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angola@vda.pt

New Regulation on Waste Management in Angola

On August 24, Presidential Decree nr. 190/12, of 24 August 2012, was published, approving the Regulation on Waste Management ("Regulation"), pursuant to article 11, nr. 1, of Law nr. 5/98, of 19 June 1998 (Environment Framework Law of Angola).

Object and Scope

The Regulation provides the general rules on the production, deposit in the soil and subsoil, release into the water or the atmosphere, treatment, collection, storage and transport of any type of waste, except for radioactive waste or waste subject to specific regulation, in order to prevent or minimize its negative impacts on human health and on the environment.

The Regulation is applicable to:

- > Natural and legal persons, public or private, which develop activities likely to produce waste or involved in waste management activities.
- > All types of waste existent in the Angolan territory.

Legal definition of Waste

The Regulation defines "Waste" as a substance or object which the holder discards or has the intention or legal obligation to discard that comprises risk features for being inflammable, explosive, corrosive, toxic, infectious or radioactive or for presenting any other feature that might constitute danger for human life or health and for the environment, according to the Angolan Waste List ("Lista Angolana de Resíduos" - LAR), provided in Annex X of the Regulation.

Waste Classification and Categories

- > **Hazardous Waste** – waste that presents any of the characteristics described in Annex III of the Regulation, that can be subdivided into the categories established in Annex IV of the Regulation.
- > **Non Hazardous Waste** – waste that does not present any of the characteristics described in Annex III of the Regulation, that can be subdivided into the following categories: household solid waste, solid waste, commercial waste, household bulky waste, sectorial waste, special waste, garden waste, solid waste resulting from public cleaning of gardens, parks, roads, waterlines, cemeteries or other public places, industrial solid waste, hospital waste and waste resulting from the defecation of animals on the streets.

Waste Management Plan

All public or private entities that produce waste or develop any activity related with waste management, must prepare a Waste Management Plan ("Plan"), prior to initiating their activity, in accordance with Annex I and II of the Regulation.

The Plan is subject to the approval of the Minister of the Environment and is valid for a 4-year period (as from the date of its approval).

The facilities for waste deposit, treatment, exploitation, recovery or disposal – subject to environmental licensing under article 10, nr. 1, of the Regulation – must include the Plan in the environmental licensing procedure documentation.

Obligations of the entities handling waste

The entities that produce or handle waste are obliged, namely, to: (i) minimize the production and hazardousness of waste, (ii) ensure that the waste is treated before its deposit, (iii) ensure that all waste to be transported entails a minimum risk of contamination for the workers, as well as for the public in general and for the environment, and (iv) perform an annual registry of the origins, quantities and types of waste handled, transported, treated, recovered or disposed and maintain that registry for 5 years.

Duty of Information

The entities performing any of the waste disposal methods foreseen in Annex IV of the Regulation (for example, deposit in the soil and subsoil, incineration or discharge into the aquatic environment), shall submit to the Ministry of Environment, at the end of each semester, a report in accordance with the approved Waste Management Plan and with the established licensing conditions, as well as the information provided in the template of Annex VIII of the Regulation.

All entities with responsibility on waste management shall inform the Ministry of Environment of the occurrence of any accidental waste spillages.

Non Hazardous Waste Management

Non hazardous waste must:

- > be identified according to its category and classification and segregated, wherever economically feasible, according to its category.
- > be appropriately stored, in such a way that allows its adequate deposit in the proper containers avoiding its discharge or spillage on the thoroughfare.

The competent entities must establish specific methods and processes for the collection of non hazardous waste, as well as for the urban cleaning.

At a Provincial Government level, the specific methods for the treatment, recovery, deposit disposal and final elimination of non hazardous waste shall be established taking into account the operators' proposals, the demonstration of the economic and environmental viability of such methods, and the legislation in force.

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Hazardous Waste Management

- > The entities that produce or handle hazardous waste must identify the waste which they are responsible for and comply with the general obligations set forth in article 9 of the Regulation.
- > Hazardous waste is subject to specific identification and storage rules, under the terms of article 18 of the Regulation, according to which special precautions need to be observed in respect of specific waste categories, including radioactive substances, self inflammable substances or those releasing inflammable gases.
- > The producers of hazardous waste are responsible for its collection, any waste holder who does not perform the waste collection directly being obliged to entrust it to a private or public collection service.
- > The collection of hazardous waste it is subject to the filling in of a form (according to the template provided in Annex VII of the Regulation), where the quantity, quality and destination of the collected waste is specified.
- > The transport operators and owners of the vehicles used for the transport of hazardous waste shall obtain the relevant operation permits and be certified by the Ministry of Environment and by the Ministry of Energy and Waters.

Fines and Penalties

The breach of any rule mentioned in the Regulation constitutes an infraction, punishable under the following terms:

- > **Fines:** range between a minimum of 95,136.00 (ninety five thousand, one hundred and thirty six) kwanza, equivalent to USD 1,000 (one thousand American dollars) and a maximum of 95,136,000.00 (ninety five million, one hundred and thirty six thousand) kwanza, equivalent to USD 1,000,000 (one million American dollars).
- > **Accessory penalty:** (i) machinery and utensils seizure, (ii) closure of the facilities and (iii) deprivation of the right to participate in auctions or tenders promoted by public entities or services.
- > **Compensation for environmental damages:** to be paid by the polluter, without prejudice to the responsibility of repairing and preventing damages.

Entry into Force

The Regulation enters into force on November 21, 2012.

For more information please contact:

Nuno Castelão | VdA, Head of International Relations: nc@vda.pt

Francisco Amaral | VdA, Head of Business & Practice Angola: fas@vda.pt

Manuel Gouveia Pereira | VdA, Senior Associate: mgp@vda.pt

LISBON

Av. Duarte Pacheco, 26
1070-110 Lisboa Portugal
lisboa@vda.pt

OPORTO

Av. da Boavista, 3433 - 8º
4100-138 Porto Portugal
porto@vda.pt

MADEIRA

Calçada de S. Lourenço, 3 - 2ºC
9000-061 Funchal Portugal
madeira@vda.pt

BRAZIL

Pinheiro Neto Advogados
brazil@vda.pt

ANGOLA

Paulo Antunes Advogados
angola@vda.pt

MOZAMBIQUE

Silva Garcia Advogados e Consultores
mozambique@vda.pt

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