

F. No. 18-12/2015-HSMD
Government of India
Ministry of Environment, Forest and Climate Change
(HSM Division)

Level-II, Vayu Block,
IPB, Jor Bagh Road,
New Delhi-110003

Dated: 27th February, 2020

Office Memorandum

Subject: Strengthening the mercury trade (import & export) procedure in India under the Prior Informed Consent (PIC) procedure as per provisions of Minamata Convention on Mercury -reg.

Ministry of Environment, Forest and Climate Change (MoEFCC) is the nodal agency to implement the Minamata Convention on Mercury to protect human health and environment from anthropogenic emissions and releases of mercury and mercury compounds. The convention, among other things, mandates for establishment of a Prior Informed Consent (PIC) procedure for trade of mercury. India is a Party to the convention and it came into force on September 16, 2018 for India.

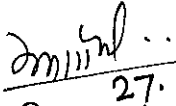
2. Earlier, to comply with the requirement of a formal PIC procedure, MoEFCC had developed Form "X" seeking information pertaining to mercury trade and its use from end users/ importers. All such applications were examined in details for document validation etc. Additional information, as required, used to be sought from the importers/ end-users. The applications, complete in all respects, were referred to concerned SPCBs/ PCCs for inputs/ comments. In case of no response within 15 days, it was construed that the SPCBs/ PCCs have 'No-objection' to the proposal.

3. While trade consents (Form-A/ Form-B of the Convention) were issued based on the procedure outlined above, recent responses received from SPCBs/ PCCs on trade proposals indicated that there is a need to further strengthen the PIC procedure in order to ensure that there are no discrepancies in the trans-boundary movement documents and the allowable usage of mercury in the country. Therefore, following decisions have been taken to further strengthen the procedure:

- All applications seeking permission for import of mercury to India shall be considered only when they are supported with a Form-A (by Party) or Form-B (by Non-Party) clearly stating that the mercury is not from sources identified as 'not allowed' under paragraph 3 or paragraph 5(b) of Article 3 of the convention;
- All future and pending applications, without Form-A/ Form-B or supported with vague/ambiguous documents, shall be rejected;
- Applications under consideration duly supported with Form-A or Form-B shall be asked to submit a Form-X along with an affidavit in support of owning all liabilities/responsibilities financial or others that may arise due to accidental handling and storage of the imported mercury, till it reaches the end users. The liability would cover all costs towards accidental environmental damage/ human health impact/ animal health impact/ remediation etc. and related aspects.
- The application i.e. Form-X along with affidavit shall be required to be submitted to the concerned SPCB and MoEFCC by the importers/ end users.
- MoEFCC shall also consider all such applications for examination where National Focal Point of other countries have directly sent the Form-A or Form-B to the Ministry.
- The quantity of mercury to be allowed for import shall be directed for use within specified period (quantity equivalent to one year or 18 months consumption/utilization) which would be explicitly mentioned in the communication.
- The importer/ end-user would be required to provide a detailed statement of usage of previous quantity of imported mercury.

4. Concerned SPCBs/PCCs are requested to take note of the above and extend support to MoEFCC in implementation of the above procedure, as and when required. It may be note that specific cases/ proposals shall also be referred, as and when received, for inputs/ comments to SPCBs/ PCCs. The copy of Revised Form-X is enclosed for reference.

5. This issues with the approval of Competent Authority.


27.2.2020
(M.K. Gangeya)

Director (HSMD)

email: m.gangeya@gov.in

To

1. The Chairman, Andhra Pradesh Pollution Control Board., Paryavarana Bhavan, A-3 Industrial Estate, Sanath Nagar, Hyderabad 500 018, Andhra Pradesh
2. The Chairman, Arunachal Pradesh State Pollution Control Board, Paryavaran Bhawan, Papu Hill, Yupia Road, Naharlagun- 791110
3. The Chairman, Assam Pollution Control Board, Bamunimaidan, Guwahati - 781021, Assam
4. The Chairman, Bihar State Pollution Control Board, Parivesh Bhawan, Plot No. NS-B/2, Paliputra Industrial Area, Patliputra, Patna (Bihar) - 800 023
5. The Chairman, Chhattisgarh Environment Conservation Board, Paryavas Bhavan, North Block Sector-19, NayaRaipur(C.G.) 492002
6. The Chairman, Goa State Pollution Control Board, 1st Floor, Dempo Tower, EDC Patto Plaza, Panaji, Goa-403 001
7. The Chairman, Gujarat Pollution Control Board, Paryava Bhavan, Sector 10- A, Gandhinagar - 382 043
8. The Chairman, Haryana State Pollution Control Board, C-11, Sector-6. Panchkula-134109, Haryana

9. The Chairman, Himachal Pradesh Pollution Control Board, Him Parivesh, Phase-III, New Shimla, Himachal Pradesh 171009
10. The Chairman, Member Secretary, Jammu & Kashmir State Pollution Control Board, Shiekh-ul-Campus, behind Govt. Silk Factory, Raj Bagh, Srinagar(J&K)
11. The Chairman, Jharkhand Pollution Control Board, T.A Building, HEC, P.O. Dhurwa, Ranchi - 834004
12. The Chairman, Karnataka State Pollution Control Board, Parisara Bhavan, 4th & 5th Floor, # 49, Church St., Bangalore-560 001
13. The Chairman, Kerala State Pollution Control Board, Plamoodu Jn., Pattom Palace P.O. Thiruvananthapuram-695 004
14. The Chairman, Madhya Pradesh Pollution Control Board, E-5, Arera Colony, Paryavaran Parisar, Bhopal - 462 016
15. The Chairman, Maharashtra Pollution Control Board, Kalpataru Point, 2nd - 4th Floor, Opp. Cine Planet Cinema, Nr. Sion Circle, Sion (E) Mumbai - 400 022
16. The Chairman, Manipur Pollution Control Board, Lamphelpat, Near Imphal West D.C. Office, Imphal
17. The Chairman, Meghalaya Pollution Control Board Arden-Lumpynggad, Shillong: 793014
18. The Chairman, Mizoram Pollution Control Board, New Secretariat Complex, Khatla Thlanmual Peng, Khatla, Aizawl, Mizoram: 796001
19. The Chairman, Nagaland Pollution Control Board, Signal Point, Dimapur, Nagaland:797112
20. The Chairman, Odisha Pollution Control Board, A-118, Nilakanta Nagar, Unit -VIII, Bhubaneshwar - 751012
21. The Chairman, Punjab Pollution Control Board, Vatavaran Bhawan, Nabha Road, Patiala, Punjab
22. The Chairman, Rajasthan Pollution Control Board, 4, Jhalana Institutional Area, Jhalana Doongri, Jaipur (Rajasthan) - 302 004
23. The Chairman, Sikkim State Pollution Control Board, Department of Forest, Environment & Wildlife Management Government of Sikkim, Deorali, Gangtok, -737102

24. The Chairman, Tamil Nadu Pollution Control Board, 76, Mount Salai, Guindy, Chennai-600 032
25. The Chairman, Telangana State Pollution Control Board, Paryavaran Bhawan, A-3, I.E. Sanath Nagar, Hyderabad-500 018
26. The Chairman, Tripura Pollution Control Board, Vigyan Bhawan, Pandit Nehru Complex, Gorkhabasti, PO: Kunjaban, Agartala: 799006
27. The Chairman, Uttar Pradesh Pollution Control Board, Building.No. TC-12V Vibhuti Khand, Gomti Nagar Lucknow-226 010
28. The Chairman, Uttarakhand Environmental Protection & Pollution Control Board, 29/20, Nemi Road, Dehradun, Uttarakhand
29. The Chairman, West Bengal Pollution Control Board, Paribesh Bhavan, 10A, Block-L.A., Sector III, Salt Lake City, Calcutta - 700 106
30. The Chairman, Member Secretary, Andaman & Nicobar Islands Pollution Control Committee, Department of Science & Technology, Dollygunj Van Sadan, Haddo P.O., Port Blair - 744102
31. The Chairman, Chandigarh Pollution Control Committee, Paryavaran Bhawan, Ground Floor, Sector-19 B, Madhya Marg, Chandigarh
32. The Chairman, Daman, Diu & Dadra Nagar Haveli Pollution Control Committee, Office of the Deputy Conservator of Forests, Moti Daman, Daman - 396220.
33. The Chairman, Delhi Pollution Control Committee, Government of N.C.T. Delhi, 4th Floor,ISBT Building, Kashmere Gate,Delhi-110006
34. The Chairman, Lakshadweep Pollution Control Committee, Department of Science, Technology & Environment, Kavarati-682555
35. The Chairman ,Pondicherry Pollution Control Committee, Housing Board Complex, Anna Nagar, Pondicherry-600 005

Form X

Application for Import of Mercury and Mercury Compounds for allowed usage
Under Minamata Convention Provisions

(To be filled by Importer/ Exporter/ End-user)

S. No.	Description	Details to be furnished
1.	Exporter / Importer (Name and address) in India	
	Authorized/ Contact person (Name and Aadhar No., optional)	
	Mobile, Tel/ fax and email	
	Facility location/ address (State/ District/ City/ Ward/ Taluka/ Block/ Village, as may be applicable)	
2.	GPS Coordinates of the Storage facility/ Factory/ premises	
3.	Registration number of the Company/ Firm (as per Companies Act, 2013 as amended)	
4.	GST Number of the Company/ Firm	
5.	Importer Exporter Code (IEC)	
6.	Copy of the factory license, if applicable	
7.	Reasons for import	
8.	Quantity of mercury intended to be imported	
9.	Copy of contract for trade in mercury	
10.	Chemical composition of mercury and mercury compound to be imported (attach details)	
11.	For User a. Details on use of mercury, please attach the product-wise usage details of previous 3 years (<i>in case,</i> <i>more than article is manufactured</i>	

S. No.	Description	Details to be furnished
	<p><i>with mercury as a raw-material, then all such articles be mentioned with corresponding mercury usage in last 3 years)</i></p> <p>b. Please indicate whether article-specific usage is permitted as per the Minamata Convention on Mercury</p> <p>c. Details of manufacturing processes along with environmental safeguard measures adopted to arrest mercuric releases and emissions to the ambient environment (attach separate sheet)</p> <p>d. Attach Copy of valid consent to operate (CTO) as well as establish (CTE) along with Hazardous Waste Authorization, from SPCB</p> <p>e. Enclose copies of consent/ authorization/ license/ permission received Central Govt., State Govt., Local bodies, Chief Inspector of Factories, etc. for undertaking operations/ storage</p> <p><u>For Trader</u></p> <p>a. Details on environmentally sound interim storage facility of mercury as per Article 10 of the Minamata Convention on Mercury. Please attach details.</p> <p>b. Details on previous quantities of mercury/ mercury compounds imported or exported in the country. Please attach the end-user-wise details of previous 3 years (<i>in case, more than one end-user is supplied with imported mercury as a raw-material, then all end-users be mentioned with corresponding mercury/ mercury compounds quantity</i>)</p>	

S. No.	Description	Details to be furnished
	<p>c. Specific Details in respect of each end-user/ actual user as applicable on [Name, Address, Telephone, email and Quantity of mercury use]</p> <p>d. <u>Traders (Importers/ Exporters) are required to furnish all the information applicable for 'Users'</u></p>	
12.	Country of Export or Import, as the case may be	
13.	Port of Entry (into India) for Import Port of Exit (out of India) for Export	
14.	Exporter (Name and Address) Contact Person Tele, Fax and email	
15.	Details of Transporter Name and Address Contact Person Tele, Fax and email	
16.	Information on Mercury Storage Facility <ul style="list-style-type: none"> • Availability of a closed drainage system with monitoring network to arrest mercury leakage due to factors like spillage, accidental release etc. Copy of previous monitoring reports may be provided indicating concentration of mercury in discharged effluent, if available • Typical temperature range of storage facility where the containers/flask will be stored. • Status of the structural stability of the storage facility with special mention of floor area, strength, presence of cracks, epoxy coating on the floors, type of walls (porous or not). Photographs of the storage space be provided in support of information • Whether repackaging of mercury will be done at the storage facility. 	

S. No.	Description	Details to be furnished
	<ul style="list-style-type: none"> • Presence of aisles/ Provision of space in large storage facilities for the inspection of stored mercury. • Whether ventilation system is present. If yes, the type of filters used and their disposal practice be categorically specified. • Whether Fire protection system is installed and operational? • Are Emergency response plans formulated and approved by concerned authorities? • Please enclose Copy of Material Safety Data Sheets. • Whether warning signs are made at the storage facility. • Please indicate the suitability of storage containers (considering their previous use) and physical condition. Also, indicate whether storage of Solid and liquid mercury is separate or not. • Please state the material of construction of containers (For larger quantities 34.5 kg flasks, 1 metric ton containers are preferred while for smaller quantities, polyethylene and glass can be used). • Whether provision has been there to place all containers in an upright position or not. • Whether the industry/ storage facility has equipped workers/ staff with Personal Protective Equipment and relevant training on safety issues is provided on occupational safety hazards. 	
17	Assessment of Liability:	
	Please state the name of person/ agency liable to be held responsible in case of	

S. No.	Description	Details to be furnished
	<p>accidental leakage of mercury and mercury compounds during:</p> <ul style="list-style-type: none"> • Transport from 'port of entry' to storage facility • Storage facility • Transport from 'storage facility' to 'actual user/ end-user' <p><i>The liability after final delivery of consignment would lie entirely on end-user/ actual user.</i></p>	

18. Undertaking

I hereby solemnly undertake that:

- i. The information is complete and correct to the best of my knowledge and legally-enforceable written contractual obligations have been entered into, and that my applicable insurance or other financial guarantees are or shall be in force covering the transboundary movement;
- ii. The mercury permitted shall be fully insured for transit as well as liability for any accidental occurrence and its clean-up operation shall be in accordance either with Para 17 above or entirely lie with me;
- iii. I agree to bear the cost of export and mitigation of damages, if any, arising out of transport of mercury within the country, under the provisions of Environment (Protection) Act, 1986

Date:

Signature:

Place:

Designation: