Circular No.27/2011-Customs

F. No.401/130/2011-Cus III
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

Room No. 253-A, North Block,
New Delhi -110001.
4th July 2011.

To,
All Chief Commissioners of Customs/ Customs (Prev.)
All Chief Commissioners of Customs & Central Excise
All Directors General of CBEC,
All Commissioners of Customs / Customs (Prev.)
All Commissioners of Customs & Central Excise
All Commissioners of Customs (Appeals)
All Commissioners of Customs & Central Excise (Appeals).

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Subject: Import of hazardous waste under Hazardous Waste (Management, Handling and Transboundary) Rules, 2008 - Reg.

Sir/Madam,

It is reported to the Board that e-wastes such as used computers, CRT, RAM and electrical and electronic assemblies are being dumped in a big way into the country thereby posing serious threat to environment. References have also been received seeking clarification whether used computers imported for re-use need permission of Ministry of Environment and Forest before clearance.

2. As the field formations are aware, the import and export of hazardous wastes is regulated by the Hazardous Waste (Management, Handling and Transboundary) Rules, 2008. Chapter IV of these Rules deals with import and export of hazardous wastes and Rule 13 thereof states that import of such wastes shall be allowed only for recycling, or recovery or reuse and not for disposal. Further, Rule 14 thereof provides that import and export of hazardous wastes specified in Schedule III shall be regulated in accordance with the conditions specified therein. A perusal of the said Schedule III shows that entries at A1180 and B1110 are relevant for electrical and electronic assemblies.

3. In this regard, the administrative Ministry viz. Ministry of Environment and Forests has been consulted and they have confirmed that items at A1180 of the said Schedule III relating to waste electrical and electronic assemblies or scrap containing components such as accumulators and other batteries etc. require Prior informed Consent. It is also confirmed that items at B1110 of the said Schedule III can be imported with permission from Ministry of Environment and Forests. This entry includes electrical and electronic assemblies (including printed circuit board electronic components and wires) destined for direct re-use and not for recycling or final disposal. The Ministry of Environment and Forests has also confirmed that imports of second hand computers would require the permission of that Ministry.

4. In view of the above, the Board desires that the field formations should carefully and strictly implement the provisions of Hazardous Waste (Management, Handling and Transboundary) Rules, 2008. In particular, it should be noted that all imported goods falling within the purview of entry B 1110 of Part B of Schedule III of the said

Rules, indicating second hand computers, would require the permission of the Ministry of Environment and Forests for import into India. It merits mention that the field formations should also refer to Rule 17 of the said Rules that treats contravening imports as illegal traffic requiring the importer to re-export the wastes at his cost within 90 days from the date of arrival. We must ensure that India does not become a destination for dumping junk electronic products.

5. These instructions may be brought the notice of all concerned by way of issuance of a suitable Public Notice/Standing Order.

6. Difficulties, if any, in implementation of these instructions may be immediately brought to the notice of the Board.

Yours faithfully,

(Vikas)
Under Secretary (Customs-III/VI)

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