

F. No. 12/136/2021-HSM
Government of India
Ministry of Environment, Forest and Climate Change
HSM Division

M.P. Pollution Control Board
BHOPAL M.P.
E/No.: 1734634/2023
Date: 6/12/2023

Jal Block, 2nd Floor,
Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi-110003.

Date: 7th November, 2023

OFFICE MEMORANDUM

Subject: EPR obligation for Customer Premises Equipment (CPEs) under the E-Waste (Management) Rules, 2022- reg.

This has reference to representation dated 12th October, 2023 received in the ministry from Bharti Airtel Ltd. regarding clarification on EPR obligation for Customer Premises Equipment (CPEs) under the E-Waste (Management) Rules, 2022.

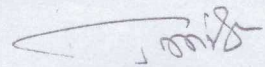
2. As mentioned in the representation, CPEs like modems, routers and STBs are installed by Service Providers (SPs) in customer locations as part of their last leg of network to provide services. Therefore, such equipment forms part of the SPs captive network to deliver licensed services to end-users. SPs charges rental and installation charges, as may be applicable but such CPEs is not sold to the consumer and is required to be returned by the customer at the time of discontinuation of service, replacement or upgrade.

3. In view of above, it is to mention that as per the definition of producer given in the E-Waste (Management) Rules, 2022, 'producer' means any person or entity who, -

- i. manufactures and offers to sell electrical and electronic equipment and their components or consumables or parts or spares under its own brand; or
- ii. offers to sell under its own brand, assembled electrical and electronic equipment and their components or consumables or parts or spares produced by other manufacturers or suppliers; or
- iii. offers to sell imported electrical and electronic equipment and their components or consumables or parts or spares; or
- iv. who imports used electrical and electronic equipment.

4. Further, As per the rules, Extended Producer Responsibility (EPR) obligation shall be fulfilled by the producer only. Since, SPs are not selling the CPEs to the consumer as stated above, they may not considered as a producer and they have no EPR obligation. Installing equipment at the premises by a SPs is not SALE, hence SPs are not producer by definition and EPR liability will lie with OEMs who have manufactured and sold these equipment to SPs, even if on specifications provided by SPs. However, SPs shall be considered as Bulk Consumer and as per Rule, Bulk consumers of electrical and electronic equipment listed in Schedule I shall ensure that e-waste generated by them shall be handed over only to the registered producer, refurbisher or recycler.

5. This issues with the approval of the competent Authority.



(Ved Prakash Mishra)
Director

To,

1. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Shahdara, Delhi - 110 032.
2. The Member Secretary, SPCBs/PCCs of all the States/UTs as per the List attached.

