

To: Minister of Environment and Climate Action, João Pedro Matos Fernandes

Cc: Secretary of State of the Environment, Inês Costa

19th November 2020

Citizens' right to "Choose to Reuse" removed from proposed Portuguese legislation

Dear Minister

We are writing with great concern regarding your decision to withdraw the packaging reuse targets of the proposed Portuguese Waste legislation (Unilex) leaving it to the economic sector to propose and implement. Reuse targets are a policy tool to signal to society at large the envisioned path for the country. It should never be left in the hands of stakeholders that have repeatedly blocked proposals in this area. The previous version of this important piece of legislation has followed the EU's principles on Circular Economy and Zero Waste guidelines and was a leading example for other European countries.

Our concern is based on the fact that previously the legislative package under review stated that **"by 2025, at least 30% of the annual volume of beverages placed on the market must be packaged in reusable packaging"**, a target that would increase to **"at least 70% of the annual volume of beverages placed on the market in 2030"**.

However, in the version now under public consultation, the Government backed down and presented a legislation where "it is the representative structures of economic activity, namely industry, commerce, distribution and catering" that **"must adopt, by 2023, instruments of self-regulation that define management goals related to the annual percentage volume of drinks placed on the market packaged in reusable packaging for 2025 and 2030"**.

The transposition of this EU legislation is a key opportunity to integrate measures to promote waste prevention as part of the transition towards a true circular economy, as called for by EU legislation and policy, as well as Portuguese (e.g., Circular Economy National Action Plan). This current proposal has positive measures, as is the example of the Deposit Return System to be implemented from January 2022, but with the withdrawal of the reuse targets on packaging, it has become one of the weakest regulatory laws in the EU regarding this issue, as the Portuguese Government delegates the responsibility for setting these targets to economic sectors known to be against reuse. This is an unacceptable step back that will hinder a true transition to circularity, and will delay for many years the environmental, economic and social benefits resulting from the packaging reuse systems. For example, as quoted also in the Portuguese Circular Economy National Action Plan, "10.000 tons of general waste generate 1 job if

the waste is incinerated, 6 jobs if landfilled, 36 jobs if recycled, and 296 jobs if reuse is promoted”. Furthermore, the absence of reuse targets will prevent citizens from having access to the more sustainable solutions that they are increasingly demanding, hindering their right to “Choose to Reuse”.

The undersigned consider such proposal a step in the wrong direction and ask you to reconsider and to return to the innovative and circular spirit of the previous drafts, not giving in to the pressure of economic sectors. The reinstatement of the reuse targets for packaging will prove that Portugal has a firm intention of advancing towards Circular Economy and make good use of recovery funds and the new European funds to promote this fundamental transition.

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