

EPR LAW: PERIOD FOR THE RECEPTION OF BACKGROUND INFORMATION TO REGULATE PHOTOVOLTAIC PANELS BEGINS

By means of Exempt Resolution No. 1,268 dated November 20, 2023, published in the Official Gazette on November 30 (the "Resolution"), the Ministry of the Environment (the "MMA") opened a public information period to receive background information to regulate photovoltaic panels in the draft Supreme Decree that will establish collection and recovery goals and other obligations associated with piles and electrical devices (the "Decree").

As a context, by means of Exempt Resolution No. 207 dated February 28, 2022, the MMA approved the preliminary draft of the Decree, which established that photovoltaic panels will not be subject to the collection and recovery goals. This preliminary draft was submitted for public consultation, receiving a large number of comments challenging the exclusion of photovoltaic panels from the collection and recovery goals. At the end of the public consultation stage, the MMA, by means of Exempt Resolution No. 876 dated July 28, 2022, extended the term for the preparation of the preliminary draft of the Decree (this term has been extended by the MMA on a successive and continuous basis).

Accordingly, the MMA, by means of the Resolution, initiated a public information period for a term of 15 business days, to allow any person or legal entity to provide background information to analyze and assess alternatives for the inclusion of photovoltaic panels in the extended producer responsibility regulations.

The information that can be provided must relate to the following matters: (i) characterization of the market of photovoltaic panels entered into the national territory; (ii) updated data regarding the generation of photovoltaic panels waste; (iii) characterization of the management of photovoltaic panels waste at national and international markets; (iv) potential calculation mechanisms for the establishment of collection and recovery goals; and (v) proposals of associated obligations for the different actors involved.

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