

July, 2018

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 ("Las 20,920").

I. 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.

II. Recipients

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

1. Lubricant oils
2. Electrical and electronic devices
3. Medium and large batteries
4. Containers and packaging
5. Tires
6. Small batteries
7. Newspapers and magazines¹

III. Obligation to report

Under this requirement, producers must provide the following information through the Registry of Emissions and Transfer of Pollutants (in Spanish Registro de Emisiones y Transferencia de Contaminantes "RETC"):



If you have any questions regarding the matters discussed in this memorandum, please contact the following attorneys or call your regular Carey contact.

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¹Como hemos señalado anteriormente, para efectos de la Ley REP, se considerará como productor de productos prioritarios a la persona natural o jurídica que (i) enajena un producto prioritario por primera vez en el mercado nacional; (ii) enajena bajo marca propia un producto prioritario adquirido de un tercero que no es el primer distribuidor; o (iii) importa un producto prioritario para su uso profesional.

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

IV. *Deadlines*

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

V. *Practical importance*

El establecimiento de las metas y obligaciones específicas para las categorías y subcategorías de productos prioritarios se realizará mediante Decretos Supremos, los que se encuentran aún en elaboración por parte del MMA. En el tiempo intermedio, el MMA está facultado para requerir información relevante sobre la cual establecerá las metas y obligaciones a ser cumplidas por los actores de la Ley REP.

VI. *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.