

## LEGAL FRAMEWORK FOR THE CONSTITUTION, MANAGEMENT AND FUNCTIONING OF THE WASTE ORGANISED MARKET (WOM)

### PUBLIC LAW

WASTE ORGANISED  
MARKET FACILITATES  
AND PROMOTES  
THE COMMERCIAL  
TRADING OF SEVERAL  
WASTE TYPES

Decree-Law No. 210/2009, published on September 3<sup>rd</sup>, establishes the legal framework for the constitution, management and functioning of the Waste Organised Market (WOM). This regulation came into force on September 8, 2009.

The WOM constitutes a non-binding economic instrument to facilitate and promote the commercial trading of several waste types (any waste type can be traded except for hazardous waste). WOM's purpose is to reintroduce waste into the production circuit, bearing in mind that the traded waste is solely intended for recovery.

The WOM aggregates various electronic platforms, where the waste trades are processed and which are recognised by the Portuguese Environmental Agency (PEA) as fulfilling conditions of sustainability and security.

The trading platforms and the operations performed therein are available for any and all potential users under equal terms. Trading platforms' management and their access to the WOM is subject to an authorisation to be granted within 60 days by the PEA.

This entity verifies whether the trading platforms have a suitable electronic support as well as the necessary mechanisms for information and secure operations and also controls the capacity of these platforms to effectively meet the targets set in waste management plans.

Management of the trading platforms is ensured by private legal entities (Managers) which, within other duties, must certify the transactions occurred on its platforms and ensure that the information circulating therein is transparent, universal and accurate.

**Trading platforms and operations performed therein available for any and all potential users under equal terms.**

Managers must also ensure confidentiality of such information and accountability mechanisms for the market players.

The approval process is subject to taxation as follows:

- i)* authorization of trading platforms managers - €10,000;
- ii)* assessment of requests to amend the conditions of the authorization - €1,000, and
- iii)* annual supervision fee - €1,000.

**Possible financial and administrative incentives for potential platform managers and for waste producers and operators.**

Decree-Law No. 210/2009 also previews possible financial and administrative incentives for potential platform managers and for waste producers and operators - namely support for the launch of trading platforms, reductions in registration fees in the Integrated Registry of PEA (SIRAPA) and waiver of license for recovery operations of non-hazardous waste.

Contact  
Fernanda Matoso [fmatoso@mlgts.pt](mailto:fmatoso@mlgts.pt)

MORAIS LEITÃO, GALVÃO TELES, SOARES DA SILVA

ASSOCIADOS  
SOCIEDADE DE  
ADVOGADOS

MEMBER  
LEX MUNDI  
THE WORLD'S LEADING ASSOCIATION OF INDEPENDENT LAW FIRMS

**LISBON**

Rua Castilho, 165  
1070-050 Lisbon  
Telephone: (+351) 213 817 400  
Fax: (+351) 213 817 499  
[mlgtslisboa@mlgts.pt](mailto:mlgtslisboa@mlgts.pt)

**OPORTO**

Av. da Boavista, 3265 - 5.2  
Edifício Oceanvs – 4100-137 Oporto  
Telephone: (+351) 226 166 950  
Fax: (+351) 226 163 810  
[mlgtsporto@mlgts.pt](mailto:mlgtsporto@mlgts.pt)

**MADEIRA**

Avenida Arriaga, Edifício Marina Club, 73, 2º  
Sala 212 – 9000-060 Funchal  
Telephone: (+351) 291 200 040  
Fax: (+351) 291 200 049  
[mlgtsmadeira@mlgts.pt](mailto:mlgtsmadeira@mlgts.pt)

[www.mlgts.pt](http://www.mlgts.pt)