



**OFFICE OF THE COMMISSIONER OF CUSTOMS (NS-III),
MUMBAI ZONE-II, JAWAHARLAL NEHRU CUSTOM HOUSE,
NHAVA SHEVA, TALUKA: URAN, DISTRICT: RAIGAD,
MAHARASHTRA-400707.**

F.No. S/22-Gen-402/2017-18/AM(I) Part-I

Date: 29.03.2018

PUBLIC NOTICE No. 56/2018

Subject: Compliance of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 - reg.

Attention of all Customs Brokers, Exporters, Importers, Members of the Trade and other stake holders is invited to the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (available at: <http://www.moef.gov.in/sites/default/files/Final%20HWM%20Rules%202016%20%28English%29.pdf>) on the above mentioned subject.

2. For the sake of easy reference, important provisions of said "Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016" in relation to import and export are reproduced below:

Rule 12. Strategy for Import and export of hazardous and other wastes.-

- (1) **No import of the hazardous and other wastes from any country to India for disposal** shall be permitted.
- (2) The import of hazardous and other wastes from any country shall be permitted only for recycling, recovery, re-use and utilisation including co-processing.
- (3) The import of hazardous waste in **Part A of Schedule III** may be allowed **to actual users with the prior informed consent of the exporting country** and shall require the **permission of the Ministry of Environment, Forest and Climate Change**.
- (4) The import of other wastes in **Part B of Schedule III** may be allowed **to actual users with the permission of the Ministry of Environment, Forest and Climate Change**.
- (5) The import of other wastes in **Part D of Schedule III** will be allowed as per procedure given in **rule 13 and as per the note below the said Schedule**.
- (6) **No import of the hazardous and other wastes specified in Schedule VI shall be permitted**.
- (7) The **export of hazardous and other wastes from India listed in Part A and Part B of Schedule III and Schedule VI** shall be with the **permission of Ministry of Environment, Forest and Climate Change**. In case of applications for export of hazardous and other waste listed in Part A of Schedule III and Schedule VI, they shall be considered on the basis of **prior informed consent of the importing country**.
- (8) The import and export of hazardous and other wastes **not specified in Schedule III, but exhibiting the hazardous characteristics outlined in Part C of Schedule III** shall require **prior written permission of the Ministry of Environment, Forest and Climate Change before it is imported to or exported from India, as the case may be**.

Rule 13. Procedure for import of hazardous and other wastes.-

(1) Actual users intending to import or transit for transboundary movement of hazardous and other wastes specified in Part A and Part B of Schedule III shall apply in Form 5 along with the documents listed therein, to the Ministry of Environment, Forest and Climate Change for the proposed import together with the prior informed consent of the exporting country in respect of Part A of Schedule III waste, and shall send a copy of the application, simultaneously, to the concerned State Pollution Control Board for information and the acknowledgement in this respect from the concerned State Pollution Control Board shall be submitted to the Ministry of Environment, Forest and Climate Change along with the application.

(2) **For the import of other wastes listed in Part D of Schedule III, the importer shall not require the permission of the Ministry of Environment, Forest and Climate Change.** However, the importer shall furnish the required information as per **Form 6 to the Customs authorities**, accompanied with the **following documents** in addition to those listed in Schedule VIII, wherever applicable. For used electrical and electronic assemblies listed at serial numbers 4 (e) to 4(i) of Schedule VIII (Basel No. B1110), there is no specific requirement of documentation under these rules:

(a) the **import license from Directorate General of Foreign Trade**, if applicable;

(b) the **valid consents** under the Water (Prevention and Control of Pollution) Act, 1974 (25 of 1974) and the Air (Prevention and Control of Pollution) Act, 1981 (21 of 1981) **and the authorisation under these rules** as well as the **authorisation under the E-Waste (Management and Handling) Rules, 2011**, as amended from time to time, whichever applicable;

(c) **importer who is a trader**, importing waste on behalf of actual users, shall obtain **one time authorisation in Form 7** and copy of this authorisation shall be appended to Form 6.

(3) For **Part B of Schedule III**, in case of import of any **used electrical and electronic assemblies or spares or part or component or consumables as listed under Schedule I** of the E Waste (Management and Handling) Rules, 2011, as amended from time to time, the importer need to obtain **extended producer responsibility-authorisation** as producer under the said E-Waste (Management and Handling) Rules, 2011.

(4) **Prior to clearing of consignment of wastes listed in Part D of Schedule III**, the Custom authorities shall verify the documents as given in column (3) of Schedule VIII.

(5) On receipt of the complete application with respect to Part A and Part B of Schedule III, the Ministry of Environment, Forest and Climate Change shall examine the application considering the comments and observations, if any, received from the State Pollution Control Boards, and may grant the permission for import within a period of sixty days subject to the condition that the importer has - (i) the environmentally sound facilities; (ii) adequate arrangements for treatment and disposal of wastes generated; (iii) a valid authorisation and consents from the State Pollution Control Board; (iv) prior informed consent from the exporting country in case of Part A of Schedule III wastes.

(6) The Ministry of Environment, Forest and Climate Change shall forward a **copy of the permission to the concerned Port and Customs authorities**, Central Pollution Control Board and the concerned State Pollution Control Board for ensuring compliance with respect to their respective functions given in Schedule VII.

(7) The importer of the hazardous and other wastes shall maintain records of the hazardous and other waste imported by him in Form 3 and the record so maintained shall be made available for inspection.

(8) The importer of the hazardous and other wastes shall file an annual return in Form 4 to the State Pollution Control Board on or before the 30th day of June following the financial year to which that return relates.

(9) **Samples of hazardous and other wastes being imported for testing or research and development purposes up to 1000 gm or 1000 ml shall be exempted** from need of taking permission for import under these rules.

(10) The Port and **Customs authorities shall ensure that shipment is accompanied with the movement document as given in Form 6 and the test report of analysis of the waste, consignment, wherever applicable, from a laboratory accredited or recognised by the exporting country.** In case of any doubt, the customs may verify the analysis.

14. Procedure for Export of hazardous and other wastes from India.-

(1) Any occupier intending to export waste specified in Part A of Schedule III, Part B of Schedule III and Schedule VI, shall make an application in Form 5 along with insurance cover to the Ministry of Environment, Forest and Climate Change for the proposed transboundary movement of the hazardous and other wastes together with the prior informed consent in writing from the importing country in respect of wastes specified in Part A of Schedule III and Schedule VI.

(2) On receipt of an application under sub-rule (1), the Ministry of Environment, Forest and Climate Change may give permission for the proposed export within a period of sixty days from the date of submission of complete application and may impose such conditions as it may consider necessary.

(3) The Ministry of Environment, Forest and Climate Change shall forward a copy of the permission granted under sub-rule (2) to the State Pollution Control Board of the State where the waste is generated and the Pollution Control Board of the State where the port of export is located and the concerned **Port and Customs authorities** for ensuring compliance of the conditions of the export permission.

(4) **The exporter shall ensure that no consignment is shipped before the prior informed consent is received from the importing country, wherever applicable.**

(5) **The exporter shall also ensure that the shipment is accompanied with movement document in Form 6.**

(6) The exporter of the hazardous and other wastes shall maintain the records of the hazardous or other waste exported by him in Form 3 and the record so maintained shall be available for inspection.

SCHEDULE VII [See rules 13 (6) and 21] List of authorities and corresponding duties:

Port authority under Indian Ports Act, 1908 (15 of 1908) and Customs Authority under the Customs Act, 1962 (52 of 1962):

(i) Verify the documents

(ii) **Inform the Ministry of Environment, Forests and Climate Change** of any illegal traffic

(iii) **Analyse wastes permitted for imports and exports**, wherever required.

(iv) Train officials on the provisions of these rules and in the analysis of hazardous and other wastes

(v) **Take action against exporter or importer for violations under the Indian Ports Act, 1908 or Customs Act, 1962**

SCHEDULE VIII [See rules 13(2) and 13 (4)] List of documents for verification by Customs for import of other wastes specified in Part D of Schedule III

In general

- (a) Duly filled up Form 6 - Movement document;
- (b) The import license from Directorate General of Foreign Trade, wherever applicable;
- (c) Pre-shipment inspection certificate issued by the inspection agency of the exporting country or the inspection and certification agency approved by Directorate General of Foreign Trade;
- (d) The valid consents to operate under the Air and Water Acts and the authorisation under these rules, for actual users. For traders, only valid authorisation from concerned SPCB is required;
- (e) The chemical analysis report of the waste being imported;
- (f) An acknowledged copy of the annual return filed with concerned SPCB for import in the last financial year.

3. For Transboundary Movement- **Movement Document** in **Form-6** is available along with said Rules and also reproduced below for the sake of reference.

4. In view of the above, attention of all the Custom Brokers, Exporters, Importers, Members of the Trade and other stake holders is again invited to above provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 for compliance for smooth and expeditious clearances. In case of any difficulty, the specific issue may be brought to the notice of Deputy/Assistant Commissioner in charge of Appraising Main (Import), NS-III (email address: appraisingmain.jnch@gov.in)

5. Action to be taken in terms of decisions taken in this Public Notice should be considered as standing order for the purpose of officers and staff.

Sd/-

(SUBHASH AGRAWAL)
Commissioner of Customs (NS-III)

Copy to:

- i. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH.
- ii. The Commissioner of Customs, NS-G/ NS-I/ NS-II / NS-IV / NS-V, JNCH.
- iii. All Additional / Joint Commissioner of Customs, JNCH.
- iv. All Deputy / Assistant Commissioner of Customs, JNCH.
- v. All Sections / Groups of NS-G, NS-I, NS-II / NS-III/ NS-IV / NS-V, JNCH.
- vi. Representative of BCBA / FIEO for information and circulation among their members for information.
- vii. AC/DC, EDI for uploading on JNCH website immediately

FORM – 6

[rules 13(2), 13 (10) and 14 (5)]

TRANSBOUNDARY MOVEMENT- MOVEMENT DOCUMENT

S. No	Description	Details to be furnished by the exporter or importer
(1)	(2)	(3)
1	Exporter (Name and Address) Contact Person Tele, Fax and email	: : :
2.	Generator(s) of the waste (Name and Address) ¹ Contact Person Tele, Fax and email	: : :
	Site of generation	:
3.	Importer or Actual user (Name and Address) Contact person Tele, Fax and email	: : :
4.	Trader (Name and Address) Contact person Tele, Fax and email	: : :
	Details of actual user (Name, Address, Telephone and email)	:
5.	Corresponding to applicant Ref. No., If any	:
6.	Bill of lading (attach copy)	:
7.	Country of import/export	:
8.	General description of waste	:
	(a) Quantity (b) Physical characteristics (c) Chemical composition of waste (attach details), where applicable (d) Basel No. (e) UN Shipping name (f) UN Class (g) UN No (h) H Number (i) Y Number (j) ITC (HS) (k) Customs Code (H.S.) (l) Other (specify)	
9.	Type of packages	:
	Number	:
10.	Special handling requirements including emergency provision in case of accidents	:

11.	Movement subject to single/multiple consignment		
	In case of multiple movement-	:	
	(a) Expected dates of each shipment or expected frequency of the shipments	:	
	(b) Estimated total quantity and quantities for		
	Transporter of waste (Name and Address) ¹ Contact Person Tele, Fax and email	:	
	Registration number	:	
	Means of transport (road, rail, inland waterway, sea, air) ²	:	
	Date of Transfer	:	
	Signature of Carrier's representative	:	
12.	Exporter's declaration for hazardous and other waste:		
	I certify that the information in Sl. Nos. 1 to 12 above are complete and correct to my best knowledge. I also certify that legally-enforceable written contractual obligations have been entered into and are in force covering the transboundary movement regulations/rules. Date: Signature: Name:		
TO BE COMPLETED BY IMPORTER (ACTUAL USER OR TRADER)			
13.	Shipment received by importer/ actual user/trader ^{2 / 3}		
	Quantity received Kg/litres Date: Name: Signature:		
14.	Methods of recovery		
	R code*		
	Technology employed (Attached details if necessary)		
15.	I certify that nothing other than declared goods covered as per these rules is intended to be imported in the above referred consignment and will be recycled/utilized. Signature: Date:		
16.	SPECIFIC CONDITIONS ON CONSENTING TO THE MOVEMENT if applicable.		(attach details)
Notes:- (1) Attach list, if more than one; (2) Select appropriate option; (3) Immediately contact competent authority in case of any emergency; (4) If more than one transporter carriers, attach information as required in SL. No. 12.			

List of abbreviations used in the Movement

Document Recovery Operations (*)

- R1** Use as a fuel (other than in direct incineration) or other means to generate energy.
- R2** Solvent reclamation/regeneration.
- R3** Recycling/reclamation of organic substances which are not used as solvents.
- R4** Recycling/reclamation of metals and metal compounds.
- R5** Recycling/reclamation of other inorganic materials.
- R6** Regeneration of acids or bases.
- R7** Recovery of components used for pollution abatement.
- R8** Recovery of components from catalysts.
- R9** Used oil re-refining or other reuses of previously used oil.
- R10** Land treatment resulting in benefit to agriculture or ecological improvement
- R11** Uses of residual materials obtained from any of the operations numbered R 1 to R 10

Date:

Signature:

Place:

Designation: