

Article 19
Obligations of the Bank

- 1 – Undertakings on behalf of the Bank shall be made with:
- a) The signature of two members of the Board of Directors;
 - b) The signature of one or more agents, appointed under their respective powers of attorney;
 - c) The signature of a single Director, under the terms of negotiations carried out under the powers of the Board of Directors and within the limitation of these powers.
- 2 – In matters of simple administration, the signature of a single director shall be sufficient.
- 3 – The Board of Directors may deliberate, under the terms of and within the legal limits, that certain bank documents are signed mechanically or with a seal.

Article 20
Social benefits

- 1 – The directors shall benefit from the social security regime which they enjoyed at the time of their appointment or, in the absence of this, the general social security regime.
- 2 – The directors shall enjoy the social benefits granted to workers in the company, under terms which are to be formalised by the payments commission, with the exception of those relating to additional reform plans, pensions, survival or invalidity.

CHAPTER VI
Taxation procedures

Article 21
Structure and composition

- 1 – The taxation of the company shall be based on a tax council and an official accounts auditor or a company of official accounts auditor.
- 2 – The tax council shall be made up of a president, two voting members and two assistants.
- 3 – The official accounts auditor or company of official accounts auditors may not be members of the tax council.

Article 22
Competence

- In addition to the roles described in the law, the tax bodies shall, in particular:
- a) Attend meetings of the Board of Directors, whenever this is deemed appropriate;
 - b) Issue an opinion on any matter which is submitted to them by the Board of Directors;
 - c) Put any matter to the Board of Directors for consideration.

CHAPTER VII
Company year and allocation of profits

Article 23
Company year

The company year shall coincide with the calendar year.

Article 24
Allocation of profits

- 1 – The duly approved annual cash profits shall be allocated as follows:
- a) A minimum of 20% for the constitution or reintegration of an unlimited legal reserve;
 - b) A percentage to be allocated, as a share in the profits, to the workers and members of the Board of Directors, in the last case, in accordance with the conditions and requirements provided for in the Public Management Statutes.
 - c) The remainder shall be distributed as decided by the Annual General Meeting. The Board of Directors shall submit a proposal for this.
- 2 – The Bank may distribute advances on profits, in carrying out its company activities, in accordance with the provisions of the applicable laws.

CHAPTER VIII
Final measure

Article 25
Derogation from supplementary measures

Derogations may be made from the provisions of the Code of Commercial Companies, by deliberation of the Annual General Meeting.

**MINISTRY OF THE ENVIRONMENT, LAND MANAGEMENT AND
REGIONAL DEVELOPMENT**

**Decree Law N° 6/2009
of 6 January 2009**

Decree Law N° 62/2001 of 19 February 2001 transposes Commission Directive N° 98/101/EC of 22 December 1998 into an internal legal order. The aforementioned Directive adapts Council Directive N° 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances to technical progress. With regard to this, the aforementioned Decree Law provides for the management of this waste with two action programmes relating to accumulators from industrial vehicles and similar and batteries and other accumulators, substantiated in Administrative Ruling N° 572/2001 of 6 June 2001. It also provides for the definition of the rules for integrated battery systems and other accumulators in Administrative Ruling N° 571/2001 of 6 June 2001.

European Parliament and Council Directive N° 2006/66/EC of 6 September 2006 on batteries and accumulators and waste batteries and accumulators,

amended by European Parliament and Council Directive N° 2008/12/EC of 11 March 2008 which also revokes Council Directive N° 91/157/EEC of 18 March 1991.

In accordance with European Parliament and Council Directive N° 2006/66/EC of 6 September 2006 the present Decree Law particularly focuses on the need to reduce the amount of dangerous substances included in batteries and accumulators, particularly mercury, cadmium and lead. In this context, it provides for an increasingly high environmental performance by economic agents operating in the life cycle of batteries and accumulators, from the manufacturers of these products to the operators responsible for managing the resulting waste and prohibits the sale of batteries and accumulators containing mercury or cadmium above certain concentration values.

The present Decree Law also provides for the reinforcement of selective collection by fixing minimum recovery rates for waste portable batteries and accumulators and an increase in recycling, establishing minimum performance levels for this management operation.

It also provides for the adoption of principles of self-sufficiency, prevention and reduction, hierarchy of the waste management operations, responsibility of the citizen, regulation of waste management and the equivalence and co-responsibility of all the operators in the life cycle of batteries and accumulators for their management, to the extent of their respective operation and responsibility. It gives manufacturers the obligation to ensure the selective recovery, processing, recycling and disposal of waste batteries and accumulators, allowing them to opt for an integrated system, transferring their responsibility to the corresponding management body.

The present Decree Law shall take account of the other specific flow management regimes in force, in particular those created by Decree Law N° 196/2003 of 23 August 2003, with the wording given to it by Decree Laws N° 178/2006 of 5 September 2006 and 64/2008 of 8 April 2008 on end-of-life vehicles and Decree Law N° 230/2004 of 10 December 2004, with the wording given to it by Decree Law N° 174/2005 of 25 October 2005 and 178/2006 of 5 September 2006, on waste electrical and electronic equipment. In this context, it also intends to create a common approach, based on the application of the same management principles, to allow good cooperation between the management bodies for these flows, to avoid duplicate taxes and optimise synergy.

Thus, the present Decree Law transposes European Parliament and Council Directive N° 2006/66/EC of 6 September 2006 on batteries and accumulators and waste batteries and accumulators into an internal legal order, revoking Decree Law N° 62/2001 of 19 February 2001 and Administrative Rulings N° 571/2001 and N° 572/2001 of 6 June 2001. The government bodies of the Autonomous Regions have been consulted.

The measures necessary for the consultation of the Legislative Body of the Autonomous Region of the Azores have been carried out.

Thus:

Under the terms of paragraph N° 1 a) of Article 198 of the Constitution, the Government decrees the following:

CHAPTER I

General Provisions

Article 1

Subject-matter

The present Decree Law establishes the regime for placing batteries and accumulators on the market and the collection, processing, recycling and disposal of waste batteries and accumulators, transposing European Parliament and Council Directive N° 2006/66/EC of 6 September 2006, on batteries and accumulators and waste batteries and accumulators, which revokes Council Directive N° 91/157/EEC of 18 March 1991, amended by European Parliament and Council Directive N° 2008/12/CE of 11 March 2008 into an internal legal order.

Article 2

Scope

1 – The present Decree Law shall apply to batteries and accumulators, irrespective of their form, volume, weight, comprising components or use.

2 – The field of application of the present Decree Law shall exclude batteries and accumulators used in:

a) Appliances associated with the defence and security of the State, in particular arms, munitions and war material as long as it is intended solely for military purposes.

b) Appliances designed to be sent into space.

3 - The provisions of the present Decree Law shall not prejudice the application of Decree Law N° 196/2003 of 23 August 2003, with the wording given to it by Decree Laws N° 178/2006 of 5 September 2006 and 64/2008 of 8 April 2008 and Decree Law N° 230/2004 of 10 December 2004, with the wording given to it by Decree Laws N° 174/2005 of 25 October 2005 and 178/2006 of 5 September 2006.

Article 3

Definitions

For the purposes of the present Decree Law, the following terms shall have the following meanings:

a) "Appliance" shall mean any electrical or electronic equipment, as defined by paragraph a) of Article 3 of Decree Law N° 230/2004 of 10 December 2004, which is powered by batteries or accumulators or is capable of being so;

b) "Battery pack" shall mean any set of batteries or accumulators that are connected together and/or encapsulated within an outer casing so as to form a complete unit that the end-user is not intended to split up or open;

c) "Industrial battery or accumulator" shall mean any battery or accumulator designed exclusively for industrial or professional uses or used in any type of electric vehicle, used for emergency or back-up power supply in hospitals, airports or offices, designed exclusively for hand-held payment terminals in shops and restaurants, bar code readers in shops, batteries and accumulators used for instrumentation or in various types of measurement and

instrumentation equipment and batteries and accumulators used in connection with solar panels, photo-voltaic and other renewable energy applications and batteries and accumulators used in electric vehicles, such as electric cars, wheelchairs, bicycles, airport vehicles and automatic transport vehicles.

d) "Automotive battery or accumulator" shall mean any battery or accumulator used for the starter, lighting or ignition power in a vehicle;

e) "Placing on the market" means supplying or making available, whether in return for payment or free of charge, to a third party and includes import into Portuguese territory;

f) "Distributor" shall mean any individual or corporation that provides batteries and accumulators on a professional basis to an end-user;

g) "Disposal" shall mean any of the operations provided for in paragraph j) of Article 3 of Decree Law N° 178/2006 of 5 September 2006;

h) "Cordless power tool" shall mean any hand held appliance, as defined in Category 6 of Annex I of Decree Law N° 230/2004 of 10 December 2004, powered by a battery or accumulator and intended for maintenance, construction or gardening activities;

i) "Economic operators" shall mean any producer, distributor, or other waste management operators;

j) "Button cell" shall mean any small portable battery or small round accumulator whose diameter is greater than its height and which is used for special purposes, in particular, for hearing aids, watches, small portable appliances and back-up power;

l) "battery" or "accumulator" shall mean any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or consisting of one or more secondary rechargeable elements;

m) "portable battery or accumulator" shall mean any battery, button cell, battery pack or accumulator that is hermetically sealed, can be hand-carried and is neither an industrial battery or accumulator nor an automotive battery or accumulator, in particular, batteries made up of a single element such as, for example, AA and AAA batteries, and batteries and accumulators used in mobile telephones, portable computers, cordless power tools, toys and household appliances;

n) "Manufacturer" shall mean any individual or corporation which places batteries or accumulators, including those incorporated into appliances or vehicles, on the market for the first time within the national territory, on a professional basis, irrespective of the selling technique used, including by means of distance communication;

o) "Recycling" shall mean the waste management operation defined in paragraph s) of Article 3 of Decree Law N° 178/2006 of 5 September 2006;

p) "Waste battery or accumulator" shall mean any battery or accumulator which is waste within the meaning of paragraph u) of Article 3 of Decree Law N° 178/2006 of 5 September 2006;

q) "Collection rate" shall mean the percentage of weight obtained by dividing the amount of waste portable batteries and accumulators collected at a national level in a given calendar year and the average of the batteries and accumulators sold directly to end users by manufacturers and through third parties in this year and the two previous years;

r) "Processing" shall mean any activity carried out on waste batteries and accumulators after they have been handed over to a facility for sorting, preparation for recycling or preparation for disposal;

CHAPTER II **Management of waste batteries and accumulators**

Article 4 **Management principles**

The management of waste batteries and accumulators shall be carried out in accordance with the principles of self-sufficiency, prevention and reduction, hierarchy of waste management operations, responsibility of the citizen, regulation of waste management and equivalence as provided for in Decree Law N°178/2006 of 5 September 2006.

Article 5 **Responsibility for the management**

All the operators in the life-cycle of the batteries and accumulators, from their design or manufacture, sale and use up to the handling of the corresponding waste shall be jointly responsible for the management, to the extent of their respective operations and responsibility, for the operation of the management systems created under the terms of the present Decree Law.

Article 6 **Obligations on the manufacturers of batteries or accumulators and the manufacturers of the appliances into which they are incorporated**

1 – Manufacturers of batteries or accumulators shall design batteries and accumulators which gradually contain less dangerous substances, in particular through the replacement of heavy metals such as mercury, cadmium and lead, in order to reduce their negative impact on the environment and human health.

2 – Manufacturers of appliances which contain incorporated batteries or accumulators shall ensure that these are:

- a) Designed to assist with the removal of waste batteries and accumulators;
- b) Accompanied by instructions which inform the end user of the type of batteries or accumulators incorporated into the appliances and on the safe removal of the waste batteries or accumulators.

3 - The provisions of the previous paragraph shall not apply where, for medical, safety or appliance performance or data integrity reasons, continuity of power supply is necessary and requires a permanent connection between the appliance and the battery or accumulator.

Article 7 **Prohibition of placing on the market**

1 – Without prejudice to the provisions of paragraphs 2 and 3 of Article 6 of Decree Law N° 196/2003 of 23 August 2003, the placing on the market shall be prohibited in the case of:

a) Batteries or accumulators, whether or not incorporated into appliances, that contain more than 5 ppm of mercury by weight;

(b) Portable batteries or accumulators, including those incorporated into appliances that contain more than 20 ppm of cadmium by weight.

2 – The provision of paragraph a) of the previous paragraph shall not apply to button cells with a mercury content of no more than 20 000 ppm by weight.

3 – The provision of paragraph 1.b) shall not apply to portable batteries and accumulators used in alarm and emergency systems, including emergency lighting, medical apparatus and cordless electrical tools.

Article 8

Methods of collection of waste portable batteries and accumulators

1 – Manufacturers shall take the necessary measures to ensure that the following rates of collection of portable waste batteries and accumulators are guaranteed as a minimum:

a) 25 % by 31 December 2011;

b) 45 % by 31 December 2015.

2 – The calculation of the rates of collection referred to in the previous paragraph shall include batteries and accumulators incorporated into appliances and shall comply with the following cumulative requirements:

a) Have the full calendar year of 2011 as a reference;

b) Comply with the performance control system for methods provided for in Annex I of the present Decree Law, which shall form an integral part thereof;

c) Adopt the common method provided for in European Commission Decision N° 2008/763/EC of 29 September 2008 for the calculation of annual sales of portable batteries and accumulators to end users.

Article 9

Collection of waste portable batteries and accumulators

1 – End users shall be obliged to deliver waste portable batteries and accumulators which they may have to selected collection points intended for the purpose.

2 – Manufacturers, individually or through the licensed management body under the terms of the present Decree Law shall ensure the installation of selective collection points for waste portable batteries and accumulators and shall cover the other costs resulting from the aforementioned collection operation.

3 – The network for the selective collection of waste portable batteries and accumulators, made up of the collection points referred to in the previous paragraph and made up of a combination of:

a) Municipal, inter-municipal and multi-municipal systems created under the scope of the self-governing bodies for the collection of urban waste.

b) Distributors who carry out the removal of waste portable batteries and accumulators;

c) Other collection points installed by the licensed management body under the terms of the present Decree Law or by producers, in particular in health or school units.

4 – The distributors of portable batteries and accumulators shall be obliged to accept the return of the corresponding waste, irrespective of its chemical composition and its origin, without charge for the end user and without the end user having to purchase new batteries or accumulators.

5 – For the purposes of the provisions of the previous paragraph, the distributors of portable batteries and accumulators shall be obliged to provide specific collection banks at their premises for the selective collection of waste portable batteries and accumulators in a clearly identifiable and accessible location.

6 – The collection of waste portable batteries and accumulators may be carried out together with the waste management systems for waste electrical and electronic equipment provided for in Decree Law N° 230/2004 of 10 December 2004, in which case the management bodies shall agree the conditions for their respective participation.

Article 10

Collection of waste industrial batteries and accumulators and automotive batteries and accumulators

1 – End users shall be obliged to deliver waste industrial batteries and accumulators and automotive batteries and accumulators which they have to selected collection points intended for the purpose.

2 – Manufacturers and distributors of industrial batteries and accumulators shall be obliged to accept the return of the corresponding waste from end users, irrespective of their chemical composition or origin.

3 – Manufacturers of automotive batteries and accumulators shall ensure the existence of selective collection points for the corresponding waste, individually or through the licensed management body under the terms of the present Decree Law, and shall cover the costs resulting from installation and operation of these.

4 – The return of waste automotive batteries and accumulators owned by non-commercial individuals shall be free of any charge to the end user and not dependent on the purchase of new batteries or accumulators.

5 – Waste batteries and accumulators collected selectively shall be treated in sealed containers, with a composition which does not react with the components of the aforementioned wastes and stored with the liquid contained in them in a vertical position, with the openings closed and facing upwards.

6 – The collection of waste automotive batteries and accumulators may be carried out together with the waste management systems for end-of-life vehicles provided for in Decree Law N° 196/2003 of 23 August 2003, with its current wording, in which case the management bodies shall agree the conditions for their respective participation.

Article 11

Requirements for the collection systems

The selective collection systems referred to in the previous articles shall ensure coverage of the whole national territory and shall take account of the population density and accessibility criteria, thus guaranteeing the prevention of risks to the health and safety of people.

Article 12

Labelling

1 - Manufacturers shall be obliged to label the batteries, accumulators or battery packs placed on the Community market with the symbol whose model is given in Annex II of the present Decree Law, which shall form an integral part thereof, to facilitate the selective collection of the corresponding waste.

2 - Manufacturers of portable batteries and accumulators and automotive batteries and accumulators shall be obliged, up to 26 September 2009, to visibly, legibly and indelibly indicate on these the corresponding capacity, in accordance with the harmonised methods for determination of the capacity and appropriate use as defined by the European Commission.

3 - Batteries, accumulators and button cells which contain more than 5 ppm of mercury, more than 20 ppm of cadmium or more than 400 ppm of lead shall be marked with the chemical symbol corresponding to the heavy metal in question, which shall be printed on the bottom of the symbol referred to in paragraph 1 and shall cover a minimum area equivalent to a quarter of the size of this symbol.

Article 13

Processing, recycling and removal of portable industrial batteries and accumulators, industrial batteries and accumulators and automotive batteries and accumulators

1 - The manufacturers shall be responsible individually or through a body licensed under the terms of the present Decree Law, to ensure the processing, recycling and / or elimination of waste batteries and accumulators collected under the terms of Articles 9 and 10, covering the net costs resulting from these operations and the costs of the intermediate transport, storage and sorting operations.

2 - The processing and recycling processes shall comply with the provisions of Decree Law N° 178/2006 of 5 September 2006 and other applicable legislation and operators shall also comply with the following minimum requirements:

a) Removal of all the fluids and acids in the installations, including those being stored temporarily, with suitable waterproof surfaces and covers or in adequate containers;

b) Reach the following minimum performance levels, by 26 September 2011:

i) Recycling of 65 % by weight of lead-acid batteries and accumulators, including recycling of the lead content to the highest degree that is technically feasible while avoiding excessive costs;

ii) Recycling of 75 % by weight of nickel-cadmium batteries and accumulators, including recycling of the cadmium content to the highest degree that is technically feasible while avoiding excessive costs;

iii) recycling of 50 % by weight of other waste batteries and accumulators.

3 - The disposal of industrial and automotive batteries and accumulators in landfill sites or by incineration is prohibited.

4 – The disposal in landfill or underground storage of waste portable batteries and accumulators which contain mercury, cadmium or lead is only permitted in the following cases:

a) When it is not viable to go down the route of recovery;

b) When this results from a waste management plan, approved under the terms of Decree Law N° 178/2006 of 5 September 2006, which provides for the gradual elimination of the aforementioned heavy metals and which shows, on the basis of an environmental, economic and social evaluation that the option of removal is preferable to that of recycling.

5 – It shall be the responsibility of the Agência Portuguesa do Ambiente (APA) (Portuguese Environmental Agency) to publish the environmental evaluation referred to in the previous paragraph on its website and to notify the Commission of the measures taken under the terms of Decree Law N° 58/2000 of 18 April 2000, relating to the information procedures in the field of standards and technical regulations and the rules relating to the services of the information company.

Article 14

Manufacturing technologies for batteries and accumulators and processing and recycling methods for waste batteries and accumulators

Manufacturers of batteries and accumulators shall encourage research and development into new manufacturing, processing and recycling technologies for waste batteries and accumulators, taking account of improvements in environmental performance for batteries and accumulators over their life cycle.

Article 15

Environmental cost

The costs of collection, processing and recycling of portable batteries and accumulators shall not be reflected in the sale price to the end-user.

CHAPTER III

Integrated system and individual system

Article 16

Systems for the management of waste portable batteries and accumulators

1 – Up to 26 September 2009, all manufacturers of batteries and accumulators shall be obliged to submit the management of waste batteries and accumulators to an integrated system or to an individual system, for the purposes of compliance with the obligations established in the present Decree Law.

2 – Manufacturers shall guarantee that the systems referred to in the previous paragraph use the best techniques available for the protection of health and the environment and for the processing and recycling of waste batteries and accumulators.

Article 17
Integrated system

1 – If the manufacturer opts to join an integrated system, the responsibility for the management of waste batteries and accumulators shall be transferred to the manager of this system.

2 – The transfer of responsibility referred to in the previous paragraph may be partial, relating to some waste, or total, covering all the waste.

3 - The transfer of responsibility from each manufacturer to the management body shall be the subject of a written contract, with a minimum duration of two years, which must obligatorily and on pain of being void, include the following elements:

- a) Characteristics of the batteries and accumulators covered;
- b) Provision of the quantity of batteries and accumulators collected annually by the management body;
- c) The control actions to be carried out by the management body, to verify the compliance with the conditions stipulated in the contract.
- d) The financial payment due to the management body and the form of payment.

Article 18
Management body

1 - The management body shall be a corporation, in the form of an association or company, responsible for the management of waste batteries and accumulators, made up obligatorily of manufacturers, distributors and any other bodies which carry out their activity in the field of the management of waste batteries and accumulators.

2 – The accounting results for the management body shall obligatorily be reinvested or used in its activity or connected activities and it may create provisions or reserves for future operations, with the distribution of income, dividends or profits to shareholders, members or partners being expressly prohibited.

3 – The management body may not sign contracts with waste management operators which prevent free access to the waste management activity by other operators.

Article 19
Financing the management body

1 - The management body shall be financed, in particular, through financial support from manufacturers.

2 – The value of the financial payment shall be determined depending on the quantities of batteries and accumulators placed on the national market annually, the characteristics and nature of the materials present in the waste batteries and accumulators and the processing operations to which these are subject.

3 - The value of the financial payment may be updated through a proposal from the management body, submitted to the APA (Portuguese Environmental

Agency) by 30 September of the year immediately prior to the year in question which shall require approval with a communication from the member of the Government responsible for the Environment.

Article 20

Licensing the management body

1 – The management activity shall require a licence, to be awarded with a communication from the member of the Government responsible for the Environment and shall depend on its technical and financial capacity.

2 – For the purposes of granting the licence, the management body shall submit an application and a schedule of charges to the APA (Portuguese Environment Agency) which shall obligatorily include the following:

- a) Types and characteristics of the batteries and accumulators covered;
- b) Provision for the quantities of batteries and accumulators to be collected annually;
- c) Schedule for monitoring the system, including the control of annual sales of batteries and accumulators and the resulting flow of waste batteries and accumulators and checks on the operators;
- d) Basic financial performance required of the manufacturers, calculated as defined in paragraph 2 of the previous article;
- e) Conditions for the development of the waste management activity with the other economic operators, in particular the methods proposed to ensure the management of waste batteries and accumulators collected by them;
- f) Conditions for development with other management bodies which collect waste batteries and accumulators, taking particular care to avoid double calculation of the financial counterparts due to these systems;
- g) Definition of a report intended for the financing of information campaigns, raising awareness among users of batteries and accumulators on the procedures to be adopted for the management of waste batteries and accumulators and on the dangers of uncontrolled disposal of this waste;
- h) Description of the economic circuit defined for recycling or disposal, showing the terms of the relation between the management body and the other bodies involved.

3 – It shall be the responsibility of the APA (Portuguese Environment Agency) to define and coordinate the licensing procedure for the management body, under which it shall evaluate the schedule of charges and determine the technical and financial capacity of the applicant.

4 – The granting of the licence shall be preceded by consultation of the interested parties, carried out by the APA (Portuguese Environment Agency) under the terms of Articles 100 and following of the Administrative Procedure Code.

Article 21

Information and raising awareness among users

1 - The management body shall create information and public awareness campaigns on the procedures to be adopted with regard to the management of waste batteries and accumulators.

2 - The campaigns referred to in the previous paragraph shall include, at least, information on the following:

- a) The obligation to not dispose of batteries and accumulators in unsorted urban waste, contributing to its selective collection;
- b) The selective collection systems available and the corresponding locations for making voluntary deposits;
- c) The role of the management body in the field of management of waste batteries and accumulators;
- d) The effects on the environment and human health resulting from the presence of dangerous substances in waste batteries and accumulators;
- e) The meaning of the symbol referred to in Article 12 and the chemical symbols for mercury (Hg), Cadmium (Cd) and lead (Pb).

Article 22

Individual system

1 – As an alternative to the integrated system provided for in Articles 17 and following, the manufacturers of batteries and accumulators may opt to carry out the obligations for the management of waste batteries and accumulators individually.

2 – The individual system for the management of waste batteries and accumulators referred to in the previous paragraph shall require authorisation from the APA (the Portuguese Environment Agency) which shall be granted as long as the manufacturer can show that they have complied with the obligations provided for the integrated system.

3 - The regime established for the integrated system shall be applicable, with the necessary adaptations, to the individual system for the management of waste batteries and accumulators.

CHAPTER IV

Registration of manufacturers of batteries and accumulators

Article 23

Registration of manufacturers

1 – The manufacturers and the management bodies for the integrated management systems for waste batteries and accumulators shall be obliged to set up a body which is responsible for the organisation of the registration of manufacturers.

2 – For the purpose of the provisions of the previous paragraph, manufacturers shall be obliged to register with this body and the send the following information:

- a) Type and quantity of batteries and accumulators placed on the market annually;
- b) Indication of the management system they have chosen in relation to each type of battery and accumulator.

3 – Bodies which are already licensed for other types of waste may set themselves up for the registration of manufacturers as long as they do not have the express opposition of the battery and accumulator manufacturers.

Article 24

Registration body

1 – The registration body is a non-profit making legal entity, responsible for the organisation and maintenance of the register of manufacturers.

2 – The accounting profits for the registration body shall obligatorily be reinvested or used in its activity or connected activities and it may create provisions or reserves for future operations, with the distribution of profits being expressly prohibited.

3 – The activity of the registration body shall require a licence granted by the APA (Portuguese Environment Agency) and shall depend on its technical capacity.

4 – For the purposes of granting the licence, the registration body shall submit an application to the APA (Portuguese Environment Agency) which shall obligatorily include the following:

- a) Its Articles of Association;
- b) Detailed description of the systems and procedures for registration;
- c) Method for control of the quantity of batteries and accumulators placed and sold on the market annually;
- d) Fees to be charged for the registration procedure;
- e) Procedure for periodical reporting to the APA (Portuguese Environment Agency);
- f) Methods for making the information contained in the register available to the public.

Article 25

Obligations on the registration body

1 - The registration body shall be obliged to:

- a) Ensure, organise and maintain the compulsory and regular registration of manufacturers, in accordance with the requirements harmonised at a community level;
- b) Carry out all the activities connected with the registration, in particular the classification of batteries and accumulators, verification of the corresponding quantities and provision of information to the APA (Portuguese Environment Agency) and the public.

2 – Any information provided to the registration body, which may constitute a commercial or industrial secret, shall be confidential.

3 – The registration body shall notify the APA (Portuguese Environment Agency) of any non-compliance by manufacturers with the obligation for initial registration or the obligation to provide information from time to time.

4 – In the absence of the requirements referred to in paragraph 1.a) the APA (Portuguese Environment Agency) shall fix the requirements with which the registration must comply, making these available on its website.

Article 26

Fees

1 – The fees provided for by Article 54 of Decree Law N° 178/2006 of 5 September 2006 shall be charged for the services of the APA (Portuguese Environment Agency) under the scope of the present Decree Law;

2 – The management systems for waste batteries and accumulators shall be subject to payment of the waste management fee, under the terms of the provisions of Article 58 of Decree Law N° 178/2006 of 5 September 2006 and the conditions fixed in the corresponding licence or authorisation.

CHAPTER V
Monitoring regime and sanctions
Article 27
Inspection and monitoring

The inspection and monitoring of compliance with the present Decree Law shall be the responsibility of the Inspeccão-Geral do Ambiente e do Ordenamento do Território (IGAOT) (General Inspectorate for the Environment and Land Planning), the Autoridade de Segurança Alimentar e Económica (ASAE) (Authority for Food Safety and Economics), the Direcção-Geral de Alfândegas e dos Impostos Especiais sobre o Consumo (DGAIEC) (Customs and Special Tax on Consumption Department) and the police authorities.

Article 28
Offences

1 – Committing the following actions shall constitute a very serious environmental offence, punishable under the terms of Law N° 50/2006 of 29 August 2006:

- a) The placing on the market of batteries and accumulators in violation of the provisions of paragraphs a) or b) of Article 7;
- b) Non-compliance by producers with the obligation to ensure the processing, recycling and / or disposal of the waste batteries and accumulators collected under the terms of paragraph 1 of Article 13;
- c) Non-compliance, by the operators, with the minimum requirements of the processing and recycling process provided for in paragraph 2 of Article 13;
- d) The disposal of industrial and automotive batteries and accumulators in landfill sites or by incineration in violation of the provisions of paragraph 3 of Article 13.
- e) The disposal in landfill or underground storage of waste portable batteries and accumulators which contain mercury, cadmium or lead without complying with the conditions fixed in paragraph 4 of Article 13 which allow this;
- f) The violation, by manufacturers of batteries and accumulators, of the obligation to submit the waste management for batteries or accumulators to an integrated system or individual system, under the terms of Article 16.

2 – The practice of the following actions shall constitute a serious environmental offence, punishable under the terms of Law N° 50/2006 of 29 August 2006:

- a) Non-compliance, by the manufacturers of appliances which contain batteries and accumulators, with the obligations provided for in paragraph 2 of Article 6;
- b) Non-compliance, by the manufacturers of portable batteries and accumulators or by the management body for the integrated system in the

case of transfer of responsibility, with the collection rates fixed in paragraph 1 of Article 8;

c) Non-compliance, by end users, with the obligation to deliver waste batteries or accumulators to the selective collection points intended for the purpose, under the terms of paragraph 1 of Article 9 and paragraph 1 of Article 10;

d) Non-compliance by manufacturers with the duty to ensure the installation of selective collection points for waste portable batteries and accumulators and failure to cover the other costs resulting from the selective collection operation, under the terms of paragraph 2 of Article 9.

e) Non-compliance by the distributors of portable batteries and accumulators with the duty to accept the return of the corresponding waste, under the terms of paragraph 4 of Article 9;

f) Non-compliance by the distributors of portable batteries and accumulators with the duty to provide specific containers for selective collection, under the terms of paragraph 5 of Article 9;

g) Non-compliance by manufacturers or distributors of industrial batteries and accumulators with the duty to accept the return of the corresponding waste, under the terms of paragraph 2 of Article 10;

h) Non-compliance by manufacturers of automotive batteries and accumulators with the duty to ensure the existence of selective collection points for the corresponding waste and to cover the other costs inherent in their installation and operation, under the terms of paragraph 3 of Article 10.

i) Non-compliance with the obligations for treatment of waste batteries and accumulators under the conditions provided for in paragraph 5 of Article 10;

j) Non-compliance by manufacturers of batteries, accumulators or battery packs with the obligation carry out the corresponding labelling, under the terms of paragraph 1 of Article 12;

l) Non-compliance by manufacturers of portable batteries and accumulators and automotive batteries and accumulators with the obligation to carry out labelling, under the terms of paragraph 2 of Article 12;

m) The separation of the costs of collection, processing and recycling of portable batteries and accumulators in the final sale price in violation of the provisions of Article 15.

n) Non-compliance by manufacturers of batteries and accumulators with the obligation to guarantee that the individual or integrated systems use the best techniques available for the protection of health and the environment, for the processing and recycling of waste batteries and accumulators, under the terms of paragraph 2 of Article 16;

o) Violation, by the management body, of the obligation to reinvest or use the accounting profits from its activity in its activity or connected activities, under the terms of paragraph 2 of Article 18.

p) Violation, by the management body, of the prohibition on the distribution of income, dividends or profits, under the terms of paragraph 2 of Article 18.

q) The signature of contracts by the management body in violation of the provisions of N° 3 of article 18;

r) The adoption of an integrated system for the management of waste batteries and accumulators by the manufacturers without the management body having the licence provided for in paragraph 1 of Article 20;

s) Non-compliance by the management body with the obligation relating to information and raising user awareness, under the terms of Article 21;

t) The adoption of an individual system for the management of waste batteries and accumulators by the manufacturers without obtaining authorisation from the APA (Portuguese Environment Agency) provided for in paragraph 2 of Article 22;

u) Failure, by manufacturers or management bodies of the integrated system for the management of waste batteries and accumulators, to set up a body responsible for the organisation and registration of manufacturers under the terms of paragraph 1 of Article 23;

v) Non-compliance by manufacturers with the obligation for initial or regular registration or failure to correctly notify information, under the terms of paragraph 2 of Article 23;

x) Violation, by the registration body, of the obligation to reinvest or use the accounting profits from its activity in its activity or connected activities, under the terms of paragraph 2 of Article 24.

z) Violation, by the registration body, of the prohibition on the distribution of profits, under the terms of paragraph 2 of Article 24.

aa) Non-compliance by the registration body with the obligations provided for in Article 25.

3 – Under the terms of Article 38 of Law N° 50/2006 of 29 August 2006, condemnation for committing the very serious offences provided for in paragraph 1 of the present article and committing the infringements provided for in paragraph 2, when the concrete amount of the fine applied exceeds half the amount of the maximum fine which is generally applicable, this shall be published.

Article 29

Additional sanctions

1 – As long as the severity of the infringement justifies this, the competent body may, in addition to and alongside the fine, determine application of the additional sanctions which are deemed to be suitable, under the terms provided for in Law N° 50/2006 of 19 August 2006.

2 – Whenever necessary, the competent authority may also determine the provisional seizure of assets and documents, under the terms provided for in Article 42 of Law N° 50/2006 of 29 August 2006.

Article 30

Instruction of proceedings and application of sanctions

IGAOT (General Inspectorate for the Environment and Land Planning) shall be responsible for instructing proceedings for offences under the scope of the present Decree Law and the application of the corresponding fines and additional sanctions.

Article 31

Income from fines

The income from fines provided for in the present Decree Law shall be allocated in accordance with the provisions of Article 73 of Law N° 50/2006 of 29 August 2006.

CHAPTER VI
Final and transitory measures

Article 32
Reports

In order to comply with the annual and triennial obligations for information to be sent to the European Commission, the APA (Portuguese Environment Agency) with the support of the Comissão de Acompanhamento de Fluxos Específicos (Commission for Specific Flows) shall draw up reports in accordance with the structure, format and calculation methods established in the applicable Community decisions.

Article 33
Subsidiary System

For anything which is not specifically regulated by the present Decree Law relating to the management of waste batteries and accumulators, Decree Law N° 178/2006 of 5 September shall apply.

Article 34
Transitory measure

1 – Up to the constitution of the registration body referred to in Article 23, the management body referred to in Article 18 shall, under the terms of N° 2 of Article 23 and Article 25, carry out the registration of manufacturers, whose responsibility for the management of waste has been transferred to this body.

2 – For the purposes of the provisions of the previous paragraph, the management body shall be subject to the obligation to obtain a licence under the terms of Article 24.

3 – In the case referred to in the present article, the APA (Portuguese Environment Agency) shall carry out the registration of manufacturers who carry out the management of waste in an individual system.

Article 35
Repealing regulation

Decree Law N° 62/2001 of 19 February 2001 and Administrative Rulings N° 571/2001 and N° 572/2001 of 6 June 2001 are repealed.

Article 36
Application to the Autonomous Regions

1 – The provisions of the present Decree Law shall apply in the Autonomous Regions of the Azores and Madeira without prejudice to any adaptations which may need to be made as a result of the structure of the Autonomous Region's own administrative bodies.

2 – The services and bodies of the corresponding administrative bodies of the Autonomous Regions shall send the APA (Portuguese Environment Agency) the information needed for compliance with the obligation to send the national report on the execution of the present Decree Law to the European Commission.

3 – The product of the fines and fees applied in the Autonomous Regions shall constitute income for the Region itself.

Article 37
Entry into force

The present Decree Law shall enter into force on the day after its publication.
Read and approved in the Council of Ministers of 16 October 2008. — *José Sócrates Carvalho Pinto de Sousa* — *Luís Filipe Marques Amado* — *Rui Carlos Pereira* — *Francisco Carlos da Graça Nunes Correia* — *Manuel António Gomes de Almeida de Pinho*.

Published on 15 de December de 2008.

Published.

President of the Republic, ANÍBAL CAVACO SILVA.

Approved by referendum on 17 de December de 2008.

The Prime Minister, *José Sócrates Carvalho Pinto de Sousa*.

ANNEX I
**System for checking compliance with the methods of collection of waste portable
batteries and accumulators
provided for in paragraph 2.b) of Article 8.**

Year	Collection of the data		Calculation
2009	Sales in 2009 (V_1).		
2010	Sales in 2010 (V_2).		
2011	Sales in 2011 (V_3).	Collection in 2011 (R_3)	Rate of collection = $3 \times R_3 / (V_1 + V_2 + V_3)$.
2012	Sales in 2012 (V_4).	Collection in 2012 (R_4)	Rate of collection = $3 \times R_4 / (V_2 + V_3 + V_4)$.
Etc.	Etc.	Etc.	Etc.

ANNEX II

Symbol for the marking referred to in paragraph 1 of Article 12

1 – The symbol which indicates the separate collection of waste batteries and accumulators shall be made up of a crossed-out wheeled bin as shown below. The symbol shall comply with the following requirements: a) Be printed visibly, legibly and indelibly.

b) Occupy a minimum of 3% of the surface of the largest face of the battery, accumulator or battery pack;

c) Be of a maximum size of 5 cm x 5 cm;

d) In the case of cylindrical batteries, occupy at least 1.5% of the surface of the battery or accumulator and be of a maximum size of 5 cm x 5 cm;

2 – If the battery, accumulator or battery pack is smaller than the requirements referred to in the previous paragraph, it is not obligatory to mark it, but the symbol must be printed on the packaging with a minimum size of 1 cm x 1 cm.

**MINISTRY OF AGRICULTURE, RURAL DEVELOPMENT AND
FISHERIES**

**Decree Law N° 7/2009
of 6 January 2009**

Decree law N° 213/2003 of 18 September 2003 transposes Council Directive N° 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption.

Having regard to the growing need for harmonisation in the international sale of milk and milk products, it is important to allow and guarantee the standardisation of the protein content of certain partly or wholly dehydrated preserved milk at a minimum content of 34 %, by mass, in relation to the dry residue free from fat, so that it is necessary to define the raw materials used in the adjustment of the protein content and its composition.

European Parliament and Council Regulation N° 1925/2006 of 23 December 2006 relating to the addition of vitamins, minerals and other food substances, regulates the addition of these substances to foods and establishes the list of vitamins and minerals which may be added to foods.

For the purpose of allowing the addition of vitamins and minerals as provided for in European Parliament and Council Regulation N° 1925/2006, Council Directive N° 2001/114/EC of 20 December 2001, amended by Council Directive N° 2007/61/EC of 26 September 2007 which is transposed into an internal legal order herein, imposing the amendments to Decree Law N° 213/2003 of 18 September 2003.

For the purpose of avoiding discrepancies between the standards relating to this matter, it is necessary to consolidate the legal discipline relating to certain partly or wholly dehydrated preserved milk for human consumption. Thus, the present Decree Law transposes Council Directive N° 2007/61/EC of 26 September 2007, which amends Council Directive N° 2001/114/EC of 20 December 2001 and revokes Decree Law N° 213/2003 of 18 September 2003, transposed by the latter, into an internal legal order.

Finally, it is important to note that, in the series of guidelines defined by the Programa de Reestruturação da Administração Central do Estado (PRACE) (Programme for Restructuring the Central State Administration) the competence for political measures under the scope of food quality and safety, in particular the regulation and coordination of official controls on food types is allocated to the Gabinete de Planeamento e Políticas (GPP) (Cabinet for Planning and Policies) of the Ministry of Agriculture, Rural Development and Fisheries.

The government bodies of the Autonomous Regions have been consulted.

Thus:

Under the terms of paragraph N° 1 a) of Article 198 of the Constitution, the Government decrees the following:

Article 1

Subject-matter

The present Decree Law transposes Council Directive N° 2007/61/EC of 26 September 2007, which amends Council Directive N° 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption, into an legal order.

Article 2

Labelling

The provisions of Decree Law N° 560/99 of 18 December 1999 and the corresponding amendments shall apply to the products defined in Annex I of the present Decree Law and which shall form an integral part thereof, under the following terms:

a) With regard to the trade name:

i) The product names listed in Annex I of the present Decree Law shall apply only to the products referred to therein and shall, without prejudice to the provisions of sub-paragraph ii), be used in trade to designate them.

ii) As an alternative to the product names referred to in Annex I, Annex II of the present Decree Law, which shall form an integral part thereof, provides a list of particular designations. These designations may be used in the language and under the conditions laid down therein;

b) The labelling must state the percentage of milk fat, expressed by weight in relation to the finished product, except in the case of the products defined in Annex I(1)(d) and (g) and Annex I(2)(d), and the percentage of fat-free dried milk extract in the case of the products defined in Annex I(1). These particulars shall appear near the trade name;

c) In the case of the products defined in Annex I(2), the label must state the recommendations as to the method of dilution or reconstitution, including details of the fat content of the product thus diluted or reconstituted.

d) Where products weighing less than 20g per unit are packaged in an outer wrapper, the particulars required by this Article need appear on the outer packaging only, except for the designation required by point 1(a);

e) The labelling of the products defined in Annex I(2) shall state that the product “is not intended as a food for infants under 12 months”.

Article 3

Competent Authority

The Gabinete de Planeamento e Políticas (The Cabinet for Planning and Policies) is the body responsible for the policy measure relating to quality [text missing]