

OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT)
JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,
TALUKA URAN, DIST.- RAIGAD, PIN 400 707.

F. No. : S/26-Misc-38/09-10GrIV Dated: - 07/08/2009

PUBLIC NOTICE NO. 75 / 2009

(Referred / amended vide P.N.No. [113/2010](#))

Attention of all importers, CHA, trade and all others concerned, is invited to the First and Second amendment dated 21st July 2009 and 23rd September,2009,respectively, to the Hazardous Wastes (Management, Handling and Trans-Boundary Movement) Rules, 2008 (hereinafter referred to as HWR for the sake of brevity). These Rules have been enacted by the Ministry of Environment and Forests, Government of India, in exercise of powers conferred under Section 6, 8 and 25 of the Environment Protection Act, 1986 (29 of 1986) and in supersession of the Hazardous Waste (Management and Handling) Rules, 1989.

2. These amendments pertain to the category of wastes, which do not require either MoEF approval or DGFT licence, i.e, wastes marked as ** category in the Schedule III (part B) of the aforesaid Rules.

3. The First amendment pertains to Rule 16, sub rule (5), which provides for ensuring that the shipment is accompanied by movement document i.e. Form 9 and PSIC issued by inspection agency certified by the exporting country. The alternative of an inspection and certification agency approved by the DGFT has now been added by way of Second amendment.

4. Actual users are already required under HWR to be registered with SPCBs (State Pollution control Board). Further, in addition to actual users, importers on behalf of actual users can also import subject to

a. Registration with respective SPCBs

b. Filing of quarterly returns to the SPCBs, which will include details of actual users alongwith the quantities.

5. Since the process of registration may require some time, as an interim measure, clearances upto 30th November will be allowed without insisting upon the SPCB registration. This will also apply to Actual Users having registration with SPCB but whose validity has expired and applications for extension have already been made. For clearances after 30th November, Valid SPCB registration shall be required.

6. Other Conditions of HWR as amended including compliance of Form 9 and valid PSIC will be strictly adhered to, notwithstanding the earlier practice followed in this Custom House or other Custom Houses.

7. In case of non-compliance of any of the conditions, the provisions of Rule 17(2) of the HWR provides

The importer shall re-export the waste in question at his cost within a period of ninety days from the date of its arrival into India and its implementation will be ensured by the concerned State Pollution Control Board.

In case such goods are not cleared within 30 days of unloading, the matter would be referred to the State Pollution Control Board for necessary action at their end in terms of the aforesaid provision.

8. The importer(s) may apply for availing the option to keep the goods in Public Bonded Warehouse with adequate infrastructure under Section 49 of the Customs Act 1962, to avoid detention and demurrage charges, till the time it is re-exported or cleared, as per the provisions of the HWR.

(A. K. DAS)

COMMISSIONER OF CUSTOMS (IMPORTS)

JNCH, NHAVA SHEVA.