

Reverse Logistics in the State of Rio de Janeiro

After being established by State Law No. 6,805/2014, the **reverse logistics** has been finally regulated in the State of Rio de Janeiro, pursuant to State Decree No. 48,354, of February 2, 2023.

At national level, the reverse logistics is defined as an “*instrument of economic and social development characterized by a set of actions, procedures and means destined to enable the collection and the restitution of solid waste to the entrepreneurial sector for reuse in its cycle or in other production cycles, or to another environmentally adequate final destination*” (Federal Law No. 12,305/2010, article 3, item XII).

The **manufacturers, importers, distributors** and **traders** of the following products are obliged to structure and implement reverse logistics systems: (i) pesticides, its residues and packaging, as well as the packaging of other products that, after use, constitute hazardous waste; (ii) accumulators and batteries; (iii) tyres; (iv) lubricant oils, its waste and packaging; (v) fluorescent lamps, lamps with sodium and mercury vapour and mixed light lamps; (vi) electric and electronic products its components.

Reverse logistics systems will be extended to products that are commercialized in plastic, metallic or glass packaging, and to other products and packaging, considering, on a priority basis, the level and extension of the impact of the waste to public health and the environment, as provided in the regulation or pursuant to sector agreements and consent decrees entered into between the public power and the entrepreneurial sector. According to the State Decree, for products and packaging it did not expressly specify, the duty to structure and implement reverse logistics systems can still be extended by means of resolutions enacted by the State Council of the Environment (“CONEMA”).



Pursuant to the recently-approved regulation, all the members of the

entrepreneurial sector that are not bound by a sector agreement or consent decree shall present a **reverse logistics plan** to the State Secretariat of the Environment and Sustainability (“SEAS”), whereas *representative entities* (non-for-profit private legal entities that represent the interests of the entrepreneurial sector) and *managing entities* (private legal entities established by manufacturers, importers, distributors, traders and/or its representative entities to execute actions related to the structuring and implementation of reverse logistics systems) can present **joint reverse logistics plans** on behalf of its members.

Reverse logistics plans will have an indefinite validity term and a five-year horizon, and shall be revised every two years and observe the following **minimum content**: (i) identification of the party responsible for the system; (ii) qualitative and quantitative identification of the products and/or packaging that are subject to the system, whenever applicable; (iii) collection methods adopted for the products and/or packaging; (iv) description of the system, with the indication of all acting participants and the description of their respective role and acting procedure; (v) ways of environmentally adequate final destination; (vi) measuring, management and control mechanisms in connection with the data generated by the proposed system; (vii) goals to be achieved, expressed in percentage for each type of product and/or packaging placed in the market; and (viii) implementation schedule.

The regulation also establishes the duty to prepare, present and execute a **social communication and environmental education plan** associated with the respective reverse logistics system.

Every year, by March 31, the representative entities, the managing entities or members of the entrepreneurial sector shall, as the case may be, present **annual reports** to SEAS, containing the results of the respective reverse logistics system from January 1st to December 31 of the previous year.

CONEMA shall enact resolutions to specifically address the reverse logistics of each type of waste.

SEAS and the State Institute of the Environment (“INEA”) shall enact joint resolutions to regulate **standard drafts** of (i) sector agreement and consent decree; (ii) reverse logistics plan; (iii) social communication and environmental education plan; and (iv) annual report. ■

This publication is addressed to the clients of this firm. It does not constitute legal advice and its purpose is to inform about the main changes in the Brazilian legislation and relevant news in the environmental field. For any further clarifications, the collaborating attorneys remain at your entire disposal.

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