

MINISTRY OF THE ENVIRONMENT AND TERRITORIAL PLANNING

Government Order N°571/2001 Of June 6th

Under the scope of the provisions of article 5 of Decree-Law Nr. 62/2001 of February 19th, the Government orders the following, through the Ministers of Economy and of the Environment and Territorial Planning:

1. The present government order defines the rules that shall govern the licensing of the entity that will manage the integrated system for used batteries and accumulators, foreseen in n°2 of article 5 of Decree-Law n°62/2001 of February 19th, hereinafter called the managing entity.
2. The managing entity shall require a license, to be granted upon decision of the Minister of Environment and Territorial Planning.
3. The license request shall be presented to the Institute of Residues, who has the powers to coordinate and prepare the process, submitting it for final decision.
4. The process referred to in the previous number shall be prepared within a period of 60 days.
5. The granting of the license shall depend on the technical and financial capabilities of the managing entity for the operations in question. It shall also depend on an analysis of the specifications prepared by the latter for the request referred to in n°3, and which must include the references indicated in the attachment to this diploma, which is an integral part of it.
6. The accounting results of the managing entity must be reinvested or used in its activity or connected activities, in accordance with the provisions of paragraph e) of the attachment: these can be established as provisions or reserves for future operations, but cannot be distributed by the shareholders, partners or associates, as results, dividends or profit.
7. The present government order shall come into effect on the day following its publication.

On February 20, 2001

The Minister of Economy, Mário Cristino de Sousa - The Minister of Environment and Territorial Planning, José Sócrates Carvalho Pinto de Sousa

ATTACHMENT

Specifications

The specifications include the following references:

- a) The identification and technical characteristics of the used batteries and accumulators involved;
- b) The estimate of the quantities of used batteries and accumulators to be recovered annually;
- c) The financial contribution basis required of the manufacturers and importers, namely the formula for the calculation of the respective rate, having in mind the estimated quantities, the volume and weight, as well as the nature of the materials they

contain. This contribution should specially reflect the mercury, cadmium and lead contents of the batteries and accumulators, and should also meet the costs of their selective collecting and treatment, in accordance with article 1 of Decree-Law n°62/2001 of February 19th.

d) The collaboration conditions of the managing entity's activity with the municipalities or other operators, namely their method for collecting used batteries and accumulators and the basis for the compensation due, to cover costs associated with the selective collecting operations;

e) Apart from the amount to pay for the costs with the selective collecting and the adequate treatment of the batteries and accumulators, the budget to be managed by the entity, should establish an amount for the financing of:

a') Awareness campaigns targeted at consumers, on the dangers of an uncontrolled disposal of these residues, the marking of the batteries and accumulators, the equipment that has permanently incorporated batteries and accumulators and the way to take out these batteries and accumulators;

b') Technical-economic feasibility studies on new procedures for recycling and valorization, to be implemented at national level;

c') Studies to promote research on the reduction of the contents of heavy metals and dangerous substances and on their replacement by other less polluting ones, in order to promote the placing on the market of batteries and accumulators containing less quantities of dangerous substances and/or polluting substances;

f) The economic circuit designed for the valorization or elimination, stressing the relations between the entity and the economic operators involved.

Government Order N°572/2001
of June 6th

Under the scope of the provisions of article 5 of decree-Law n°62/2001 of February 19th:

The Government orders the following, through the Ministers of Economy and of the Environment and Territorial Planning:

1. The action programs related to accumulators of industrial and similar vehicles, and to batteries and accumulators, defined in attachments I and II of the present government order and which are integral parts of it, are hereby approved.

2. The main objective of these action programs is the fulfillment of the provisions of article 5 of Decree-Law n°62/2001 of February 19th, namely in what refers to:

a) The reduction of the contents of heavy metals in batteries and accumulators;

b) The promotion of the placing on the market of batteries and accumulators containing smaller quantities of dangerous substances and/or polluting substances;

c) The progressive reduction of used batteries and accumulators in urban solid residues;

d) The promotion of research, on the reduction of the contents of dangerous substances and on the replacement of these substances by other less polluting ones in batteries and accumulators, as well as on recycling systems.

e) The separate valorization and elimination of used batteries and accumulators.

3. The present government order shall come into effect on the date following its publication, except the provisions of attachment II, which shall come into effect on July 1st, 2001.

ATTACHMENT I
Action program relating to accumulators of
industrial or similar vehicles

1 - Object - the object of this program are the accumulators of industrial or similar vehicles, as defined in Decree-Law n°62/2001 of February 19th, hereinafter called accumulators.

2 - Management rules:

a) Wholesalers and retailers are obliged to accept, free of charge, from end holders, the used accumulators of the type and make they commercialize:

b) The collecting of these should be encouraged, by taking off a certain portion of the price of a new accumulator, whenever a used accumulator of the same type and make is given in. The consumers should be dully informed of this situation, namely through the placing of posters in the sales areas;

c) Used accumulators collected by the wholesalers and retailers shall be stored in tight containers that have a composition that does not react with the components of the accumulators. The accumulators shall be stored with the liquid inside and in a vertical position, with the openings well closed and facing upwards;

d) The manufacturers and importers shall collect the used accumulators collected by the wholesalers and retailers, within a period of time to be established between the parties, at least up to the amount that they commercialize annually;

e) The used accumulators collected by the manufacturers and importers in accordance with the previous paragraph, shall be stored in locations that are dully legalized, in accordance with applicable legislation;

f) At the end of the recovery cycle, the final destination of the used accumulators is of the responsibility of the respective manufacturer or importer, and this responsibility shall only cease when these are delivered to a company dully legalized for their valorization or elimination;

g) The used accumulators subject to this program cannot be included in the municipal circuits of residue collecting.

3. Submission commitments:

a) Manufacturers and importers should prepare a plan to manage used accumulators that describes the system adopted within the scope of this action program and the respective control mechanisms;

b) The management plan must include:

a') the measures taken or to be taken in relation to research on the reduction of the contents of heavy metals and dangerous substances and on their replacement by other less polluting ones, with the objective of promoting the placement on the market, of accumulators containing smaller quantities of dangerous and/or polluting substances;

b') the measures taken or to be taken in relation to research on recycling processes;

c') the measures taken or to be taken in relation to awareness campaigns targeted at consumers on the dangers of an uncontrolled elimination of these residues, the marking of accumulators, the identification of equipment that has accumulators permanently incorporated and the way to take out these accumulators.

c) The management plans should be prepared for a period of one year. The first one should be submitted to the Institute of Residues (INR) two months from the date this action program comes into effect, and the subsequent ones up to the 30th of November of the year prior to the one to which they refer to:

d) The management plans should ensure the integral fulfillment of the objectives of this action program, namely those foreseen in n°4;

e) Wholesalers and retailers are obliged to annually submit to INR, statistical information on the quantities of bought and sold new accumulators, as well as the quantities of the collected used accumulators;

f) Manufacturers and importers are obliged to annually submit to INR, statistical information on the quantities of accumulators they place on the market, the quantities of collected used accumulators as well as the quantities handed over to companies licensed to carry out their valorization or elimination;

g) The statistical information referred to in paragraph e) and f) should be submitted prior to the 15th of February of the year following the one to which they refer, in accordance with the form to be published by dispatch of the Minister of Environment and Territorial Planning.

4 – Objectives:

a) Until the 1st of July of 2003, at the latest, manufacturers and importers should guarantee:

a') the selective collecting of at least 75%, in weight, of the quantity of accumulators annually placed on the market;

b') the recycling of at least 75%, in weight, of the amount collected:

b) The objectives foreseen in the previous paragraphs should suffer an annual increase, so that when the action program reaches its term, the following is guaranteed:

a') the selective collecting of at least 85%, in weight, of the quantity of accumulators annually placed on the market;

b') the recycling of at least 85%, in weight, of the quantity collected.

5 – Coordination and scheduling:

a) The execution of the program shall be coordinated by the INR, in collaboration with the “Comissão de Acompanhamento da Gestão de Pilhas e Acumuladores (CAPA)”;

b) This program shall be applicable until the 1st of July 2005, when it will be reviewed and updated, taking into consideration technical progress and the developing conditions of the economic and environmental situation.

ATTACHMENT II

Action program relating to batteries and other accumulators not covered by attachment I

1 – Object – the object of this program includes batteries and other accumulators, as defined in Decree-Law n°62/2001 of February 19th, hereinafter called batteries and accumulators.

2 – Management measures:

a) Within the scope of the present action program, the responsibility of manufacturers and importers for the management of used batteries and accumulators is transferred to a managing entity, dully licensed in accordance with the terms of Decree-Law n°62/2001 of February 19th and Government Order n°814/2001 of May 24th;

b) The transfer of responsibilities to the managing entity is the object of a written contract, for a minimum period of four years, which shall contain:

a') the quantification and characterization of the batteries and accumulators covered by the contract;

b') an estimate of the quantity of used batteries and accumulators to be annually recovered by the entity;

c') the terms of the controls to be developed by the entity to verify the quantities and the nature of the batteries and accumulators in its charge;

d') the financial compensation due to the entity, taking into consideration the respective obligations:

c) As an alternative to the obligation foreseen in paragraph a), the manufacturers and importers may choose to individually assume their obligations. In this case they will require a special authorization from the INR (*Institute of Residues*), which can only be granted if at least the same level of results is guaranteed.

3 – Management rules:

a) In the lists of marketable batteries and accumulators, the manufacturers and importers are obliged to indicate the corresponding contribution for the managing entity. This amount should be an integral part of their price;

b) Along the trade chain, the invoices should indicate the total value that, in each transaction, corresponds to the contribution to the managing entity. The end consumer should be informed of this obligation;

c) The municipalities are obliged to accept free of charge, from end consumers, the used batteries and accumulators. For this purpose, they should install in their area of influence, appropriate containers for their selective collecting, and choose one or more legalized locations for the temporary storing of collected used batteries and accumulators;

d) Supermarkets and hypermarkets are obliged to accept free of charge, from end consumers, the used batteries and accumulators (of the type they commercialize). For this purpose they are obliged to have on their premises, specific containers in a well-identified and accessible location;

e) Other wholesalers and retailers are obliged to accept free of charge, from end consumers, used batteries and accumulators (of the type they commercialize), when selling batteries and accumulators;

f) The managing entity should also encourage the selective collecting on the part of other entities, other than those referred to in the previous paragraphs, namely Public Administration bodies, non governmental organizations, teaching establishments and public and private companies, by making available to them, containers for selective collecting;

g) Used batteries and accumulators shall be stored in tight containers with a composition that will not react to the components of the batteries and accumulators;

h) The managing entity shall ensure that the used batteries and accumulators are collected:

a') by establishing contracts with the municipalities, municipal associations or multi-municipal systems, that establish an adequate periodic collecting and offer the financial compensation that is necessary to pay for the selective collecting operations:

b') by establishing, in coordination with supermarkets and hypermarkets, an adequate periodic collecting system and offering, free of charge, the containers for the selective collecting:

c') whenever requested by the entities referred to in paragraphs e) and f) and whenever the amount in question is over 100kg:

i) The managing entity is not obliged to accept used batteries and accumulators that do not respect the purpose for which they were licensed;

j) The financial compensation due by the managing entity to the municipalities shall be defined globally for the whole Country;

k) The managing entity shall create one or more legalized locations for the temporary storing of the used batteries and accumulators recovered from the entities referred to in paragraphs c), d), e) and f) or shall, alternately, establish contracts with companies already legalized to carry out this operation;

l) The responsibility of the managing entity for the final destination of the used batteries and accumulators shall only cease upon their delivery to companies legalized for their valorization or elimination;

m) End consumers should deposit the used batteries and accumulators in the proper containers for their selective collecting, and should not mix them with the urban solid residues or other types of residues.

4 - Goals:

a) At the latest on the 1st of January 2003, the manufacturers and importers should guarantee, through the managing entity:

a') the selective collecting of at least, 25%, in weight, of the quantity of batteries and accumulators annually placed on the market:

b') the recycling of at least, 60%, in weight, of the quantities collected:

b) The goals foreseen in the previous paragraphs should be increased annually, so that, at the end of the period of the action program, the following is guaranteed:

a') the selective collecting of at least, 50%, in weight, of the quantity of batteries and accumulators annually placed on the market;

b') the recycling of at least, 75%, in weight, of the quantity collected.

5 - Submission commitments:

a) The managing entity shall send to the licensing entities:

a') a quarterly report during the first year of activity, and an annual one during the subsequent years, identifying the manufacturers and importers that have transferred their responsibility to it, in accordance with the provisions of paragraph a) of n°2, as well as the entities mentioned in paragraph h) of n°3 with whom the collecting was agreed:

b') an annual activity report, showing the results obtained in relation to the management of used batteries and accumulators, namely in what refers to recycling and other forms of valorization or elimination, up to February 15th of the year following the one to which the results report to:

b) The manufacturers and importers are obliged to annually submit to the INR, the statistical information referring to the quantities of batteries and accumulators they place on the market:

c) The statistical information referred to in the previous paragraph should be submitted prior to the 15th of February of the year following the one to which they refer to, in accordance with the form to be published by dispatch of the Minister of Environment and Territorial Planning.

6 - Coordination and scheduling:

a) The carrying out of the program shall be coordinated by the INR, with the collaboration of CAPA:

b) This program shall be applicable until July 1, 2005, when it shall be revised and updated, taking into consideration technical progress and the development of the economic and environmental situation.