

EPR LAW: LUBRICATING OIL COLLECTION AND RECOVERY GOALS IS APPROVED

By means of Agreement No. 33/2023 dated November 3, 2023, the Council of Ministers for Sustainability and Climate Change approved the proposed Supreme Decree that establishes collection and recovery goals and other obligations associated with the priority product lubricating oils (the "Decree") prepared by the Ministry of the Environment (the "MMA").

According to the Decree, lubricating oils are those "mineral or synthetic oils that fulfill a lubrication function, whether they are combustion engine oils, gearbox oils, turbine oils, hydraulic oils, or others, which, fulfilling different functions, have a chemical composition similar to these oils". The Decree also establishes two categories of lubricating oils, (i) non-recoverable; and (ii) recoverable. In addition, the Decree defines used lubricating oil as "lubricating oil that its generator discards or intends or has the intention or obligation to discard, in accordance with current regulations".

Pursuant to the Decree, the extended producer's liability will apply to those who introduce lubricating oils in the domestic market. The above, regardless of whether the lubricating oil is an integral part of a vehicle or machinery or whether they have been introduced into the market in isolation, as replacement lubricating oils. However, the extended producer's liability shall not apply to lubricating oils corresponding to the non-recoverable category, nor shall it apply to producers who introduce into the domestic market a volume equal to or less than 66 liters.

The Decree establishes the following collection and recovery goals:

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Year	Goals	Year 	Goals
First year	50%	Seventh year	73%
Second year	52%	Eighth year	77%
Third year	54%	Ninth year	81%
Fourth year	59%	Tenth year	85%
Fifth year	64%	Eleventh year	88%
Sixth year	69%	As of the twelfth...	90%

The Decree also allows lubricating oil management systems to be integrated by producers of lubricating oil containers and packaging and to comply with the goals and associated obligations established in Decree No. 12 of 2020 of the MMA, as long as they comply with the provisions of the aforementioned regulation regarding management systems for containers and packaging of hazardous substances.

The collection and recovery goals for lubricating oils, as well as the other associated obligations established in Title IV of the Decree, will enter into force within 24 months, as from the publication of the Decree, unless the expiration of such period is verified after October 1, in which case they will enter into force on January 1 of the following year. While the obligations of the collection and valorization goals are not in force, the producers of lubricating oil will have the obligation to submit, annually, through the Pollutant Release and Transfer Register, the information indicated in the second transitory article of the EPR Law regarding the actions carried out during the previous year.

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