dgft@nic.in

3. Secretary, Department for Promotion of Industry and Internal Trade (DPIIT), Udyog Bhawan, New Delhi,-11001. Email ID- secy-ipp@nic.in

4. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Shahdara, Delhi - 110 032. Email ID - miscb.cpcb@nic.in

5. IT Cell, 6th floor, Prithvi Wing, MoEFCC

Annexure

Instruction to follow with respect to import/export of hazardous wastes and other wastes under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016

- a. The application shall be addressed to Director, Hazardous Substances Management Division, Jal Block, 2nd Floor, Indira Paryavaran Bhawan, New Delhi- 110003.
- b. All application seeking import/ export permissions under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 shall be submitted online through portal (www.nsws.gov.in). The steps for registering and submitting online application are available at <https://www.nsws.gov.in/portal/user-guide>. Also, the steps for verifying PAN using Digital Signature Certificate (DSC) on NSWS is also available on <https://www.nsws.gov.in/portal/user-guide>.
- c. Applicants are requested to frequently visit the website of the Ministry for meeting notice, agenda, minutes of meeting and other such information. [<https://moef.gov.in/moef/division/environment-divisions/hazardous-substances-management-hsm/importexport/index.html>]
- d. For other queries/clarification regarding application, the applicant may contact Ministry or call on **011-20819250** between **4.30 PM to 5.30 PM** only on working days.
- e. The applicant called for presentation by the Expert Committee, if needed, to ensure their presence within two ensuing meetings of the Expert Committee. Subsequent to which, their application would be cancelled and they will have to submit a fresh application for consideration by the Ministry.
- f. The 'Check list' of the documents to be submitted to the Ministry along with the application may be referred below.

Checklist indicating the requirement for appraisal of the applications for import/ export of hazardous and other wastes as listed in Schedule-III A, III B and export of wastes as listed in Schedule-VI of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 of the Ministry

- i. **Import of lead Scrap/ battery Scrap**
 - a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
 - b. Justification for import.
 - c. Valid Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
 - d. Valid Authorization under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.



- f. Process flow chart indications adequate pollution control equipment including alkaline scrubber and battery breaking system for unit of more than 10,000 MTA of ISRI Code RAINS and RINK.
- g. Photographs & Video CD of running plant.
- h. If imported previously, evidence of list of users the products has been supplied to (not for the first timers).
- i. Acknowledgement for receipt of copy of application from concerned State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC).
- j. Document depicting the status of employment generation indicating the no. of people benefited.
- k. Copy of the previous latest permission issued by this Ministry.
- l. The actual production of the unit in the last financial year.
- m. Document regarding the date of establishment and actual operation date of the unit.
- n. Document regarding export of high-purity lead/ lead alloys/ lead compounds, if any.
- o. The Gross sales GST of the product sold in the last financial year.

(ii) Import of waste tyres/ rubber scrap

- a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- b. Justification for import.
- c. Valid Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
- d. Valid authorization under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- e. Process flow chart indicating adequate pollution control equipment.
- f. List of users.
- g. Photographs & video CD of running plant.
- h. Acknowledgement for receipt of copy of application from concerned State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC).
- i. If imported previously evidence of list of users, the product has been supplied to (not for the first timers)
- j. Document depicting the status of employment generation indicating the no. people benefited
- k. Copy of the previous latest permission issued by this Ministry.
- l. The actual production of the unit in the last financial year.
- m. Manpower employed Electric power installed (connected load) Actual electricity consumption and GST paid in the last financial year.
- n. Disclosure regarding the import being made or applied for by any related entities which have substantially common ownership or common directors, if any.
- o. Document regarding the date of establishment and actual operation date of the unit.
- p. Document regarding export of crumb products in last financial year if any.

Note for Electrical and Electronic Assemblies: The Ministry encourages the waste management hierarchy of reduce, reuse and recycle and emphasizes on the re-export of used EEAs subsequent to its use so as to minimize the dumping of e-waste/ hazardous waste in the

country. The Ministry may prefer the application committing to re-export the used EEA/ EEAs after use or a minimum specified timeline.

(iii) EEAs for repair or renting in India and to be re-exported after one year*

- a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- b. Justification for import.
- c. Undertaking for re-export specifying the time period for re-export.
- d. Details of previous import, if there has been any and confirmation regarding their re-export.
- e. Acknowledgment for receipt of copy of application from concerned State Pollution Control Board (SPCB) / Pollution Control Committee (PCC).
- f. Certification from exporting company for accepting the re-export of repaired/ unrepaired/ defective EEAs and spares/ part/ component/ consumables after the specified time.
- g. Document depicting the status of employment generation indicating the no. of people benefited.
- h. Extended Producer Responsibility – registration as producer under E-Waste (Management) Rules, 2022, if the EEAs to be imported are listed in Schedule-I of the E-Waste (Management) Rules, 2022.
- i. Copy of the previous latest permission issued by this Ministry

* “Used electrical and electronic assemblies imported for repair or refurbishment and to be re-exported after repair or refurbishment to OEMs or any other company in the country of origin or any other company in any other country within one year of import & Used electric and electronic assemblies imported for rental purpose and re-exported back within one year of import are in Schedule-III D of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016” and thus are exempted from the need of Ministry permission subject to the condition prescribed within the Rules.

(iv) Import of used EEAs for Testing purpose/ Projects/ R&D and to be re-exported after three years**

- a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- b. Justification for import.
- c. If being imported on returnable basis than undertaking for re-export specifying the time period.
- d. Chartered Engineer certificate from the exporting country indicating the functionality, manufacturing date, residual life and serial number.
- e. Details of previous import if there has been any and confirmation regarding their re-export, if applicable.

- f. Acknowledgement for receipt of copy of application from concerned State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC).
- g. Certification from exporting company for accepting the re- export of defective or second hand EEAs, and the spare/ part/ component/ consumables after the specified time.
- h. Document depicting the status of employment generation indicating the no. of people benefited.
- i. Extended Producer Responsibility – registration as producer under E-Waste (Management) Rules, 2022 if the EEAs to be imported are listed in Schedule-I of the E-Waste (Management) Rules, 2022
- j. Copy of the previous latest permission issued by this Ministry.

*** “Used electrical and electronic assemblies imported for testing, research and development, project work purposes and be re-exported back within a period of three years from the date of import” are in Schedule-III D of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and thus are exempted from the need of Ministry’s permission subject to the condition prescribed within the Rules.

(v) Import of used EEAs including medical equipment for their re-use purpose***

- a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- b. Justification for import.
- c. If being imported on returnable basis than undertaking for re-export, then specifying the time period.
- d. Chartered Engineer Certificate from exporting country indicating the functionally manufacturing date, residual life and serial number.
- e. Details of previous import if there has been any and confirmation regarding their re-export.
- f. In case of capital items particularly medical equipment the fact that the machine has been refurbished at the OEM factory and after sales service is provided by the supplier/ importer.
- g. Acknowledgment for receipt of copy of application from concerned State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC).
- h. Certification from exporting company for accepting the re- export of defective or second hand EEAs, after the specified time.
- i. Document depicting the status of employment generation indicating the no. of people benefited.
- j. Extended Producer Responsibility - registration as producer under E-Waste (Management) Rules, 2022, if the EEAs to be imported are listed in Schedule-I of the E-Waste (Management) Rules, 2022.
- k. Copy of the previous latest permission issued by this Ministry

*** “Used critical care medical equipment for re-use” are in Schedule-VI of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and is prohibited for import purpose.

(vi) Import of refurbished spare/ parts/ components for warranty replacement and to be re-exported after one year****

- a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- b. Justification for import.
- c. If being imported on returnable basis than undertaking for re- export.
- d. If refurbished components being imported as replacement to defective component than undertaking for export of equivalent numbers of defective components
- e. Details of previous import, if there has been any and confirmation regarding their re-export.
- f. Acknowledgement for receipt of copy of application from concerned State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC).
- g. Certification from exporting company for accepting the re- export of defective spares/ part/ component/ consumables after the specified time period.
- h. Document on the declared policy regarding the use of second hand or refurbished spare parts of repairs of EEE during warranty period, if applicable.
- i. Document depicting the status of employment generation indicating the no. of people benefited.
- j. Extended Producer Responsibility – registration as producer under E-Waste (Management) Rules, 2016, if the EEAs to be imported are listed in Schedule-I of the E-Waste (Management) Rules, 2022.
- k. Copy of the previous latest permission issued by this Ministry.

**** “spares imported for warranty replacements provided equal number of defective or non-functional parts are exported back within one year of the import” are in Schedule-III D of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 and thus are exempted from the need of Ministry’s permission, subjects to the condition prescribed within the Rules.

(vii) Import of used oil (Waste mineral oils unfit for their originally intended use)

- a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- b. Justification for import.
- c. Valid Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
- d. Valid Authorization as per the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- e. Composition analysis of waste oil from the recognized lab.
- f. Acknowledgement for receipt of copy of application from concerned State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC).
- g. Agreement copy between the buyer and seller.
- h. Details of previous import, if any.
- i. Video CD of running plant/ photograph of equipment.

- j. Document depicting the status of employment generation indicating the no. of people benefited.
- k. Copy of the previous latest permission issued by this Ministry.
- l. Actual domestic waste (used oil) processed in the last financial year.

(viii) Export of used EEAs/ EEA spare parts/ EEAs scrap

- a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- b. Justification for export.
- c. Valid Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
- d. Valid Authorization as per the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 or registration as per E-Waste (Management) Rules, 2022.
- e. Insurance policy covering liability to health and environment during transit
- f. Acknowledgement for receipt of copy of application from concerned State Pollution Control Board (SPCB) / Pollution Control Committee (PCC).
- g. Document depicting the status of employment generation indicating the no. people benefited.
- h. Copy of the agreement between the buyer and seller/ importer and exporter.
- i. Copy of the previous latest permission issued by this Ministry.

(ix) Export of catalytic convertor or other such wastes referred in Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016

- a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- b. Justification for export.
- c. Valid Authorization under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 if actual user.
- d. Composition analyses of waste from lab recognized under the Environment (Protection) Act, 1986.
- e. Insurance policy covering liability to health and environment during transit.
- f. Acknowledgement for receipt of copy of application from concerned State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC).
- g. Document depicting the status of employment generation indicating the no. of people benefited.
- h. Copy of the agreement between the buyer and seller/ importer and exporter.
- i. Copy of the previous latest permission issued by this Ministry.

(x) Import of any other type of wastes excluding those listed above

- a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- b. Justification for import.
- c. Valid Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
- d. Valid Authorization under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- e. Chemical analysis report of the waste to be imported from laboratory accredited or recognized by the exporting country.
- f. Process flow chart indicating adequate pollution control equipment.
- g. Photographs & Video CD of running plants.
- h. If imported previously, evidence of list of users the products has been supplied to (not for the first timers)
- i. Acknowledgement for receipt of copy of application from concerned State Pollution Control Board (SPCB) / Pollution Control Committee (PCC).
- j. Document depicting the status of employment generation indicating the no. of people benefited.
- k. Copy of the previous latest permission issued by this Ministry.

Note: This checklist may be revised from time to time on the basis of policy decision in the Ministry.
