

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 11th October 2023

S.O. 4441(E).—Whereas, the Government of India in the Ministry of Environment, Forest, and Climate Change had notified a Scheme on labelling of environment friendly products – ‘Ecomark’ vide notification number G.S.R. 85 (E), dated the 21st February, 1991 in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), to provide accreditation and labelling for household and other consumer products which meet certain environmental criteria along with quality requirements of the Indian Standards for that product.

And whereas, the Ecomark Scheme *inter-alia* provided a tool to the consumers to pursue sustainable consumption patterns as well as to the industry to implement environment-friendly processes or production methods.

Now, therefore, in exercise of the powers conferred by by sub-section (1), clause (ii) of sub-section 2 of section 3, sub-section (1) of section 6, and sub-section (1) of section 25 of the Environment (Protection) Act, 1986 (29 of 1986) and in supersession of G.S.R. 85 (E), 1991, the Central Government hereby specify the following Rules, on Eco-labelling of Product - the Ecomark Certification Rules, 2023, for information of the public likely to be affected thereby and notice is hereby given that the said notification will be taken into consideration on or after the expiry of a period of thirty (30) days from the date of publication of the draft in the official Gazette;

The objections or suggestions, which may be received from any person with respect to the said Notification within the period specified above, will be taken into consideration by the Central Government;

Objections or suggestions, if any, may be addressed to the Joint Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110003 and may be sent to e-mail id: sohsmmd-mef@gov.in

1. Short Title, Application and Commencement – (1) This shall be called the Ecomark Certification Rules, 2023.

(2) This Notification shall apply to any product which is produced or supplied for distribution, or use in the market, unless otherwise excluded under the Ecomark Certification Rules.

(3) It shall come into force on the date of its publication in the Official Gazette.

2. Introduction – (1) The Ecomark Certification Rules (*hereinafter referred to as 'the Ecomark Rules'*) is for labelling of products which will have lesser adverse impacts on the environment, with the objective to encourage the consumers to adopt such products as well as the manufacturers for transitioning to production of Ecomark certified products for promoting sustainability.

(2) The Ecomark Rules will promote environmental friendly products and ensure environmental performance of such products w.r.t. resource consumption and environmental impacts, in particular the impact on climate change, the impact on nature and biodiversity, energy consumption, generation of waste, emissions to all environmental media, pollution through physical effects and use and release of hazardous substances.

(3) The Ecomark Rules will provide labelling to products that meet approved environmental criteria.

3. Objectives – (1) The Ecomark Rules are intended to encourage the demand for environmental friendly products that cause lesser adverse impacts on the environment thereby supporting the principles of 'LiFE (Lifestyle for Environment)', promoting resource efficiency & circular economy and preventing misleading information on environmental aspects of products.

(2) The overall objectives of the Ecomark Rules are as follows:-

- a. build consumer awareness on environmental issues and of the implications of their choices, thereby generating a change towards more environmental friendly behaviour and consumption patterns;
- b. encourage manufacturers for transitioning to production of Ecomark certified products;
- c. prevent misleading and deceptive information with respect to fraudulent use of Ecomark label.

4. Definitions– (1) In Ecomark Rules, the following definitions shall apply –

- a. **'Designated Ecomark Verifier'** means an agency/person designated to carry out verification of the product against set criteria;
- b. **'Act'** means the Environment (Protection) Act, 1986 (29 of 1986), as amended from time to time;
- c. **'Audit'** means evaluation by a third party of the functioning of Designated Ecomark Verifiers, other third parties, various service providers for effective, impartial and fair functioning of the Ecomark Certification Rules;
- d. **'Ecomark Certificate'** means a certificate issued under the Ecomark Rules by the Administrator authorising a person or a body of persons to mark its product with the Ecomark;
- e. **'Ecomark Certificate Holder'** means a business operator authorized by an Ecomark Administrator to use Ecomark label;
- f. **'Conformity Assessment'** means evaluation by the Designated Ecomark Verifier of a product for its compliance with specified eco labelling criteria for the award/renewal of Ecomark certificate;
- g. **'Consumer'** means any person who buys any product with a consideration that it will have lesser adverse impacts on the environment;
- h. **'Environmental aspect'** means aspects of products which can interact with the environment;
- i. **'Environmental impact'** means any change to the environment, whether adverse or beneficial, wholly or partially resulting from products;
- j. **'Extended Producer Responsibility (EPR)'** means an environmental strategy in which a producer's responsibility for a product is extended to the post-consumer stage of a product's life cycle especially for recycling, and disposal of their products once those products are designated as no longer useful by consumers.
- k. **'Fitness for purpose'** means ability of a product to serve a defined purpose under specific conditions;
- l. **'Market Surveillance'** means evaluation by a third party that Ecomark certified product conforms to specified eco labelling requirements. Market surveillance shall inter-alia include picking samples from market, keeping an eye on misuse of Ecomark, raiding suspected places etc.;
- m. **'Misleading advertisement'** in relation to any product, means an advertisement, which deliberately conceals important information or is likely to mislead the consumers on the environmental aspect of such product;

- n. **‘Portal’** means the online mechanism for implementation of Ecomark Rules;
- o. **‘Process’** means procedures in which a product is manufactured or a service is delivered. It may include the processes involved in upstream and downstream value chain;
- p. **‘Product’** means any goods or service or process;
- q. **‘Producer’** means a manufacturer or a service provider;
- r. **‘Product category’** means group of products which have equivalent function;
- s. **‘Product environmental criteria’** means environmental requirements that the product shall meet in order to be awarded an environmental label;
- t. **‘Third party’** means a person or body that is recognized as being independent of the parties involved, as concerns the issue in question;

(2) Words and expressions used in this notification and not defined herein but defined in the Environment (Protection) Act, 1986 or any other rules or regulations issued under the said Act, shall have the same meaning as assigned to them respectively in the Act, or such other rules or regulations.

5. Criteria for Ecomark – (1) Environmental criteria for each product /product category under Ecomark Rules shall be notified by the Central Government. The criteria shall be for broad environmental levels and aspects, with specific criteria at the product level.

(2) Certification of Standards Body (national or international) for quality and safety, or mandate of Quality Control Orders shall be pre-requisite for Ecomark.

(3) Products will be examined in terms environmental impacts which *inter-alia* include, but not limited to the following –

- i. That they have substantially less potential for pollution, environmental impact, minimize or eliminate generation of waste and environmental emissions, than other comparable products;
- ii. That they are recyclable and/or made from recycled products where comparable products are not;
- iii. That they make significant contribution to saving non-renewable resources, including non-renewable energy sources and natural resources, compared to comparable products;
- iv. That the product contributes to reduction in respect of such product primary criteria, which have adverse impacts on the environment, that are specifically set for each of the product/product categories;

(4) Product primary criteria shall *inter-alia* include, but not limited to the following –

- i. Production or process including source of raw material;
- ii. Use of natural resources;
- iii. Likely impact on the environment;
- iv. Effect & extent of emissions/waste arising from the production process;
- v. Disposal of the product and its packaging;
- vi. Compliance to Extended Producer Responsibility regulations (where applicable);
- vii. Utilization of waste and recycled materials;
- viii. Suitability for recycling;
- ix. Substitution of hazardous substances with safer ones.

6. Implementation Mechanism of the Ecomark Rules – (1) The Central Government will administer the Ecomark Rules with an objective to enhance the efforts for protecting and conserving the environment in the country. The governance of the Ecomark Rules for its effective implementation shall vest in the Steering Committee. The Steering Committee will comprise representatives from the concerned Ministries/Departments, domain experts, representatives from industry associations, consumer groups and other relevant stakeholders.

(2) Steering Committee shall have the following functions:

- i. Grant approvals in respect of the following:
 - a. framework for institutionalizing the Ecomark Rules;
 - b. initiatives to incentivize the Ecomark certified business operators;

- c. notify product/product categories to be included in the Ecomark Rules on the recommendations of the Ecomark Administrator;
 - d. recognition of domestic as well as international voluntary ecolabelling programme;
 - e. activities related to creation of mass awareness for promotion of the Ecomark Rules;
 - f. strategies for promotion and future development of the Ecomark Rules.
- ii. Make recommendations to the Central Government in respect of following:
- a. determine the product/product category to be included in the Ecomark Rules;
 - b. inclusion of Ecomark products in public procurement under GeM portal;
 - c. allocation of resources for implementation of the Ecomark Rules.
 - d. measures for adoption of Ecomark;
- iii. Review and monitoring of the implementation of the Ecomark Rules:
- a. duration to review the Ecomark criteria in respect of Ecomark product(s);
 - b. support any research/activity for evaluation of environmental impacts of the product(s) and/or formulation of Ecomark criteria;
 - c. annual implementation reports for effective and efficient implementation of the provisions of the Ecomark Rules.
 - d. disputes arising from time to time and/or on representations received in this regard, and refer to the Ministry any substantial issue arisen, pertaining to the Ecomark Rules;
- iv. Guide on mutual recognition of international ecolabelling programme;
- v. Any other function as may be assigned by the Central Government.

(3) Steering Committee shall meet at least twice in a year, or as may be required.

(4) In case of false disclosures and fraudulent claims, penalties may be levied as per Section 15 of the Environment (Protection) Act of 1986.

7. Ecomark Administrator and its functions – (1) The Ecomark Administrator (hereinafter referred to as ‘the Administrator’) shall be responsible for implementation of the Ecomark Rules.

(2) The Central Pollution Control Board shall be the Administrator of the Ecomark Rules.

(3) The responsibilities of the Administrator shall include the following:

- i. Develop guidelines in respect of following:
 - a. framework for institutionalizing the Ecomark Rules;
 - b. development of Ecomark Web portal and Knowledge/Database platform within six months of date of publication of the notification;
 - c. for designation of Ecomark Verifiers;
 - d. for appointing third parties for carrying out market surveillance activities;
 - e. for fixing fees to be charged by Designated Ecomark Verifiers, third parties empanelled for market surveillance, any other third party empanelled for the services rendered by them;
- ii. identify the products to be covered under Ecomark Rules;
- iii. constitute technical committees for different products under the Ecomark Rules; to develop the specific criteria that a product shall comply with in order to be certified under the Ecomark Rules;
- iv. review the existing state of knowledge and the environmental criteria being followed domestically/in other countries;
- v. develop initiatives to incentivize the Ecomark certified entities for adoption of Ecomark, as approved by the Steering Committee;
- vi. register Designated Ecomark Verifiers, third party for market surveillance and third party on Ecomark web portal;
- vii. empanel Designated Ecomark Verifiers, and third parties for Market Surveillance as well as audit;

- viii. issue the Ecomark certificate based on verification authorising a person or a body of persons to mark its product with the Ecomark or recognised eco label;
- ix. review, suspend, or cancel a Ecomark certificate, for the use of the Ecomark or recognised eco label;
- x. review Ecomark criteria from time to time taking technology development and market evolution into consideration;
- xi. compile the annual reports submitted by all the Ecomark or other recognised eco label entities and submit to Steering Committee by 30th June of the next financial year;
- xii. assess domestic or international voluntary ecolabelling programme, for recognition under Ecomark Rules;
- xiii. assess international ecolabelling programme, for mutual recognition;
- xiv. direct the Ecomark certificate holders to pay compensation in case of non-compliance of provisions of the Notification;
- xv. in case, any registered entity furnishes false information or willfully conceals information for getting registration required to be provided/furnished under the Ecomark Rules or in case of any malpractice/irregularity, the registration of such entity may be revoked by the Administrator for a prescribed period after giving an opportunity to be heard;
- xvi. any other function as assigned by the Steering Committee or the Central Government.

(4) Ecomark Administrator may, from time to time, issue notifications and orders, with the approval of the Steering Committee, as considered appropriate for the implementation of the Ecomark Rules.

8. Technical Committees and their functions – (1) The Administrator may constitute Technical Committees comprising of members having requisite knowledge from the specified categories, representatives from concerned Ministries/Departments, subject matter experts, representatives from industry associations and other stakeholders;

(2) Technical Committee will develop and review the specific Ecomark criteria for products, in light of market developments as well as technological advancements and considering economic viability;

(3) Technical Committee will also develop the process of evaluation of products for Ecomark certification;

(4) Technical Committee may consider international ecolabel product criteria while developing the specific Ecomark criteria;

(5) Technical Committee shall make its recommendations to the Administrator;

(6) Technical Committee shall advise on any other technical matter referred to by the Administrator.

9. Ecomark Portal – (1) This Portal would function under the supervision of the Administrator. The entities to be registered on the centralized online Ecomark Portal shall inter-alia include:

- i. Producers/Exporters/Importers of Ecomark/other recognized domestic or international voluntary ecolabel products or mutually recognized international ecolabel products;
- ii. Producers/Exporters/Importers who have adopted other ecolabelling programs (domestic/international) including for the purpose of exports/imports;
- iii. Designated Ecomark Verifiers, third party market surveillance entities, other third party entities;

(2) No entity shall carry out any business without registration;

(3) The information about producers/exporters/importers of Ecomark/other recognised domestic or international voluntary ecolabel products or mutually recognized international ecolabel products and the details of their products will be made available on the portal;

(4) The information about producers/exporters/importers who have adopted other ecolabelling programs (domestic/international) including for the purpose of exports/imports and the details of their products will be made available on the portal;

(5) Annual implementation report (for the period 1st April to 31st March) providing information about the compliance of provisions of this notification shall be submitted by all registered entities, by 30th June of the next financial year, to the Administrator;

(6) The Portal shall keep track of the number of entities that submit their application for Ecomark certification and also the quantum of sale of Ecomark certified products made against each Ecomark certified product.

10. Knowledge and Database Platform – (1) The Administrator shall develop an online knowledge and database platform. Database shall consist of all Ecomark certified products linked to respective producers/importers/exporters and giving information on eco-labelling criteria that make the product environment friendly.

(2) This Platform shall publish information including reports and case studies regarding environmental impact of products, benefits of Ecomark certified products, best practices and other emerging areas in order to promote adoption of ecolabelling.

11. Designated Ecomark Verifiers –

(1) The Administrator by itself or through Designated Ecomark verifiers shall verify compliance with ecolabelling criteria for the award/renewal of certificate to products under the Ecomark Rules. Designated Ecomark Verifiers shall be accredited entities;

(2) Designated Ecomark verifiers shall undertake conformity assessment which inter-alia may include visiting factory, drawing samples, audit of factory, recommending for award/renewal of certification.

(3) Designated Ecomark verifiers shall register on the Ecomark portal maintained by the Administrator;

(4) Designated Ecomark verifiers shall carry out their activities in accordance with the prescribed guidelines under the Ecomark Rules;

(5) Designated Ecomark verifiers shall submit the reports to the Administrator for grant / renewal of certificate;

(6) Designated Ecomark verifiers shall file annual returns in the prescribed form on the portal on or before 31st May of succeeding the year, to which the return relates.

12. Market surveillance and control of the use of the Ecomark – (1) Market surveillance shall inter-alia include picking samples from market, keeping an eye on misuse of Ecomark, raiding suspected places etc. It shall be different from the activities to be undertaken by Designated Ecomark verifiers.

(2) The Administrator shall by itself or through its empanelled third party market surveillance agencies, evaluate that the product for compliance according to the certification, on a regular basis. Administrator shall, as appropriate, also undertake such verification upon complaint. These verifications may take the form of random spot-checks;

(3) The Administrator shall inform the producer/importer/exporter of any complaints made concerning the product bearing certified under the Ecomark Rules, and shall request the producer/importer/exporter to reply and resolve the complaint(s). The Administrator may withhold the identity of the complainant from the user;

(4) The certified manufacturer under the Ecomark Rules shall allow the Administrator or its empanelled agencies to undertake all necessary investigations to monitor its compliance with the respective ecolabel product criteria;

(5) The producer/importer/exporter under the Ecomark Rules shall grant access to the premises from which the certified product concerned is produced/exported and storage space in India of imported certified product, to the Administrator and its empanelled agencies. The site-inspection may be made with or without prior notice at any reasonable time;

(6) Market surveillance third party agencies shall file annual returns in the prescribed form on the Ecomark Portal on or before 31st May of the succeeding year, to which the return relates.

13. Role of State Government/Union Territories – (1) The State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC) shall create awareness about the Ecomark Rules through media, publications, advertisements, posters or by such other means of communication with the support of Local Bodies;

(2) State Pollution Control Board (SPCB)/ Pollution Control Committee (PCC) shall undertake activities for implementation of the Ecomark Rules in accordance with the guidelines and authorization issued by the Administrator.

14. Adoption of the Ecomark – (1) The Central Government on recommendation of the Steering Committee may incentivize Ecomark through any program related to protection and conservation of environment;

(2) The Central Government, on recommendation of the Steering Committee, may take measures for the adoption of Ecomark Certification.

15. Implementation Committee –

1. A Committee shall be constituted by the Central Government under chairpersonship of Chairman, Central Pollution Control Board to recommend measures to Steering Committee for effective implementation of the Ecomark Rules;

2. The Committee shall monitor the implementation of the Ecomark Rules and also take such measures as required for removal of difficulties;

3. The Committee shall also be tasked with the guiding and supervision of the development and operation of the online portal;
4. The Committee shall comprise of representatives of the concerned Ministries/Departments, representatives of industry associations and other relevant stakeholders. The Chairperson of the Committee may co-opt any stakeholder/expert to this Committee;
5. The Committee shall redress grievance and complaints arising out of the operation of the Ecomark Rules.

[F.No.12/56/2022–HSM-Part(2)]

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