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EPR LAW: STARTING SEPTEMBER 16 THE COLLECTION AND RECOVERY GOALS FOR CONTAINERS AND PACKAGING ARE ENFORCABLE

According to Supreme Decree 12 dated June 8, 2020, issued by the Ministry of Environment ("DS 12/2020"), **on September 16, 2023,** collection and recovery goals and ancillary obligations for producers of containers and packaging (the "Producers") within the context of Law 20,920 ("EPR Law") will become enforceable.

DS 12/2020 establishes, among others, the following obligations for the Producers:

• Register in the Pollutant Release and Transfer Register, and provide the information requested.
• Organize and finance the collection of packaging waste throughout the national territory, as well as its storage, transport, and treatment.
• Comply with the collection and recovery goals for containers and packaging waste.
• Comply with the associated obligations that apply to them (such as reporting the fee regarding the cost of waste management to distributors, retailers, operators and consumers, obligation of separate delivery at origin and collection of waste, obligation of eco-design, among others).
• Ensure that the management of packaging waste is carried out by authorized and registered operators.
• Ensure that sensitive commercial information that is shared cannot be known by other producers.

Producers are entitled to comply with their obligations on their own, through an individual management system; or through a collective management system or a large collective management system.

During the first year, the goals for collection and recovery of containers and packaging will be as follows:

• Residential packaging: (i) 5% carton for liquids; (ii) 6% metal; (iii) 5% paper and carton; (iv) 3% plastic; and (v) 11% glass.

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• Non-residential packaging: (i) 23% metal; (ii) 48% paper and carton; and (iii) 13% plastic.

The supervision and sanction of the obligations contemplated in DS 12/2020 is in charge of the Superintendence of the Environment, which may impose fines of up to **10,000 Annual Tax Units (8,500,000 USD approx.)** in case of non-compliance.

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