

# National factsheet on separate collection

## Portugal

**Note:** This ‘National factsheet’ has been prepared within the EC study “**Assessment of separate collection schemes in the 28 capitals of the EU**”. The document represents the status-quo of the EU Member State (MS) in September 2015. The information included in this document has been elaborated for all 28 EU-MS based on publically available documents, i.e. national legislation, Waste Management Plans, Waste Prevention Programmes, strategies, implementation reports, and statistics. All information is cited in the factsheet, a complete list of information sources can be found at the end of this document.

For quality assurance purposes the ‘National factsheet’ has been sent to the EU Technical Advisory Committee (TAC) Members on waste for verification and commenting, the comments received are included in this final version.

### 1 General requirements on separate collection based on national legislation

The Portuguese Decree Law n<sup>o</sup> 73/2011 from 17 June 2011 [PT DL73-2011] transposes the European Waste Framework Directive n<sup>o</sup> 2008/98/EC (WFD) by amending the Decree Law n<sup>o</sup> 178/2006 from 5 September 2006 [PT DL178-2006] defining the conceptual framework for waste management in Portugal.

Regarding the requirements of the WFD the [PT DL73-2011] does not present specific details on the national strategy for separate waste collection. Most of the legal requirements have not been transposed into domestic law. The separate collection definition and the encouragement of separate bio-waste collection are transposed one:one. Measures to promote high-quality recycling are deviating from the WFD requirement because waste separation shall be promoted on-site in order to recover it by streams. The requirement “by 2015 separate collection shall be set up for at least the following: paper, metal, plastic and glass” is only transposed for packaging waste (evaluation based on comment [PT TAC 2015]).

**Table 1: Overview of national law(s) that implement separate collection**

Year and Abbreviation	Title of the law (translation)
[PT DL178-2006]	Decreto-Lei n.º 178/2006, de 5 de Setembro (Decree Law n <sup>o</sup> 178/2006 of 5 September 2006, of waste prevention, generation and management)
[PT DL73-2011]	Decreto-Lei n.º 73/2011, de 17 de Junho (Decree Law n <sup>o</sup> 73/2011 of 17 June 2011, transposition of the WFD and amendment to Law Decree n <sup>o</sup> 178/2006)

**Table 2: Overview on evaluation categories**

Evaluation	Explanation
<b>additional</b>	The requirements of the WFD have been transposed and additional information or requirements are set out in the national legal requirement, i.e. additional definition, precision of requirement that goes beyond the text of the WFD
<b>one:one</b>	The requirement of the WFD has been transposed exactly / literally or transposed analogously. No additional requirements or explanations are set out
<b>deviating</b>	The requirements of the WFD have been implemented into national legal requirements but have been adjusted, left out or deviated
<b>not included</b>	The requirement of the WFD is not transposed into national law

**Table 3: Assessment on national transpositions**

Law & Article	Evaluation	English text	Original text
<b>1. Article 3 (11) WFD: Definition separate collection: "separate collection' means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment"</b>			
[PT DL73-2011] Article 3 dd	one:one	3 dd Separate collection – means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment	3 dd Recolha selectiva, a recolha efectuada de forma a manter o fluxo de resíduos separados por tipo e natureza com vista a facilitar o tratamento específico.
<b>2. Article 10 (2) WFD: "waste shall not be mixed with other waste/material with other properties"</b>			
	not included	<p><b>Comment</b> [PT TAC 2015]: It was considered that a ban on the mixing waste makes sense mainly when it comes to waste with hazardous properties. Thus, it is referred to in Article 21-A, number 2: "The mixing operation, including the dilution of hazardous waste with other hazardous waste or with other waste, substances or materials is prohibited ...". This question is clarified once again in the NOTES (number 3) of Annex III. This practice is considered a severe ordinance, as referred in paragraph 1-b), Article 67. Also Article 7 (waste management hierarchy) and Article 8 (principle of management responsibility are important for understanding the obligations of operators.</p> <p><b>Comment by evaluator:</b> regarded as "not included" in the sense of the WFD requirement, since the requirement does not refer to hazardous waste but to separately collected wastes that shall not be mixed.</p>	
<b>3. Article 11 (1) WFD: "measures to promote high quality recycling"</b>			
[PT DL73/2011] Article 7 (4)	deviating	<p>7 (4) Waste producers must carry out the separation of waste at source in order to promote their recovery by streams.</p> <p><b>Comment</b> [PT TAC 2015]:</p>	7 (4) — Os produtores de resíduos devem proceder à separação dos resíduos na origem de forma a promover a sua valorização por fluxos e fileiras.

Law & Article	Evaluation	English text	Original text
		<p>The recycling quality is achieved, firstly, through a proper waste separation in the source, ensuring the quality needed. The selective collection scheme existed in PT long before the publication of the WFD and their guidelines, continues to function properly, and it aims to ensure the quality of the waste that goes to recycling, through equipment such as drop-off points (ecopoints), recycling centers and door-to-door collection. Paragraph 5 of Article 7 refers precisely to be "privileged the use of best available technology, economically sustainable with costs that allow the extension of the material life cycle through its reuse in accordance with complementary strategies adopted in other domains." <b>The aim of the directive is to guide the correct waste management (not the recycler's activity) and that is what is intended to ensure with the DL 73/2011.</b></p> <p>In Annex V there are examples of waste prevention measures which also reinforces the idea of awareness and qualification of operators.</p> <p><b>Comment by evaluator:</b> regarded as "deviating" in the sense of the WFD requirement, since emphasis on "high quality <u>recycling</u>" is missing</p>	
4. Requirement WFD: 11 (1) "separate collection if technically practicable"			
[PT DL73/2011] Article 7 (4)	deviating	<p>The "Waste management hierarchy Principle" defines the priorities that should be followed in waste management, where the preparation for reuse and recycling is included. The principles that guide the application of this hierarchy, and therefore the mandatory separate collection, are precisely supported on criteria "environmental protection, precaution and sustainability, technical feasibility and economic viability, and the protection of resources and global impacts the environment, human and social health." (as in article 7, number 3).</p>	

Law & Article	Evaluation	English text	Original text
		<b>Comment by evaluator:</b> regarded as “deviating” in the sense of the WFD requirement, since reference to “separate collection” is missing	
<b>5. Requirement WFD: 11 (1) separate collection if economically practicable</b>			
[PT DL73/2011] Article 7 (4)	deviating	please see above	
<b>6. Requirement WFD: 11 (1) “separate collection if environmentally practicable”</b>			
[PT DL73/2011] Article 7 (4)	deviating	please see above	
<b>7. Article 11 (1) WFD: “separate collections (...) appropriate to meet the necessary quality standards for the relevant recycling sectors”</b>			
	not included	<p><b>Comment [PT TAC 2015]:</b> Answered in previous reviews... Since the aim is to focus on the life cycle of materials, we have to ensure the quality of material that is delivered in the recycling industry. Otherwise, they cannot carry out recycling and waste would have to return to landfill or incineration, and recycling targets imposed on management systems would not be fulfilled. In these cases the Waste Management Fee (Article 58 and the “new” Law 82-D/2014, December 31 – “Law of green taxation”) penalizes the disposal of recyclable waste.</p> <p><b>Comment by evaluator:</b> regarded as “not included” in the sense of the WFD requirement “separate collections (...) appropriate to meet the necessary quality standards for the relevant recycling sectors”</p>	
<b>8. Article 11 (1) WFD “by 2015 separate collection shall be set up for at least the following: paper, metal, plastic and glass”</b>			
	not included	<p><b>Comment [PT TAC 2015]:</b> Since 1997 there is a green dot company that cautions the extended producer responsibility for packaging and packaging waste. At the time of the implementation of the WFD, PT had already implemented (all over the country) a selective collection network, for packaging and non-</p>	

Law & Article	Evaluation	English text	Original text
		<p>packaging waste, which includes paper, plastic and metal, and glass. Stakeholders (whether municipalities or Urban Waste Management Systems or the green dot company), had already defined their powers and duties, in specific legislation, supported by the DL 73/2011 (in the case of the packaging DL 366-A/97, republished by DL 48/2015, transposing the 94/62/CE Directive). Also, the existing planning instruments reinforce and detail the legal provisions.</p> <p><b>Comment by evaluator:</b> based on the comment above, the requirement is evaluated as “not included”, since requirement for separate collection of packaging waste (paper, metal, plastic and glass) seems to be fulfilled. However, specification for separate collection of non-packaging paper, metal, plastic and glass and “by 2015” is not included.</p>	
<p><b>9. Article 22 WFD: Bio-waste - Member states shall take measures, as appropriate (...) to encourage: “a) the separate collection of bio-waste with a view to the composting and digestion of bio-waste”</b></p>			
<p>[PT DL73/2011] Article 13 (3)</p>	<p>one:one</p>	<p>The Portuguese Environmental Agency is responsible to promote measures to encourage:</p> <p>a) The selective collection of bio-waste for composting and anaerobic digestion;</p> <p>b) The bio-waste treatment ensuring a high level of environmental protection;</p> <p>c) The use of environmentally friendly materials produced from bio-waste, in particular from composting.</p>	<p>Os planos de gestão de resíduos devem ainda ser conformes com a estratégia para a redução dos resíduos urbanos biodegradáveis destinados a aterros (...), cabendo à ANR avaliar e, se necessário, propor medidas que incentivem:</p> <p>a) A recolha selectiva de biorresíduos, tendo em vista a sua compostagem e digestão anaeróbia;</p> <p>b) O tratamento dos biorresíduos em moldes que satisfaçam um elevado nível de protecção do ambiente;</p> <p>c) A utilização de materiais ambientalmente seguros produzidos a partir de biorresíduos, designadamente composto.</p>

## 2 General requirements on separate collection based on main strategies

Portugal	453 kg MSW/capita 26.05% recycling
<p><b>Definition of Municipal solid waste (MSW):</b></p> <p>Any urban solid waste from households and other waste which, by their nature or composition, is similar to waste from households. MSW does not include Industrial, Commercial &amp; Institutional (ICI) waste [PT MSW Modelling Tool 2014].</p> <p><b>Comment [TAC PT 2015]:</b></p> <p>The definition includes all waste that by their nature and composition are similar to those from households, including from industrial sources (if they do not come from the production process - see definition of industrial waste), trade, services and institutions. The responsibility of municipalities, however, it is limited to 1.100 liters/day.</p>	
<p><b>Main strategies implementing separate collection</b></p>	
<p>The strategy for the implementation of separate collection systems is established in the <b>National Waste Management Plan (2014-2020)</b> [PT PNGR 2014] and in the <b>Strategic Plan for Municipal Waste (2014-2020)</b> [PT PERSU 2014] which sets out specific guidelines and objectives for the management of municipal solid waste. Generally, these plans are consistent with the guidelines of the WFD.</p> <p>Based on the provisions of the community law on waste, in particular those of the WFD, the main target of the national waste policy is to achieve a general MSW reduction of 10% per habitant by 2020 compared to 1995 and to adopt measures to attain the targets for recycling and preparing for re-use: to achieve a recycling rate of 50% of MSW from separate collection of glass, metal, plastics, paper, wood and bio-waste, and to reduce biodegradable waste in landfills by 35%. Furthermore, an annual <b>separate collection rate</b> of 47 kg per habitant is the target for 2020 [PT PERSU 2014].</p> <p>The <b>2012</b> MSW annual production in Portugal was approximately 454 kg per inhabitant and therefore below EU average. In the last decade (2002-2012) the MSW separate collection rate could be improved by 280%; in 2012, a separate collection rate of approximately 26% could be achieved [PT PERSU 2014].</p> <p><b>In 2010</b>, Portugal generated around 5.4 million tons of MSW (149 800 t of glass, 145 800 t of paper, 83 000 t of plastic and metal were collected, and 163 000 t of other type of waste). With landfill rates of more than 60 % in the years 2001-2010, it can be stated that waste treatment is still mainly based on landfilling. <b>However, it has to emphasised that the landfill rate is decreasing, i.e. in the year 2012 the landfill rate could be reduced to 54 %.</b> This reduction of landfilling is mainly due to recycling which has steadily increased. Incineration covers around 20% while the remaining waste is composted. The national strategy for the reduction of landfilled MSW was launched in 2004 and aims at increasing separate collection and establishing modern facilities for waste treatment [PT MSWM 2013].</p>	

### 3 Implementation of separate collection

#### Overview on separate collection systems in place

The **collection system** in Portugal is applied throughout the country for all rural and urban areas. However, the specific type of collection system may vary even within a given municipality and depends on the technical solutions implemented in each municipality. Therefore, there are so far no broken down data according to these categories for the type of collection system. In total there are currently 23 MSW management systems in place in Portugal [PT MSW Modelling Tool 2014].

For household waste, waste collection is legally assigned to municipalities, however contracts can be made.

Around 95% of the households are covered by bring point systems. Approximately, 67% of all bring points are for mixed waste only, while 28% have three additional separate collection bins for recyclables (paper, glass and plastic and metal packages) in addition to the mixed waste bin. Door-to-door collection is not common in Portugal and mainly residual waste is collected [PT MSW Modelling Tool 2014].

**Comment** [TAC PT 2015]:

Schemes for door-to-door collection are applied in large urban centers of Lisbon and Porto and occasionally in specific areas of major cities, based on scale economies and circuit management options.

**Table 4: Overview of main separate collection systems in Portugal**

Collection type	Paper	Glass	Plastic	Metal	Bio-waste
<b>Door-to-door collection</b> 	Secondary	Very Rare	Secondary		Very Rare
<b>Co-mingled (door-to-door)</b> 					
<b>Bring points<sup>1</sup></b> 	Primary	Primary	Primary		
<b>Civic amenities</b> 	Additional collection for all streams				
<b>Producer/retail take-back</b> 	No system in place				

**Comment** [TAC PT 2015]:

Collection of packaging waste: bring point systems (primary) and door-to-door (secondary).

<sup>1</sup> Rare option (and the least preferable) is when separate waste collection in bring system is organised only in two containers (one for dry waste, which includes paper, glass, plastic and metal and remaining 'wet' waste).

## 4 Information sources

[PT DL178-2006]	Portuguese Law Decree nº 178/2006 from 5 September 2006.
[PT DL73-2011]	Portuguese Law Decree nº 73/2011 from 17 June 2011. <a href="http://www.apambiente.pt/index.php?ref=16&amp;subref=84">http://www.apambiente.pt/index.php?ref=16&amp;subref=84</a> , accessed March 2015.
PT DL 366-A/97	Portuguese Decree Law nº 366-A/97 from 20th December 1997
[PT MSW Modelling Tool 2014]	Development of a Modelling Tool on Waste Generation and Management Baseline Report”, Eunomia/European Commission DG Environment. 2014.
[PT MSWM 2013]	Municipal Waste Management in Portugal, European Environmental Agency. 2013.
[PT PERSU 2014]	Strategic Plan for Municipal Waste 2014-2020 / Plano Estratégico de Resíduos Sólidos Urbanos 2014-2020, Portuguese Ministry of Environment. 2014. <a href="http://apambiente.pt/zdata/DESTAQUES/2014/Portaria_PlanoEstrategico_PERSU2020_final.pdf">http://apambiente.pt/zdata/DESTAQUES/2014/Portaria_PlanoEstrategico_PERSU2020_final.pdf</a> , accessed March 2015.
[PT PNGR 2014]	National Waste Management Plan 2014-2020 / Plano Nacional de Gestão de Resíduos 2014-2020, Portuguese Ministry of Environment. 2014. <a href="http://www.apambiente.pt/zdata/Politiclas/Residuos/Planeamento/PNGR_rev_20141107_clean.pdf">http://www.apambiente.pt/zdata/Politiclas/Residuos/Planeamento/PNGR_rev_20141107_clean.pdf</a> , accessed March 2015.
[PT TAC 2015]	Information provided by the TAC member of Portugal, September 2015.