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Procedures for Evaluation of Application for Grant, Renewal and Refusal of Extended Producer Responsibility (EPR) Authorisation under E- Waste (Management) Rules, 2016

Central Pollution Control Board
Hazardous Waste Management Division
(Ministry of Environment, Forest & Climate Change, Government of India)
'Parivesh Bhawan', East Arjun Nagar

Procedure for Evaluation of Applications for Grant, Renewal or Refusal of Extended Producer Responsibility (EPR) Authorisation under E- Waste (Management) Rules, 2016

As per Rule 13 (1) (ii), (iii) & (vi) of E - Waste (Management) Rules, 2016, CPCB has been mandated to grant, renew or refuse EPR-Authorization to Producers of the Electrical & Electronic Equipment (EEE) listed in schedule – I of the said rules.

CPCB has prepared guidelines on implementation of E-Waste (Management) Rules, 2016, which includes specific guidelines for Producers and other stakeholders for extended producer responsibility (EPR) Authorisation, channelisation, collection, storage, transportation, environmentally sound dismantling, recycling and refurbishment. The guidelines have specific chapter on EPR Plan, document requirement for the form - I of the said rules and self-declaration on RoHS compliance.

CPCB has to evaluate EPR applications received from Producers and grant EPR authorisation within 120 days of receipt of application complete in all respect. Accordingly, CPCB is required to scrutinize the information provided in the applications as per Form-1 of the rules and also in accordance to the guidelines issued by CPCB.

However, in order to ensure smooth scrutiny of applications and also to maintain transparency, there is a need to evolve in internal procedures for evaluation and grant of EPR Authorisations, wherein times-lines for each activity may be specified. An initiative was already taken to develop an online application system, which is under final stages of development.

The procedure for evaluation of applications grant / renewal / refusal of EPR Authorization is given below;

1. Grant of EPR Authorisation

(i.) Receipt of Application

The Producer can make application in Form-I either by submitting hard copies of application or by placing online application at CPCB web portal (with relevant attachments), I both cases all relevant information/documents shall be attached. The applicant is required to refer CPCB's guidelines before filling applications.

(ii.) Verification of Applications

CPCB may verify the applications and check the information provided with respect to the guidelines within 25 days of receipt of application.

The official processing the case may verify the application with following checklist;

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Check List No.	Item to verify	Details of verification
1.	Name and full address along with telephone numbers, e-mail and other contact details of Producer	Return application in case; i.) Blank information
2.	Name of authorised persons and full address with e-mail, telephone and fax number	Return application in case; i.) Blank information
3.	Name & address of Producer Responsible Organisation (PRO)	This is not compulsory information. Producers may provide information only in case they engage PRO
4.	Details of EEE placed on the market year wise during previous 10 years	Return application in case; i.) Blank information ii.) Did not provide any document in support of EE placed on market in last 10 years (such as sales Tax returns, own records or any relevant documents) **Note:** May accept the application even if information of 10 years sales not provided in following cases; i.) Producer started sales within last 10 years ii.) Different items placed on market in different years iii.) Records destroyed / lost / untraceable ; provided such claims are supported with an undertaking, where they shall specify the approximate quantity placed on market (Template for affidavit at Annexure-I)
5(i)	Estimated generation of waste Electrical and Electronic Equipment (WEEE)	Return application in case; (i.) Blank information **Note:** i. Producer shall give information as per guidelines ii. CPCB officials will verify and may modify this information as per guidelines
5(ii)	Estimated collection targets	Return application in case; i.) Blank information Note: i.) Producer shall give information as per

Check List No.	Item to verify	Details of verification
		guidelines ii.) CPCB officials will verify the figures given and if required, may modify the figures as per guidelines
6.	EPR Plan	Return application in case; i.) Blank information Note: i.) Producer shall give information as outlined in Form-I and CPCB guidelines ii.) CPCB officials will verify the EPR plan on following points (refer guidelines) - Brief on general scheme of collection a) Detail of reverse logistic facility, courier service and Toll free number b) Details of collection centres/ points cover all States. c) Details of PROs (Optional) d) Flow-chart of channelisation e) All States are required to be covered f) Provide agreement copy with reverse logistic partner. g) Specific collection schemes (buy-back, exchange, DRS, etc.) - Agreements with Authorised Recyclers / Dismantlers h) Self- attested copy of the authorization of dismantler/ recycler and pass book i) Detail of Producers with whom your dismantler/ recycler is having agreement j) Undertaking from the producer that all the information, documents submitted by them is true. - RoHS Declaration - Awareness Plan - In case Item No: CEEW5, producers should also give details of TSDFs or mercury recycler with whom they have tied up. - Any other scheme

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Check List No.	Item to verify	Details of verification
		- Website information
7.	Estimated Budget for EPR	Return application in case; i.) Blank information ii.) No information on finance Note: (i) Producer shall give proposed financial allocation on following; - Awareness - Specific Collection Schemes - Collection Centres - PROs - Channelisation (including cost of reverse logistics) - Recyclers / Dismantlers - ROHS testing - Any other schemes
8.	Awareness Plan	Return application in case; i.) Blank information ii.) No information on awareness programs iii.) No information on budget Note: (i) Producer shall describe awareness program along with budgetary allocation
9. (a) & (b)	RoHS compliance	Return application in case; i.) Blank information Note: (i) Producer shall provide self-declaration as per guidelines and which is reproduced at Annexure -II (ii) It is not essential to attach technical documentation on ROHS, however such records (Annexure –III) have to be maintained as specified in guidelines
9 (c)	Documents	Return application in case; i.) Blank information ii) No documents attached Note: (i) Producer shall provide documents as

Check List No.	Item to verify	Details of verification
		specified in Rules and CPCB guidelines

Upon verification of above and if the information provided is not as per checklist, letter will be issued by the concerned AD (till the web-portal is made operational) for submission of above documents. Once the web portal is operational, the status of short-comings will be uploaded online in Web portal.

(iii.) Processing of Applications

Once the required information is available with application, the application will be processed by the concerned official within 25 days of receipt of complete information from the applicant.

Since targets are already stipulated, it would be responsibility of producers on how he will meet his target by various means outlined in their EPR plan. There is no fixed scale for scrutiny of the information provided on following points; however, it would be necessary to study the following information to ascertain whether it is a workable plan:

- Brief on general scheme of collection
- Details of collection centres
- Details of PROs (Optional)
- Flow-chart of channelisation
- Whether all States are covered?
- Specific collection schemes (buy-back, exchange, DRS, etc.)
- Agreements with Authorised Recyclers / Dismantlers
- ROHS Declaration
- Awareness Plan
- In case Item No: CEEW5, producers should also give details of TSDFs or mercury recycler with whom they have tied up.
- Any other scheme
- Website information

CPCB may give authorisation based on the individual EPR plan as envisaged by them.

(iv.) Approval of EPR-Authorisation

Chairman, CPCB shall approve the EPR-Plan as scrutinised by concerned official, which is recommended by Member Secretary

Upon approval of CCB, the concerned AD dealing the subject would issue the EPR authorisations.

(v.) **Refusal of EPR-Authorisation**

As per rule 13 (1) (iii) of the said rules CPCB can refuse EPR authorisation to an applicant. In case, an applicant is not able to provide the requisite details on Quantity placed on market, EPR plan and RoHS Self-declaration as specified in CPCB Guidelines within 45 days of receipt of letter from CPCB or date of updation of status at CPCB web portal.

An opportunity will be given to hear the applicant within one month from the date of return of application (by post or at CPCB web portal), prior to considering the case for refusal of grant of EPR authorisation by CPCB.

The cases for hearing shall be placed before Chairman, CPCB periodically after taking suitable dates from Chairman's office.

Within 10 days after hearing, the dealing officials shall place the file with facts/ reasons for recommending refusal of authorization.

Chairman CPCB will be the final authority for taking decision on refusal.

(vi.) Cancellation of EPR- Authorization

As per rule 13 (1) (ix) of the said rules, CPCB may cancel or suspend EPR authorisation of the Producer, in case a Producer failed to comply with any of the conditions of the authorization or with any provisions of the E (P) Act,1986 or E- waste (Management) Rules, 2016 during the period of authorization. If any producer is found to be violating the provision of authorization, during random checking by CPCB or based on verification by SPCBs, a notice (by post or at CPCB web portal) may be issued by CPCB within 25 days.

An opportunity will be given to hear the Producer within one month from the date of issuance of notice (by post or at CPCB web portal) prior to considering the case for cancellation or suspension of EPR authorisation by CPCB.

The cases for hearing on cancellation or suspension shall be placed before Chairman, CPCB periodically after taking suitable dates from Chairman's office.

Within 10 days after hearing, the dealing officials shall place the file with facts/ reasons for recommending cancellation or suspension of authorization.

Chairman CPCB will be the final authority for taking decision on cancellation or suspension.

Annexure – I

Template for Affidavit

[Stamp paper of value rupees100]

We_____the Producer of item codes ---------- hereby give sworn affidavit that for sales record for EEE item code ---------- have been destroyed / lost / untraceable [please specify reason] for the period ----------. We also hereby give sworn affidavit that we had approximately placed the following quantities for the period specified;

S.No.	Item Code	Year	Quantity (Number and weight) placed on Market	
			Number	Weight in KG

Note: Please add additional row for items code and years

The above quantity may be considered by the Central Pollution Control Board for fixing targets on us for collection and channelisation of End of Life – EEE for the item codes specified above.

We hereby give sworn affidavit that the above information is true to the best of our knowledge.

(**Authorized Signatory**)

Annexure – II

Date:

Self-Declaration Form

(As per E-Waste (Management) Rules, 2016)

Producer Details:

S.No.	Required Information	Details
1.	Company Name with Complete Address from where business/sale in the entire country is being managed:	
2.	Name of Authorised Person Email: Telephone: Fax: Mobile Number: Complete Postal Address:	
3.	Brand name (if any):	

Self-Declaration for Compliance of
Reduction in the use of Hazardous Substances (RoHS)
(As per E-Waste (Management) Rules, 2016)

We_____being the Producer as per E-Waste (Management) Rules, 2016, hereby declare that all the EEE, being offered for sale in the country by our company and covered in the Schedule – I of the E-Waste (Management) Rules, 2016 and listed at enclosure - A comply with the sub rule (1) of the Rule16 of the above said Rule.

Authorizing Signatory
(Name/Signature/Seal)

Date:

Enclosed: Enclosure A

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Enclosure – A

S. No.	Product Category & Code* (as per Schedule I of E-Waste (M) Rules, 2016	Product name**	Model No.**	Weight of Product (kgs) or Numbers	Date of placing on market (In case of import, date of entry in the country)	Compliance with RoHS Yes/No/ Partial	RoHS Information provided on product information booklet Yes/No	In case Product is imported from other country, name of the country where product is manufactured

**Add additional rows for products and models

Authorizing Signatory
(Name/Signature/Seal)

Date:

Annexure – III

Technical Documents for RoHS (EN 50581 of EU)

1. General description of the product
2. Documents for materials, parts and/or sub-assemblies
3. Supplier declarations (covering specific material, part and/or sub-assembly, or a specific range of materials, part and/or sub-assemblies) and/or contractual agreement, such as:

    (i) Supplier declarations, confirming that the restricted substance content of the material, part, or sub-assembly is within the permitted levels and identifying any exemptions that have been applied
    (ii) Signed contracts confirming that the producer's specification for the maximum content of restricted substances in a material, part, or sub-assembly is fulfilled.

4. Material Declarations:

    (i) Material declarations providing information on specific substance content and identifying any exemptions that have been applied.

and/or

5. Analytical test results:

    (i) Analytical test results using the methods described or referenced in EN 62321