Draft
Used Lead Acid Batteries (Handling and Management) Rules, 2011

Submitted to:
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In Exercise of the power conferred by Section 24 of the Environment Protection Act, 1997, the Government of Nepal hereby framed the Used Lead Acid Batteries (Management and Handling) Rules, 2011.

1. **Short Title and Commencement:**
   (1) These Rules may be called "Used Lead Acid Batteries (Handling and Management) Rules, 2011"
   (2) These Rules shall come into force immediately on the date of their publication in the Official Gazette.

2. **Application:**

   These rules shall apply to every manufacturer, importer, re-conditioner, assembler, dealer, recycler, auctioneer, consumer, and bulk consumer involved in manufacture, processing, sale, purchase and use of batteries or components thereof.

3. **Definitions:** In these rules, unless the context otherwise requires:
   (b) ‘Manufacturer’ in relation to any factory manufacturing lead acid batteries or components thereof means a person or officer of the company who has control over the affairs of the factory or the premises for production and sale of lead acid batteries or components thereof and collection of used lead acid batteries or components thereof.
   (c) ‘Assembler’ means a person who manufactures lead acid batteries by assembling various components.
   (d) ‘Importer’ means a person who importers new lead acid batteries or components containing lead thereof for the purpose of sale.
   (e) ‘Dealer’ means a person who sells lead acid batteries and receives used lead acid batteries or components thereof to and from the consumers or other dealers or retailers on behalf of the manufacturers, importers, assemblers and reconditioners or to otherwise.
   (f) 'User' means a person or consumer who uses lead acid batteries or components thereof in different purposes.
   (g) ‘Battery’ means lead acid battery, which is a source of electrical energy and contains lead metal as well as acid.
   (h) ‘Components’ means lead bearing components of a lead acid battery.
(i) 'Collector' means a person who is registered under these Rules as a collector to collect the used lead acid batteries from the customers.

(j) ‘Recycler’ means an occupier who processes used lead acid batteries or components thereof for recovering lead.

(k) 'Ministry' means Ministry of Environment of Government of Nepal.

(l) 'Local Bodies' means bodies constituted under the Local Self-Governance Act, 1999.

(m) ‘Used battery / batteries’ means used, damaged and old lead acid battery / batteries or components thereof.

4. Responsibilities of Manufacturer, Importer, Assembler and Re-conditioner:

It shall be the responsibility of a manufacturer, importer and assembler to

(i) ensure that the used batteries are collected back as per the Schedule against new batteries sold

(ii) obtain license from and registration with the Ministry of Environment

(iii) file annual sales and returns to the local bodies and to the Ministry

(iv) ensure that used battery is sent to only registered and licensed collector/recycler

(v) ensure safe storage, handling and transportation

(vi) ensure that no damage to human and environment occurs during handling and transportation and from the sludge from the treatment process

(vii) set up collection centers either individually or jointly at various places for collection of used batteries from consumers or dealers;

(viii) ensure that necessary arrangements are made with dealers for safe transportation from collection centers to the premises of registered recyclers

(ix) create public awareness though advertisements, publications, posters or by other means with regard to the following-

(a) hazards of lead;

(b) responsibility of consumers to return their used batteries only to the dealers or deliver at designated collection centers; and

(c) addresses of dealers and designated collection centers.

(x) Use the international hazards sign on the Batteries.

(xi) Buy recycled lead only from registered recyclers.
5. Responsibilities of Dealer:

It shall be the responsibility of a dealer to -

(i) register with the local body
(ii) ensure that the used batteries are collected back as per the Schedule against new batteries sold.
(iii) give appropriate discount for every used battery returned by the consumers.
(iv) file half-yearly returns of the sale of new batteries and buy-back of old batteries to the manufacturer every year;
(v) ensure safe transportation of collected batteries to the designated collection centers or to the registered recyclers; and
(vi) ensure that no damage is caused to the environment during storage and transportation of used batteries.

6. Responsibilities of Recycler:

Each recycler shall

(i) obtain license from the Ministry.
(ii) ensure strict compliance of the terms and conditions of registration, however, those already registered for reprocessing used batteries would be bound by the terms and conditions of such registration including the management of sludge from the treatment process;
(iii) submit annual returns to the Ministry.
(iv) make available all records for inspection;
(v) mark ‘Recycled’ on lead recovered by reprocessing; and
(vi) Create public awareness through advertisements, publications, posters or others with regard to the following –
   (a) hazards of lead; and
   (b) obligation of consumers to return used batteries only to the registered dealers or deliver at the designated collection centers.

7. Responsibilities of User, Collector and Importer

(i) Collectors and Importers must be registered with the Local Bodies
(ii) Users, Collectors and Importers must ensure that used batteries are not disposed of in any manner other than depositing with the dealer, manufacturer,
importer, assembler, registered recycler, or at the designated collection centers.

(iii) Collectors and Importers must create public awareness

(iv) ensure that any auction of used batteries must involve registered collectors or recyclers only

(v) Collectors and Importers must file yearly returns with the local bodies

8. Registration

(1) Manufacturer, Recycler, Dealer or collector as the case may be shall obtain registration to deal with manufacturing, recycling, dealing, retailing and collection of ULAB respectively in the following authorities.

   a. Importer to Ministry/ Local Bodies
   b. Manufacturer to Ministry
   c. Recycler to Ministry
   d. Collector to Local Bodies
   e. Transporter to Local Bodies

(2) Local Bodies shall maintain the record and send monthly statements to the Ministry.

(3) The procedure of registration shall require filling up of a form scheduled in case of manufacturing, recycling, assembling of batteries.

(4) No such units shall operate or be established without obtaining such license.

(5) Such units need to submit Initial Environmental Examination (IEE)/Environmental Impact Assessment (EIA) as the case may be and take necessary approval from the Ministry from carrying out such operations.

(6) Concern person shall ensure proper storage and handling facilities for the collection, transportation, import and distribution of lead acid batteries.

(7) These units shall be registered with Local Bodies.

(8) Renewal shall be done based on submission of the forms and returns and also confirming that the used battery is being managed and responsibility as specified is being discharged.
9. **Custom Clearance of new lead acid batteries**

Customs clearance of imports shall be contingent upon:

(i) valid registration and renewal thereof;

(ii) undertaking in scheduled form; and

(iii) a copy of the early return file.

10. **Duties and Authorities of Ministry and Local Bodies**

Following shall be the power and duties of Ministry and Local Bodies:

(a) monitor the units by studying the forms filled

(b) conduct sample Inspection of the registered units to verify that they are complying with the terms of license and rules

(c) Issue directives for proper management of Used Batteries

(d) shall charge pollution tax at 2-3% of the price of the battery and to be used for transport subsidy for the type of products used in solar home systems.

(e) MOE may assign or appoint as inspector for battery and used battery

(f) Compilation and publication of the overall status of battery and used battery in the country

11. **Punishment:**

Prescribed authority as provided under Section 18 of the Act may charge fine up to NPR 50,000/- for non-compliance to the rules such as operating without registration, non-compliance of guidelines and directives, non-compliance with the terms of conditions attached to the registration or license.

12. **Appeal**

A person who is not satisfied with the decision or order made by the prescribed authority may appeal to the concerned Appellate Court within thirty five days from the date of the decision or order.

13. **Delegation of Authorities**

The Ministry, as per necessity, may delegate any of the powers conferred on it pursuant to these rules to the District Development Committee and Local Development Officer.
14. Record Keeping

Ministry and all the local bodies will prepare inventories as to import, sales and use of lead acid batteries and use, collection and management of used batteries in their areas.

15. Annexure

- Forms for application of license and registration for various types: manufacturer, importer, dealer, retailer and assembler of battery; collector, recycler of used battery
- Forms to be filled bi-annually or trimester-wise by each of above
- Registration certificates for each of above along with terms and conditions