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ENVIRONMENT

DECREE-LAW 102-D/2020, OF 10 DECEMBER 2020

A new general waste management framework and a new landfill of waste framework were enacted by Decree-Law 102-D/2020 published on 10 December last, which further amended the specific waste streams' management framework ("Unilex"), the environmental impact assessment framework and Decree-Law 42-A/2016, of 12 August 2016, setting up the Environmental Fund.

The new act also transposed the following Directives into national law:

- **Directive (EU) 2018/849** of the European Parliament and of the Council of 30 May 2018 (on batteries and accumulators and waste batteries and accumulators)
- **Directive (EU) 2018/850** of the European Parliament and of the Council of 30 May 2018 (on the landfill of waste)
- **Directive (EU) 2018/851** of the European Parliament and of the Council of 30 May 2018 (on waste)
- **Directive (EU) 2018/852** of the European Parliament and of the Council of 30 May 2018 (on packaging and packaging waste)

New General Waste Management Framework

The act brings the following novelties:

- **Expands the list of light, serious and very serious environmental administrative offenses quite significantly**
- **(Re)defines the concept of "urban waste"** – by removing the reference to the 1,100 liters/producer quantitative criterion and delimiting its scope in accordance with both the European List of Waste (ELW) codes and the source, amount, nature and type of waste
- **Establishes new requirements** in connection with the **separate collection of hazardous waste produced by households and of textile waste** mainly to ensure the separate collection of bio-waste
- Establishes new rules on **waste prevention** and imposes **more demanding goals and targets** in connection with municipal waste and the reduction of food waste in the restaurant sector (measures to combat food waste)
- Develops the content of the **National Waste Plans**

- **Adjusts** the structure and scope of the **waste management fee** (Portuguese acronym: **TGR**) to penalize less noble treatment operations in waste hierarchy
- Adopts **new and more demanding targets** for **2025** and **2030**, including:
 - i) Prevention and reduction of waste and relevant hazardousness (urban, non-urban waste – particularly in the civil construction and public works sectors – and food waste from the restaurant sector, manufacturing and supply chains)**
 - ii) Preparation for (urban waste and CDW (Construction and Demolition Waste)) reuse, recycling and recovery**

New Landfill of Waste Framework

The act brings the following novelties:

- **Prohibits** landfilling **any recyclable or recoverable waste from 2030**
- **Prohibits landfilling waste collected separately** to be prepared for reuse and recycling
- Sets **new targets for reducing landfill of waste**
- **Requires the diversion of bio-waste from landfills**
- **Reinforces the powers of the *Comissões de Coordenação e Desenvolvimento Regional* (Regional Coordination and Development Committees)** (Portuguese acronym: **CCDR**) in connection with the licensing of landfills
- Allows the **recovery of previously landfilled waste** through landfill mining

The Unilex Act

The Unilex was extensively amended to:

- **Expand the list of light, serious and very serious environmental administrative offenses**
- Include the **new European packaging recycling targets** according to the type of material
- **Boost the reuse, recycling and recovery of packaging waste**
- Establish **new rules on package marking**
- **Regulate the procedures and duties of economic industries and sectors** with a special focus **on reusable packaging**

Repealed environmental laws

Decree-Law 102-D/2020, of 10 December 2020, repealed the former General Waste Management Framework and Landfill of Waste Framework on top of countless waste-related acts, including environmental regulations.

Effective Date

Decree-Law 102-D/2020, of 10 December 2020, will come into force on **1 July 2021**.

NOTE

Decree-Law 102-D/2020, of 10 December 2020, extensively amends the above legal frameworks, imposing new requirements on operators and citizens alike, to the extent that they produce waste. We therefore expect countless issues to arise regarding the act's interpretation proper and the new requirements and targets established.