

EN

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Answer given by Ms Roswall
on behalf of the European Commission
(19.9.2025)

1. Local authorities apply the legislation in order to transpose the Waste Framework Directive (WFD)¹, notably its Articles 8 and 8a, but also Articles 11, 14, 15 and 28. While the Directive sets binding EU-wide objectives, it is ultimately up to Member States, within the spirit of subsidiarity, to determine the instruments through which those goals are reached, including as regards the fees to be paid into the national extended producer responsibility (EPR) scheme. As Portugal thus is acting within its margin of discretion, the Commission will continue its work to ensure compliance. In the light of available information, there is no evidence of breach of EU law.

2. Annex IVa to the WFD contains a (non-exhaustive) list of examples of economic instruments and other measures to provide incentives for the application of the waste hierarchy. The measures can be used, at the Member States' discretion, as alternatives or cumulatively, to cover the costs for waste management. Member States, including local authorities, can also take other measures which are not listed in Annex IVa to achieve the objectives set out notably in Articles 8, 8a, 11, 14, 15 and 28. The measures may also vary depending on which actors they are imposed, such as businesses/producers or households, for instance.

3. In July 2024, the Commission opened infringement proceedings against Portugal for failure to reach certain waste targets². Should statistics show that Portugal still does not meet its targets, the Commission can pursue the infringement case. In July 2025, the Commission published the Environmental Implementation Review which also concerns Portugal's performance notably in the waste management sector³.

¹ Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018, OJ L 150, 14.6.2018, p. 109–140, amending Directive 2008/98/EC on waste, OJ L 150, 14.6.2018, p. 109–140.

² INFR(2024)2145: [https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?langCode=EN&version=v1&typeOfSearch=byDecision&refId=INFR\(2024\)2145&page=1&size=10&order=desc&sortColumns=decisionDate](https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?langCode=EN&version=v1&typeOfSearch=byDecision&refId=INFR(2024)2145&page=1&size=10&order=desc&sortColumns=decisionDate).

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52025SC0321>.