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NEW INFORMATION REQUIREMENT FOR PRODUCERS OF PRIORITY PRODUCTS IN THE FRAMEWORK OF THE REP LAW

By Exempt Resolution No. 409/2018 (E.R. 409), the Ministry of the Environment (MMA) has instituted a new information requirement for producers of priority products, in accordance with Law No. 20,920 on Waste Management, the Extended Producer Liability and Recycling Promotion ("Law 20,920").

Purpose

The information requirement is part of the drafting process for the corresponding supreme decrees that, in the near future, will establish the goals and obligations associated with each category and subcategory of priority product subject to Law 20,920. According to transitory article 2 of Law 20,920, the MMA may require producers of priority products to provide information regarding priority products present in the national market and the implementation and execution of collection, recovery and disposal activities for priority product waste.

Recipients

The information requirement established by E.R. 409 is for producers of the following priority products:

- Lubricant oils
- Electrical and electronic devices
- Medium and large batteries
- Containers and packaging
- Tires
- Small batteries
- Newspapers and magazines

Obligation to report

Under this requirement, producers must provide the following

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information through the Registry of Emissions and Transfer of Pollutants (in Spanish Registro de Emisiones y Transferencia de Contaminantes "RETC"):

• Number of priority products present in the national market in 2017
• Collection, recovery and disposal activities executed at their own cost in 2017
• Number of collected, recovered and disposed wastes from priority products in 2017
• Specification as to whether collection and recovery activities are carried out individually or jointly with other producers

Deadlines

The required information must be provided upon registration in the RETC prior to or on August 31, 2018.

Practical importance

The specific goals and obligations for each category and subcategory of priority products will be established through the supreme decrees for each category and subcategory of priority products, which are still being drafted by the MMA. In this regard, within the interim period, the MMA is entitled to request the relevant information in order to establish such goals and obligations.

Current status of supreme decrees that establish the goals and obligations associated with the categories and subcategories of priority products

Currently, there are two supreme decrees being drafted that refer to the following priority products: (i) tires and (ii) containers and packaging. Once the preliminary drafts of both supreme decrees have been issued, a public consultation phase will be initiated, during which any natural person or legal entity will be able to present observations on the content of the preliminary drafts and submit the corresponding background information and documentation to justify the observations.

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