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## Environment | Cape Verde: New Waste Management Legal Regime

The Government of Cape Verde has approved **Decree-Law no. 56/2015, of October 17**, establishing the New Waste Management Legal Regime.

### Object

The new legal regime establishes:

- > The **general regime applicable to the waste prevention, production and management**
- > The **legal regime for the licensing and concession of waste management operations**
- > The **measures destined to prevent or reduce waste production**, its hazardous nature and the adverse impacts emerging from its production and management, as well as the reduction of the impacts associated to the use of resources
- > The **essential requisites for packages composition**
- > The **legal regime for waste disposal in landfills** and the general requisites to be observed in the conception, construction, exploitation, closure and post-closure of landfills, including the specific technical characteristics for each category of landfills
- > The functioning of the **Waste Information System**
- > The operation rules of the **Animal Corpse Collection System**
- > The waste management **misdemeanour regime**

### Scope

The new legal regime applies to:

- > **All waste management operations** (waste collection, transport, storage, sorting, treatment, valuation and disposal, as well as soil decontamination operations and monitoring of the final destiny areas after the closure of the respective installations) **carried out in the territory of Cape Verde**
- > **All packages placed in the market**, used or produced locally or imported, namely domestic, industrial, agricultural or related to commerce, including offices, stores and services regardless of the material used **and, also, to the waste of those packages susceptible of being collected and treated by existent systems or to be created for that purpose**

## **Producer extended liability regime**

The producer of the product is liable, in whole or in part, physically and financially, for the management of waste coming deriving from his own products, regardless of the liabilities attributed to other participants in the life cycle of the product, according to the waste management liability principle.

## **Waste Prevention, Planning and Management**

- > The entity responsible for planning, licensing and for issue of technical rules applicable to waste management operations is the **National Waste Authority (Water and Sewage National Agency – ANAS)** responsible for issuing:
  - > **Technical rules for waste management operations:**
    - a) Technical rules for bio-waste management
    - b) Waste storage and sorting rules
    - c) Reuse and recycling rules
    - d) Valuation and disposal rules
    - e) Rules for waste management operation installations
  - > **Technical rules for hazardous waste management**
  - > **Technical rules for hospital waste management**
  - > **Technical rules for construction and demolition waste management operations**
- > **Local Waste Authorities** must ensure the exercise of the competences regarding waste management in a close relationship with operators

## **Waste Management Plans**

- > **Strategic Plan for Waste Prevention and Management**
- > **Multi-municipal, inter-municipal and municipal waste management plans**

## **Licensing of Waste Management Operations**

The licensing entities for waste management operations are:

- > The National Waste Authority
- > The entity responsible for the licensing of industrial activity, in case of landfill technically associated to an industrial installation:
  - > Located within the perimeter of said industrial installation; and
  - > Exclusively destined to the disposal of waste produced in said industrial installation and remaining installations belonging to the same producer

## **Waste management operations subject to licensing**

- > **Waste treatment** (any valuation or disposal operation, including the preparation prior to valuation or disposal )
- > **Hospital waste treatment** not subject to the concession regime
- > **Soil decontamination operations**
- ❖ Licensing procedure: common or simplified procedure

## **Waste management operations subject to concession**

Waste management operations subject to the concession regime may be organized in:

- > Integrated urban waste **multi-municipal systems**
- > **Waste streams**, namely packages, electric and electronic equipment, batteries and accumulators, tyres and mineral oils
- > **Waste types**
- > **Inclusion or allocation of installations and respective equipment**, properly individualized and identified, resulting from investments mainly made by the Government and for reasons of national interest
- ❖ The **territorial scope** of waste management operations subject to concession may comprise the whole or part of the territory of an island or group of islands or all of the national territory

## **Waste Information System (SIRES)**

Database that can be consulted by individuals through electronic means, available in an electronic platform that:

- > Includes all information regarding production, import, export and management of waste in Cape Verde, as well as the entities, traders and brokers that operate in the sector
- > Makes available, through electronic means, a mechanism of registration of waste production and management and of access to information in an organized manner

## **Registration obligation**

All waste producer installations must comply with the registration procedure whenever they:

- > Produce non-urban waste and have at least six employees; or
- > Produce urban waste which daily production, measured by the monthly average of the last 3 months, exceeds the volume of 1100 L or 250 Kg; or
- > Produce hazardous waste; or
- > Produce hospital waste

The following entities and operators are also subject to registration:

- > Entities responsible for urban waste management systems
- > Entities responsible for specific waste streams management systems, individual or collective, integrated or not, that hold a license or authorisation to operate in Cape Verde
- > Entities operating installations of any nature, subject to the environmental impact assessment legal regime
- > Entities operating in the waste market or importing waste to Cape Verde
- > Operators executing operations of waste transportation, storage, sorting, valuation or disposal
- > Operators executing operations of soil decontamination
- > Public entities and services directly or indirectly integrated in the central and municipal administration

## Legal Regime for Waste Disposal in Landfills

Waste can only be disposed in landfills when it cumulatively:

- (i) Has been subject to prior treatment; and
- (ii) Respects the admission criteria defined for the respective landfill category:
  - > Inert waste landfills
  - > Not dangerous waste landfills
  - > Dangerous waste landfills

## Animal Corpse Collection System (SIRECA)

- > SIRECA includes the collection, transport and disposal of corpses of cattle, sheep, goats, pigs and equines
- > The central administration departments responsible for animal health and environment matters ensure SIRECA's functioning

## Packages and Packaging Waste

- > **Liability**
  - > Liability attributed under the new legal regime to the packager and importer is attributed, whenever they are not identified in the package, to the person responsible for the placement in the national market of packaged products
- > **Liability for packages and packaging waste management**
  - > **Economic operators** are responsible for packages and packaging waste management
  - > **Municipalities** are responsible for the selective collection and sorting, stacking and bundling of urban waste
  - > **Packagers and importers of packaged products** are responsible for granting financial compensation destined to support the increase in costs for municipalities regarding selective collection, sorting, stacking and bundling of packaging waste
  - > **Producers or manufacturers of packages and raw-materials of packages** are responsible for the packaging waste take-back and valuation, directly or through organizations created to execute take-back and valuation of the recovered materials
  - > **Producers of urban and non-urban packaging waste** have the duty to proceed to the unbundling in the source in order to promote its reuse or recovery per type of material
- > **Reusable packages**
  - > Packagers and/or the responsible entities for the placement of products in the market that use reusable packages to pack their products must establish an **individual system** ("*sistema de consignação*") allowing for the recovery and reuse of packages after being used by consumers
- > **Non-reusable packages**
  - > Packagers, responsible entities for the placement of products in the market and industrial operators that produce packages or raw-materials for the manufacture of packages with head office or activity in Cape Verde, alternatively to the **integrated system**, may organize an **individual system**, similar to the system for reusable packages

- > Within the scope of the **integrated system**, packagers, responsible entities for the placement of products in the market and industrial operators that produce packages or raw-materials for the manufacture of packages **may transfer their liability regarding the management of their packaging waste to a duly licensed managing entity**

## Supervision and misdemeanour regime

Misdemeanours foreseen in the New Waste Management Legal Regime imply the payment of fines which amount, depending on the rule that is breached, may vary between:

- ❖ **100.000\$00** (individuals) and **800.000\$00** (companies);
- ❖ **200.000\$00** (individuals) and **1.600.000\$00** (companies);
- ❖ **300.000\$00** (individuals) and **2.000.000\$00** (companies);
- ❖ **800.000\$00** (individuals) and **3.000.000\$00** (companies).

Simultaneously with fines, **ancillary penalties** may be applied.

## Revoked Legislation

- > The New Waste Management Legal Regime revoked Decree-Law no. 31/2003, of September 1 and Decree-Law no. 12/2012, of April 17.

## Entry into force

- > The new legal regime entered into force on November 27, 2015.