

**OFFICE OF THE COMMISSIONER OF CUSTOMS (NS-III)
MUMBAI ZONE-II, JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA
SHEVA, TALUKA: URAN, DISTRICT: RAIGAD, MAHARASHTRA-400707.**

F. No. S/22-Gen-402/2017-18 AM (I)

Dated 04.10.2017

PUBLIC NOTICE NO. 126/2017

Sub: Compliance of provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 in the imports of used tyres- reg

Attention of the Importers, Customs Brokers, Shipping Lines / Agents, Logistics Service Providers, CFS Custodians/Terminal Operators and all other stakeholders is invited to the provisions of the **Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016** (hereby referred to as "Rules").

2. Waste, parings and scrap of rubber (other than hard rubber) and powders and granules obtained therefrom, classifiable under CTH 4004 are restricted goods [Import of used rubber tyres with one cut in bead wire and import of used rubber tubes cut in two pieces, however, is free] and require NOC from Department of Industrial Policy & Promotion; Ministry of Environment & Forest. Proposal for import or export of restricted items is considered periodically by EXIM Facilitation Committee of the Directorate General of Foreign Trade and decisions to allow or otherwise are taken with the approval of the concerned Ministry.

3. The waste pneumatic tyres, excluding those which do not lead to resource recovery, recycling, reclamation or direct reuse, are covered under Basel No.B3140 (Annexure IX of the Basel Convention). Such imports are subjected to provisions of Hazardous Wastes (Management, Handling and Transboundary Movement) Rules 2008. The wastes under Part-B of Schedule III of the Rules *ibid* are restricted and cannot be imported without **permission** from the "Ministry of Environment, Forest and Climate Change" and **license** from the "Directorate General of Foreign Trade".

4. Para 2.31 of the Foreign Trade Policy contains provisions for import of second hand goods. As per this provision, all second hand goods other than Capital goods are restricted for import and are only importable against authorization.

5. There have been a number of instances where the importers of used tyres / tyre scrap have failed to comply with the above conditions and the consignments of used tyres are invariably abandoned by them. This has resulted in accumulation of hundreds of containers of used tyres in various CFSs' under the jurisdiction of Mumbai Customs Zone-II. It is suspected that these consignments have been imported for the purpose of dumping of hazardous waste from the exporting country and are posing a serious environmental threat.

6. Sub Regulation (2) of Regulation 7 of Handling of Cargo in Customs Areas Regulations, 2009 [as amended by [Notification No. 96/2010](#) dated 12.11.2010] empowers the Commissioner of Customs to regulate the entry of goods in a customs area for efficient handling of such goods.
7. In order to ensure that the hazardous waste is not dumped in India, by unscrupulous importers in collusion with the foreign exporters, direction is being issued to all the shipping lines / agents under Sub Regulation (2) of Regulation 7 of Handling of Cargo in Customs Areas Regulations, 2009 to ensure that the consignments of used tyres should be loaded for import for voyage to India only if the requisite **permission** from the Ministry of Environment, Forest and Climate Change and **license** from the Directorate General of Foreign Trade is submitted by the consignee or consignor before the time of loading of said goods on the vessel.
8. In case of failure to carry-out these guidelines and thereby abandoning of cargo, suitable action will be taken against shipping lines/ agents for violation of aforesaid directions issued under Customs law, besides any other action against importer or any other person under Customs Act or any other law for the time being in force.
9. Difficulties, if any, in implementation of the prescribed procedure may be brought to notice of the undersigned.
10. Action to be taken in terms of decisions taken in this Public Notice should be considered as standing order for the purpose of officers and staff.

Sd/-

(SUBHASH AGRAWAL)

Commissioner of Customs (NS-III).

To:

1. The Chief Commissioner of Customs, Mumbai Zone-II, JNCH for information.
2. All shipping lines operating at JNPCT / GTI / NSICT / NSIGT.
3. CSLA [To inform to all shipping lines for compliance]
4. The Commissioner of Customs, NS-G/ NS-I / NS-II / NS-III/ NS-IV / NS-V, JNCH
5. The Chairman, JNPT / CEO GTI / CEO NSICT & NSIGT / CSLA.
6. All Additional / Joint Commissioner of Customs, JNCH
7. All Deputy / Assistant Commissioner of Customs, JNCH
8. All Sections / Groups of NS-G, NS-I, NS-II / NS-III/ NS-IV / NS-V, JNCH
9. AC/DC, EDI for uploading on JNCH website immediately.