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EPR LAW: PREPARATION OF A DECREE THAT ESTABLISHES GOALS FOR BATTERIES BEGINS

By means of Exempt Resolution No. 1,138 dated October 20, 2023 (the "Resolution"), the Ministry of the Environment (the "MMA") initiated the process of drafting the Supreme Decree that establishes collection and recovery goals and other obligations associated with batteries (the "Decree").

Preliminarily, the Resolution establishes that batteries shall be understood as any device of more than 5 kilograms that supplies electric energy obtained by direct transformation of chemical energy. It also establishes the following preliminary categories: (i) lead-acid batteries; (ii) lithium-ion batteries; and (iii) other batteries.

The Resolution set the deadline for receipt of technical, economic, and social background information regarding the matter on the 30th business day following its publication, which occurred on November 14, 2023, consequently, the deadline is December 28, 2023.

The Resolution also establishes that an expanded operating committee must be summoned, which will be composed by: (i) a representative of the MMA; (ii) a representative of the Ministry of Health; (iii) a representative of the Ministry of Energy; (iv) a representative of the Ministry of Transportation and Telecommunications; (v) a representative of the Ministry of Economy; (vi) a representative of the associations of municipalities; (vii) four representatives of battery producers; (vii) one representative of battery producers that constitute smaller companies; (ix) three representatives of waste managers; (x) one representative of consumers; (xi) one representative of recyclers; (xii) one academic expert; (xiii) one representative of a Non-Governmental Organization whose objective is to care for the environment; and (xiv) two representatives of battery sellers and distributors.

For the appointment of the members referred in numbers (vii) to (xiv), the Resolution provides that the MMA will summon, through the publication of a notice on its website, the respective entities for

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Carey y Cía. Ltda.
Isidora Goyenechea 2800, 43rd Floor.
Las Condes, Santiago, Chile.
www.carey.cl

participating in the application process. The entities must submit their applications within 10 business days as from the notice publication, designating two natural persons to be part of the committee, one as a regular member and the other as a substitute member, and must attach their curriculum vitae, in which their qualifications to represent the sector are evidenced.

The Resolution sets a 6-month term to issue the preliminary draft of the Decree.

Authors: Manuel José Barros; Julio Recordon