# New amendments to the General Waste Management Regime

## What is changing and what are the implications for the sector?

info@abreuadvogados.com
**abreuadvogados.com**



On 27 October 2026, Decree-Law No. 205/2026 was published, introducing the fifth amendment to the General Waste Management Regime (the "RGGR"), approved as an annex to Decree-Law No. 102-D/2020 of 10 December. The Decree-Law entered into force in the month following its publication (Article 7), namely on 1 November 2026.

The Government presents this legislative review as a means of accelerating progress towards national and European waste management targets, particularly in relation to reducing landfill disposal and strengthening prevention, reuse and recycling, in line with the objectives of the transition to a circular economy.

The main changes introduced include the following:

- **·Extension of the ancillary non-municipal waste management activities of public systems to include treatment itself, where previously only ancillary collection was permitted, albeit subject to stricter competition-related requirements**

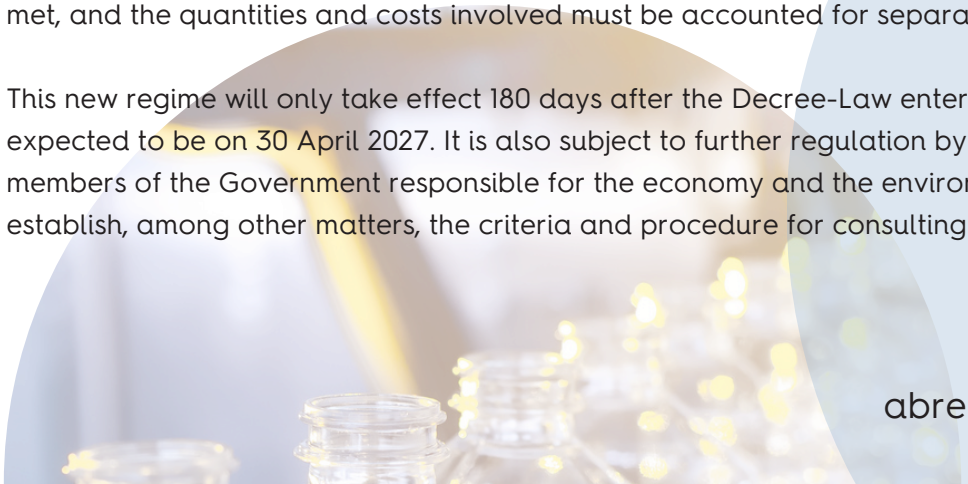
The Decree-Law broadens the scope of activities carried out by municipal, intermunicipal and multi-municipal waste management systems, allowing them to collect, transport and treat non-municipal waste, as well as municipal waste not covered by the public service reservation, whereas the law previously restricted such activities to ancillary collection.

This possibility is, however, subsidiary in nature and is conditional on a request from the waste producer or holder and on a lack of available services arising from abusive competitive conditions imposed by private operators.

For these purposes, a lack of available services is deemed to exist where private operators apply manifestly abusive commercial conditions that objectively prevent access to the service, including through prices or unfair or discriminatory contractual terms without objective justification, or through practices that restrict competition. This criterion replaces the previous requirement to prove that the five licensed operators closest to the producer had refused to provide the service.

In this context, the Decree-Law provides that these activities may only be carried out by the systems concerned after mandatory prior opinions have been issued by the Portuguese Competition Authority, the National Waste Authority ("ANR") and the Water and Waste Services Regulatory Authority ("ERSAR"). Where applicable, authorisation from the entity responsible for the service is also required. The activity must be carried out under a contract with a maximum term of three years, which terminates as soon as any of the statutory conditions cease to be met, and the quantities and costs involved must be accounted for separately.

This new regime will only take effect 180 days after the Decree-Law enters into force, that is, expected to be on 30 April 2027. It is also subject to further regulation by an order issued by the members of the Government responsible for the economy and the environment, which will establish, among other matters, the criteria and procedure for consulting private operators.



Until then, the previous wording of Article 11 remains in force, without prejudice to the temporary suspension of the restriction on public systems receiving non-municipal waste, introduced following Storm Kristin and extended until 31 December 2026.

- **New allocation of revenue from the Waste Management Fee ("TGR")**

The Decree-Law revises the model for distributing TGR revenue. While leaving the fee rates applicable to operators unchanged, it establishes a new allocation of the amounts collected. Public-sector beneficiaries will receive an amount equivalent to that received in the previous year, adjusted in line with the consumer price index, with the remainder transferred to the Environmental Fund. From 2027, the Fund must retain at least 60% of the revenue, earmarked for waste management projects aimed at meeting the relevant targets.

In addition to ensuring that at least 30% of TGR revenue is allocated to financing municipalities, the new regime provides for adjustments to the annual increase in the fee for municipalities that meet the waste management targets set out in their respective municipal plans approved by the ANR. There will be no increase where the targets are met in full, and the increase will be reduced by 25% where compliance is between 75% and 100%.

The Environmental Fund will also finance municipal projects designed to improve efficiency in the sector, establish and maintain waste streams and implement more effective separate collection models. Support will also be available to producers covered by extended producer responsibility and to municipal waste management systems, through specific calls for applications or programme agreements, with the amounts to be established by ministerial order.

For private operators, it should be noted that access to TGR revenue is limited to funds not allocated in each financial year, which the Environmental Fund will channel into calls for applications open to all parties liable to pay the fee. The new rules on the distribution and use of TGR revenue apply with effect from 1 January 2026.

- **Strengthening traceability and control obligations for construction and demolition waste ("CDW")**

The requirements applicable to CDW management are being strengthened to ensure greater traceability of waste generated on construction sites, from identification and separation through to its transfer for recovery or disposal operations.

Of particular relevance are the changes to pre-demolition audits in public works, which will now be subject to a specific regime (new Article 55-A) and involve waste treatment operators, who will contribute to waste traceability in coordination with the auditor. This strengthens the link between the prior identification of existing materials and the solutions available for their appropriate routing and recovery.

The obligations to document and provide evidence of the destination of CDW are also being strengthened, notably through the requirement to provide proof that the waste has been received by licensed treatment operators. This evidence must be included in the statement of responsibility signed by the person in charge of the works, on which, in the case of private works, the use of the building and the provisional acceptance of the works depend.

For works subject to licensing or prior notification, it will also be mandatory to record in detail, in the construction site logbook, the selective deconstruction method adopted, including the estimated and actual quantities produced, sorted and transferred, with particular attention to waste containing asbestos.

Lastly, the collection and management of asbestos-containing CDW arising from private works exempt from licensing and not subject to prior notification may be undertaken by municipal waste collection systems, subject to a specific charge and in accordance with a ministerial order yet to be published.

- New rules on the use of waste to backfill excavation voids, particularly in quarries and mines

Changes are introduced to the regime governing waste recovery operations intended to backfill excavation voids, particularly in quarries and mines, strengthening environmental requirements and modifying the applicable licensing framework.



Notably, the statutory exemption from compliance with the technical requirements applicable to landfills is removed for the restoration, using uncontaminated soil and rocks, of extractive industry sites without a licence or authorisation. This change helps prevent such operations from being used as an alternative to landfill disposal without compliance with the corresponding environmental requirements.

In addition, the Decree-Law extends the regime laid down in Article 87-A of the RGGR to mineral deposits (mines). Decisions on exemptions from the requirements applicable to landfills, where backfilling is carried out exclusively with uncontaminated soil and rocks, will now fall to the Regional Coordination and Development Commissions ("CCDR") or the Institute for Nature Conservation and Forests, I.P. ("ICNF"), as the bodies responsible for approving the environmental and landscape rehabilitation plan, rather than the ANR, in accordance with the ministerial order governing the backfilling of excavation voids.

At the same time, waste recovery operations will be incorporated into quarry licensing procedures, regardless of the type of operation involved, subject to a binding opinion from the authority responsible for licensing waste treatment, to be issued within the deadlines applicable to the general licensing procedure. If the opinion is not issued within those deadlines, the procedure may continue and a decision may be taken without it.



The Decree-Law also aligns the waste shipment regime with Regulation (EU) 2024/1157, applicable since 21 May 2026, particularly as regards the use of the European Commission's central electronic system, which replaces the reporting of transboundary waste movements through SIRER. It also introduces adjustments to the relationship between the licensing of waste treatment operations and the licensing procedures for industrial activities and the exploitation of quarries and mineral deposits.

Further changes are made to the administrative offences regime, with certain offences being reformulated, introduced or removed. These changes may have implications for pending proceedings in light of the principle of applying the more favourable law. The rules governing collection centres are also amended: their definition is now limited exclusively to the preliminary storage and/or sorting of waste, and the holding and operation of such centres are reserved for producers, entities managing specific waste streams, directly or indirectly, and municipal, intermunicipal and multi-municipal systems. Breaching this restriction will constitute a very serious administrative offence.

The amendments introduce new regulatory requirements for public systems, private operators and waste producers, and may affect competition conditions in the management of non-municipal waste. In the coming months, it will be important to monitor the publication of the ministerial orders on which the new regime for ancillary activities by public systems and the new allocation of TGR revenue depend, as well as to review pending administrative offence proceedings in light of the revised wording of Article 117 of the RGGR.

## Thinking about tomorrow? Let's talk today.



**José Eduardo Martins**
josé.e.martins@abreuadvogados.com



**Raquel Barroso**
raquel.barroso@abreuadvogados.com



info@abreuadvogados.com
**abreuadvogados.com**

Abreu advogados