



CONTRIBUTION ON LIGHT PLASTIC BAGS

The Contribution on Light Plastic Bags ("Contribution") was created by Law no. 82-D/2014 of 31 December and regulated by Ministerial Order 286-B/2014 published on the same date.

I. SITUATIONS COVERED

The Contribution on Light Plastic Bags ("Contribution") was created by Law no. 82-D/2014 of 31 December and regulated by Ministerial Order 286-B/2014 published on the same date.

The Contribution is charged on plastic bags made completely or partially from plastic material with handles, and with a thickness of equal or less than 50 microns, that are sold or made available free of charge or with an associated cost, whether loose or packaged, when they are:

- Produced in continental Portugal;
- Acquired from other Member States of the European Union, or imported from these countries or from third states or territories, in both cases to continental Portugal;
- Sent to continental Portugal from the Autonomous Regions of the Azores and Madeira.

Light plastic bags are exempt from the Contribution when they are:

- For exportation;
- Sent or transported (from continental Portugal) to another Member State of the European Union;

- Sent or transported (from continental Portugal) to the Autonomous Regions of the Azores and Madeira;
- Without handles and made available inside the point of sale of goods and products and are intended to come into contact, or are in contact - in accordance with the use for which they are intended - with food products (for example, light plastic bags used for ice, fruit, vegetables or uncooked fish or meat)¹;
- Used for donations to charitable institutions.

II. VALUE OF THE CONTRIBUTION

The Contribution due is EUR 0.08 per plastic bag, plus VAT at the applicable rate.

III. PAYMENT OF THE CONTRIBUTION TO THE STATE

The taxable persons for this Contribution are:

- The producers of light plastic bags with their registered office or a permanent establishment in continental Portugal;

¹ Under Decree-Law n.º 62/2008, of 31 March, amended by Decree-Laws n.ºs 29/2009, of 2 February, and 55/2011, of 14 April.

- The purchasers of light plastic bags when they are bought from suppliers with their registered office or a permanent establishment in another Member State of the European Union;
- The purchasers of light plastic bags, when they are bought from suppliers with their registered office or a permanent establishment in the Autonomous Regions of the Azores and Madeira.

IV. CHARGEABILITY AND DATE OF PAYMENT OF THE CONTRIBUTION

The Contribution becomes chargeable in Portugal at the moment the bags are released for consumption, in other words, when the light plastic bags are sold.

Release for consumption must be formalised:

- In the majority of cases, by a Declaration of Release for Consumption (*Declaração de Introdução no Consumo - DIC*); or,
- In the case of imports, by a customs import declaration.

The taxable person pays the Contribution to the State by the 15th day of the second month following the quarter of the calendar year of its assessment.

V. DECLARATION OBLIGATIONS OF TAXABLE PERSONS

Taxable persons for the Contribution are required, among other procedures, to:

- Obtain the status of authorised depository under the terms and for the purposes of Ministerial Order no. 286-B/2014 of 31 December;

- File the DIC regularly by the 5th day of the month following the end of the quarter of the calendar year in which the plastic bags were released for consumption;
- Report to the tax authorities by the end of the month of January of the year following the one to which they relate, the statistical data on the quantity of light plastic bags acquired and distributed. The tax authorities will then report the information to the Portuguese Environmental Agency (APA - *Agência Portuguesa do Ambiente*), as the National Waste Authority.

VI. PASSING ON OF THE BURDEN OF THE CONTRIBUTION AND INVOICING OBLIGATIONS

The economic agents involved must pass the Contribution on down the commercial chain to the final purchaser, by charging it as price.

For this purpose, invoicing systems must be adopted so that the following information appears in invoices issued:

- Description of the product as "light plastic bags" (*sacos de plásticos leves*) or "light bags" (*sacos leves*);
- The number of units sold or made available; and
- The price charged, including the Contribution due.

Any failure to pass the Contribution on to the final consumer or any failure to itemise the cost of the bags in the invoice is classified as a very serious environmental administrative offence under the terms of the Framework-Law of Environmental Administrative Offences.

VII. ENTRY INTO FORCE

These rules come into force on **31 January 2015** and after this date, the Contribution must be charged.

VIII. TRANSITIONAL PERIOD

In order to allow existing stocks of plastic bags to be used up, the new law establishes a **transitional period up to 14 February 2014**, during which any plastic bags made available will not be subject to charging and payment of the Contribution.

In this context, it should be noted that, under Ministerial Order no. 286-B/2014 of 31 December and Order no. 850-A/2015 of 27 January, economic operators must adopt the following procedures:

- In the case of taxable persons for the Contribution – it is considered that the light plastic bags accounted for as stock on 31 January 2015 were produced, imported or acquired on this date. Therefore, the Contribution should be assessed by reference to the units existing on this date.
- In the case of all other economic operators (that are not taxable persons for the Contribution) – when they have light plastic bags for which the Contribution has not been assessed and paid that have not run out during the transitional period, they may regularise excessive stock by filing, during the month of February 2015, a voluntary DIC that allows them to pay the Contribution. They will then be able to distribute the bags to their clients against payment of the Contribution.

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Chambers European Excellence Awards, 2009, 2012, 2014

Iberian Law Firm of the Year
The Lawyer European Awards, 2012

Top 50 - Most Innovative Law Firm in Continental Europe
Financial Times - Innovative Lawyers Awards, 2011-2014