

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: 15th May, 2024

OFFICE MEMORANDUM

Subject: Checklist indicating the documents requirement for appraisal of the applications for import/ export of hazardous and other wastes under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended from time to time - reg.

This is in reference to the Ministry's OM dated 09th January, 2024 wherein the Ministry had decided that from February, 2024 onward, applications for import or export of hazardous and other wastes shall be accepted only through NSWS (www.nsws.gov.in) portal.

2. Further in the above mentioned OM, checklist indicating the documents requirement for appraisal of the applications for import or export was also provided. Based on the discussion/deliberation during the Expert Committee (EC) meeting and additional documents required/ suggested by the EC, the Ministry has amended the checklist indicating the documents requirement for appraisal of the applications for import or export of hazardous and other wastes under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended from time to time and the same is enclosed at **Annexure**.

3. This issues with the 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.
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.
3. IT Cell, MoEFCC for uploading on Ministry website.

Annexure

Checklist indicating the document 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 as amended from time to time by the Ministry:

(i) Import of lead Scrap/ battery Scrap

- a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended time to time.
- 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 as amended time to time.
- e. Copy of lead analysis report in soil, air, water, stack and blood of the workers from MoEFCC recognized or NABL/NABH certified laboratory.
- f. Process flow chart indicating 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 import application submitted to the Ministry from the concerned State Pollution Control Board (SPCB)/Pollution Control Committee (PCC).
- j. Document depicting the status of employment generation indicating the no. of people benefitted.
- k. Copy of the previous latest permission issued by this Ministry along with details of quantity imported against the same. If permission for additional quantity or extension of validity etc. is issued subsequently, the copy of the same may also be provided.
- l. The actual production of the unit in the last financial year with CA Certificate.
- m. Details regarding the date of establishment and actual date of operation of the unit with relevant documents.
- n. Document regarding export of high-purity lead/ lead alloys/ lead compounds, if any with CA Certificate.
- o. The Gross and Net sales GST of the product sold in the last financial year along with its respective GST paid with CA Certificate.
- p. Extended Producer Responsibility – registration certificate under Battery Waste (Management) Rules, 2022 as amended from time to time.

(ii) Import of waste tyres/ rubber scrap

- a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended time to time.
- 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 as amended time to time.
- e. Process flow chart indicating adequate pollution control equipment.
- f. If imported previously evidence of list of users, the product has been supplied to (not for the first timers)
- g. Photographs with & video CD of running plant.
- h. Acknowledgement for receipt of copy of import application submitted to the Ministry from the concerned State Pollution Control Board (SPCB)/Pollution Control Committee (PCC).
- i. Document depicting the status of employment generation indicating the no. of people benefited
- j. Copy of the previous latest permission issued by this Ministry with details of quantity imported against the same. If additional quantity or any additional code or extension of validity is issued subsequently, the copy of the same may also be provided.
- k. Copy of CA Certificate for last financial year mentioning the actual production of the unit, electricity Connected Load (in KVA), total electricity consumption (in KWH), total electricity bill paid, the Gross and Net sales GST of the product sold in the last financial year along with its respective GST paid, export of crumb products (if any) and details regarding the domestic/indigenous raw material along with total raw material procured.
- l. Disclosure regarding the import being made or applied for by any related entities which have substantially common ownership or common directors, if any.
- m. Details regarding the date of establishment and actual operation date of the unit with relevant document.
- n. Extended Producer Responsibility (EPR) – registration as producer under ‘Waste Tyre EPR’ Rules notified on 21st July, 2022 through amendment in HOWM Rules, 2016.

Note for Electrical and Electronic Assemblies (EEAs)/Electrical and Electronic Equipment (EEEs): The Ministry encourages the waste management hierarchy of reduce, reuse and recycle and emphasizes on the re-export of used EEAs/EEEs 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 EEAs/ EEEs 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 as amended time to time.
- 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. Acknowledgement for receipt of copy of import application submitted to the Ministry from the 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/EEEs 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/EEEs to be imported are listed in Schedule-I of the E-Waste (Management) Rules, 2022 as amended time to time.
- i. Copy of the previous latest permission issued by this Ministry with details of quantity imported against the same. If additional quantity or any additional code or extension of validity is issued subsequently, the copy of the same may also be provided.

** “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” as amended from time to time and thus are exempted from the need of Ministry permission subject to the condition prescribed within the Rules.”*

(iv) Import of used EEAs/EEEs 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 as amended time to time.
- 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 for each equipment, 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 import application submitted to the Ministry from the 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/EEEs to be imported are listed in Schedule-I of the E-Waste (Management) Rules, 2022 as amended time to time.
- j. Copy of the previous latest permission issued by this Ministry with details of quantity imported against the same. If additional quantity or any additional code or extension of validity is issued subsequently, the copy of the same may also be provided.

*** “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 as amended from time to time and thus are exempted from the need of Ministry’s permission subject to the condition prescribed within the Rules.’’.

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

- a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended time to time.
- b. Justification for import.
- c. If being imported on returnable basis than undertaking for re-export, then specifying the time period.
- d. The equipment must have a minimum residual life of 05 years, duly certified by a Chartered Engineer or a certificate from any accredited agency of 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.
- 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. Acknowledgement for receipt of copy of import application submitted to the Ministry from the 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/EEEs to be imported are listed in Schedule-I of the E-Waste (Management) Rules, 2022 as amended time to time.
- k. Copy of the previous latest permission issued by this Ministry with details of quantity imported against the same. If additional quantity or any additional code or extension of validity is issued subsequently, the copy of the same may also be provided.

(v-a) For import of high end and high value medical equipment (other than critical care medical equipment) ***

In addition to the points mentioned at s.no. (v), following documents are also required for appraisal of import application w.r.t. high and high value medical equipment:

- a. List of equipment along with serial number/product name.
- b. List of users/buyers for each equipment proposed to be imported.
- c. The equipment must be enlisted in Ministry’s O.M. dated 19th June, 2023, as advised by DGHS.
- d. The High End High Value Used/refurbished Medical Devices must have have residual life of minimum 07 years, duly certified by a Chartered Engineer or a certificate from any accredited agency of exporting country indicating the functionality, manufacturing date, residual life and serial number, shall be allowed for import for reuse purpose.

- e. Undertaking declaring that such equipment has not been phased out from the exporting country and is not considered obsolete in that country.
- f. Undertaking declaring that such equipment does not contain any hazardous material/substances listed under any international regulation/ law and or by government of India
- g. OEM/Indian subsidiary must give in writing about the availability of spare parts/consumables.
- h. Equipment should have minimum warranty period of one year, followed by three years of CMC.
- i. In case import application is made by third party on behalf of actual user, List/ Mapping of End Users for each equipment must be provided and confirmed purchase order from end user should be available.

*** *“Used critical care medical equipment for re-use” are listed in Schedule-VI of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended from time to time 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 as amended time to time.
- 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 import application submitted to the Ministry from the 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, 2022, if the EEAs/EEEs to be imported are listed in Schedule-I of the E-Waste (Management) Rules, 2022 as amended time to time.
- k. Copy of the previous latest permission issued by this Ministry with details of quantity imported against the same. If additional quantity or any additional code or extension of validity is issued subsequently, the copy of the same may also be provided.

**** *“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 as amended from time to time 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 as amended time to time.
- 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 as amended time to time.
- e. Composition analysis of waste oil from the recognized lab under the Environment (Protection) Act, 1986.
- f. Acknowledgement for receipt of copy of import application submitted to the Ministry from the 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. Photographs & Video CD of running plants.
- 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 with details of quantity imported against the same. If additional quantity or any additional code or extension of validity is issued subsequently, the copy of the same may also be provided.
- l. Actual domestic waste (used oil) processed in the last financial year.
- m. Extended Producer Responsibility (EPR) – registration as producer under ‘Used Oil EPR’ Rules notified on 18th September, 2023 through amendment in HOWM Rules, 2016.

(viii) 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 as amended time to time.
- 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 as amended time to time.
- 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 import application submitted to the Ministry from the 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 with details of quantity imported against the same. If additional quantity or any additional code or extension of validity is issued subsequently, the copy of the same may also be provided.

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

- a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended time to time.
- 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 as amended time to time or registration as per E-Waste (Management) Rules, 2022 as amended time to time.
- e. Valid Insurance policy covering liability to health and environment during transit
- f. Acknowledgement for receipt of copy of export application submitted to the Ministry from the 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. If additional quantity or any additional code or extension of validity is issued subsequently, the copy of the same may also be provided.

(x) Export of catalytic convertor or other such wastes referred in Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended time to time

- a. Form 5 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended time to time.
- b. Justification for export.
- c. Valid Authorization under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 as amended time to time if actual user.
- d. Composition analyses of waste from lab recognized under the Environment (Protection) Act, 1986.
- e. Valid Insurance policy covering liability to health and environment during transit.
- f. Acknowledgement for receipt of copy of export application submitted to the Ministry from the 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. If additional quantity or any additional code or extension of validity is issued subsequently, the copy of the same may also be provided.

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