

**Law No. 46/VI/2004**

**Of 12 July 2004**

**Environmental Tax**

By mandate of the People, under the terms of subparagraph b) article 174 of the Constitution, the National Assembly decrees the following:

**Article 1**

1. The Environmental Tax is hereby created, which applies to the non-biodegradable packages, of metal, of glass or of synthetic or artificial plastic, referred to in article 2, whose revenue reverts in favor of basic sanitation and the protection of the environment.
2. The Environmental Tax revenue shall be prorated among the Municipalities according to criteria utilized to allocate the financial equilibrium funds to the Municipalities.

**Article 2**

The Environmental Tax shall be collected by the Customs Services, and applied, both to imports and to national production, on the packaging material designated below and calculated as follows:

1. Bottles, flasks, cans, boxes and similars, when they condition the following products in imports in conformity with the volumes indicated:

a) Beer

- I. Up to 0.5 liters: ecv 5\$00/unit
- II. From 0.5 liter to 1 liter: ecv 10\$00/unit
- III. From 1 liter up to 5 liters: ecv 15\$00/unit
- IV. With more than 5 liters: ecv 100\$00/unit

b) Refreshments:

- I. Up to 0.5 liters: ecv 2\$00/unit
- II. From 0.5 liter to 1 liter: ecv 5\$00/unit
- III. From 1 liter up to 5 liters: ecv 5\$00/unit
- IV. With more than 5 liters: ecv 20\$00/unit

2. The packaging material referred to in the preceding number and the plastic bags, imported or locally produced, that are not conditioning merchandise pay a 10% tax over the CIF value or over the sale price at the factory door, respectively.
3. It is understood as “refreshments” the non-alcoholic beverages from positions 22.02 of the Merchandise Codification Designation of the Harmonized System Nomenclature.

### **Article 3**

1. The interior or exterior wrappers are exempt from the Environmental Tax, when they are:
  - a) Imported for conditioning or packaging, whether or nationally produced goods or goods for triage, to be divided into lots or packaged, and with which they are exported or reexported;
  - b) Susceptible of multiple use because they are returnable.
2. Likewise exempt are the plastic bags destined for conditioning of medications, essential food products and construction material
3. For the purpose of the preceding number it understood as:
  - a) Essential goods: corn, rice, sugar, flour, beans, non-canned, milk, lards, cooking oil and other alimentary oils;
  - b) Construction material: cement, gypsum and lime.

### **Article 4**

The interior and exterior wrappers imported by themselves, in a suspense regime, must be arranged separate in the warehouses of the respective enterprise.

### **Article 5**

1. The false declarations and the deviations from use or application of the inner wrappers from the purposes which were declared in the importation, that result in non-total or partial payment of the environmental tax due, are punishable with a fine equal to 3 to 5 times the amount of the product of the non-liquidated fee, as a result of such false declarations.
2. In processual matters, the fiscal litigious and administrative customs regime shall apply.

### **Article 6**

1. The transfer of the amount of the environmental tax revenues to the municipalities is made monthly, on the basis of number 2 of article 1.

2. The Government shall create incentives and establish awards for the municipalities, enterprises, associations and other personalities, that contribute significantly to the utilization of the lost wrappers, waste and garbage and consequently, to the reduction in pollution and degradation of the environment.

**Article 7**

This law goes into effect immediately.

Approved 28 May 2004

The President of the National Assembly: *Aristides Raimundo Lima*

Promulgated on 28 July 2004

Publish it.

The President of the Republic: PEDRO VARONA RODRIGUES PIRES

Signed on 30 June 2004

The President of the National Assembly: *Aristides Raimundo Lima*