



March 16, 2021

## LEGAL ALERT

# Decree that sets goals and obligations to plastic containers and packaging in Chile is published

On March 16, 2021, Supreme Decree No. 12/2020 of the Ministry of the Environment was published in the Official Gazette, setting forth collection and recovery goals and other associated obligations related to containers and packaging, in the context of Law 20,920, on Extended Producer Responsibility.

### **\*\*Regulated containers and packaging\*\***

For the purposes of this decree, containers and packaging will be those products made of any material and of any nature that are used to contain, protect, manipulate, facilitate delivery, store, preserve, transport or to improve the presentation of the goods, as well as the auxiliary elements integrated or attached to them, when they fulfill the function of informing the consumer or any of the of the aforementioned functions.

### **\*\*Collection and recovery goals\*\***

The decree establishes the collection and recovery goals that must be met by the producers, on a progressive scale per year, distinguishing two categories of containers and packaging:

### **\*\*Domiciliary containers and packaging\*\***

## Collection and recovery goals

### Years

1st

2nd

3rd

4th  
5th  
6th  
7th  
8th  
9th  
10th  
11th  
12th+

### **Paperboards for Liquid**

5%  
8%  
11%  
15%  
19%  
23%  
27%  
31%  
36%  
40%  
50%  
60%

### **Metal**

6%  
9%  
12%  
15%  
17%  
21%  
25%  
29%  
32%  
36%  
45%  
55%

### **Paper and paperboard**

5%

9%  
14%  
18%  
23%  
28%  
34%  
39%  
45%  
50%  
60%  
70%

### **Plastics**

3%  
6%  
8%  
11%  
14%  
17%  
20%  
23%  
27%  
30%  
37%  
45%

### **Glass**

11%  
15%  
19%  
22%  
26%  
31%  
37%  
42%  
47%  
52%  
58%  
65%

## **\*\*Non domiciliary containers and packaging\*\***

### **Collection and recovery goals**

#### **Years**

1st  
2nd  
3rd  
4th  
5th  
6th  
7th  
8th  
9th+

#### **Metal**

23%  
32%  
42%  
51%  
61%  
64%  
66%  
68%  
70%

#### **Paper and paperboard**

48%  
54%  
60%  
65%  
71%  
74%  
78%  
81%

85%

## **Plastics**

13%

19%

25%

32%

38%

42%

46%

51%

55%

### **\*\*Related obligations\*\***

Furthermore, the Decree N° 12/2020 establishes additional obligations for the producers of containers and packaging to fulfill the indicated goals, including:

1. Obligation to provide information regarding the rates of the management system and the producers that integrate the system.
2. Obligation to install and operate waste reception and storage facilities. The number of facilities per borough will be determined according to its inhabitants, having at least one facility for boroughs with up to 40,000 inhabitants, adding an additional facility for each 80,000 inhabitants in excess of 40,000.
3. Obligation of selective collection of household waste.

### **\*\*Fulfillment of goals and obligations\*\***

The producers of containers and packaging must comply with the goals and their related obligations through the management systems included in the EPR Law, both individually and collectively, which must provide a guarantee to ensure its compliance.

### **\*\*Inspection and sanction\*\***

Compliance with the provisions of Decree No. 12/2020 is overseen by the Superintendence of the Environment, which is entitled to impose sanctions of up to 10,000 UTA (USD 8 million approx.) per year.

**\*\*Validity\*\***

This decree is effective as of the date of its publication in the Official Gazette, with the exception of Titles III, which refers to the collection and recovery goals for containers and packaging waste, and IV, referred to additional obligations, which will become enforceable 30 months from the publication of this decree.

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