

ENVIRONMENT

Amendment to the legal frameworks on waste management, landfill and specific flow management (UNILEX) and reducing the impact of plastic on the environment

VdA EXPERTISE



17 April 2024

Decree-Law no. 24/2024, of 26 March, amends the legal frameworks on Waste Management, Landfill, Management of Specific Waste Streams (also known as UNILEX) and on the reduction of the impact of certain plastic products on the environment.

The new legislation entered into force on 27 March 2024 and amends the following statutes relevant to waste management and circular economy:

- Legal regime regarding management of specific waste streams subject to the principle of extended producer responsibility, approved by Decree-Law 152-D/2017, of 11 December 2017, as amended (also known as UNILEX);
- General Waste Management Regime, approved by Annex I to Decree-Law 102-D/2020, of 10 December 2020 (also known as RGGR);
- Legal Regime on Waste Landfill, approved by Annex II to Decree-Law 102-D/2020, of 10 December 2020;
- Legal regime transposing Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment, approved by Decree-Law 78/2021, of 24 September 2021.

These amendments aim to promote innovation and the development of new products from waste and simplify licensing procedures, while safeguarding the preservation and protection of the environment.

I. Amendment to the General Waste Management Regime (RGGR)

The main changes are as follows:

- Restriction of the concept "*filling*" to recovery operations using non-hazardous waste;
- Consolidation of the concepts of "*construction and demolition waste*" and "*municipal waste*";
- Addition of elements that are excluded from the definition of "*municipal waste*";
- Clarification of the circumstances in which the collection of municipal waste not covered by the public service reservation can be carried out by municipal and multi-municipal systems and the relevant procedure that should be adopted;

- Establishment of measures in the waste action plans, so that public and private entities contribute to fulfilling the goal of reversing the upward trend in waste production by 2030;
- Establishment of annual monitoring for municipal, inter-municipal and multi-municipal action plans and clarification of procedures, particularly for assessing and reviewing plans;
- Inclusion of incentives for the development of projects by municipalities, notably through the return of the Waste Management Fee (WMF) paid by municipalities where investment is evidenced in projects that promote bio-waste and packaging waste recycling;
- Exemption, as a rule, from licensing of experimental waste treatment activities by institutions of *Sistema Científico e Tecnológico Nacional* [Portuguese Scientific and Technological System];
- Producers' obligation to send the municipal waste they produce to the municipal or multi-municipal system where additional waste collection is authorised;
- The value of the WMF set for the previous year remains unchanged where the municipality shows that it has met the goals undertaken in the relevant municipal waste action plan;
- Revision of the method used to calculate the WMF to be levied on management entities;
- Refund to municipalities of the amount resulting from the difference in the increase in the WMF, provided that it is applied to projects that promote an increase in separate collection and treatment of bio-waste at source.
- Clarification of the licensing procedure for waste treatment facilities subject to environmental impact assessment, simplified licensing, monitoring of soil remediation operations, and issuing an opinion in the context of licensing livestock facilities;
- Granting of powers to APA, I.P., DGAE, and DGRM with regard to licensing and authorising management of specific streams;

II. Amendment to the regime regarding management of specific waste streams subject to the principle of extended producer responsibility (UNILEX)

The main changes are as follows:

- Inclusion of new extended producer responsibility schemes for (i) furniture placed on the market, mattresses and their waste and (ii) products and waste from self-care at home, notably syringes, lancets, and needles;
- Abolition of the concepts of "waste reception centre" and "non-reusable or single-use packaging", and inclusion of the concepts of "consolidation centre", "counting and sorting centre", "waste treatment centre", "self-care products", "own collection network of the integrated system", "authorised representative", "check-out bag", and "handling fee";
- Definition of entities authorised to transport Waste Electrical and Electronic Equipment;
- Clarification on the eligibility and establishment of eligibility criteria for waste treatment operators;
- Clarification of the authorisation procedure for an individual management system for specific waste streams, as well as the procedure for setting up and managing management entities;
- Stricter obligations for management entities;
- Changes to the rules for calculating the amounts of financial provisions and financing of management entities;
- Granting of powers to APA, I.P. and DGAE to licence integrated waste management systems and development of the relevant licensing procedure;
- Stricter obligations for producers of the product, notably the obligation to include the respective registration number on invoices, transport documents, and other similar documents issued by them;
- Clearer and stricter obligations for big commercial surfaces or large supermarkets in the fields related to beverages in reusable packaging and bulk products, and of packers who place on the market non-reusable beverage packaging in plastic, glass, ferrous metals and aluminium regarding waste management, through the deposit and refund system and membership to the respective waste management organization;

- Definition of the rules for structuring the collection network of the management entities of integrated packaging and packaging waste management systems;
- Regulation of the reusable packaging reuse system and the Deposit and Refund System (DRS)
- Changes to obligations of product producers regarding the marking of packaging and of economic agents in relation to the placing of lightweight plastic bags on the market;
- Extended list of minor, serious, and very serious environmental offences and provision for economic offences;

III. Amendment to the Legal Regime on Waste Landfill

The main changes are as follows:

- Granting of powers to APA, I.P. to licence waste disposal operations in landfills intended for the disposal of non-hazardous waste;
- Clarification of the circumstances where the landfill site and the relevant operating licence for landfill waste disposal can be changed;
- Clarification of the licensing procedure and the situations in which a landfill licence application can be rejected.

IV. Amendment to the regime regarding the reduction of the impact of certain plastic products on the environment

The main changes are as follows:

- Obligation for establishments to provide reusable alternatives to single-use plastic products, through a system aimed at encouraging the return of packaging;
- Possibility for consumers to use their containers in vending machines for meals or drinks.



V. Repealing and transitional rules

This decree-law repeals several environmental regimes and rules, including the following:

- Decree-Law 210/2009, of 3 September 2009, on the creation of the system for the establishment, management, and operation of the organised waste market; and
- Law 77/2019, of 2 September 2019, on the alternatives to the use of ultralight plastic bags and plastic containers at points of sale for bread, fruit, and vegetables.

Additionally, this decree-law provides for (i) the reinstatement of the rules on the authorised representative, as provided for in Article 20 of Decree-Law 152-D/2017, of 11 December 2017, and (ii) the application of specific transitional rules in respect of the different amended regimes, as well as the deposit and refund system.

VI. Effectiveness

Decree-Law 24/2024, of 26 March 2024, takes effect on the date on which it enters into force in respect of all its rules, with the exception of the following, which will only take effect on 1 January 2025:

- (i) Article 11 (additional waste collection) of the General Waste Management Regime;
- (ii) Articles 19.6, 22.2, and 28.5(a) of UNILEX.

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