

Decision of Ministry of Environment, Forest and Climate Change with respect to import and export of hazardous and other waste under the Hazardous and other Wastes (Management & Transboundary Movement) Rules, 2016 as approved by the Competent Authority on the basis of decision of the 102nd Meeting of Expert Committee held on 17th March, 2021 for appraisal of such applications

On the basis of agenda-wise detailed deliberation, following are the decisions of the Expert Committee:

AGENDA NO. 1: IMPORT OF ELECTRICAL AND ELECTRONIC ASSEMBLIES (EEAs)

1.1. M/s Pegatron Technology India Private Limited (PTI), Chennai, Tamilnadu

The application pertains to import of 6495 nos. of used/ second hand machinery including its accessories/ modules/ consumables etc. from China for manufacturing, testing and assembly of PCBA and Mobile Phones and to be re-exported back at the end of 5 years. The applicant has furnished Form-5 along with list of equipment, Chartered Engineer Certificate depicting year of manufacturing as 2009 to 2020, refurbishment not done and having residual life of at least 7 years, undertaking to re-export the items after 5 years, manufacturing Flow Chart, Consent to Establish (CTE) from concerned State Pollution Control Board (SPCB) and acknowledgement for receipt of copy of application from concerned SPCB. They will generate employment to 14,383 people as per proposed plan. The applicant has also mentioned that India is becoming one of the potential market with increasing demand for mobile phones. To meet this demand of Mobile Phones, support extended by the government to mobile manufacturers will significantly contribute to India's vision for an "Aatmanirbhar Bharat". This will also enhance indigenization of Mobile phones in India and provide further impetus to "Make in India" Campaign. It is also mentioned that they propose to invest more than 1000 crore and achieve to exports of more than 1,50,000 crores approx. They have received approval from Ministry of Electronics & Information Technology for the proposed investment under the Production Linked Incentive Scheme for Large Scale Electronics Manufacturing.

Recommendation: The committee noted that the applicant wants to import used/ second hand machinery including its accessories/ modules/ consumables etc. from China for manufacturing, testing and assembly of PCBA and Mobile Phones and to be re-exported back at the end of 5 years. The committee also noted that the residual life of the items as per Chartered Engineer Certificate (CEC) is at least 7 years. The committee therefore, recommended import of 6495 nos. of used/ second hand machinery including its accessories/ modules/ consumables etc. from China for manufacturing, testing and assembly of PCBA and Mobile Phones subject to the condition that items will be re-exported within 5 years from the date of import.

1.2. M/s Jabil Circuit India Pvt Ltd, Pune, Maharashtra

The application pertains to import of 80 nos. of 2nd hand machinery-injection moulding machine with accessories to be used for manufacturing of accessories of Mobile Phone and not to be re-exported back. The applicant has furnished Form-5, Asset Appraisal Report depicting year of manufacture as 2005 to 2016 and no details on refurbishment and residual life has been provided and acknowledgement for receipt of copy of application from concerned State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC). The company will provide employment to around 200 people under this project. The matter was discussed in 100th Meeting of EC held on 7th December, 2020. During deliberation the committee noted that the year of manufacturing of the equipment is 2005-2016 as per the Asset Appraisal Report. However, no details on refurbishment and residual life have been provided in the report. The committee therefore, recommended to call the applicant along with details on refurbishment and residual life of the equipment. Till then the matter is deferred.

Accordingly, application is re-considered by EC in its 102nd Meeting held on 17th March, 2021.

Recommendation: The applicant during the meeting informed EC that the residual life of the equipment is more than 7-8 years and it has not been refurbished. The applicant has also submitted the Chartered Engineer Certificate (CEC). The committee also noted that the injection moulding machine which applicant wants to import is predominantly a mechanical machinery than electrical and electronic equipment (EEE). The Committee therefore, recommended import of 80 nos. of 2nd hand machinery-injection moulding machine with accessories to be used for manufacturing of accessories of Mobile Phone subject to the condition that these equipment will be disposed after the end of life as per the prevailing Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 and E-waste (Management) Rules, 2016.

1.3. M/s Alcatel Lucent India Limited, Bangalore, Karnataka (F.No.23-68/2011-HSMD)

The applicant requested for extension of period of re-export of previous three permissions:

- i. The first request is for the extension of permission which was granted vide F.No.23-68/2011-HSMD dated 5th March, 2013 for the import of 55 nos. of Telecom Equipment and Computer peripherals servers/ desktops subject to the condition that the item will be re-exported back within 36 months. It was further extended for 2 years vide extension letter dated 26th May, 2016 and further by April, 2020 vide extension letter 3rd May, 2018;
- ii. The second request is for the extension of permission which was granted vide F.No.23-68/2011-HSMD dated 16th May, 2014 for the import of 80 nos (43+37) of Used computer Servers & Networking Telecom with accessories subject to the condition that the item will be re-exported back within 36 months. It was further extended by April, 2020 vide extension letter 3rd May, 2018. ; and

- iii. The third request is for the extension of permission which was granted vide F.No.23-68/2011-HSMD dated 18th November, 2014 for the import of 165 nos of Used Telecommunication Equipment/Computer Hardware and accessories subject to the condition that the item will be re-exported back within 3 years. It was further extended by April, 2020 vide extension letter 3rd May, 2018.

The applicant has mentioned that these equipment are required to support customers world-wide and to deliver commitment with regards to R&D, Testing, critical/ regular maintenance support activities & to delivering resolutions and workarounds to issues and support in maintaining the stability of networks. The applicant has also mentioned that their unit is registered under Software Technologies Park of India (STPI) with investment of Rs. 50 crores in R&D Facility and these equipment's are imported from Original Equipment Manufacturers (OEM). Hence, they are covered under HW Amendment Rule, 2018 notified vide dated 11th June, 2018.

Recommendation: The committee noted that the applicant's unit is registered under Software Technologies Park of India (STPI) with investment of Rs. 50 crores in R&D Facility and these equipment are imported from Original Equipment Manufacturers (OEM). Therefore, it falls under the Schedule III of Part D as per the Hazardous and Other Wastes (Management & Transboundary Movement) Amendment Rules, 2018 notified vide dated 11th June, 2018 and permission of this Ministry is not required for import. In view of amended notification dated 11th June, 2018, the committee recommended permission to retain these items.

1.4. M/s Nokia Solutions & Networks India Pvt Ltd, Gurgaon, Haryana (F.No.23-69/2011-HSMD)

i. The applicant requested for extension of period of re-export by another 3 years of previous permission letter granted vide F.No.23-69/2011-HSMD dated 16th December, 2015 for import of 822 nos. of used spares of telecom test equipment's subject to the condition that the item will be re-exported back within 2 years from the date of import. It was further extended by 16th December, 2020 vide extension letter 3rd May, 2018. The applicant has now informed that these equipment's are required for base station controller (BSC) product which is part of GSM 21 and GSM 22 network release in 2021 to 22 respectively to Nokia global customers. It will adversely impact Nokia GSM business globally. The applicant has also mentioned that their unit is registered under Software Technologies Park of India (STPI) with investment of Rs. 50 crores in R&D Facility and this equipment's are of Internal Nokia Manufactured equipment.

Recommendation: The committee noted that the applicant's unit is registered under Software Technologies Park of India (STPI) with investment of Rs. 50 crores in R&D Facility. However, these equipment's are not imported from Original Equipment Manufacturers (OEM). Therefore, it does not fall under the Schedule III of Part D as per the Hazardous and Other Wastes (Management & Transboundary Movement) Amendment Rules, 2018 notified vide dated 11th June, 2018. However, these equipment's will be used in GSM 21 and GSM 22 network release in 2021 to 22 respectively. Therefore, the committee

recommended the extension of period of re-export of previous permission letter dated 16th December, 2015 by further 3 years i.e., up to 16th December, 2023 (from 17th December, 2020 to 16th December, 2023).

ii. The applicant has requested for 3 years validity extension of following used EEAs which was imported for 2-3 years under Part D of Schedule III of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016:

Bill of Entry No.	Import date	Import qty
8231770	9 th February, 2017	551 nos.
2818237	31 st August, 2017	2133 nos.
4007795	27 th November, 2017	3309 nos
4435055	28 th December, 2017	8848 nos.
6059150	20 th July, 2016	380 nos

The applicant has also mentioned that their unit is registered under Software Technologies Park of India (STPI) with investment of Rs. 50 crores in R&D Facility and this equipment's are of OEM'S (original equipment manufacturers). Hence, they are covered under HW Amendment Rule, 2018 notified vide dated 11th June, 2018.

Recommendation: The committee noted that the applicant's unit is registered under Software Technologies Park of India (STPI) with investment of Rs. 50 crores in R&D Facility and this equipment's are imported from Original Equipment Manufacturers (OEM). Therefore, it falls under the Schedule III of Part D as per the Hazardous and Other Wastes (Management & Transboundary Movement) Amendment Rules, 2018 notified vide dated 11th June, 2018 and permission of this Ministry is not required. In view of amended notification dated 11th June, 2018, the committee recommended permission to retain these items.

1.5. M/s Electro Rent India Pvt. Ltd. (Formerly Livingston India Pvt Ltd), Gurgaon, Haryana (23-156/2012-HSMD)

i. The application pertains to import of 3,492 nos. (77 types) of used test and measurement instruments to be imported for the purpose of rent to customers and to be re-exported back within 3 years. The applicant has furnished Form 5, undertaking to re-export the items after completion of project and acknowledgement for receipt of copy of application from concerned State Pollution Control Board (SPCB)/Pollution Control Committee (PCC). The previous permission dated 8th March, 2019 was issued for the import of 2465 nos. of used test and measurement instruments subject to condition that all the items will be re-exported within period of three years from the date of permission out of which 210 nos. has been imported. The unit has work strength of 22 employees.

Recommendation: The committee noted that the applicant in business of renting of Test & Measurement Instruments imported from parent company to various customers in India. The items will be re-exported back within 3 years. The Committee therefore, recommended import of 3,492 nos. (77 types) of used test and measurement instruments to be imported for the purpose of rent to customer's subject to the condition that these items will be re-exported back within 3 years from the date of import.

ii. The Ministry had issued NOC vide F.No.23-156/2012-HSMD dated 8th March, 2019 for import of 2465 nos. of used test and measurement instruments subject to condition that all the items will be re-exported within period of three years from the date of permission. The applicant has import only 210 nos. out of 2465 nos. till the date of validity of permission. Now, the applicant has requested for the extension of validity of permission dated 8th March, 2019 for another 6 months for import of balance quantity of 2255 units.

Recommendation: During deliberation the applicant has informed that they have applied new application for the import of similar 3,492 nos. (77 types) of used test and measurement instruments as discussed above [Agenda 1.5 (I)]. Therefore, they withdraw the instant application made for the extension of validity of permission dated 8th March, 2019. Therefore, EC opined that no action is required in the instant matter.

1.6. M/s Shell India Markets Private Limited, Bengaluru, Karnataka (F.No.23-72/2016-HSMD)

i. The application pertains to import of 1 no. of used research equipment (Pre-used 1 no. Zeiss Microscope with accessories) to be imported from Shell Singapore facility to Shell India and to be used to carry out R&D activities in Oil & Gas field. Item will be re-exported back after end of life. The applicant has furnished Form-5, Chartered Engineer Certificate (CEC) depicting manufacturing year as 2014, refurbishment not done and having residual life more than 6 years, and acknowledgement for receipt of copy of application from concerned State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC). This import will generate 1 employment. The previous permission dated 21st January, 2021 was issued for the import of 1 no. of used/refurbished equipment.

Recommendation: The committee noted that these items are proposed to be imported from the company Singapore facility to carry out R&D activities in Oil & Gas Field and the residual life of the item is more than 6 years as per CEC. The committee therefore, recommended the import of 1 no. of used research equipment (Pre-used 1 no. Zeiss Microscope with accessories) subject to the condition that the item will be re-exported back after the end of life.

ii. The application pertains to import of 3 sets (119+77+125 units) of used research equipment to be imported from Shell Amsterdam facility to Shell India and to be used to carry out R&D activities in Oil & Gas field. Item will be re-exported back after end of life. The applicant has furnished Form 5, Chartered Engineer Certificate depicting manufacturing year as 2003 to 2015, refurbishment not done and having residual life more than 10 years, and acknowledgement for receipt of copy of application from concerned State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC). This import will generate 1 employment. The previous permission dated 21st January, 2021 was issued for the import of 1 no. of used/ refurbished equipment.

Recommendation: The committee noted that these items are proposed to be imported from the company Amsterdam, Netherland's facility to carry out R&D activities in Oil & Gas Field and the residual life of the item is more than 6 years as per CEC. The committee therefore, recommended the import of 3 sets (119+77+125 units) of used research equipment subject to the condition that the item will be re-exported back after the end of life.

1.7. M/s ATL Battery Technology (India) Pvt Ltd, Rewari, Haryana (New application):

The application pertains to import of following items from China for used in manufacturing of Battery Cell:

- i. 4 nos. of Used machinery (Auto Firm Edge Folding Machine Model No. PXG1-4H1J-0017)
- ii. 1 no. of used machinery (Semi-Automatic OCV Model No. PXG1-OCVJ-0022)
- iii. 2 nos. of used machinery (Auto-EL filling Machine Model No. PGX1-INJE-0025)
- iv. 1 no. of used machinery (Auto-EL filling Machine Model No. PGX1-INJE-0046)
- v. 4 nos. of used machinery (Water-Cooled Capacity Machine Model No. PGX1-XSHC-0053)

The applicant has furnished Form-5, Chartered Engineer Certificate (CEC) depicting manufacturing year as 2015-2016 with refurbishment done and having residual life more than 5 years and acknowledgement for receipt of copy of application from concerned State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC). This import will generate 1200 nos. of employment expected by December, 2021.

Recommendation: The committee noted that these items will be used in manufacturing of Battery Cell and the residual life of the item is more than 5 years as per CEC. The Committee therefore, recommended import of following items from China for use in manufacturing of Battery Cell subject to the condition that these equipment will be disposed after the end of life as per the prevailing Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 and E-waste (Management) Rules, 2016:

- i. 4 nos. of Used machinery (Auto Firm Edge Folding Machine Model No. PXG1-4H1J-0017)
- ii. 1 no. of used machinery (Semi-Automatic OCV Model No. PXG1-OCVJ-0022)
- iii. 2 nos. of used machinery (Auto-EL filling Machine Model No. PGX1-INJE-0025)
- iv. 1 no. of used machinery (Auto-EL filling Machine Model No. PGX1-INJE-0046)
- v. 4 nos. of used machinery (Water-Cooled Capacity Machine Model No. PGX1-XSHC-0053).
