
Amendments to waste management regimes

Decree-Law 24/2024 of March 26 amends the General Waste Management Regime, the Legal Regime on Waste Disposal in Landfills, and the Unified Regime on Specific Waste Streams

Portugal - Legal Update

April 12, 2024



Key aspects

- Amendments to the General Waste Management Regime;
- Return to the municipalities of 30% of the Waste Management Fee paid in certain cases;
- Indexation of the tariffs charged for actual waste production;
- Amendments to the Legal Regime on Waste Disposal in Landfills;
- Amendments to the Unified Regime on Specific Waste Streams;
- Regulation of the Deposit and Refund System;
- Creation of two new extended product liability regimes;
- Strengthening of the powers of the Water and Waste Services Regulation Authority (ERSAR);
- Amendments to the regime on reducing the impact of plastic products on the environment.



As waste policies are undergoing significant amendments, particularly at the European level, national legal instruments must also be amended accordingly.

To this end, [Decree-Law 24/2024 of March 26](#) (“**Decree-Law 24/2024**”) aims to support and promote innovation and the development of new products from waste. It also aims to simplify licensing procedures, while also protecting and preserving the environment.

To achieve these objectives, Decree-Law 24/2024 has introduced the following amendments:

Amendments to the General Waste Management Regime

Decree-Law 24/2024 introduced several amendments to Decree-Law 102-D/2020 of December 10, which approved the General Waste Management Regime (RGGR).

These amendments include the following:

- Amendments to the provisions for supplementary waste collection responsibilities and authorization procedures.
- Definition of the obligation to demonstrate compliance with minimum objectives for the approval of municipal, intermunicipal and multi-municipal waste plans.
- Establishment of waste reduction targets that cover a longer time period and are more suitable for encouraging the change in behavior needed to guarantee effective prevention.
- Refund of 30% of the Waste Management Fee (the “TGR”) paid by municipalities if they prove that they have invested in projects that promote recycling of biowaste and packaging waste, as well as a reduction in fees subject to compliance with the objectives set out in municipal waste plans.
- Revision of the methodology for determining the TGR charged to management entities, which will now be based on the average cost of collecting—or collecting and treating—affected waste streams.
- Indexation of waste tariffs charged for actual waste production to hold each producer responsible for the waste they produce.
- Introduction of the following three articles: (i) article 6-A, on reducing the content of hazardous substances and requiring any “supplier of an article” as defined in the REACH Regulation to provide information to the European Chemicals Agency (ECHA); (ii) article 86-A, concerning the licensing of energy production; and (iii) article 87-A, on the filling of excavation voids.
- Creation of mechanisms to compensate municipalities if a waste treatment infrastructure is installed in their territories.



- Updates to clarify definitions and procedures to make it easier for operators in this field to understand their obligations, strengthen coordination with other legal regimes, and promote waste declassification in the context of the circular economy.

Amendments to the Legal Regime on Waste Disposal in Landfills

Decree-Law 24/2024 made only minor amendments to the Legal Regime on Waste Disposal in Landfills (the “RJDRA”), and they are primarily focused on clarifying licensing procedures. The decree-law allows for the use of waste as a substitute for cover soil in daily waste cover operations, cell sealing, and landfill closure. This aims to reduce the use of raw materials, improve efficient resource use, and minimize the environmental impact of waste generation in the context of a sustainable economy.

Article 17-A, listing the grounds for refusing license applications, has also been added to the RJDRA.

Amendments to the Unified Regime on Specific Waste Streams

The Unified Regime on Specific Waste Streams (“UNILEX”), established by Decree-Law 152-D/2017 of December 11 (“**Decree-Law 152-D/2017**”), underwent the most significant amendments through Decree-Law 24/2024.

Significantly, Decree-Law 24/2024 introduced a section to the UNILEX specifically dedicated to regulating the Deposit and Refund System (“SDR”) for non-reusable beverage packaging. This includes the licensing procedure for granting SDR management, covering non-reusable primary beverage packaging made of plastic, ferrous metals, and aluminum with a volume of less than three liters.

It also introduced the following amendments:

- Creation of two new extended product liability (“RAP”) regimes, to be effective by December 31, 2025:
 - (i) for the management of furniture placed on the market, mattresses, and their respective waste, aimed at preventing and reducing the impact of this waste on the environment and human health, and promoting the transition to a circular economy; and
 - (ii) for self-care waste, such as needles, syringes and blood-soaked swabs.
- Creation of conditions for assigning new powers to the Water and Waste Services Regulation Authority (ERSAR) to determine compensation values and establish an allocation and compensation mechanism for the specific stream of packaging and packaging waste.



- Expansion of the obligations imposed on producers of products covered by the RAP regimes, particularly in terms of the composition—as established in the bylaws—of the entities managing integrated waste management systems.
- Amendments to the rules for determining financial benefits, reserve creation, and the absence of cross-subsidization between waste streams when the management entity is licensed to manage more than one specific waste stream.
- Clarification of the obligations of product producers to bear the costs necessary to meet waste management targets and other goals and objectives.
- Reinstatement of article 20 of Decree-Law 152-D/2017, which establishes the figure of the “authorized representative” of a product producer, packer or service packaging supplier, in the case of the specific packaging and packaging waste streams established in another European Union Member State.

Amendments to the regime on reducing the impact of plastic products on the environment

Regarding Decree-Law 78/2021 of September 24, which transposes Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment, Decree-Law 24/2024 has introduced the following changes:

- Starting from July 1, 2025, establishments that provide ready-to-eat meals (takeaway or delivery) are required to offer reusable alternatives and encourage the return of packaging.
- Also starting from July 1, 2025, vending machines must allow consumers to use their own containers.

Although the amendments introduced by Decree-Law 24/2024 entered into force on March 27, 2024, transitional regimes have been established, and certain rules will not take effect until January 1, 2025.

For more information about the contents of this document, please contact *Cuatrecasas*.

©2024 CUATRECASAS

All rights reserved.

This document is a compilation of legal information prepared by Cuatrecasas. The information and comments included in it do not constitute legal advice.

Cuatrecasas owns the intellectual property rights over this document. Any reproduction, distribution, assignment or any other full or partial use of this legal flash is prohibited, unless with the consent of Cuatrecasas.

