

Regulatory Alert: New Regulation of the REP Law: Goals for Containers and Packaging



19 March, 2021 / By [Felipe Bahamondez](#) and [Roberta Andreani](#).

On March 16, Decree No. 12 of 2020 was published in the Official Gazette, which establishes collection and recovery goals and other obligations with respect to containers and packaging, which are defined as priority products in the Law of Extended Producer Responsibility and Promotion of Recycling.

This regulation joins Decree No. 8 of 2019, published in January of this year regarding another category of priority products, tires, meaning that as of this date there are four missing regulations to be issued in relation to priority products defined in REP Law: (i) oils and lubricants, (ii) electrical and electronic equipment; (iii) batteries and (iv) cells.

With respect to the collection and recovery goals for packaging, the regulation distinguishes between domestic and non-domestic waste and establishes certain common rules to prove compliance with the goals set.

Regarding waste management systems, the regulation foresees individual and collective systems, and states that those collective systems of less than 20 producers will be able to meet their collection and recovery goals only with the waste generated by the packaging introduced into the market by the producers that are part of such management systems.

One of the initiatives to reduce waste is the possibility for producers to submit to the Ministry projects to reduce waste generation, which, if approved, will mean a reduction in the recovery targets that producers will have to comply.

Finally, the Decree recognizes the role of other actors such as Base Recyclers, Municipalities or associations of municipalities with legal personality, and provides guidelines on how they should regulate the matter and carry out tenders in this regard.

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