

(TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY

PART –I SECTION – I)

GOVERNMENT OF INDIA

MINISTRY OF COMMERCE

PUBLIC NOTICE NO. 58(PN)/97-02

NEW DELHI; DATED THE 23rd DECEMBER, 1998

Subject: Import of Plastic wastes/scrap by EPZs.

Attention is invited to Notification No 37 (RE-98)/97-02 dated 23rd December, 1998 by which imports of all kinds of waste, pairings and scrap of plastics has been prohibited except for EPZs. Imports for EPZs has been permitted in accordance with Public Notice issued in this behalf.

In exercise of powers conferred under Paragraph 4.11 of the Export and Import Policy, 1997-2002, the Director General of Foreign Trade hereby prescribes the following procedure for imports of plastic waste and scrap for EPZs.

1. Imports of plastic wastes and scrap by EPZs shall be governed by para 9.2 of the Export and Import Policy, 1997-2002
2. There will be no sale in the Domestic Tariff Area (D.T.A.) of the products made out of imported plastic wastes/scrap under any provision including provisions of Chapter 9 of the Export and Import Policy, 1997-2002/Handbook of Procedures, 1997-2002 (Vol. 1). Imported plastic wastes/scrap has to be utilised for physical exports only.
3. No new unit will be permitted to be set up under Export Processing Zones (E.PZs) for import of plastic wastes and scrap.
4. The description/definition of the plastic waste/scrap for this purpose would be;

"Plastic scrap/waste constitute those fractions of plastics generated by various plastic processing operations or those fractions generated in the production process of plastics in a plant, which have not been put to any use whatsoever and as such can be termed as virgin or new material which can be recycled into viable commercial products using standard plastic processing techniques but without involving any process of cleaning, whereby effluents are generated"

5. Such virgin/new Plastic scrap/waste shall be permitted for import in the following forms i.e. compressed, films in cut condition, cut tape soft waste, flakes, powders, pieces of irregular shape (not exceeding the size of 3" x3").
6. Any other category of plastic scrap/wastes which are not covered by the description/definition as given in paras (4) and (5) shall not be permitted.
7. The plastic scrap/wastes conforming to the description indicated in paragraphs (4) and (5) above would be permitted only to the EPZs Units who have the required facility for recycling such scrap/waste and who are duly registered with the competent State/Central authority and also possess clear pollution clearance certificate from the concerned State Pollution Board where the unit is located, as well as a capacity assessment certificate.
8. Each consignment of plastic scrap/wastes imported shall be accompanied with a certificate from the factory in which it was generated to the effect that it conforms to the description/definition as given in sub-paragraph (4) above. The importer of the plastic scrap/waste would also be required to furnish a declaration to the Customs authorities at the time of clearance of goods certifying that the plastic scrap/wastes imported by him and for which clearance is being sought, strictly conforms to the description/definition as given in paragraph (4) and (5) above and that it is free from any kind of toxic/non-toxic contamination and has not put to any previous use, whatsoever.
9. Before the clearance of the plastic waste/scrap, all imported consignments of such plastic scrap/waste shall be subjected to scrutiny and testing of samples.

Customs authorities shall for this purpose draw a sample and send the same to the nearest laboratory/Office of the Central Institute of Plastic Engineering & Technology (CIPET) with a view to having the same analysed and verified that such imported consignments are in conformity with the description/definition as given in paragraph (4) and (5) above.

10. In case of misdeclaration regarding the material being free from any toxic/hazardous substances by the importer, action as per laws of Ministry of Environment and Forests applicable under the Environment (Protection) Act for committing offences leading to damage of environment and increase in pollution in the country, as modified and in force from time to time would be taken by the competent authority.

For any other misdeclaration, laws formulated by the Directorate General of Foreign Trade, in force from time to time, would also apply and action as per Foreign Trade (Development and Regulation) Act, 1992 shall be initiated by the competent authority.

This issues in public interest.

Sd/:

(N.L. LAKHANPAL)

DIRECTOR GENERAL OF FOREIGN TRADE

Copy to all concerned,

(N.P.S.Monga)

Jt. Director General of Foreign Trade

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