



LEGAL ALERT

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Strategic Plan for Non-Urban Waste

In the context of the [European Green Deal](#), the European Commission has announced, in 2019, the action Programme that promotes the carbon neutrality of the EU economy by 2050 and which sets sustainability targets to guarantee this transition. In line with the European Commission's carbon neutrality policy, the Council of Ministers has been adopting acts that guarantee, internally, the pursuit of said goals.

Waste

In terms of waste¹, the assumed strategy is to protect the environment by preventing its production and to manage it in a sustainable fashion, promoting a logic of circularity and sustainability².

To this end, the Strategic Plan for Non-Urban Waste (hereinafter "**PERNU 2030**") was recently adopted by the Resolution of the Council of Ministers no. 127/2023 of 18 October, which, together with the Strategic Plan for Urban Waste 2030, establishes the fundamental guidelines for waste policy applicable to mainland Portugal, until 2030.

Strategic Plan for Non-Urban Waste

The PERNU 2030 becomes the new reference instrument for non-urban waste³ policy, establishing objectives, targets and measures for non-urban waste by 2030.

Aiming to aggregate the European Union's policies on the subject, and even though it contains specific measures aimed at different sectors, it adopts a transversal approach that replaces the previous sectoral plans.

The strategy involves preventing waste generation; if that's not possible, sustainable waste management is required, based on waste recovery operations (recycling, recovery, regeneration and energy recovery).

The core objectives of PERNU 2030 are, thus:

- ✓ Prevent the generation of waste in terms of quantity and hazard;
- ✓ Reduce the environmental impact of waste management;

¹ I.e., "any substance or object which the holder discards or intends or is obliged to discard", as states article 3 (ee) of the General Waste Management Regime, approved by Decree-Law no. 102-D/2020, of 10 December.

² See, in particular, the General Waste Management Regime (Decree-Law no. 102-D/2020, of 10 December), the National Waste Management Plan 2030 (Resolution of the Council of Ministers no. 31/2023, of 24 March) and the Strategic Plan for Urban Waste 2030 (Resolution of the Council of Ministers no. 30/2023, of 24 March).

³ In general, those that result from economic activities - more specifically, those that do not fall under the definition of municipal waste (cf. Article 3(mm) of the General Waste Management Regime), including industrial, hospital, agricultural, persistent organic pollutants, sludge, construction and demolition waste and others.

- ✓ Raise awareness, train and disseminate knowledge at academic and organizational level on waste prevention and management;
- ✓ Increase investment capacity and R&D+I expenditure on waste prevention and management;

Preventing the production of non-urban waste

With regard to preventing the generation of non-urban waste, considered the best contribution to resource efficiency and minimizing the environmental impact of waste, this transversal action plan includes, among other things:

- ✓ Clarify the concept of prevention and create mechanisms for its effective application, evaluation and monitoring:
 - promoting mechanisms to influence public sector purchases based on sustainability criteria that prevent waste generation;
 - [establish environmental criteria for the acquisition of goods, services or the preparation of public works projects, promoting environmentally-oriented public procurement for prevention](#);
 - creation of a tax system to boost the market for repaired and reusable goods;
- ✓ Increasing the involvement of different entities and stakeholders:
 - promoting environmental accounting, namely through a self-diagnostic system that assesses the company's situation in terms of prevention and acts as a means of publicizing its environmental performance;
 - promote voluntary agreements with priority sectors, encouraging sustainable production and eco-design of products;
- ✓ Adapt and leverage the use of economic and financial instruments in projects aimed at prevention, ensuring their efficiency, effectiveness and scalability.

Non-urban waste management

As mentioned, the priority of PERNU 2030 is to prevent the generation of waste; if it's not feasible to prevent its generation, the management strategy involves a transversal strategic plan based on:

- ✓ Consolidate the harmonization of the licensing procedures and guarantee the correct operation of non-urban waste management establishments:
 - harmonize criteria in terms of licensing and interpretation of legal provisions, integrating qualification requirements for Waste Management Operators, as a condition for the sector's competitiveness and reducing administrative costs for the State;
- ✓ Promote the waste hierarchy, with a view to increasing the share of recovery operations - prioritizing recycling - over disposal operations:
 - contribute to administrative, legislative and regulatory simplification and flexibility, in order to facilitate circular processes, minimizing the effort that companies need to undertake in order to comply with their legal obligations;
 - identify new needs and opportunities for the application of the end of the waste status at national level;
 - promote economic and financial incentives for economic activities that replace virgin raw materials with secondary materials;
 - enhancing the effectiveness of the waste management fee, designed to penalize the least noble treatment operations in the waste hierarchy;
 - that the annual plan for granting support and the usage of revenues (provided for in Decree-Law no. 42-A/2016, which creates the Environmental Fund), includes a program of calls for

applications from public and private stakeholders for types of support aimed at areas such as the transition to a circular economy, training, awareness-raising and research into environmental issues, thus allowing part of the revenue to be returned to the sector;

- ✓ Promote proper management of hazardous waste;
- ✓ Increase the involvement of stakeholders from different sectors in waste management objectives;
- ✓ Contribute to the national implementation of thematic strategies:
 - in relation to plastics:
 - Reduce the use of single-use plastic, increase reuse and recycling, as well as the manufacture of products made from recycled plastic materials and materials alternative to plastics;
 - Reinforce incentives for technological innovation in products, services and processes with a view to replacing single-use plastic materials and products;
 - create differentiated financial benefits, within the scope of the extended responsibility of the producer; criteria for bonuses or penalties should be considered across the board for all management entities, as well as differentiated financial benefits according to the environmental impact of the product and in terms of the real cost of the respective waste management;

- specific actions for bio-waste and other biodegradable waste:
 - Create incentives dedicated to bio-waste of non-urban origin and promoting the development of collection and recovery networks;
- specific actions on food waste:
 - Implement a food waste monitoring and reporting system;
 - Continue with the measures set out in the Action Plan to Combat Food Waste;
 - Ensure that establishments that produce bio-waste adopt measures to combat food waste. In the case of establishments that may hold food that can be consumed, it must be ensured and demonstrated that it is not disposed of as waste, but, where possible, sent for donation or other types of disposal, preferably for human consumption.
- specific actions by sector (industrial, agricultural, construction and demolition and hospital).

It is expected that, in the coming months, the collaboration between the entities involved in the implementation of PERNU 2030 (in order to develop the actions necessary for the implementation of the Plan) will begin to be reflected in concrete actions, with impacts on the economic activity

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