



## REAL ESTATE, PLANNING AND TOURISM

# Implementation of the deposit-return scheme pilot project

Decree-Law no. 152-D/2017 of 11 December established the "Management System for Specific Waste Streams Subject to Extended Producer Responsibility". This Decree-Law has now been amended by Law no. 69/2018 of 26 December, which introduces a system to encourage (i) the return and deposit of single-use (one-way) plastic drinks packaging, and (ii) the deposit of plastic, glass and ferrous metal and aluminium drinks packaging, to be sent for recycling. This system is important for the sustainable development and efficient use of resources. It is also possible to benefit from the experience gained, particularly in Germany, where such a system was implemented several years ago and, as a result, has managed to achieve recycling rates for plastic packaging in excess of 90%.

Recently published Ministerial Order no. 202/2019 of 3 July defines the terms and criteria applicable to the pilot project to be adopted in the system of incentives. Among other things, it imposes obligations on the fillers and importers of packaged products responsible for placing them on the market. One of these obligations is the implementation of the system itself, but they also include the communication, awareness, supervision and monitoring of the system. The Ministerial Order also places obligations on the entities that manage (waste) packaging and on large shopping areas. It goes on to set out the terms of the system of prior registration of packaging (single-use plastic) and the way of financing of the system – it determines that the State will be principally responsible for this financing.

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The Law created the central planks – now implemented by the Ministerial Order – of the system to encourage the return of single-use packaging. It did this, broadly speaking, by adding three articles to the earlier Decree-Law: articles 23-A, 23-B and 23-C. The intentions behind these articles were (i) to have a phased implementation of the incentive system, with the repayment of a deposit<sup>1</sup> to the final consumer for returning single-use plastic packaging (article 23-A), with a capacity of 0.1 to 2 litres (as the Ministerial Order states), (ii) to require large shopping areas to have areas for the exclusive sale of drinks in reusable or 100% biodegradable packaging (article 23-B), and (iii) to require the implementation of a deposit-return system for single-use drinks packaging in plastic and (also) glass, ferrous metals and aluminium as from 1 January 2022 (article 23-C).

The Ministerial Order confirms the provisions of the Law and provides, at least in the first stage, for empties collection equipment to be installed in (certain) large shopping areas, which must make the space available free of charge. Large shopping areas are defined as food or non-food retail trade establishments with a continuous sales area of at least 2000 m<sup>2</sup>. In addition, the Ministerial Order defines the goals that should be reached with the system of incentives. They are: (i) a goal of collecting the equivalent of 50% of the potential collection, calculated according to a pre-defined formula; (ii) a goal of recycling 97% of the weight of the packaging (excluding the weight of the bundling materials) that enter the facilities of the recycling operator divided by the total weight of the packaging collected under the incentive system; and (iii) a goal of incorporating recycled plastic into the production of new drinks bottles corresponding to 50%.

In conclusion, the publication of this Ministerial Order is to be welcomed. It puts into effect what Law of 69/2018 had established and paves the way for the implementation of a 'green' system of (not only plastic) packaging return. It comes in response to the pressing needs of a society of consumers that increasingly insist on sustainability. ■

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<sup>1</sup> In Portuguese, this system is known as tara recuperável. The deposit-return can be in cash, a discount or a donation to a charitable institution (meaning the new sustainable system also has a social purpose).