

**Decree Law no. 67/2014
of May 7th**

The disparities between the legislative or administrative dispositions followed by the Member States, in terms of electric and electronic waste (WEEE) management give rise to unnecessary financial burdens upon the economic operators, affecting the efficiency of recycling policies.

In order to bring closer together the State Members' national measures as well as the practices currently applied, Directive no. 2012/19/UE of the European Parliament and Council of July 4th 2012, relating to WEEE, proceeded to the recast of Directive no. 2002/96/CE of the European Parliament and Council of January 27th 2003, transposed to national disposition through Decree Law no. 230/2004 of December 10th, changed by Decree Laws no. 174/2005 of October 25th, 178/2006 of September 5th; 132/2010 of December 17th; 73/2011 of June 17th and 79/2013 of June 11th which establish the juridical regime to which WEEE management is subject to.

The political and action related communitarian program related to the environment and sustainable development ("Fifth Action Program in terms of Environment") mentions WEEE as being one of the target areas to be regulated, in order to apply principles of waste prevention, recovery and safe elimination.

The objective of the current Decree Law is to contribute towards a sustainable production and consumption according to, first and foremost, the prevention of WEEE and, additionally, through preparing for reuse, recycling and other forms of recovery in order to reduce the amount of waste to be eliminated, as well as contribute to the efficient use of resources and also to the recovery of valuable secondary raw material. Additionally, it aims also to engage all stakeholders in the electric and electronic (EEE) equipment' life cycle as well as improve their environmental performance, namely, producers, retailers and consumers, especially the operators directly involved in WEEE collection and treatment.

Directive 2011/65/EU of the European Parliament and Council of June 8th, relating to the restriction of use of certain hazardous substances within EEE, transposed to the internal juridical order through Decree Law no. 79/2013 of June 11th, confines the use of certain substances within EEE, however some of these substances, such as mercury, cadmium, lead and hexavalent chromium will continue to be present in WEEE throughout many years to come. As such, the scope of the hazardous components within the EEE constitutes a great concern throughout the phase of WEEE management.

In order to reduce their huge environmental impact, adequate measures are taken in order to reduce WEEE elimination as non-sorted urban waste in order to achieve a high level of WEEE selective collection, particularly refrigeration and frosting equipment which contain substances that impoverish the ozone layer, as well as fluorinated gases with greenhouse effect.

Basing itself on the principle of extended producer responsibility, the present decree law encourages an EEE conception and production which, both, facilitates and optimizes reuse, dismantling, recycling as well as other means of recovery. In order to give fullest effect to the principle of producer's responsibility, each producer is responsible for financing the management of the waste that result from its own products. Producers may choose to fulfil this obligation individually – by means of providing financial guarantees which ensure that the cost of managing their products waste will not fall upon society nor upon the other producers – or by joining a compliance scheme to which they transfer their

responsibility to.

Selective collection is a pre requisite to ensuring WEEE specific treatment and recycling. Without detriment of the importance of the retailers' contribution for the success of WEEE collection, end users shall also actively contribute to the success of this collection, accessing the relevant information for this effect as well as the adequate premises for WEEE free of charge delivering, according to the principles of territorial proximity and easy access.

The collection and transportation operations are subject to specific rules in order to prevent negative environmental impact as well as reach the desired level of human and the environment's health protection

In order to prove the fulfilment of the national collection rate, it is requested that all stakeholders, in WEEE collection, register their data related to the WEEE which were selectively collected.

It is considered crucial that, in order to prevent the dispersion of polluting material either to the recycling material or to the waste flows that WEEE are submitted to specific and adequate treatment, subject to specific rules and qualification, in order to achieve the recovery objectives. If appropriate, the preparation of WEEE to be reused shall be prioritized, as well as their components and materials, respecting the minimum principles of quality, efficiency and safety.

At last, there were taken measures in order to ensure the correct application of the current decree law as well as promote equity amongst the economic operators, including minimum requirements for EEE transferences in order to avoid illegal WEEE transfers for developing countries

The current decree laws constitutes, as such, a way to review the legislative regime applicable to WEEE management transposing to national disposition Directive no. 2012/19/UE of the European Parliament and Council of July 4th and revoke Decree Law no. 230/2004 of December 10th, changed by Decree Laws no. 174/2005 of October 25th, 178/2006 of September 5th, 132/2010 of December 17th, 73/2011 of June 17th and 79/2013 of June 11th.

The proper organs of the Autonomous Regions were heard, the Data Protection National Commission and the associations which represent the sector

The audience with the Portuguese Municipalities National Association was promoted.

As such:

In accordance with paragraph a) of no. 1 of Article 198 of the Constitution, the Government decrees as follows:

**CHAPTER I
General dispositions**

**Article 1
Object**

The current Decree Law approves the legal regime applicable to electric and electronic equipment waste management (WEEE), establishing environmental and human safety measures with the goal of preventing and reducing adverse impacts resulting from these waste production and management decrease global impact of these resources usage, improve the efficiency of that usage and as well as contribute to the sustainable development, transposing to the internal juridical order Directive no. 2012/19/UE of the European Parliament and the Council of July 4th, relating to WEEE, which recasts Directive no. 2002/96/CE of the European Parliament

and the Council, of January 27th 2003.

Article 2

Scope of application

1- The present Decree Law is applicable:

a) To the electric and electronic equipment (EEE) belonging to the following categories:

- i)* Category 1: Large Household Appliances;
- ii)* Category 2: Small Household Appliances;
- iii)* Category 3: IT and Telecommunication Equipment;
- iv)* Category 4: Consumer Equipment and Photovoltaic Panels;
- v)* Category 5: Lighting Equipment;
- vi)* Category 6: Electric and electronic tools with the exception of large scale stationary industrial tools;
- vii)* Category 7: Toys, Leisure and sports equipment;
- viii)* Category 8: Medical Devices with the exception of all implemented and infected products
- ix)* Category 9: Monitoring and Control Instruments
- x)* Category 10: Automatic Dispensers.

b) To all EEE belonging to the following categories:

- i)* Category 1: Temperature exchange equipment;
- ii)* Category 2: Screen, monitors and equipment containing screens having a surface greater than 100 cm²;
- iii)* Category 3: Lamps;
- iv)* Category 4: Large equipment (any external dimension more than 50 cm), including but not limited to: household appliances, IT and telecommunication equipment, consumer equipment, luminaires, equipment reproducing sound or images, musical equipment, electric and electronic tools, toys, sports and leisure equipment, medical devices or accessories, monitoring and control instruments, automatic dispensers and equipment for the generation of electric currents, with exception to the equipment stated in Categories 1, 2 and 3 stated in the present paragraph;
- v)* Category 5: Small equipment (no external dimension more than 50 cm), including but not limited to: household appliances, consumer equipment, luminaires, equipment reproducing sound or images, musical equipment, electric and electronic tools, toys, sports and leisure equipment, medical devices or accessories, monitoring and control instruments, automatic dispensers and equipment for the generation of electric currents with exception to the equipment stated in Categories 1, 2, 3 and 6 stated in the present paragraph;
- vi)* Category 6: Small IT and telecommunication equipment with no external dimension more than 50 cm;

2- – The indicative lists of EEE stated in paragraphs a) and b) of the previous number are mentioned, respectively, in Annex I and II of the present decree law, which is an integral part thereof.

3- The following EEE are excluded from the scope of the present decree-law:

a) Equipment which is necessary for the protection of the essential interests of the security of the State, including arms, munitions and war material intended for specifically military purposes;

b) Equipment specifically designed and installed as part of another type of equipment that is excluded from or does not fall within the scope of this Directive, which can fulfil its function only if it is part of that equipment;

c) Filament bulbs;

d) Equipment designed to be sent into space;

e) Large-scale stationary industrial tools;

f) Large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations;

g) Means of transport for persons or goods, excluding electric two-wheel vehicles which are not type-approved;

h) Non-road mobile machinery made available exclusively for professional use;

i) Equipment specifically designed solely for the purposes of research and development that is only made available on a business-to-business basis;

j) Medical devices and in vitro diagnostic medical devices, where such devices are expected to be infective prior to end of life, and active implantable medical devices;

4- The disposed in the current decree-law is not contrary to the application of specific legislation related to the health and security and chemical products' norms, namely, Regulation (CE) no. 1907/2006 of European Parliament and Council of December 18th, which execution is ensured, in internal juridical order, by Decree Law no. 293/2009 of October 13th, as well as the specific requirements stated in the laws related to waste management and product conceiving, stated in Decree Law no. 12/2011 of January 24th.

Article 3

Definitions

1- For the purpose of the disposed in the present decree-law, the following definitions were established:

a) « Finance agreement» - any agreement or mechanism referring to the loan, leasing or differed sale of any equipment, regardless the fact that the terms of that agreement or disposition foresee the possibility of transferring that equipment' property or even the possibility of that transference;

b) «Storage» - the controlled deposition of waste before being treated and for a pre-determined timing, namely operations R 13 and D 15 identified in Annex I and II of Decree Law no. 178/2006 of September 5th, changed by Decree Law no. 173/2008 of August 26th, by Law no. 64-A/2008 of December 31st and by Decree Laws no. 183/2009 of August 10th, 73/2011 of June 17th and 127/2013 of August 30th;

c) «Preliminary Storage» - the controlled deposition of waste in the place where they are produced, for a period no longer than one year, before collection, on premises where the waste are produced or unloaded in order to be prepared for future transportation to another location, for treatment.

d) «Receiving centre» - the licensed premises, in the terms of Decree Law no. 178/2006 of September 5th, changed by Decree Law no. 173/2008 of August 26th, by law no. 64-A/2008 of December 31st and by Decree Laws no. 183/2009 of August 10th, 73/2011 of June 17th and 127/2013 of August 30th, which is part of the individual or collective compliance schemes network and where WEEE storage and sorting takes place;

e) «Placing on the market» - the first time an EEE is made available in a given market, on national territory, in the scope of a professional activity;

f) «Making available on the market» - the offer of an EEE to be distributed, consumed or used in the market, on national territory, under the scope of a commercial activity, in an onerous or free manner;

g) «Medical device» - any medical instrument, appliance, equipment, software material or article used, isolated or combined, including the software produced by its producer to be used, specifically, for diagnosis or therapeutical means, that is necessary for the well-functioning of the medical device whose primary desired effect in the human body is not reached through pharmacological, immunological or metabolic means, although its function may be supported by those same means, destined by the producer to be used in human beings for the effect of:

- i) Diagnosis, prevention, control, treatment or relief of a lesion or disease;
- ii) Diagnosis, control, treatment, relief or compensation of a lesion or malformation;
- iii) Study, substitution or change in, either the anatomy or a physiological process;
- iv) Conception control.

h) «Active implanting medical device» - any active medical device that is produced to be, either partially or completely introduced, through a surgical or medical intervention, in a natural hole and is destined to stay implanted;

i) «In vitro diagnostic Medical device» - any medical device that consists of a reagent, reactive product, calibrator, control equipment, set, instrument, device, equipment or system, used isolated or jointly, destined by its manufacturer to be used in vitro for analyzing samples from the human body, including blood and tissues that are donated, exclusively or with the main objective of obtaining data relating to the physiological or pathological state, congenital abnormalities, determination of security and compatibility with possible receivers or the control of therapeutic measures, as well as the samples' receivers which will or will not support the vacuum, specifically destined by its manufacturer to contain and preserve the samples taken directly from the human body, in order for a diagnosis study to be made, in vitro.

j) «Accessory» - an element that, although, is not a medical device, is specifically destined by his manufacturer to be used jointly with a device, in order to allow its use according to the proper objective;

k) «Retailer» - is any natural or legal person in the supply chain, who makes an EEE available on the market. A retailer may be considered, simultaneously, a «producer», if it acts as such, according to the established in paragraph v);

l) «Elimination» - any operation that is not recovery, namely the ones included in Annex I of Decree Law no. 178/2006 of June 17th, changed by Decree Law n° 173/2008 of August 26th, by Law no. 64-A/2008 of December 31st and by Decree Laws no. 183/2009 of August 10th, 73/2011 of June 17th and 127/2013 of August 30th, even if the recovery of substances or energy turn out to be a secondary consequence.

m) «Electric or Electronic Equipment», or EEE, equipment dependent on electric current or electromagnetic fields in order to function correctly, as well as equipment for generating, transferring or measuring those currents and fields and conceived to be used with a nominal tension no higher than 1000 V for alternating current and 1500 V for direct current;

n) «Large-scale stationary industrial tools» - large size assembly of machines, equipment and/ or components functioning together for

a specific application, permanently installed and de-installed by professionals at a given place, and used and maintained by professionals in an industrial manufacturing facility or research and development facility;

o) «WEEE fractions» - material which is separated through WEEE treatment, including decontamination, dismantling or any other treatment procedure;

p) «Large-scale fixed installation» - means a large-size combination of several types of apparatus and where applicable, other devices, which:

- i) Are assembled, installed and de-installed by professionals;
- ii) Are intended to be used permanently as part of a building or a structure, at a pre-defined and dedicated location;
- iii) Can only be replaced by the same specifically designed equipment.

q) «Non-road mobile machinery» - means machinery with on-board power source, the operation of which requires either mobility or continuous or semi-continuous movement between a succession of fixed working locations while working;

r) «Collection point» - place where the preliminary WEEE reception and storage takes place, as part of the collection process, and which integrates into the collective or individual management schemes' collection network;

s) «Take-back point» - the place of the sales facilities and/ or retailers of EEE which takes back the WEEE, either by legal obligation or voluntarily, and where they are temporarily stored, as part of the collection process;

t) «Preparation for reuse» - the recovery operations which consist of control, cleaning and repair, according to which the products or products' components that assume the nature of waste are prepared to be used again, without any other type of pre-processing;

u) «Prevention» - adopting measures before a determined substance, material or product assumes the nature of a waste, destined to reduce the following:

- i) The amount of waste produced, namely, through products' reuse or the extension of the products' life cycle;
- ii) The negative impacts on the environment and on human health, resulting from the waste produced; or
- iii) The nature of the hazardous substances present in, both, the materials and products.

v) «Producer» - natural or legal person that, regardless the sales technique used, including long distance communication in the terms of Decree Law no. 143/2001 of April 26th, changed by Decree Laws no. 57/2008 of March 26th, 82/2008 of May 20th, Decree Law no. 317/2009 of October 30th and Decree Law no. 24/2014 of February 14th, or for their own use, not including the ones that exclusively provide financing in the terms of a financing contract, unless it also acts as a producer as stated in the paragraphs below:

- i) Is established in national territory and manufacturers EEE under his own name or trademark, or has EEE designed or manufactured and markets it under his name or trademark, on national territory;
- ii) Is established in national territory and resells, within national territory, under his own name or trademark, equipment produced by other suppliers, a reseller not being regarded as the "producer" if the brand of the producer appears on the equipment, as provided in the previous paragraph;
- iii) Is established on national territory and places on the market, within national territory, on a professional basis, EEE coming from a third country or from another country that is part of the European Union;

iv) Sells EEE by means of distance communication directly to private households or to users other than private household, on national territory, and is established in another country belonging to the European Union or any other third party country.

w) «Recycling» - any recovery operation including reprocessing of organic materials, through which the materials that make up the waste are, once again, transformed into products, material or substances to be used for their original objective or for other means that do not include energy recovery or the reprocessing of material that shall be used as fuel or in filling operations.

x) «Collection» - the picking of waste, including waste preliminary sorting and storage, for transportation means, to a waste treatment facility;

y) «Selective collection», the collection made in order to maintain the waste flows duly separated, per type and nature, in order to facilitate the specific treatment;

z) «Removal» is the manual, mechanical, chemical or metallurgic treatment according to which substances, mixtures and dangerous components are confined in an identifiable flow or identifiable part of a flow in the treatment process. A substance, mixture or component is identifiable in case it can be monitored in order to verify that the treatment is environmentally secure;

aa) «Waste» - any substances or objects the holder gets rid of or has the intention or obligation to do so;

bb) «Waste Electrical and Electronic Equipment» or «WEEE» - any EEE that constitute waste, in the sense of the definition established in the previous paragraph, including all the components, sub-assemblies and consumables which are part of the product at time of discarding;

cc) «Hazardous Waste» -waste that have one or more of the danger characteristics stated in Annex III of Decree Law no. 178/2006, of September 5th; changed by Decree Law no. 173/2008 of August 26th, by Law no. 64-A/2008 of December 31st and Decree Laws nº 183/2009, of August 10th, 73/2011, of June 17th and 127/2013, of August 30th;

dd) «Reuse» - any operation through which, any product or component that is not waste, is used again for the same effect for which it was created;

ee) «WEEE coming from private households» - WEEE which comes from private households and WEEE which comes from commercial, industrial, institutional and other sources which, due to its nature and quantity, is similar to that from private households. Waste from EEE likely to be used by both private households and users other than private households shall in any event be considered to be WEEE from private households;

ff) « Treatment» - any waste recovery or elimination operation, including the preparation prior to recovery or elimination, or the economic activities, referred to in Annex IV of Decree Law no. 178/2006 of September 5th; changed by Decree Law no. 173/2008 of August 26th, by Law no. 64-A/2008 of December 31st and Decree Laws no. 183/2009 of August 10th, 73/2011 of June 17th and 127/2013 of August 30th;

gg) « Recovery» - any operation which the main result is the transformation of waste in order to serve a purposeful use, substituting other materials that, if it hadn't been so, would have been used for a specific mean or the waste preparation for that purpose, either in the installation or in the economy.

CHAPTER II

Electric and Electronic Waste Management

SECTION I General Dispositions

Article 4 Conception principles

1- EEE should be conceived in order to facilitate the WEEE dismantling and recovery, their components and materials, and not to prevent, due to specific conception specifications or production processes, their reuse, except if those specifications or production processes present better advantages, for example, in what is related to environmental protection and/ or security requirements.

2- For the purpose of the established in the previous number, producers shall cooperate with the operators in the recycling premises in order to apply the ecologic conception requirements that facilitate WEEE reuse and treatment, as stated in Decree Law no. 12/ 2011, of January 24th.

Article 5 National Collection objectives

1- Without prejudice to the responsibility given to other stakeholders in WEEE selective collection, the producers, individually or through a licensed compliance scheme created in the terms of article 26, contribute, in the terms to be defined in the authorizations of the individual systems or in the licenses of the compliance schemes, to the following national collection objectives:

a) Until December 31st 2015 at least 4 kgs/ inhabitant/ year of WEEE coming from private consumers should be guaranteed or, alternatively, the same quantity of WEEE which, on average, has been collected in the previous three years, whichever amount is higher;

b) From 2016 on, a minimum average national collection rate of 45% of the average weight of the EEE put on the market in the previous three years should be guaranteed, considering the total weight of WEEE collected coming, either, from private and non-private users;

c) From 2019 on, 65% of the average weight of the EEE put on the market in the previous three years should be guaranteed or, in alternative, 85% of the WEEE coming from private and non-private consumers.

2- In the period between 2016 and 2019 a gradual evolution of the WEEE collected each year shall be ensured, unless the collection rate foreseen in paragraph c) of the previous number has already been achieved.

3- The Environmental Portuguese Agency, I.P. (APA, I.P.), issues guidelines concerning the method for calculating the collection rates.

4- The guidelines established in the previous number shall contemplate the rules that come at all times, to be adopted by the European Commission.

Article 6 Recovery targets

1- In what regards all WEEE collected selectively and sent in to be treated, the minimum recovery targets must be guaranteed, as established in Annex III of the present decree law, which is an integral part thereof.

2- Without prejudice to the responsibility given to other stakeholders in WEEE treatment, producers, individually or through a licensed compliance scheme shall adopt the necessary measures in order for minimum recovery targets to be guaranteed, per category, in what concerns all selectively collected WEEE, within the collection network systems, as established in no. 6 of article 17.

3- The achievement of the targets defined in number 1 is calculated, for each category, by dividing the weight of the WEEE fractions that enter the recovery or recycling/ preparation facilities for reuse, upon adequate treatment, by the weight of all the WEEE collected selectively, expressed in percentage, and excluding all preliminary activities which precede recovery, such as sorting and storage.

4- APA, I. P. will issue guidelines related to the calculation of the minimum objectives of recovery, in order to guarantee standard application conditions.

5- The guidelines foreseen in the previous number shall take into consideration the rules that come to be adopted by the European Commission.

6- For the purpose of calculating the established targets in number 1, producers, individually or through a licensed compliance scheme, shall maintain registry of the WEEE weight and respective fractions that leave the collection facilities, enter or leave the treatment facilities and enter the recovery or recycling/ preparation facilities, in order to be reused.

7- Without prejudice to the responsibility attributed to the licensed WEEE treatment operators, producers, individually or through a licensed compliance scheme, shall guarantee traceability of the WEEE collected in the collection network system, as well as their respective fractions, until they leave the recovery or recycling/ preparation facilities.

Article 7

Forbiddance to put in and make available in the market

1- It is forbidden to put EEE in the market when:

- a) The producer is not fully registered;
- b) The producer does not have, for the EEE category, specifically, an authorized individual system and has not transferred its responsibility for WEEE management to a compliance scheme of the collective system;

2- It is forbidden to make EEE available in the market when these are not accompanied by the markings established by law or whenever the conditions mentioned in paragraph a) and b) of the previous number are not met.

SUB-CHPATER II

Electric and Electronic Equipment's Collection and Transportation

Article 8

Selective Collection

1- Producers, individually or through a licensed compliance scheme in the terms of article 26, shall take measures to guarantee a high level of WEEE selective collection, particularly in what concerns temperature regulator equipment that contains substances which damage the ozone layer and fluorinated gases with greenhouse effect, fluorescent lamps that contain mercury, photovoltaic panels and small dimension equipment, referred to in categories 5 and 6 established in paragraph b) of no. 1 of Article 2;

2- For purpose of the previous number, producers, individually or through a licensed compliance scheme pursuant to Article 26, shall organize a collection network scheme in order to reduce non-sorted urban waste WEEE elimination and ensure the treatment of all collected WEEE, as well as include, in their communication, educational and awareness plans, actual activities to prioritize WEEE selective collection, as specified in the previous number.

Article 9

General rules for Collection and Transportation

1- Collection and transportation of selectively collected WEEE shall be made in such a way that allows the guarantee of the best preparation conditions for reuse, recycling and hazardous substances confinement.

2- Transportation and storage of the temperature exchange equipment that contains substances which damage the ozone layer shall be carried out according to the conditions stated in Decree Law no. 152/2005 of August 31st, Changed by Decree Law no. 35/2008 of August 31st.

3- The entities that carry out collection operations will have to fulfil the minimum quality and efficiency requirements to be defined through Dispatch from APA, I.P.

4- The minimum quality and efficiency requirements foreseen in the previous number shall take into consideration the rules that come to be adopted by the European Commission.

5- Both the collection and take back points are not subject to register or licensing requirements in the terms of, respectively, articles 23 and 45, respectively, of Decree Law no. 178/2006 of September 5th, changed by Decree Law no. 173/2008 of August 26th, by Law no. 64-A/2008 of December 31st and by Decree Laws no. 183/2009 of August 10th, 73/2011 of June 17th and 127/2013 of August 30th; however having to meet the storage requirements stated in number 1 of Annex IV, of the present Decree Law, which is an integral part thereof.

6- Excluded from the established in the previous number are the take back points which collect WEEE voluntarily, not resulting from the legal obligations established in paragraph a) and b) of no. 2 of article 17 when that collection does not occur in the scope of a contract with a licensed compliance scheme, in the terms of article 26.

7- The collected WEEE should be guided to the producers, individually or via a licensed compliance scheme, pursuant to article 26, or to waste management operators qualified pursuant to no. 5 of article 13, including entities qualified for preparation for reuse.

Article 10

Specific rules for collection

1- For purposes of no. 1 of the previous article, further to the entities stated in no. 5 and 6 of article 17, other entities that carry out collection services in the scope of campaigns or activities, are also authorized to collect WEEE, although having to meet the requirements specified in the following numbers.

2- The entities which desire to develop WEEE collection activities or campaigns shall:

- a) Require to APA, I.P, previous authorization which includes the information stated in the following paragraph;
- b) Assure the fulfilment of all the legal requirements applicable to WEEE collection, transportation and storage;
- c) Assure that WEEE are guided to their respective destination, pursuant to article 12;
- d) Register information as stated in article 33.

3- The information to be presented pursuant to paragraph a) of the previous number shall include, at the very least:

- a) The subject of the proposal and WEEE characterization;
- b) The WEEE management circuit to be adopted;
- c) Management targets and respective goals;
- d) The monitoring methodology to be used;
- e) Presentation of documents proving the proposal's viability.

4- Entities that develop collection activities or campaigns in collaboration with the compliance schemes of the collective WEEE management schemes foreseen in a contract celebrated between the parts are exempt from APA, I.P.'s authorization. As such, the compliance schemes shall inform APA, I.P., of these activities or campaigns, prior to them taking place.

5- APA, I.P., discloses information about the WEEE collection activities or campaigns in their website, authorized in the terms of the present Article.

Article 11

Specific rules for transportation

1- For purposes of no. 1 of article 9, the following entities mentioned below are authorized to transport WEEE:

- a) WEEE producer;
- b) Waste management operator;
- c) Companies licensed for merchandise road transportation, on behalf of someone else, subcontracted by the producers, individually or via a licensed compliance scheme, for the purpose of article 26;
- d) Retailers acting according to the terms of paragraphs b) and c) of no. 5 of article 17.

2- WEEE transportation shall be accompanied of a WEEE shipping note, established in decree no. 335/97 of May 16th.

3- Without prejudice of the previous number, the following are exempt of WEEE shipping note:

- a) Transportation foreseen in paragraph d) of number 2 of article 17;

- b) Transportation between the take back point and another similar place belonging to the same entity, where WEEE preliminary storage takes place as part of the collection process;
- c) Transportation between the collection point and the receiving centre.

SUB-CHAPTER III

Electric and Electronic Equipment's Treatment

Article 12

Adequate treatment

1- The selectively collected WEEE shall be subject to an adequate treatment pursuant of the following number, in case it is not advisable to prepare for reuse; it is forbidden to eliminate WEEE that has not been subjected to treatment.

2- The adequate treatment, with exception of preparation for reuse, as well as recovery and recycling operations shall include, at the very least, removal of all the fluids and a selective treatment of materials and WEEE components, according to the disposed in Annex V of the present Decree Law, which is an integral part thereof.

3- The producers, individually or through a licensed compliance scheme for purpose of article 26, shall implement systems that use the best techniques available for treating WEEE.

4- Preparation for reuse, recovery and recycling of refrigeration equipment and respective substances, mixtures or components is made according to the applicable legislation, namely, Regulation (CE) no. 1005/2009 of the European Parliament and Council, of September 16th, relating to the substances that impoverish the ozone layer, Regulation (CE) no. 842/2006 of the European Parliament and Council of May 17th, relating to certain fluorinated gases with greenhouse effect, Decree Law no. 152/2005 of August 31st changed by Decree Law no. 35/2008 of February 27th and Decree Law no. 56/2011 of April 21st.

5- APA, I.P. may propose agreements with the economic sectors involved in order to encourage establishments or companies that carry out treatment operations to introduce environmental management certified systems, in the terms of Regulation (CE) no. 1221/2009 of the European Parliament and Council of November 25th, related to the organizations' voluntary participation in an eco-management and audit community scheme (EMAS) and Decree Law no. 95/2012 of April 20th.

Article 13

Treatment rules

1- The WEEE treatment activity, including recovery, recycling and preparation for reuse, is subject to licensing in the terms of Decree Law no. 178/2006 of September 5th, changed by Decree Law no. 173/2008 of August 26th, by Law no. 64-A/2008 of December 31st and by Decree Laws no. 183/2009 of August 10th, 73/2011 of June 17th and 127/2013 of August 30th.

2- The facilities where the WEEE storage and treatment take place shall follow the technical requisites established, respectively, in no. 1 and 2 of Annex IV, part of the present Decree Law.

3- Without prejudice to the previous numbers, the WEEE treatment activity, including recovery, recycling and preparation for reuse, is

subject to the fulfilment of minimum requirements of quality and efficiency, to be defined by APA, I.P.

4- The minimum requirements of quality and efficiency established in the previous numbers shall contemplate the rules that come at all times, to be adopted by the European Commission.

5- The licensed waste operators for the WEEE treatment are subject to qualification from APA, I.P., according to the fulfilment of minimum requirements of technical quality and efficiency, established for purpose of no. 3, aiming at the attainment of the recovery goals referred to in article 6.

6- Pursuant to the previous number, the licensed waste management operators for WEEE treatment are subject to the obligation of reporting the information fully audited in the terms to be defined by APA, I.P.

Article 14

Preparation for reuse

1- In order to maximize preparation for reuse, the receiving centres shall promote separation of the WEEE to be prepared for reuse of other WEEE collected selectively, namely giving access, under the scope of cooperation agreements, to qualified entities in the terms of no. 5 of previous article.

2- WEEE guided for reuse preparation, in the terms of the previous number, which are not in proper conditions to be reused, shall return to the original receiving centre; in case they do not return to the centre, the qualified entity will be responsibility for guiding them to proper treatment as well as guarantee the information's traceability.

3- The requirements foreseen in no. 3 of the previous article, specifically applicable to the activity of preparation for reuse, shall respect the following principles:

- a) Identification as a reused product;
- b) Users' security;
- c) Energetic efficiency equivalent to new products, whenever it is demanded to be so;
- d) Absence of dangerous substances subject to restriction, in the terms of the applicable legislation;
- e) Adequate information for users.

4- In the preparation activities for reuse, for social or philanthropic goals, exclusively carried out under the scope of contracts with WEEE compliance schemes of the collective systems, licensing foreseen in no. 1 of the previous article may be substituted by a guarantee of compliance with the principles and rules demanded to preparation for reuse, in terms of no. 3 of the same article, as long as it is previously communicated to APA, I.P., along with the presentation of the respective contract and compliance guarantee.

SUB-CHAPTER IV

Electric and Electronic Equipment's Waste Transfers

Article 15

Electric and Electronic Equipment's Waste Transfers

1- WEEE transfers for treatment outside national territory shall be made in the terms of Regulation (CE) no. 1013/2006 of the European Parliament and Council of June 14th, relating to waste transfers and Regulation (CE) no. 1418/2007 of the Commission of November 29th, relating to export of certain waste to be recovered, listed in Annex III or in Annex III-A of the Regulation (CE) no. 1013/2006, to certain countries not covered by the Decision of the Organization for Economic Co-operation and Development (OCDE) on the control of waste cross border movement.

2- Without prejudice to the disposed in the previous number, WEEE treatment operations shall preferably occur in Portugal and obey to proximity criteria according to the principles of self-sufficiency and proximity, established in Article 4 of Decree Law no. 178/2006 of September 5th, changed by Decree Law no. 173/2008 of August 26th, by Law no. 64-A/2008 of December 31st and by Decree Laws no. 183/2009 of August 10th, 73/2011 of June 17th and 127/2013 of August 30th.

3- WEEE exported from Portugal are only considered for achievement of the recovery objectives, established in Article 6, in case the producer can prove that the treatment occurred in conditions similar to the requirements of the present Decree Law, according to the evaluation criteria of equivalence of the conditions that come to be adopted at communitarian level.

4- Without prejudice to the disposed in the previous number, APA, I. P. may define specific control and checking mechanisms for these transfers, pursuant to article 49 of Regulation (CE) no. 1013/2006, of the of the European Parliament and Council, of June 14th 2006, in order to ensure that WEEE transferred from Portugal area managed in an environmental correct manner and, at the same time, they do not jeopardize human health.

Article 16

Used EEE transfers suspected of being WEEE

1- Used EEE transfers that are suspected of being WEEE, due to duly founded motives, are subject to the previous checking of the minimum requirements established in Annex VI of the present Decree Law, which is an integral part thereof.

2- In absence of proof that a certain objective constitutes a used EEE and not a WEEE, under the terms of the previous number, the inspection entities shall consider that the products are, indeed, WEEE and presume that the cargo constitutes an illegal transfer.

3- The costs of adequate analysis and inspections, carried out under the terms of the previous number, including the storage costs, shall be charged to producers, to third parties that act on their behalf or to other people involved in the transfers.

CHAPTER III

Electric and Electronic Equipment's Waste management responsibility

Article 17

Responsibility for the Collection of Electric and Electronic Equipment's Waste coming from private users

1- It is mandatory that consumers give a correct guidance to the WEEE they hold, namely delivering them to the selective collection

network, according to the information given under the terms of article 30.

2- Retailers are obliged to assure the following:

- a) Free of charge reception of WEEE for end users, under the condition of "one per one", when delivering a new EEE, as long as the waste are coming from equivalent equipment and perform the same functions then the delivered equipment.
- b) In retail stores with EEE sales areas of, at least, 400 m², the reception of WEEE with very small dimension (no external dimension more than 25 cm) is free of charge for the end users and hold no obligation to buy an equivalent EEE; this collection may take place in the retail stores or on nearby facilities;
- c) Transportation of the received WEEE to the WEEE treatment licensed operators;
- d) Transportation of WEEE to the facilities or directly to WEEE treatment licensed operators, whenever the sale implies an EEE delivery to the customer's home;

3- Retailers may be exempted from the obligation foreseen in paragraph b) of the previous number as long as an evaluation shows that the existing alternative collection models are at least, equally effective, being up to APA, I.P. to approve these remissions and make the respective evaluations available to the public.

4- The selective collection network shall allow for domestic users as well as retailers, to deliver those WEEE, at the least, free of charge.

5- The structuring of the selective collection network shall be programmed according to the principle of progressiveness, keeping in mind the national collection targets set in article 5, as well as the requirements established in number 8, and structured based on the combination of the following stakeholders:

- a) Municipal, municipal associations and inter-municipal and multi-municipal entities hereinafter referred to as Civic Amenities for Urban Waste Management (SGRU) with competences for Urban WEEE collection;
- b) Retailers which ensure WEEE collection, by legal obligation, in the terms of paragraph a) of number 2;
- c) Retailers which ensure WEEE collection, by legal obligation, in the terms of paragraph b) of number 2;

6- It is up to producers, individually or via a licensed compliance scheme, in the terms of article 26, the responsibility of defining and structuring a WEEE selective collection network, under the terms of the previous number, which may even foresee the inclusion of other take back points or other WEEE collection points.

7- Without prejudice of separating WEEE in order to prepare them for reuse, in the terms of no. 1 of Article 14, the WEEE collected in the selective collection network, established in the previous number, shall be guided to receiving centres where their sorting is made, per category, in order to be transported to a treatment premises.

8- The selective collection network is considered suitable to pursue the current diploma's targets whenever it fulfils, at the least, the following requirements:

- a) Is of full territorial scope, according to population density of the respective area of influence, in an approach of proximity to the population;

- b) Is of easy access for waste deposit and collection;
- c) That contributes to WEEE's integrity;
- d) That prevents risks to the environment and human health, as well as to people's and goods security.

9- Producers, individually or via a licensed compliance scheme, under the terms of article 26, SGRU and the retailers are not obliged to accept WEEE that might endanger the health and safety of people who handle them, due to contamination effects.

10- If reception of WEEE is refused, under the terms of the previous number, a registration of the event shall be made with the Register and Coordination Centre, according to no. 2 of Article 35, being up to the process's owner to proceed with correct guidance of those waste in the terms of Decree Law no. 178/2006 of September 5th changed by Decree Law no. 173/2008 of August 26th, by Law no. 64-A/2008 of December 31st and by Decree Laws no. 183/2009 of August 10th, 73/2011 of June 17th and 127/2013 of August 30th.

Article 18

Funding for managing Electric and Electronic Equipment's Waste coming from private users

1- Producers are responsible for funding the costs of sorting and preliminary storage for WEEE coming from private users, in the receiving centres, in the terms established by dispatch of the members of the Government responsible for the economy and environment areas. APA, I. P. may make a previous consultation of entities that come to present themselves as interested parties.

2- The financial compensation stated in the previous number shall take into account the receiving centre's efficiency criteria, and penalize the cases in which the equipment does not contain the necessary components or that contain other waste which are not considered WEEE, under the terms of the dispatch mentioned in the previous number.

3- It is producers' responsibility to fund WEEE transport operations, from the selective collection network stated in no. 6 of the previous article.

4- Producers may agree with the retailers on the WEEE collection conditions present under the terms of paragraphs b) and c) of no. 5 of the previous Article, according to different minimum quantities and/or their distance from the receiving centres.

5- The producers are responsible for funding the costs of treatment, recovery and elimination, in adequate environmental conditions, of WEEE coming from private users and delivered in the collection network, established in no. 6 of the previous Article.

6- The funding mentioned in the previous number shall contemplate the efficiency criteria of the waste management operator and prevent the cases where the equipment do not contain the essential components or contain other waste not considered WEEE under the terms established in the license to be granted to licensed compliance schemes.

7- In what concerns products put on the market upon August 13th 2005, each producer is responsible for funding the management costs referred to in numbers 1, 3 and 5, concerning the waste of

their own products, and may choose to fulfil this obligation individually or by joining a compliance scheme.

8- In what concerns products put on the market before August 13th 2005, the responsibility for the management costs referred to in numbers 1, 3 and 5 shall be assumed by the existing producers in the market, at the moment the costs take place, in the proportion of their market share, by type of equipment.

Article 19

Responsibility for collection of Electric and Electronic equipment's waste coming from non-private users

1- Non private users are obliged to guide whatever WEEE they have through a licensed compliance scheme under the terms established by Article 26, or via a licensed operator to treat WEEE.

2- It is up to producers, individually or via a licensed compliance scheme, to organize the collection of WEEE coming from non-private users.

Article 20

Funding of Electric and Electronic Equipment's Waste coming from non-private users

1- In what refers to the products put on the market after August 13th 2005, producers are responsible for funding the collection, treatment, recovery and elimination costs, in sound environmental conditions, of WEEE coming from non-private users, put on the market by choosing between fulfilling this obligation individually or by joining a compliance scheme.

2- In what concerns products put on the market before August 13th 2005, that have been substituted by new equivalent products or by products that perform the same tasks, it is the producer's responsibility to fund the costs in the moment of supplying those products.

3- In case the WEEE have not been substituted under the terms of the previous number, the responsibility for the management costs established in no. 1 shall be assumed by the non-private users.

4- Non-private users and producers may celebrate deals which contemplate other funding methods in derogation to the established in no. 2 and 3.

Article 21

Authorized Representative

1- A producer, within the meaning of Article 3, no. 1, paragraph v), sub-paragraphs i) to iii), established in another country of the European Union may nominate an individual person or a juridical person established in Portugal which will be responsible for fulfilling the producers' obligations under the terms of the present Decree Law.

2- A producer, within the meaning of article 3, no. 1, paragraph v), sub-paragraph iv) shall nominate, either, an individual person or a juridical person established in Portugal to be its authorized

representative which will be responsible for fulfilling the producers' obligations under the terms of the present Decree Law.

3- A producer established in Portugal that sells EEE directly to private or non-private users, through distance communication techniques, in another State Member in which it is not established, shall nominate an authorized representative which will act as the person responsible for fulfilling its producer's obligations in that country.

4- The nomination of an authorized representative is made by written mandate, to be presented to the Register and Coordination Centre, with at least 15 days' notice before its coming into force.

5- The mandate foreseen in the previous number shall follow the model presented in Annex IX of the present Decree Law, which is an integral part thereof, and shall assure that the authorized representative is legally responsible for fulfilling the established obligations.

6- Under the terms of the mandate referred to in the previous number, both the Producer as well as the authorized representative shall immediately inform of that fact, the entity mentioned in no. 2 of Article 35.

7- The economic agent which is a producer, within the meaning of article 3, no. 1, paragraph v), sub-paragraphs i) to iii) but that is able to prove there is an authorized representative in Portugal for the EEE he would be responsible for, is released from the obligations he would be attributed, as long as that mandate is duly executed.

8- For control effects foreseen in the previous number, the authorized representative shall:

- a) Hand in, at the time of its registration, the necessary information as stated in no. 4 of Article 32;
- b) Make available to the economic agents stated in the previous number, a declaration that proves their exoneration from the obligations they had as producers.

9- The Register and Coordination Centre, the compliance schemes of collective systems as well as any other entities whose activity is susceptible to generate conflict of interests with the roles in question cannot assume the role of authorized representative.

CHAPTER IV

Electric and Electronic equipment's waste management schemes

SECTION I

Electric and Electronic equipment's waste collective management scheme

Article 22

The collective scheme

1- For the purpose of meeting the obligations established in the present diploma, producers may choose to transfer their WEEE management responsibility to a compliance scheme of collective system, licensed under the terms of article 26.

2- Producers may transfer their WEEE management responsibility of a specific category or categories, to one or several compliance schemes of the collective systems, as long as they assume, through

an individual scheme, responsibility for the management of the remaining WEEE.

3- Each producer's responsibility transfer to a compliance scheme has to have a written contract.

4- The contract mentioned in the previous number shall, necessarily, foresee the following:

- a) Characteristics of the covered EEE;
- b) Financial instalments and its respective update;
- c) Mandatory periodical information from the producer, as well as its responsibility for the quality and veracity of that information, foreseeing the need to certify the given information, in a proportional manner, according to the producers' dimension;
- d) Mandatory periodical information from compliance schemes about the activities that were carried out and the respective results achieved, specifically in terms of EEE categories that have to do with the producer;
- e) Control activities to be carried out by the compliance scheme in order to confirm the fulfilment of the conditions stipulated in the contract, which should be proportioned according to the producers' dimension;
- f) The possibility of an annual rescission by the producer;
- g) Responsibility transfer under the terms of no. 7 of article 32 and/or no. 3 of article 33, in case that is the producers' choice;
- h) Mandatory information from the producers to the treatment facilities, under the terms stated in Article 31;
- i) Mandatory participation and collaboration by producers in the prevention measures of the compliance schemes' WEEE prevention plan.

Article 23

Compliance scheme's nature and composition

1- The compliance scheme is a legal private person, of associative or partnership nature.

2- The compliance scheme's accounting results shall be reinvested or used in their own activity or in related activities, and be constituted into provisions or reserves for future operations; it is forbidden the distribution of results, dividends or profits amongst its members, shareholders, partners or associates.

3- The compliance scheme's composition shall be assured, exclusively and compulsorily, by more than one EEE producer which carries out the respective activity as its main occupation.

Article 24

Compliance scheme's competences

The compliance schemes of collective system contribute towards the management targets foreseen in the present diploma, in the terms to be defined in the licenses and shall, for that effect:

- a) Establish contracts with the producers, stimulating their adherence and loyalty towards the collective scheme;
- b) Structure a selective collection scheme's network, in the terms of no. 6 of Article 17, which guarantees the coverage of all national territory, in compliance with the requirements set in no. 8 of the same Article.

c) Organize a network of treatment and transport operators, keeping in mind the principles of self-sufficiency and proximity, as well as the principle of waste management hierarchy, as long as the options adopted are justifiable through the application of the life cycle concept to the impacts of WEEE management and global production;

d) Establish contracts with the receiving centres, transport and treatment operators;

e) Assure the adequate treatment for WEEE, as well as their components and material, including technical follow-up of WEEE management operations and the use of the best available treatment techniques;

f) Ensure an effective control and monitoring scheme, specifically in what concerns the WEEE flow and the material resulting from its treatment, as well as the regular follow-up of the different stakeholders in the scheme;

g) Promote awareness, communication and education of the different stakeholders in the EEE life cycle;

h) Promote the development of research and development projects related to relevant process's improvement of WEEE prevention and management.

Article 25

Compliance scheme's funding

1- The compliance scheme is funded through a financial instalment to be supported by the producers according to the amount and characteristics of EEE put on the market. The amount of the financial instalments is calculated based on a formula to be set in head of license and to be granted to the compliance scheme, under the terms of the Article that follows.

2- For the setting of the formula foreseen in the previous number and respective assumptions, APA, I.P. may consult other entities that constitute themselves as interested parties.

3- The compliance scheme may update the financial instalment's values, annually, by direct application of the formula foreseen in no. 1, and shall inform APA, I.P. upon 30 days' prior notice sent to this effect, to be published in their internet website.

4- It is up to APA, I.P. to carry out audits on information given under the terms of the previous number.

5- The formula foreseen in no. 1 may be reviewed annually, following the compliance scheme's proposal to be presented to APA, I.P. until September 30th of the preceding year, requiring approval by dispatch of members of the Government with responsibilities in environmental and economic areas.

6- Without prejudice of the previous number and in case the evolution of circumstances so dictates, APA I.P. may determine the opening of a procedure to revise the formula foreseen in no. 1.

7- The compliance scheme may not charge the producers any additional amount on top of the financial instalments foreseen in no. 1.

8- The compliance scheme shall apply differentiated taxes according to the EEE's environmental impact and the actual cost of managing the respective waste, namely in what refers to the use of substances

or dangerous mixtures as well as the ease with which the products and the valuable secondary raw-materials they contain, may be recycled.

9- The compliance scheme may foresee specific conditions to be agreed upon with the producers, according to the activity's dimension and in occasional situations of EEE put on the market; under the terms to be defined in its license.

10- The compliance scheme shall develop and implement appropriate mechanisms in order to ensure the reimbursement of the financial instalments amounts to the producers, in case the EEE are transferred to be put on the market, outside national territory.

Article 26

Compliance schemes' licensing

1- The compliance schemes activity requires a license, to be granted by dispatch of members of Government with responsibilities in environmental and economic areas.

2- It is up to APA, I.P to instruct and coordinate the licensing procedure, under which it analyses the Application foreseen in the following number, and evaluates the compliance scheme's technical and financial capability.

3- For purpose of the established in no. 1, the compliance scheme presents to APA, I.P and to the Economic Activities' Department (DGAE) a requirement, accompanied by the respective Application Document, which should demonstrate its technical and financial capability to manage WEEE, including the following elements:

- a) Constitutive Statutes;
- b) Staff list and details with identification of technical competences;
- c) Collective scheme's activities territorial and temporal scope;
- d) Details of the foreseen rules and procedures to be observed by the producers that join the compliance scheme;
- e) Details of the foreseen rules to disseminate important information for the producers that join the compliance scheme, in a precise and timely manner;
- f) Technical characteristics and types of the EEE covered;
- g) Estimate of the quantities of EEE and respective assumptions, to be put on the national territory's market, each year and per category, by the joining producers;
- h) Estimate of the quantities of WEEE to be collected, each year, per category, and respective assumptions;
- i) Management goals and objectives to be met, each year;
- j) Definition and structuring of the collection scheme's network and respective evolution, including the identification, whenever possible, of the different stakeholders and respective estimation of the amount of WEEE to be collected;
- k) The way they propose to ensure WEEE's correct treatment, including technical follow-up of WEEE management operations and the promotion of the best available technologies;
- l) Conditions of articulation between the different stakeholders in the scheme, including contracts with municipalities and retailers and the way they intend to assure the collection of the WEEE they receive;
- m) Conditions of articulation with other compliance schemes licensed to manage WEEE as well as other specific waste flows;

n) Scheme's monitoring and control plan which guarantees the management of the information relating to producers, collection sites, transport and treatment operators and respective quantities of EEE put on the market, collected and treated WEEE and destinations of the material resulting from the treatment, including the information established in no. 6 and 7 of Article 6.

o) Definition of an amount destined to funding awareness, communication and training campaigns;

p) Definition of an amount destined to fund research and development projects;

q) Strategy for preventing WEEE production, including reuse;

r) Formula for determining the amounts of the financial instalment established in no. 1 of the previous Article, and respective assumptions, including the assumption of determination of the funding to be passed to the SGRUs and Retail receiving centres, as well as to the operators responsible for treating WEEE, considering the disposed in no. 2 and 6 of Article 18;

s) Description of the economic circuit created for managing WEEE, including detailed information related to several financial flows, as well as the bases relating to income or costs associated to the different possible destinations, namely recycling and recovery, including preparation for reuse.

4- Under the Application foreseen in the previous number, the compliance scheme shall demonstrate that it carried out the necessary consultations to the interested parties in order to plan the activity of the collective scheme, assuring the articulation conditions foreseen in paragraphs l) and m) of the previous number.

Article 27

Information obligations

1- For purpose of following up on the collective scheme, the compliance scheme shall present the following to APA, I.P. and DGAE, under the terms defined in its license:

a) An activities' annual report, until April 15th of precedent year, highlighting the actions carried out and respective results;

b) An activities' quarterly report, until the end of the month following the quarter to which it refers to, containing the performance indicators duly updated.

2- Without prejudice to the information obligations foreseen in the previous number, the compliance scheme shall make the annual information register in Integrated System of Waste Electronic Register (SIRER) as established in Decree Law no. 178/2006 of September 5th, changed by Decree Law no. 173/2008 of August 26th, by law no. 64-A/2008 of December 31st and by Decree Laws no. 183/2009 of August 10th, 73/2011 of June 17th and 127/2013 of August 30th, as well as the rendering of additional information whenever formally requested by APA, I.P.

3- The compliance scheme shall publish, in its internet website, information relating to the activities and the results achieved, keeping in mind the different necessities of their partners and stakeholders in the collective system, under the terms to be defined in its license.

4- The compliance scheme shall demonstrate, annually, the fulfilment and accomplishment of the collective scheme's obligations with information duly audited by an independent entity, in the technical-environmental and economic-financial aspects, according to the requirements to be defined by APA, I.P.

5- Without prejudice to the previous number, APA, I.P. may demand, whenever it deems necessary and according to the requirements defined by it, the carrying out of audits in the terms established in no. 2 of article 51 – A of Decree Law no. 178/2006 of September 5th, changed by Decree Law nº 173/2008 of August 26th, by law no. 64-A/2008 of December 31st and by Decree Laws no. 183/2009 of August 10th, 73/2011 of June 17th and 127/2013 of August 30th, which costs are supported by the compliance scheme.

Article 28

Compensation mechanism amongst compliance schemes

1- Whenever a compliance scheme takes the responsibility for WEEE management which is another compliance scheme's domain, by reference of the respective market share, it is entitled to receive a compensation for that fact.

2- For purpose of the previous number, a Compensation Chamber is setup, as part of the competences of the Register and Coordination Centre, foreseen in chapter VII.

SECTION II

Individual Electric and Electronic waste' management scheme

Article 29

The individual scheme

1- In alternative to the collective scheme foreseen in article 22, EEE producers may choose to take their obligations, under the present Decree Law, individually, having, for the effect, to require a specific authorization from APA, I.P.

2- The regime established for the collective scheme is applicable, with the necessary adjustments, to the WEEE management individual scheme, under the terms to be defined by APA, IP. .

3- The producers which choose to manage WEEE individually shall render a bank guarantee for benefit of the entity foreseen in no. 2 of article 35, under the terms established by APA, I.P., or a bank account blocked at the moment the EEE is put on the market, in order to avoid the WEEE management costs to fall, either, on society or on other producers.

CHAPTER V

Awareness and Information

Article 30

User's awareness and information

1- Producers may discriminate the management costs of the respective waste, both in the price list and EEEs sales invoice, and

may not exceed the actual costs. This fact is applicable throughout all the sales chain, up to the end user.

2- Producers, individually or through a compliance scheme licensed under the terms of article 26 , as well as the retailers, shall render the necessary information to end users, namely in user's instructions manual, in packaging, in sales points and/ or through awareness campaigns about:

- a) The obligation not to deposit WEEE as undifferentiated urban waste and proceed to their selective collection;
- b) Its contribution for the reuse of EEE and for recycling and other forms of WEEE recovery;
- c) The selective collection network;
- d) Potential effects on the environment and human health resulting from the presence of dangerous substances within the EEE;
- e) The meaning of the symbol presented in Annex VII of the present Decree Law, which is an integral part thereof;
- f) The functions of the adopted WEEE compliance scheme.

3- Without prejudice to the previous number, the SGRU, due to their legal competences as well as their proximity to the end users, shall also take part in informing and making them aware of this issue.

4- The retailers as well as the SGRU shall maintain a register that shows the activities developed under the terms of numbers 2 and 3, making them available on request from APA, I.P, DGAE or from the inspection entities.

5- The EEE put on the market, in Portugal, shall show a mark with the symbol presented in Annex VII of the present Decree Law, further to the need of marking under the terms of no.5 of Article 31.

6- In case the EEE's dimension or function does not allow for marking under the previous number, the symbol must be printed on its packaging, in user's instructions manual and in the EEE guarantee document.

Article 31

Information for treatment facilities

1- Producers, within the meaning of article 3, no. 1, paragraph v), sub paragraph i), shall make available, free of charge, by their own initiative or by request of the entities that prepare for reuse, or even by the treatment and recycling facilities, the necessary information about preparing for reuse and treatment, according to each new type of EEE put on the market.

2- The information foreseen in the previous number shall be made available in Portuguese or, as alternative, English, Spanish or French languages, in the form of manuals or electronically, in a one year time frame, counting from the date the EEE is put on the market.

3- The information mentioned in no. 1 shall identify the following information, as long as it may be reasonably requested by any person that carries out waste management operations:

- a) The different EEE material and components;
- b) The location of hazardous substances and mixtures contained in the EEE.

4- Producers, within the meaning of article 3, no. 1, paragraph v), sub paragraph ii) to iv) shall assure that the information foreseen in no. 1 is made available in the centres that carry out preparation for reuse activities, as well as to the treatment and recycling facilities under the terms and deadlines established in numbers 2 and 3.

5- The EEE put on the market after August 13th 2005 shall show a mark that allows them to be distinguished from the ones put in market before that date; that mark shall consist of a black bar put under the symbol presented in Annex VII of the present Decree Law, according to the specifications of the European norm EN 50419.

CHAPTER VI

Register obligations

Article 32

Producers' register

1- All EEE producers, no matter which WEEE compliance scheme they have chosen, are obliged to register in order to be possible to follow and supervise the fulfilment of the obligations and of the objectives set in the current Decree Law.

2- Each producer, or authorized representative in case it is nominated under numbers 1 or 2 of article 21, shall introduce, during the registration act, the information established in Annex VIII, Part A of the current Decree Law, which is an integral part thereof, committing to its update, whenever necessary.

3- Each producer, or authorized representative in case it is nominated under numbers 1 or 2 of article 21 shall, periodically submit the information established in Annex VIII Part B, of the present Decree Law.

4- With no prejudice of the previous number, the authorized representative shall periodically submit information about the national retailers to which it supplies EEE as well as the corresponding quantities and EEE categories, put on the market.

5- Producers shall identify the respective register code in the invoices they issue as well as in transport documents.

6- Producers which supply EEE through distance communication techniques, as defined in article 3, no. 1, paragraph v), sub-paragraph iv), are also subject to the obligations stated in the previous numbers.

7- Producers may comply with the obligations stated in numbers 2 and 3, individually, or via a licensed compliance scheme.

Article 33

Register of stakeholders in the collection

1- To measure the compliance with the national WEEE collection rate established in Article 5, the following stakeholders in the selective collection process are subject to register as well as periodic reporting of data:

- a) Producers, individually or via a licensed compliance scheme under the terms of article 26;
- b) Retailers;
- c) Waste management operators;
- d) Urban waste management systems;

e) Entities which develop activities or WEEE collection campaigns in the terms of no. 2 of article 10;

f) Other entities, private or juridical, that collect WEEE.

2- For purposes of periodic reporting stated in the previous number, the stakeholders in the selective collection shall maintain chronological registries, namely of quantity, units and/ or weight of collected WEEE, as well as their origin and destiny. The registries shall be kept for a minimum period of 3 years and made available to the competent authorities whenever required.

3- The entities subject to register, under the terms of paragraphs b) to f) of no. 1, may comply with the obligation of periodic data reporting through the compliance schemes licensed under the terms of article 26, if foreseen in contract.

Article 34

Competent register entity

1- The producers' register functions as well as other stakeholders in WEEE collection, established, respectively, in Articles 32 and 33 are exercised by the entity referred to in no. 2 of the following Article.

2- Data treatment and collection, resulting from the duty to inform the economic operators, is subject to the general regime of personal data protection, in the terms of Law no. 67/98 of October 26th.

CHAPTER VII

Register and Coordination Centre

Article 35

Nature and constitution

1- The functions established in Article 38 are the ones ensured by a Register and Coordination Centre, constituted for that effect and made up, exclusively, by the WEEE management compliance schemes of the collective systems and by producers and retailers associations, which, individually, represent all WEEE categories.

2- The Register and Coordination Centre is a non-profit juridical person whose accounting results shall, mandatorily, be reinvested or used in its activity or related activity(ies). The accounting results may be constituted into provisions or reserves to be used in future operations, being that distribution of results, dividends or profits by the shareholders, partners or members is prohibited.

3- The entity referred to in the previous number is forced to duty of confidentiality of the information that constitutes commercial or industrial secret, as well as to previous information of personal data treatment to the National Personal Data Protection Commission under the terms established in numbers 27 to 29 of Law no. 67/98 of October 26th.

4- The Register and Coordination Centre shall be licensed and operational in a time frame of one year upon the present Decree Law comes into force.

Article 36

Funding of the Register and Coordination Centre

All stakeholders in the Register and Coordination Centre's activity are co-responsible for its funding, under the terms to be defined in the license established in no. 1 of the following Article.

Article 37

Licensing of the Register and Coordination Centre

1- The exercise of the Register and Coordination Centre's activities by the entity referred to in no. 2 of article 35 is subject to licensing to be granted by dispatch of the members of the Government with attributions in the areas of environment and economy.

2- The granting of the license referred to in the previous number depends on the technical and financial ability of the entity to perform these functions.

3- For the purpose of obtaining the license requirement foreseen in no. 1, the entity foreseen in no. 2 of Article 35, presents to APA, I.P, in the time period of four months upon the present Decree Law comes into effect, an Application which demonstrates its technical and financial capacity, and including the following:

- a) Constitutive Statutes;
- b) Staff list and details with identification of the respective technical competences;
- c) Organizational model;
- d) Activity's object and scope;
- e) Detailed description of the data registry procedures by the different stakeholders;
- f) Data treatment mechanisms;
- g) Funding Model;
- h) Monitoring and control mechanisms;
- i) Articulation procedures with other relevant entities for the Register and Coordination Centre's activity;
- j) Periodic information procedures to APA, I.P, inspection entities and other public entities with responsibilities in terms of WEEE management;
- k) Public means of making the collected information and activity results, available;
- l) Mechanisms to guarantee the systems integrity, safety and confidentiality.

4- Licensing foreseen in no. 1 is subject to payment of a fee fixated in EUR 25.000,00, in order to support the administrative burdens implied. A registration fee of EUR 1.000,00 will also be applied due to the changes of the license's conditions.

Article 38

Register and Coordination Centre's competences

1- It is the Register and Coordination Centre's responsibility:

- a) EEE producers' register, as stated in article 32;
- b) Register of the stakeholders in WEEE collection's activities as stated in article 33;
- c) Implement and manage the compensation mechanism amongst compliance schemes, under the terms of article 28;

d) Coordination of activities of general interest, when related to WEEE management;

e) Assure the monitoring and integrated control of the activities foreseen in the previous paragraphs.

2- Under the competence mentioned in paragraph a) of the previous number, it must be assured, namely, the following functions:

a) Assure the mandatory register of EEE producers, offering an efficient and prompt register scheme, in Portuguese as well as in English language, which allows producers, including those who sell EEE through distance communication techniques, to introduce, electronically, the information stated in numbers 2 and 3 of article 32;

b) Carry out all activities related with register, namely the treatment of information related to categories and quantities (in units and weight) of EEE put on the market;

c) Assess and follow market shares to the individual and collective WEEE management schemes;

d) Manage producers' obligation to present the mandate when appointing an authorized representative, as stated in article 21;

e) Develop and participate in activities with the objective of identifying producers which are not registered and cancel the register of producers which are in violation, communicating to the competent public entities the respective violations of registry obligation;

f) Manage bank guarantees applicable to individual schemes, rendered under the terms of no. 3 of article 29;

g) Promote administrative cooperation and information exchange with peer European register entities, privileging the electronic communication means, and anticipate links to those register entities on own internet website.;

3- Under the competence stated in paragraph b) of no. 1, the following functions must be assured:

a) Assure the mandatory register of entities participating in WEEE collection, offering an efficient and prompt register model, which allows for relevant information's electronic introduction;

b) Carry out all activities related with registry, namely the treatment of information related to the quantities of collected WEEE;

c) Support APA, I.P. in assessing the national collection goal and control the accomplishment of collection responsibilities assigned to the different stakeholders;

d) Register of refused WEEE under no. 10 of article 17 and corresponding information, to APA, I. P.

4- Under the competence mentioned in paragraph c) of no. 1, the following functions must be assured:

a) Structure and organize a compensation chamber – constituted, exclusively, by representatives of the compliance schemes- which allows for efficient managing, of the compensation mechanism;

b) Establish an operational model of the compensation mechanism, including the definition of the respective allocation algorithm as well as the nature of the compensation;

c) Define an allocation algorithm that reflects, amongst other aspects:

i) Geographic criteria such as the territorial scope and the type of means (urban, semi-urban, rural);

- ii)* Population density;
- iii)* WEEE categories collected against the corresponding market shares;
- iv)* The collection in alternative channels.

d) Manage the allocation of WEEE collection to the individual and collective compliance schemes, assuring the operational conditions are harmonious and equitable;

e) Mediate and supervise the compensation consummation, amongst compliance schemes.

5- Within the scope of the competence mentioned in paragraph d) of nº 1, the following functions must be assured:

- a)* Draw up a nationwide information and awareness strategy for the users and coordinate producers' participation in common activities;
- b)* Coordinate producers' participation in research and development projects, as well as in technical studies of general interest for WEEE management;
- c)* Coordinate other nationwide activities of general interest under WEEE management flow, namely related to EEE eco-conception, and prevention;
- d)* Participate in the definition of harmonized requirements and procedures, namely the rules for calculating the collection goal and recovery objectives, quality and efficiency requirements for WEEE collection and treatment, including their preparation for being reused and the development of criteria for technical modulation of financial instalments;
- e)* Implement and manage a nationwide database of the collection places, as stated in no.6 of article 17.

Article 39 **Information obligations**

1- For purpose of monitoring the Register and Coordination Centre's activity, the entity foreseen in no. 2 of article 35 should present the following to APA, I.P. and DGAE, under the terms to be defined in its license:

- a)* An annual activity report, until April 15th of the precedent year, highlighting the activities carried out and respective results;
- b)* A quarterly activity report until the end of the month following the quarter to which it reports to.

2- The Register and Coordination Centre shall advertise, in its website, information relating to its activities and results achieved, keeping in mind their partners and stakeholders' different necessities, under the terms to be established in its license.

3- The entity responsible for the Register and Coordination Centre shall demonstrate, each year, the level of satisfaction and accomplishment of the obligations established in its license, with duly audited information carried out by an independent entity, according to the requirements to be defined by APA, I.P.

CHAPTER VIII **Inspection and offense regime**

Article 40 **Inspection**

1- The inspection of the fulfilment of the disposed in the present Decree Law is up to, under the scope of the respective responsibilities, the Agriculture, Sea, Environment and Land Affairs General Inspection (IGAMAOT), Food Security and Economy Authority (ASAE), to the Customs and Tributary Authority (AT) and

to Nature's and Environment Protection Service of the Republican Nation Guard (SEPNA).

2- The disposed in the previous number does not contradict the inspection and police powers which, in reason of matter, are up to the respective public authorities.

Article 41 **Environmental Offenses**

1- It is considered a very serious environmental offense, punishable under the terms of the regime applicable to the environmental offenses, foreseen in Law no. 50/2006 of August 29th, changed by Law no. 89/2009 of August 31st, the practice of the following acts:

- a)* WEEE collection and transportation in violation of the requirements established in no. 3 of Article 9;
- b)* The non-fulfilment of the obligation to guide WEEE under the terms of no. 7 of Article 9;
- c)* WEEE collection by an unauthorized entity under the terms of no. 1 of Article 10;
- d)* WEEE transportation by an unauthorized entity under the terms of no. 1 of Article 11;
- e)* The non-fulfilment of the obligation to adequately treat WEEE under the terms of no. 1 and 2 of Article 12;
- f)* WEEE treatment without the necessary qualification for the effect under the terms of no. 5 of Article 13;
- g)* WEEE treatment in violation of the requirements established in no. 3 of Article 13 and no. 3 of Article 14;
- h)* The non-fulfilment, by the compliance scheme, of the verification of requirements established in the compliance guarantee, in violation of the disposed in no. 4 of Article 14;
- i)* The attempt of illegal transfer under the terms of no. 2 of Article 16;
- j)* The non-fulfilment of the reception and transport obligations established in no. 2 of Article 17;
- k)* The violation of duty of confidentiality established in no. 3 of article 35.

2- It is considered a serious environmental offense, punishable under the terms of the regime applicable to the environmental offenses, foreseen in Law no. 50/2006 of August 29th, changed by Law no. 89/2009 of August 31st, the practice of the following acts:

- a)* The non-fulfilment of the obligation to apply the ecological conception requirements established in no. 2 of Article 4;
- b)* The non-fulfilment of the technical requirements applicable to WEEE storage and treatment premises, in violation of the requirements established in no. 2 of Article 13;
- c)* The non-fulfilment of the obligation to separate WEEE to be prepared for reuse, under the terms of no. 1 of Article 14;
- d)* The non-fulfilment of the duty to ensure the correct guidance of WEEE in the terms of no. 1 of Article 17 and no. 1 of Article 19;
- e)* The non-fulfilment of the obligation to guide WEEE under the terms of no. 2 of Article 14 and no. 10 of Article 17;
- f)* The violation of the conditions established in the license or authorization, referred to in no. 1 of Article 26 and no. 1 of Article 29;
- g)* The violation of the conditions established in the license referred to in no. 1 of Article 37.

3- It is considered a light environmental offense, punishable under the terms of the regime applicable to the environmental offenses, foreseen in Law no. 50/2006 of August 29th, changed by Law no. 89/2009 of August 31st, the practice of the following acts:

- a) The non-fulfilment of the obligation to maintain the WEEE records and traceability guarantee in violation of no. 6 and 7 of Article 6;
- b) The non-fulfilment of the compliance scheme's obligation to previously inform APA, I. P, in violation of the disposed in no. 4 of Article 10 and no. 4 of Article 14;
- c) The non-fulfilment of the reporting obligation under the terms of no. 6 of Article 13;
- d) The non-fulfilment of the obligation to guarantee the traceability of the information under the terms of no. 2 of Article 14;
- e) The non-fulfilment of the registry obligation under the terms of no. 10 of Article 17;
- f) The non-fulfilment of the obligation referred to in no. 10 of Article 25;
- g) The non-fulfilment of the information obligations established in Articles 27 and 39;
- h) The non-fulfilment of the obligation to make information available, under the terms of no. 1 and 4 of Article 31;
- i) The non-fulfilment of the registry obligation under the terms of no. 1 of Article 33;
- j) The omission of the duty of periodical data reporting, or its wrong transmission, under the terms of the registry established in no. 1 of Article 33;
- k) The non-fulfilment of keeping chronological registers as established in no. 2 of Article 33.

4- The attempt to neglect and negligence itself are punishable under the terms of the established in Law no. 89/2009 of August 31st.

5- The product from the fines foreseen in the present article is divided according to the disposed in article 73 of the Law no. 50/2006 of August 29th, changed by Law no. 89/2009 of August 31st.

Article 42 Other offenses

1- With no prejudice to the environmental offenses established in the previous article, it is considered an offense, under the terms of Decree Law no. 433/82 of October 27th, changed by Decree Laws no. 356/89 of October 17th, 244/95 of September 14th and 323/2001 of December 17th and by Law no. 109/2001 of December 24th, punishable with a fine in the amount of EUR 1.250,00 to EUR 3.740,00 or from EUR 2.500,00 to EUR 44.890,00, depending on whether the agent is an individual or juridical person.

- a) Violation of the forbiddance to put or make available in the EEE market in the terms of Article 7;
- b) The non-compliance of the duty to assure the costs established in no. 3 of Article 16;
- c) The placing, on the EEE market, without the obligation of nominating an authorized representative, in violation of the disposed in no. 2 and 3 of Article 21;
- d) The non-compliance of the duty to inform established in no. 6 of Article 21;
- e) The non-compliance with the duty to make the declaration available, established in paragraph b) of no. 8 of Article 21;
- f) Violation of the Forbiddance established in no. 7 of Article 25;
- g) Indication of the WEEE management costs higher than the actual costs, in violation of the disposed in no. 1 of Article 30;
- h) Positioning in the EEE market without the markings demanded under the terms of no. 5 and 6 of Article 30 and no. 5 of Article 31;

- i) Positioning in the EEE market without having been fulfilled the register obligation established in no. 1 of Article 32;
- j) Violation of the obligation to identify the register number in the invoices and transport documents under the terms of no. 5 of Article 32;
- k) The non-fulfilment of the communication and information obligations or their incorrect broadcast under the terms of no. 2, 3 and 4 of Article 32.

2- Negligence is punishable, being the minimum and maximum fines reduced to half.

3- The attempt is punishable with the fine applicable to the accomplished offense, especially reduced.

4- The proceeds from fines established in the present Article are distributed as follows:

- a) 60 % to the State;
- b) 20 % to the entity which applies the fine;
- c) 10 % to the entity which establishes the fines;
- d) 10 % to DGAE.

Article 43 Cautionary Measures

The competent entity may, whenever necessary, determine the temporary apprehension of goods and documents under the terms established in Article 42 of Law no. 50/2006 of August 29th, changed by Law no. 89/2009 of August 31st, or the apprehension of documents under the terms established in Article 48 A of Decree Law no. 433/82 of October 27th, changed by Decree Laws no. 356/89 of October 17th, 244/95 of September 14th, 323/2001 of December 17th and by Law no. 109/2001 of December 24th.

Article 44 Instruction, processes' decision and accessory sanctions

1- It is up to IGAMAOT, ASAE and AT, under their respective competences, the instruction of the offenses processes instituted, under the present Decree Law, as well as the application of the corresponding fines and accessory sanctions.

2- Whenever the entity which applies the fine does not have competence to instruct the process, it will be instructed and decided by IGAMAOT in the case of the environmental offenses established in Article 41 or, in the case of offenses established in Article 42, by either ASAE or AT, according to the respective competences, always informing the entities which apply the fines, of the decisions that are made.

3- Whenever the seriousness of the infraction justifies it, the competent entity may, also, along with the fine, determine the application of the accessory sanctions that prove to be adequate, under the terms of Law no. 50/2006 of August 29th, changed by Law no. 89/2009 of August 31st or Decree Law no. 433/82 of October 27th, changed by Decree Laws no. 356/89 October 17th, 244/95 of September 14th and 323/2001 of December 17th and by Law no. 109/2001 of December 24th.

CHAPTER IX Complementary, transitional and final dispositions

Article 45
Duty to collaborate

- 1- APA, I. P., DGAE as well as the other inspection entities shall cooperate amongst themselves in order to assure the application of the present Decree Law, namely, through the technical cooperation and information exchange.
- 2- The collaboration mentioned in the previous number aims at ensuring the integrated control as well as the monitoring of the activities developed under the present Decree Law, particularly in what refers to the competency of the Register and Coordination Centre, established in paragraph e) of no. 1 in Article 38. The duty to collaborate is extended to all other intervenient public entities such as the competent organs in the Autonomous Regions.

Article 46
Transitional Norm

- 1- The EEE belonging to the categories defined in paragraph a) of no. 1 in Article 2, and which indicative list is the one mentioned in Annex I of the present Decree Law, are covered by the disposed in the present Decree Law until August 14th 2018.
- 2- Until new licenses have been issued, the licenses granted to WEEE compliance schemes will remain in force, under the terms of no. 1 of Article 20 of Decree Law no. 230/2004 of December 10th, changed by Decree Laws no. 174/2005 of October 25th, 178/2006, of September 5th, 132/2010 of December 17th, 73/2011 of June 17th and 79/2013 of June 11th.
- 3- For purpose of the disposed in the previous number, the petition foreseen in no. 3 of Article 26 shall be presented in the maximum time frame of three months upon the date the present Decree Law comes into force.
- 4- The license granted to the register entity of EEE producers, under the terms of no. 4 of Article 27 of Decree Law no. 230/2004 of December 10th, changed by Decree Laws no. 174/2005 of October 25th, 178/2006 of September 5th, 132/2010 of December 17th, 73/2011 of June 17th and 79/2013 of June 11th is kept in force until the register of producer is made in the Register and Coordination Centre, under the terms disposed in Article 34.

Article 47
Autonomous Regions

- 1- Without prejudice of the specificities resulting from the regional autonomous administration, the present diploma is applicable to the Autonomous Regions.
- 2- For purposes of the previous number, APA, I.P. requests the respective report from the organs of the regional administrations, namely in what concerns the following topics:
 - a) The collective scheme's license requirement foreseen in no. 3 of article 26;
 - b) Specific authorization of the individual scheme foreseen in no. 1 of article 29;
 - c) Definition of the calculation formula foreseen in no. 2 of article 25 and its respective revision referred to in no. 5 and 6 of the same article;

d) The Register and Coordination Centre's license requirement foreseen in no. 3 of article 37.

3- Without prejudice of the previous number, the services and organs of the respective regional administrations shall refer to APA, I.P, whenever it requires it or when it considers it relevant, the necessary information in order to assure the best application possible of the current Decree Law.

4- The amounts resulting from the application of the respective fines by the Autonomous Regions constitute as their own income.

Article 48
Revoking Norm

The following are revoked:

- a) Decree Law no. 230/2004 of December 10th, changed by Decree Laws no. 174/2005 of October 25th, 178/2006 of September 5th, 132/2010 of December 17th, 73/2011 of June 17th and 79/2013 of June 11th.
- b) No. 4 of Article 16 of Decree Law no. 73/2011 of June 17th in the part referring to the licenses granted to register entities, under Decree Law no. 230/2004 of December 10th, changed by Decree Laws no. 174/2005 of October 25th, 178/2006 of September 5th, 132/2010 of December 17th, 73/2011 of June 17th and 79/2013 of June 11th. This same Decree Law is kept in force in what concerns the licenses granted under Decree Law no. 6/2009 of January 6th.

Article 49
Entry into force and date of legal effect

- 1- With no prejudice to the disposed in the following number, the present Decree Law enters into force in the day following its publication.
- 2- The disposed in relation to the EEE categories foreseen in paragraph b) of no. 1 Article 2 has legal effect starting on August 15th 2018.

Seen and approved in Cabinet Council on April 10th 2014 - *Pedro Passos Coelho* — *Luís Álvaro Barbosa de Campos Ferreira* — *António de Magalhães Pires de Lima* — *Jorge Manuel Lopes Moreira da Silva*.
Promulgated on May 2nd 2014.

Let it be published.

The President of the Republic, ANÍBAL CAVACO SILVA.

Endorsed on May 5th 2014.

The Prime Minister, *Pedro Passos Coelho*.

ANNEX I
Indicative List of electric and electronic equipment covered by the categories foreseen in paragraph a) of n. 1 Article 2, mentioned in no. 2 of Article 2

Category 1: Large Household Appliances:

- a) Cooling refrigerated large appliances;
- b) Refrigerators;
- c) Freezers;
- d) Other large appliances used for cooling, conservation and food storage;
- e) Washing machines;
- f) Clothes dryers
- g) Dish washing machines

- h) Cookers;
- i) Electric stoves;
- j) Electric hot plates;
- k) Microwaves;
- l) Other large appliances used for cooking and other processing of food;
- m) Electric heating appliances;
- n) Electric radiators;
- o) Other large appliances used for heating houses, beds and seating furniture;
- p) Electric fans;
- q) Air conditioning appliances;
- r) Other fanning, exhaust ventilation and conditioning fan.

Category 2: Small Household Appliances:

- a) Vacuum cleaners;
- b) Carpets sweepers;
- c) Other appliances for cleaning;
- d) Appliances used for sewing, knitting, weaving and other processing for textiles;
- e) Irons and other appliances for ironing, mangling and other care of clothing;
- f) Toasters;
- g) Fryers;
- h) *Grinders*, coffee mills and machines and equipment for opening or sealing recipients or packages;
- i) Electric knives;
- j) Appliances for hair-cutting, hair drying, electric tooth brushes, shaving, massage and other body care appliances;
- k) *Clocks*, watches and equipment for measuring, indicating or registering time;
- l) Scales.

Category 3: IT and Telecommunication Equipment

- a) Centralized data processing;
- b) Macro computers (mainframes);
- c) Minicomputers;
- d) Printing units;
- e) Personal IT equipment;
- f) Personal computers (CPU, mouse, monitor and keyboard included);
- g) Portable computers "laptop" (CPU, mouse, monitor and keyboard included);
- h) Portable computers "notebooks";
- i) Portable computers "notepad";
- j) Printers;
- k) Copying machines;
- l) Electric and electronic typewriters;
- m) Desk and pocket calculators;
- n) Other products or equipment for the collection, storage, processing, presentation or communications by electronic means;
- o) User systems and terminals;
- p) Facsimile (fax);
- q) Telex;
- r) Telephones;
- s) Public Pay telephone;
- t) Cordless telephones;
- u) Cellular phones;
- v) Automatic answering machines;

- w) Other products or equipment to transmitting sound, images or other information by telecommunication.

Category 4: Consumer equipment and Photovoltaic Panels

- a) Radio sets;
- b) TV sets;
- c) Video cameras;
- d) Video recorders;
- e) Hi-Fi recorders;
- f) Audio amplifiers;
- g) Music instruments;
- h) Other products or equipment to record or reproduce sound or image, including signals or other technologies for distributing sound and image by another source that is not telecommunication.;
- i) Photovoltaic panels;

Category 5: Lighting Equipment

- a) Luminaires for fluorescent lamps (with exception of luminaires in households);
- b) Straight fluorescent lamps;
- c) Compact fluorescent lamps;
- d) High intensity discharge lamps, including pressure sodium lamps and metal halide lamps;
- e) Low pressure sodium lamps;
- f) Other lighting or equipment for the purpose of spreading or controlling light with the exception of filament bulbs

Category 6: Electric and Electronic Tools (with exception of large-scale stationary industrial tools)

- a) Drills;
- b) Saws;
- c) Sewing machines;
- d) Equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials,
- e) Tools for riveting, nailing or screwing or removing rivets, nails, screws or to similar use.
- f) Tools for welding, soldering or similar use.
- g) Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances by other means
- h) Tools for mowing or other gardening activities.

Category 7: Toys and Sports and Leisure Equipment

- a) Electric trains or car racing sets;
- b) Portable video games console;
- c) Video games;
- d) Computers for biking, diving, running, rowing, and other sporting activities;
- e) Sports equipment with electric and electronic components;
- f) Coin slot machines.

Category 8: Medical Devices (with exception of all implanted and infected products);

- a) Radiotherapy equipment;
- b) Cardiology equipment;
- c) Dialysis equipment;
- d) Pulmonary ventilators;
- e) Nuclear medicine equipment;

- f) Lab equipment for in vitro diagnosis;
- g) Analysers;
- h) Freezers;
- i) Fertilization tests;
- j) Other devices for detecting, preventing, monitoring, treating, alleviating illnesses, injury or disability.

Category 9: Monitoring and Control Instruments

- a) Smoke detectors;
- b) Heating Regulators;
- c) Thermostats;
- d) Measuring, weighing or adjusting appliances for household or laboratory equipment;
- e) Other monitoring and control instruments used in industrial installations (e.g. in control panels).

Category 10: Automatic Dispensers

- a) Automatic dispensers for hot drinks;
- b) Automatic dispensers for hot or cold bottles or cans;
- c) Automatic dispensers for solid products;
- d) Automatic dispensers for money;
- e) All appliances which deliver automatically all kind of products.

ANNEX II

Indicative List of electric and electronic equipment covered by the categories foreseen in paragraph b) of no. 1 Article 2, mentioned in no. 2 of Article 2

Category 1: Temperature regulation equipment

- a) Refrigerators;
- b) Freezers;
- c) Equipment which automatically delivers cold products;
- d) Air conditioning equipment;
- e) Dehumidifying equipment;
- f) Heat pumps;
- g) Radiators containing oil
- h) Other temperature exchange equipment using fluids other than water for the temperature exchange

Category 2: Screen, Monitors and Equipment with screens with a surface bigger than 100 cm²;

- a) Screens;
- b) TV sets;
- c) Photo frames;
- d) LCDs;
- e) Monitors;
- f) Laptop;
- g) Notebook

Category 3: Lamps

- a) Straight fluorescent lamps
- b) Compact fluorescent lamps
- c) Fluorescent lamps
- d) High intensity discharge lamps - including pressure sodium lamps and metal halide lamps
- e) Low pressure sodium lamps
- f) LED

Category 4: Large Dimension Equipment

- a) Washing machines;

- b) Clothes dryers;
- c) Dish washing machines;
- d) Cookers;
- e) Electric stoves;
- f) Electric hot plates;
- g) Luminaires;
- h) Equipment reproducing sound or images;
- i) Musical equipment (excluding pipe organs installed in churches);
- j) Appliances for knitting and weaving;
- k) Macro-computers (mainframes);
- l) Large printing machines;
- m) Copying equipment;
- n) Large coin slot machines Large dimension nickel hunters (slot machines);
- o) Large medical devices;
- p) Large monitoring and control instruments;
- q) Large appliances which automatically deliver products and money;
- r) Photovoltaic panels.

Category 5: Small Dimension Equipment

- a) Vacuum cleaners;
- b) Carpet sweepers;
- c) Appliances for sewing;
- d) Luminaries;
- e) Microwaves;
- f) Ventilation equipment;
- g) Irons;
- h) Toasters;
- i) Electric knives;
- j) Electric kettles;
- k) Clocks and watches;
- l) Electric shaving machines;
- m) Scales;
- n) Appliances for hair and body care;
- o) Calculators;
- p) Radio sets;
- q) Video cameras;
- r) Video recorders;
- s) Hi-Fi equipment;
- t) Musical instruments;
- u) Equipment for reproducing sounds or images;
- v) Electric and electronic toys;
- w) Sports equipment;
- x) Computers for byking; diving; running; rowing, and other sports;
- y) Smoke detectors;
- z) Heating regulators;
- aa) Thermostats;
- bb) Small electric and electronic tools;
- cc) Small medical devices;
- dd) Small monitoring and control devices;
- ee) Small appliances which automatically deliver products;
- ff) Small equipment with integrated photovoltaic panels.

Category 6: Small IT Electric and Telecommunication equipment (no external dimension more than 50 cm)

- a) Mobile phones;
- b) GPS;
- c) Pocket calculators;
- d) Routers;

- e) Personal computers;
- f) Printers;
- g) Telephones.

ANNEX III

Minimum recovery objectives referred to in article 6

1- Applicable minimum objectives, by category, in the time period between August 13th 2012 and August 14th 2015, in what relates to the categories listed in paragraph a) of n. 1 Article 2, assessed based on the calculation methodology referred to in no. 3 of Article 6.

a) Concerning Electric and Electronic Waste (WEEE) belonging to categories 1 and 10:

- i) 80% shall be recovered,
- ii) 75% should be recycled.

b) Concerning the WEEE belonging to categories 3 and 4:

- i) 75 % shall be recovered;
- ii) 65 % should be recycled.

c) Concerning the WEEE belonging to categories 2, 5, 6, 7, 8 and 9:

- i) 70 % shall be recovered;
- ii) 50 % should be recycled.

d) Concerning the gas discharge lamps, 80% shall be recycled.

2- Applicable minimum objectives, by category, in the time period between August 15th 2015 and August 14th 2018, in what relates to the categories listed in paragraph a) of no. 1 Article 2, assessed based on the calculation methodology referred to in no. 3 of Article 6.

a) Concerning the WEEE belonging to categories 1 and 10:

- i) 85 % shall be recovered, and;
- ii) 80 % shall be prepared for reuse and be recycled.

b) Concerning the WEEE belonging to categories 3 and 4:

- i) 80 % shall be recovered, and;
- ii) 70 % shall be prepared for reuse and be recycled.

c) Concerning the WEEE belonging to categories 2, 5, 6, 7, 8 and 9:

- i) 75 % shall be recovered, and;
- ii) 55 % shall be prepared for reuse and be recycled.

d) Concerning the gas discharge lamps, 80% shall be recycled.

3- Applicable minimum objectives, by category, from August 15th 2018 forward, in what relates to the categories listed in paragraph a) of no. 1 Article 2, assessed based on the calculation methodology referred to in no. 3 of Article 6.

a) Concerning the WEEE belonging to categories 1 and 4:

- i) 85 % shall be recovered, and;
- ii) 80 % shall be prepared for reuse and be recycled.

b) Concerning the WEEE belonging to category 2:

- i) 80 % shall be recovered, and;
- ii) 70 % shall be prepared for reuse and be recycled.

c) Concerning the WEEE belonging to categories 5 and 6:

- i) 75 % shall be recovered, and;
- ii) 55 % shall be prepared for reuse and be recycled.

d) Concerning the WEEE belonging to category 3, 80% shall be recycled.

ANNEX IV

Technical requirements referred to in no. 5 of Article 9 and no. 2 of Article 13

1- Sites for storage (including temporary storage) WEEE prior to its treatment (without prejudice to the disposed in Decree Law no. 183/2009 of August 10th changed by Decree Laws no. 84/2001 of June 20th and 88/2013 of July 9th).

- a) Impermeable surfaces for appropriate areas with the provision of spillage collection facilities and, where appropriate, decanters and cleanser-degreasers,
- b) Weatherproof covering for appropriate areas.

2- Sites for treatment of WEEE:

- a) Scales to measure the weight of the treated waste,
- b) Impermeable surfaces and waterproof covering for appropriate areas with the provision of spillage collection facilities and, where appropriate, decanters and cleanser-degreasers,
- c) Appropriate storage for disassembled spare parts,
- d) Appropriate containers for storage of batteries, PCBs/PCTs containing capacitors and other hazardous waste such as radioactive waste,
- e) Equipment for the treatment of water in compliance with health and environmental regulations

ANNEX V

Selective treatment of materials and components of electric and electronic waste (WEEE), in what refers to no. 2 of article 12

1- At the very least, the substances, mixtures and components mentioned below shall be removed from all WEEE selectively collected:

- a) Condensers containing polychlorinated biphenyls (PCB) under the terms of Decree Law no. 277/99 of June 23rd, changed by Decree Law no. 72/2007 of March 27th;
- b) Components containing mercury such as light switches or retro-lighted lamps;
- c) Batteries and accumulators;
- d) Printed circuits boards of mobile phones generally, and other devices, if the surface of the printed circuits board is greater than 10 cm²;
- e) Toner cartridge, liquid and paste, as well as colour toner;
- f) Plastic containing brominated flame retardants,
- g) Asbestos waste and components which contain asbestos,
- h) Cathode ray tubes,
- i) Chlorofluorocarbons (CFC), hydrochlorofluorocarbons (HCFC) or hydrofluorocarbons (HFC), hydrocarbons (HC),
- j) Gas discharge lamps,
- k) Liquid crystal displays (together with their casing where appropriate) of a surface greater than 100 cm² and all those back-lighted with gas discharge lamps,
- l) External electric cables,
- m) Components containing refractory ceramic fibres such as defined in Decree Law no. 209/99 of June 11th;
- n) Components containing radioactive substances with the exception of the components that are below exemption thresholds set in article 3 and in Annex I of Council's Directive 96/29/EURATOM of May 13th 1996, laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation, transposed to national law by Decree Law no. 140/2005, of August 17th;
- o) Electrolyte capacitors containing substances of concern (height > 25 mm, diameter > 25 or proportionately similar volumes).

2- These substances, mixtures and components shall be disposed of or recovered under the terms of Decree Law no. 178/2006 of September 5th, changed by Decree Law no. 73/2008 of August 26th, by Law no. 64-A/2008 of December 31st and by Decree Laws no. 183/2009 of August 10th, 73/2011 of June 17th and 127/2013 of August 30th.

3- The components from WEEE selectively collected, which are listed below, shall be treated as follows:

- a) Cathode ray tubes: the fluorescent coating has to be removed;
- b) Equipment containing gases that are ozone depleting or have a global warming potential (GWP) above 15, such as those containing in foams and cooling circuits: the gases must be properly treated. Ozone-depleting gases must be treated in compliance with Regulation (CE) no. 1005/2009 of the European Parliament and Council of September 16th;
- c) Gas discharge lamps: the mercury shall be removed.

4- Taking into account environmental considerations of preparation for reuse and recycling, paragraphs 1 and 2 shall be applied in such a way that environmentally-sound preparation for reuse and recycling of components or whole appliances is not hindered.

ANNEX VI

Minimum requirements for shipments of used electric and electronic equipment (EEE) that are suspected to be WEEE, referred to in no. 1 of Article 16

1- In order to distinguish between EEE and WEEE, where the holder of the object claims that he intends to ship or is shipping used EEE and not WEEE, it shall be require to the holder to have available the following to substantiate this claim:

- (a) a copy of the invoice and contract relating to the sale and/or transfer of ownership of the EEE which states that the equipment is destined for direct re-use and that it is fully functional;
- (b) evidence of evaluation or testing in the form of a copy of the records (certificate of testing, proof of functionality) on every item within the consignment and a protocol containing all record information according to point 3;
- (c) a declaration made by the holder who arranges the transport of the EEE that none of the material or equipment within the consignment is waste as defined as described in paragraph ee) of Article 3 of Decree Law no. 178/2006 of September 5th, changed by Decree Law no. 173/2008 of August 26th, by Law no. 64-A/2008 of December 31st and by Decree Laws no. 183/2009 of August 10th, 73/2011 of June 17th and 127/2013 of August 30th;
- (d) appropriate protection against damage during transportation, loading and unloading in particular through sufficient packaging and appropriate stacking of the load.

2- By way of derogation, sub-paragraphs a) and b) of the previous number, as well as the following number, are not applicable in case the transfer is duly documented with conclusive proof that it is made under the scope of an inter-companies agreement, as well as:

(a) the EEE is sent back to the producer or a third party acting on his behalf as defective for repair under warranty with the intention of re-use; or

(b) the used EEE for professional use is sent to the producer or a third party acting on his behalf or a third-party facility in countries to which Decision C(2001)107/Final of the OECD Council concerning the revision of Decision C(92)39/Final on control of transboundary movements of wastes destined for recovery operations applies, for refurbishment or repair under a valid contract with the intention of re-use; or

(c) the defective used EEE for professional use, such as medical devices or their parts, is sent to the producer or a third party acting on his behalf for root cause analysis under a valid contract, in cases where such an analysis can only be conducted by the producer or third parties acting on his behalf.

3. In order to demonstrate that the items being shipped constitute used EEE rather than WEEE, it shall be required to the holders the following steps for testing and record keeping for used EEE to be carried out:

a) Step 1: Testing

i) Functionality shall be tested and the presence of hazardous substances shall be evaluated. The tests to be conducted depend on the kind of EEE. For most of the used EEE a functionality test of the key functions is sufficient.

ii) Results of evaluation and testing shall be registered.

Step 2: Register

i) The register shall be fixed securely but not permanently on either the EEE itself (if not packed) or on the packaging so it can be read without unpacking the equipment.

ii) The register shall contain the following information:

aa)— name of item (name of the equipment if listed in Annex I or Annex II, as appropriate, and category set out in paragraphs a) and b) of no.1 of Article 2;

bb) identification number of the item (type No) where applicable,

cc) year of production (if available),

dd) name and address of the company responsible for evidence of functionality,

ee) result of tests as described in step 1 (including date of the functionality test),

ff) kind of tests performed.

4- Further to the documents required in the previous numbers, each load (for example, a container or truck used for transfers) of used EEE shall be accompanied by the following:

a) Pertinent transport document, according to the CMR's (International Merchandise Road Transportation Contract) or transportation letter;

b) Declaration from the person in charge, attesting to its responsibility.

5- In absence of evidence that an object is actually a used EEE and not a WEEE, through adequate documentation as required in the previous numbers, and in case of lack of adequate protection against possible damages during transport, loading or unloading, particularly through adequate packaging and appropriate cargo stacking, which are responsibility of the owner which organizes the transport, the inspection entities shall consider that the products are, indeed, WEEE and assume that the cargo constitutes an illegal

transfer. In these circumstances, the load shall be treated according to Articles 24 and 25 of Regulation (CE) no. 1013/2006 of the European Parliament and Council, from June 14th, referring to waste transfers.

ANNEX VII

Symbol for marking electric and electronic equipment referred to in paragraph e) of no.2 Article 30

The symbol which indicates electric and electronic equipment (EEE) separate collection consists of the crossed-out wheeled bin, as indicated below. The symbol must be printed in a visible, legible and indelible manner.



ANNEX VIII

Information for register and reports according to article 32

A-Information to be presented by the producer when registering:

- 1- Name, address and contacts of the producer or of its authorized representative (street name and number, postal code city and country, telephone and fax number, e-mail address), as well as indication of the contact person. In case of an authorized representative, it should also include the contacts of the represented producer.
- 2- National identification code, including the national or European fiscal identification number.
- 3- Electric and electronic equipment (EEE) Category, as indicated in paragraphs a) or b) of nº 1 of Article 2, depending on the circumstance.
- 4- Type of EEE (destined to private or non-private users).
- 5- EEE's commercial denomination (brand).
- 6- Compliance scheme: individual or collective, including information about financial guarantee, when applicable;
- 7- Sales technique used (long distance sales, for example);
- 8- Declaration stating that the information rendered is truthful.

B-Information to be presented in the reports:

- 1- Producer's national identification code.
- 2- Reporting period
- 3- EEE Category, as indicated in paragraphs a) or b) of nº 1 of Article 2, depending on the circumstance.
- 4- Quantity, in units and weight, of EEE put on the national market, per Category.
- 5- Quantity, in weight, of EEE waste collected selectively, recycled (including those prepared for reuse), recovered and eliminated in Portugal, as well as transferred to inside or outside the European Union, per category.

ANNEX IX

Mandate model

[Producers' identification – name and national or European fiscal identification number]

[Producers' address]

Country of origin

Nominates [*Authorized representative identification – name and national fiscal identification number*]

[*Authorized representative's address*] as its authorized representative in Portugal, under the terms of the Directive 2012/19/EU of July 4th, of the European Parliament and Council, concerning electric and electronic waste (WEEE).

The current mandate covers the following EEE categories:

[*Authorized Representative*] commits to, as authorized representative of [*Producer*] in Portugal, to represent the producer under the terms of Decree Law no. 67/2014 of May 7th being legally responsible for ensuring the fulfilment of all of [*Producer*] obligations, under the terms of [*mention all numbers and respective Articles*] of the referred Decree Law.

With no prejudice to the disposed in the present mandate, [*Producer*] may only be exempted from responsibilities herein delegated on [*Authorized Representative*] as long as the mandate is fully accomplished by the representative.

The present mandate, signed by both parties, takes effect on [*Date*] and ends its validity as soon as one of the parties informs the entity in charge of managing the Register and Coordination Centre that the mandate has been cancelled.

[*Date*]

[*Producers' Signature*]

[*Authorized Representatives' signature*]