

## AARHUS CONVENTION THIRD IMPLEMENTATION REPORT

The following report is submitted on behalf of PORTUGAL  
in accordance with decision I/8 and II/10

<b>Name of officer responsible for submitting the national report:</b>	<b>Margarida Marcelino</b>
<b>Signature:</b>	
<b>Date:</b>	<b>30 September 2011</b>

### IMPLEMENTATION REPORT

Please provide the following details on the origin of this report

<b>Party</b>	<b>PORTUGAL</b>
<b>National Focal Point</b>	
Full name of the institution:	Agência Portuguesa do Ambiente Ministério da Agricultura, Mar, Ambiente e Ordenamento do Território
Name and title of officer:	Margarida Marcelino Senior officer
Postal address:	Rua da Murgueira, 9/9A - Bairro do Zambujal 2720-865 Amadora PORTUGAL
Telephone:	+3514728284
Fax:	+3514721457
E-mail:	margarida.marcelino@apambiente.pt

## **I. PROCESS BY WHICH THE REPORT HAS BEEN PREPARED**

The preparation of the 3rd report on the implementation of the Aarhus Convention followed a participatory and transparent process, although beyond the deadline set by the Secretariat. Its present communication is meant to ensure that it will be taken into consideration by the Compliance Committee and shows that the principles of the Convention continue to be implemented in Portugal.

This report is based on the previous one elaborated in 2008, by updating the information already provided for the period ending in 2008, but without losing the overall sense of the information.

In June 2011 invitations were addressed to all bodies of the central and regional administration with interaction with the environment, as well as to the Commission on Access to Administrative Documents (CADA), independent public body which aims at ensuring compliance with the Act on the Access to Environmental Information (LAIA), and to environmental NGO (ENGO), in order to receive their contributions to the report. A first draft was prepared and sent for comments to these organizations and associations; it was also subject to public consultation through the website of the Portuguese Environment Agency (APA) and social networking "Citizenship and Environment" in "Facebook" for about a month, between the 1st and the 26th September 2011. The contributions received were included in the final version of the 3rd Implementation Report of the Aarhus Convention in Portugal.

## **II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT**

Under paragraph 2 of Article 8 of the Constitution of the Portuguese Republic (PRC), "the rules set out in duly ratified or passed international agreements shall come into force in Portuguese internal law once they have been officially published, and shall remain so for as long as they are internationally binding on the Portuguese state".

Therefore, according to this rule (in conjunction with Article 3, paragraph 3, and Articles 277 et seq, of the CRP), "rules laid down in international conventions duly ratified or approved" prevail over domestic law, but are subordinate to the Constitution.

The change of the national Focal Point for the Aarhus Convention led to the failure of the deadlines for submission of the 3rd national implementation report and its timely submission to the 4th MOP in Chisinau, Moldova, in July 2011.

## **III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3**

### **Article 3, Paragraph 2**

The Aarhus Convention was adopted by Parliament in accordance with Resolution No. 11/2003 of February 25, ratified by Decree No. 9 / 2003 of the President of the Republic. In the Portuguese law there are different legal instruments which, in general, allow to apply the guiding principles of this Convention, as mentioned in the previous implementation reports: the Portuguese Constitution (CRP); the Framework Law on the Environment (LBA), Law No. 11/87, of April 7, as amended by Law No. 13/2002, of February 19; the Law on Land Use Planning and Urban Management, Law No. 48/98, of August 11, as amended by Law No. 54/2007, of August 31; the Code of Administrative Procedure (CPA), Decree-Law No. 442/91, of November 15, as

amended by Decree-Law No. 6/96, of August 31; the Law that defines the status of NGO's, Law No. 35/98 of July 18.

As far as more specific legislative and regulatory measures are concerned, the Aarhus Convention is applied in Portugal through the transposition of various EU Directives. Special mention should be made to Directive 2003/4/EC regarding public access to environmental information, implemented in national law by Law No. 19/2006, of June 12, which regulates the access to environmental information (LAIA), complemented, in all aspects not specifically regulated, by Law No. 46/2007 of August 24, which regulates the access to administrative documents and their use (Law on Access to Administrative Documents - LADA).

The abovementioned LAIA establishes measures to be taken by public authorities to ensure access to information (Article 4) and measures for the dissemination of information (Article 5); Article 14 refers to the means of appeal that the applicant may use when the request for information is ignored, improperly refused (in the whole or partially), when an inadequate response is obtained or when the law has not been complied with.

Mention should also be made to Directive 2003/35/EC providing for public participation in certain plans and programmes relating to the environment and amending, with regard to public participation and access to justice, Council Directives 85/337/CEE and 96/61/EC. This Directive is implemented in various legal documents, particularly those relating to Environmental Impact Assessment (EIA) [Decree-Law No. 69/2000, of May 3, as amended by Decree-Law No. 197/2005, of 8 November, as well as the Declaration of Rectification No. 2/2006, of January 6], Integrated Pollution Prevention and Control (IPPC) [Decree-Law No. 173/2008, of 26 August], Strategic Environmental Assessment (SEA) [Decree-Law No. 232/2007, of June 15, as amended by Decree-Law No. 58/2011, of May 4] and Water Law [Law No. 58/2005, of 29 December, and Decree-Law No. 77/2006, of 30 March], and by the Code of Administrative Procedure (CPA) [Decree-Law 442/91, Nov. 15 (as amended by the: Rectification 265/91, December 31; Rectification 22-A/92, February 29; Decree-Law 6/96, January 31; Determination of the Constitutional Court 118/97, April 24].

From a practical standpoint, the bodies of the Ministry responsible for the environmental policy, both at central and regional level - Regional Development and Coordinating Commissions (CCDR) and Administrations of River Basin Districts (ARH) - have centres of information and documentation with staff with appropriate training and experience to provide users all the help and guidance in information search. They also have websites through which provide the information they have and whose accessibility to citizens has been improved. They also have procedures for answering requests received via email. This correspondence has the same value as the one received on paper. Also local authorities, institutions of higher education and many other public entities have documentation centres or libraries, websites, newsletters, etc., aimed at the local public or at public with specific interests, where the environment is an issue usually present.

In 2002 the line "SOS Environment and Territory" was created to receive complaints and denouncing situations that may violate environmental laws, 24 hours a day, every day of the year, via a telephone reporting system or online: [www.gnr.pt/portal/internet/sepna/12.denuncias/form\\_sepna.asp](http://www.gnr.pt/portal/internet/sepna/12.denuncias/form_sepna.asp). This line is currently under the responsibility of the Department of Nature Conservation and the Environment (SEPNA), National Republican Guard (GNR). This service must be understood as an "environmental police" that cares, in the whole country, for the welfare of citizens, taking the preservation, conservation and enhancement of the environment as a fundamental right and duty of citizens. The SEPNA acts in conjunction with several national entities involved in the management of the environmental policy, and, in cross-border operations, with the Servicio de Protección de la Naturaleza of the Spanish Guardia Civil. The "SOS Environment and Territory Line" over the years has evolved and consolidated in the relationship with citizens; in 2009 4,298 complaints were received. In 2010, the most reported environmental areas were, in descending order, waste, animal welfare, demand to collect birds, water pollution, lack of land clean-up, land-use planning, noise, quarrying activities and tourism and sports. The E-Complaint System, having a general purpose and also managed by the GNR, sends to SEPNA all the complaints about environmental problems. Simultaneously

the General Inspectorate of Environment and Spatial Planning (IGAOT) receives the complaints registered on the page specifically created for the purpose of the IGAOT site and, as for the other complaints received by email and by mail, ensures their treatment and always informs the interested parties about the actions undertaken.

The Portuguese Environment Agency (APA) provides in its website a more accessible knowledge about the implementation of the policy of environmental citizenship (<http://www.apambiente.pt/POLITICASAMBIENTE/PROMOCAOCIDADANIAAMBIENTAL/Paginas/default.aspx>) and how the Aarhus Convention is being applied in Portugal (<http://www.apambiente.pt/POLITICASAMBIENTE/PROMOCAOCIDADANIAAMBIENTAL/Paginas/default.aspx>).

### **Article 3, Paragraph 3**

The National Strategy for Sustainable Development (NSSD) 2005-2015, approved by the Council of Ministers Resolution No. 109/2007, published in the Official Gazette, 1<sup>st</sup> Series - No. 159 - August 20, 2007, stresses as a strategic priority the promotion of environmental education and awareness raising in order to ensure the participation of citizens in environmental policies.

The Ministry responsible for the environmental policy has not only promoted but also additionally supported actions promoted by the civil society, namely NGO's, aimed at informing citizens about matters under the Aarhus Convention.

As far as the Portuguese Environment Agency (APA) is concerned, it plays a particular role relating to environmental education, participation and public information, as well as support for ENGOs, and it is responsible for an active dissemination of information and for mobilizing citizens on environmental issues. Thus, this Agency should develop and monitor the implementation of environmental education and training policies, should promote and monitor the support provided to ENGOs, as well as promote and ensure public participation and access to information in decision-making processes on the environment (cf. Decree No. 53/2007, of 27 April). In a comprehensive way, APA seeks not only to develop but also to support formal and non-formal education initiatives, both of civil society organizations and from other state agencies. APA organizes campaigns, exhibitions, activities to support projects and other means to provide training and information contents:

- Support for civil society projects:

<http://www.apambiente.pt/politicassambiente/PromocaoCidadaniaAmbiental/EducAmbSustentabilidade/ApoioProjSocCivil/EEAGrants/Paginas/default.aspx>,

Other partnerships:

<http://www.apambiente.pt/politicassambiente/PromocaoCidadaniaAmbiental/EducAmbSustentabilidade/ApoioProjSocCivil/outrasparcerias/Paginas/default.aspx>

Other projects with technical support from APA:

<http://www.apambiente.pt/politicassambiente/PromocaoCidadaniaAmbiental/EducAmbSustentabilidade/Emcurso/Paginas/default.aspx>

- Joint work between the Ministry for the Environment and Ministry for Education (mentioned in the previous reports and summarized in the APA website)

<http://www.apambiente.pt/politicassambiente/PromocaoCidadaniaAmbiental/EducAmbSustentabilidade/ApoioProjSocCivil/ProfsMobilidade/Paginas/default.aspx>

The waste reduction has been a theme particularly used in terms of public awareness, mainly since 2009 during the European Week for Waste Prevention (EWWR - European Week for Waste Reduction), with the support from the European Commission – LIFE Programme, where greater emphasis was given to actions targeted at elementary school students. The actions carried out under this initiative and other actions that have been developed for different audiences are framed by the Programme for the Prevention of Urban Waste (PPRU); published in the Official Gazette, Order No. 3227/2010, of the Minister for the Environment and Land-Use Planning, on February 22, 2010, which basically aims to propose measures, targets and actions for its implementation and monitoring, with the objective of reducing the quantity and hazardous characteristics of the urban waste produced. An online tool was also made available to help citizens find more sustainable options in order to reduce waste production: <http://simula-residuos.apambiente.pt>.

The Water Institute (INAG) is the National Water Authority, with the mission to propose, monitor and ensure the implementation of the national policy on water in order to guarantee its sustainable management, as well as the effective implementation of the Water Act. On its website (<http://www.inag.pt>), besides information about this natural resource, it provides some tools for environmental education and awareness raising (<http://www.inag.pt/jovem/index.html>). INAG promotes an effective involvement and public participation of the population in the decision-making processes.

Nature conservation and biodiversity is one of the key issues in environmental education, which is one of the concerns of the Institute of Nature Conservation and Biodiversity (ICNB). This Institute seeks to promote and develop information, education and awareness raising of the people, agents and organizations in the field of nature conservation and biodiversity, in order to create a collective awareness of the importance of natural values. This mission is expressed in the website of ICNB: <http://portal.icnb.pt/ICNBPortal/vPT2007/O+ICNB/Educa%C3%A7%C3%A3o+Ambiental/>.

The National Forestry Authority (NFA) in its area of operation, develops activities and materials to raise awareness on forests, including the interface with relevant environmental issues such as climate change and biodiversity: <http://www.afn.min-agricultura.pt/portal/sensibilizacao>. Since 2011 is the International Year of Forests, a specific site was created, that enhances and optimizes the educational dimension and awareness raising of the AFN: <http://www.florestas2011.org.pt>.

In the Ministry responsible for economic activities, which includes Energy, the General Directorate for Energy and Geology (DGEG) has sought to raise public awareness about the role of energy efficiency and the promotion of renewable energy sources in combating climate change and ensuring security of supply. On the website of DGEG (<http://www.dgge.pt>) an item is available "Learning Energy and Geology - The DGEG helps you know more", aimed at children, which briefly describes energy and lists the precautions to avoid wasting it. It also has information on renewable energy, energy efficiency, climate change, sustainable development and air quality, and the associated legislation.

The DGEG has participated in the organization of events aimed at disseminating information on the energy sector to the entities/institutions closely connected to the sector, namely: Information Sessions on the Intelligent Energy - Europe Programme (IEE), held annually, and Workshops on the Strategic Energy Technology Plan (SET Plan). Concerning the National Strategy for Energy 2020 (ENE 2020), discussion sessions were held and a publicity campaign was launched to boost the modernization of the Portuguese economy. The DGEG also collaborated in the development of RE.NEW.ABLE website (<http://www.renewable.pt/pt/Paginas/default.aspx>), which aims to promote ENE 2020 and raise awareness about issues related to energy efficiency and renewable energies. As far as Energy Efficiency is concerned, the National Plan for Energy Efficiency (PNAEE) provides programmes and awareness-raising and communication/information measures, in particular:

- Energy in Schools: Monitoring of energy consumption and dissemination of results. Information and awareness raising campaigns among students and teachers;
- Energy use in transports: Eco-driving programmes. "Eco-driving" Contents in driving schools; Campaign for a more efficient driving;
- Energy at home: Information and awareness-raising campaign on energy issues; Portal on energy efficiency. Network of information spots;
- Energy at work: Information and awareness-raising campaigns on energy issues: lighting, space heating;
- Campaign 15<sup>th</sup> wage: Information of the amounts that can be saved annually.

In terms of coastal areas, especially in port areas, the regional delegations of the Port and Maritime Transport Institute (IPTM) developed a set of initiatives to promote environmental education and awareness-raising of the public, particularly with schools and the local community.

SEPNA/GNR carried out actions on environmental education and awareness-raising in the field of nature, environment and forest fire prevention (695 in 2010) in primary and secondary schools, which enabled a closer approach of citizens to environmental issues.

In a broader context, following a participatory process led by the Portuguese Institute for the Support to Development (IPAD), on September 11, 2009, the National Strategy of Development Education (ENED) was approved, whose general objective is the promotion of the "global citizenship through learning and awareness raising processes of the Portuguese society vis-à-vis development issues, in a context of increasing interdependence; its goal is the action leading to social change", including the efforts and contributions in the environmental field.

Following the cooperation protocol signed in 2001 between the Ministry of Foreign Affairs and Portuguese Platform of Development NGOs (DNGO), IPAD developed, for the first time in 2005, a co-financing process for DE projects developed by DNGO. Between 2005 and 2010 80 projects were selected, totaling 3.7 million Euros. A considerable number of these projects deals, in the whole or in part, with the global dimension of environmental issues. Some of these projects have been carried out in partnership with environmental NGO's.

At the regional level mention should be made to the initiative of the ARH Algarve "Environmental Volunteering for Water," in partnership with universities, the Regional Directorate for Education, training centres of School Associations and NGO's. It covers the training of teachers and technicians of local authorities, field work, activities to improve the river system and coastline, and so on, and aims at raising awareness about water issues and promoting volunteer work.

(See: <http://www.voluntariadoambientalagua.com/Site/FrontOffice/default.aspx>)

### **Article 3, Paragraph 4**

Since 1987, date of approval of the Law on environmental protection associations (Law 10/87, of April 4, later repealed by Law No. 35/98 of July 18), Portuguese law provides a legal framework for intervention and support to environmental associations.

The present situation is the same as reported in 2008, and the website with relevant information is kept updated –

<http://www.apambiente.pt/politicasambiente/PromocaoCidadaniaAmbiental/ONGA/Paginas/default.aspx>

At the end of 2010 there were 124 NGO's registered in the National Register of environmental and similar NGO's, in 2009 there were 122 and in 2008 their number was 120.

Taking advantage of the potential of Web 2.0, in 2010 a page on the *Facebook* social network was created on "Citizenship and Environment" in order to disseminate the initiatives of ENGO's.

#### **Article 3, Paragraph 7**

Nothing to report on this paragraph.

#### **Article 3, Paragraph 8**

In this context, it is noted that Article 268, paragraph 4, the PRC provides that "Citizens are guaranteed effective jurisdictional oversight of those of their rights and interests that are protected by law, particularly including the recognition of the said rights and interests, the impugnation of any administrative act that harms their rights and interests, regardless of its form, the issue of positive decisions requiring the practice of administrative acts that are required by law, and the adoption of adequate provisional remedies".

### **IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3**

Nothing to report on this item.

### **V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3**

Following the national surveys undertaken in 1997 and 2000 and referred to in the 2008 Report, the Institute of Social Sciences (ICS), University of Lisbon, with the support of the APA, analysed the projects carried out in Portugal concerning environmental education and education for sustainable development and published the results in 2010: "Environmental Education: Results and prospects for a more sustainable agenda".

### **VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3**

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

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

[www.provedor-jus.pt](http://www.provedor-jus.pt)

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

[www.portugal.gov.pt](http://www.portugal.gov.pt)

## **VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4**

Besides the comments about Art. 3, § 2, mention should be made to Law No. 19/2006, of June 12, which regulates the access to environmental information.

### **Article 4, Paragraph 1**

Under Law No. 19/2006, of June 12, public authorities shall make available to the applicant the environmental information in their possession or held on their behalf, without the applicant having to justify his/her interest.

The information must be provided in the form or format requested by the applicant, unless it is already available in easily accessible form or format, or unless the public authority, duly justifying it, considers reasonable to provide the information in another form or format.

Access to information can be provided through consultation with the public authority.

The request for access to information must be submitted in writing, in an application setting out the essential elements to identify it, and the name, address and signature of the applicant.

In case of deficiency of the request, the public authority, within 10 working days, invites and assists the applicant to formulate it correctly.

### **Article 4, Paragraph 2**

As for deadlines, Law No. 19/2006, of June 12, states that the public authority, to whom the request is directed, has to provide the required information within 10 working days, whenever, within its responsibilities and following the legal determination, it should have collected and treated this information. In all the other cases the deadline is a month.

Under exceptional circumstances the deadline for availability may be extended to two months.

If the public authority does not have in its possession the required information but is aware that the information is held by another public authority or is held in its name, it should send the request to that authority and inform the applicant.

The applicant is notified in writing, within 10 working days, of the total or partial refusal of the request.

In case of doubt about the application of Law No. 19/2006, of June 12, the Commission on Access to Administrative Documents (CADA), the public body responsible for ensuring compliance with that law, is competent to advise on the access to information about environment, the request of the applicant or the public authority.

If the applicant considers that his/her request for information was ignored, wrongfully refused, had an inadequate response or that there was no compliance with Law No. 19/2006, of June 12, he/she can contest the legality of the decision, act or omission under general law or lodge a complaint with CADA (see above, III, comments on Article 3, paragraph 2).

In everything that is not specifically regulated in Law No. 19/2006, of June 12, Law No. 46/2007, of August 24, Law on Access to Administrative Documents, is applied, which repeals Law No. 65/93, of August 26, and implements in the national law Directive No. 2003/98/EC of the Parliament and the Council, of November 17, on the reuse of public sector information.

#### **Article 4, Paragraph 3 and 4**

Law No. 19/2006, of June 12, in Art. 11, establishes the conditions for refusal of access to information.

In paragraph 7 of Art. 11, it is guaranteed that the grounds for refusal mentioned in the preceding paragraph [a), d), f) g) h)] cannot be invoked when the request for information relates to emissions to the environment, as required at the end of § 4.

#### **Article 4, Paragraph 5**

Paragraph 4 of Art. 11 of Law No. 19/2006, of June 12, provides that when the public authority is aware that the information is held by another public authority or is held on its behalf, it must immediately send the request to that authority and inform the applicant, as required under § 5.

#### **Article 4, Paragraph 6**

Paragraph 5 of Art. 11 of Law No. 19/2006, of June 12, provides that if a request relates to an ongoing procedure, the public authority should send it to the coordinating authority of the procedure, which should inform the applicant about the expected date for completion, as well as the provisions laid down in the respective procedure for access to information. Paragraph 8 of that same Article states that the foreseen foundations for refusal should be interpreted in a restrictive way by the public authorities, considering the public interest served by the disclosure of information and the protected interests that underlie the refusal. Art. 12 complements the criteria to be applied in these situations.

Article 12 of the LAIA determines partial access, that is, "whenever it is possible to expurgate the information covered by paragraphs 2 and 6 of Article 11".

#### **Article 4, Paragraph 7**

The deadlines for refusing a request for information provided for in the text of the Aarhus Convention are guaranteed under Art. 13, which states that, within 10 days from receipt of the request, the applicant will be notified, in writing, of the total or partial refusal of the request for information, the reasons for rejection will be stated, as well as information on the appeal mechanisms provided for in Law No. 19/2006, of June 12.

In order to ensure the right of access to information on the environment, Art. 14, paragraphs 2 and 3 of Law No. 19/2006, of June 12, provides that the applicant or third parties wronged by the disclosure information may lodge a complaint with CADA, in the terms and deadlines set out in Law No. 46/2007, of August 24, Law on Access to Administrative Documents.

Under Law No. 46/2007, of August 24, the applicant may complain to CADA against the lack of response, refusal or any other decision limiting the access to administrative documents. The complaint must be assessed by CADA within 40 days, by means of a report assessing the situation, which will be sent, with appropriate conclusions, to all stakeholders. The public authority, after receiving the report, informs within 10 days the person concerned of the final decision. Otherwise it is considered that no decision was taken.

Both the decision and the lack of decision can be refuted by the interested party at the administrative courts by subpoena to provide information, consultation of processes or issue of certificates, as provided for in Article 105 of the Code of Administrative Court Procedure.

The procedure that runs in CADA is free of charge.

#### **Article 4, Paragraph 8**

Art. No. 16 of the LAIA defines how the fees due for access to environmental information should be applied, and it foresees a reduction of 50% for environmental NGO's and similar organizations.

The LADA, which may have a subsidiary application, also refers to this issue in its Art. 12. At present, the fees mentioned in Order No. 8617/2002, of the Minister of Finance, published in the Official Gazette, 2nd Series, 29 April 2002, are still applied. The environmental NGO's and similar organizations are entitled to a 50% reduction in the payment of fees for access to environmental information. The access to public registers or lists and the consultation of information with the public authorities is free of charge.

### **VIII.OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4**

Nothing to report on this item.

### **IX.FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4**

Nothing to report on this item.

### **X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4**

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

### **XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN ARTICLE 5**

The Portuguese public authorities, as the basis of their performance and often as a requirement of EU legislation, have been collecting and disseminating information on the environment for several years.

The practice of using indicators as a basis for decision support and public participation has become widespread; also the use of information and communication technologies, including databases and their dissemination via the Internet, has become a common practice.

The Information and Knowledge Society, disseminated by the Technological Plan, has been the paradigm followed by governments in Portugal, considered as critical factor in the modernization and development of society. This situation, partly encouraged by the Lisbon Strategy (EU), has facilitated the implementation of the first pillar of the Aarhus Convention, both in the strict environmental area, and in the activity sectors that interact with it.

Following the objectives set for the generalization of the electronic government (e-government), virtually all Public Administration bodies, at central, regional and local levels, have websites and take advantage of the potentialities of the Internet to better inform and educate citizens and civil society organizations.

### **Article 5, Paragraph 1**

The information provided is organized according thematic areas.

#### Climate

The Executive Committee for the Climate Change Commission is responsible for operationalizing, monitoring and coordinating interministerial policies on climate change; it is also responsible for managing the Portuguese Carbon Fund and accommodates the functions of Designated National Authority (DNA) for the Kyoto Protocol mechanisms. It functions under the guidance of the Climate Change Commission, which follows the issues from a political perspective.

The committee has developed two web-based information tools. One of those websites is related with the implementation of the Kyoto Protocol ([www.cumprirquioto.pt](http://www.cumprirquioto.pt)) launched in 2008. It is an information system consisting of a calculator associated with a database that allows foreseeing, automatically, the compliance with the Kyoto Protocol, at national level; it also allows supporting decisions on policies and measures to mitigate greenhouse gases emissions in Portugal, as well as the financial adjustment needed from the Portuguese Carbon Fund. The other website available ([www.clima.pt](http://www.clima.pt)) contains a more detailed description of the institutional structure as well as the line of work of the Climate Change Commission and its Executive Committee.

In 2009, the Ministry for Environment released a publication illustrating the work developed in the few years preceding the first year of compliance towards the Kyoto Protocol; this publication presents the National Program for climate change, the National allocation plan for the emissions trading 2008-2012 and the Portuguese Carbon Fund.

Under the implementation of climate policy, Portugal is required to provide updated reports of implementation of climate policy including emissions projections up to 2020 (and beyond) to the European Commission. Alongside regular (more or less 5 years intervals) reporting under its National Communication to the UNFCCC, this framework underpins a solid basis for maintaining a regularly updated information basis on all aspects of climate policy implementation.

#### Air

Improving air quality, in recent decades, was one of the major successes of the EU environment policy, showing that it is possible to separate economic growth from environmental degradation.

Notwithstanding the actions taken, there are persistent problems, which need urgently to be solved. For that purpose, Portugal established an Action Plan for Air Quality, which allows to program measures to ensure that air quality is maintained within the recommended levels.

On the other hand, the updating and adaptation of existing legislation to the national reality, in terms of reducing emissions, lead to the taking of actions/measures needed to implement a strategy to combat air pollution in a coherent and harmonized way.

An essential tool for taking possible decisions on this matter, as on other matters, is the existence of basic information on air quality and atmospheric emissions. The APA collects and makes available on its website

(<http://www.apambiente.pt/POLITICASAMBIENTE/AR>) extensive information, which enables to estimate reduction efforts and to monitor and verify compliance with national commitments (cf. art. 5, § 3).

### Wastes

On APA's website several relevant documents are available, which report on waste production, management and prevention, namely:

- National reports 2008 and 2009, which inform about the national situation with regard to shipments of waste, from and to Portugal, subject to notification, based on the information held in APA, within its competence as National Competent Authority, to apply Regulation (EC) 1013/2006, of June 14, on shipments of waste;
- Monitoring of the Principle of Self-Sufficiency, Report 2009, which aims to draw a diagnosis as correct as possible of the action of this Agency within its competence with regard to ensuring compliance with the Principle of Self-Sufficiency and proximity, according to Article 4, Decree-Law No. 178/2006, of September 5, amended and republished by Decree-Law No. 73/2011, of June 17;
- National Plan for Decontamination and Disposal of PCB, 2010, in fulfillment of Decree-Law No. 277/99, as amended by Decree-Law No. 72/2007, particularly regarding the process of disposal and decontamination of PCB;
- Monitoring reports of the Strategic Plan for Municipal Solid Waste (PERSU II);
- Sectoral surveys of data on production and disposal of the waste produced, as well as of the treatment infrastructures.

### National Ecological Reserve

As stated in its legal framework (Decree-Law No. 166/2008, of August 22), the National Ecological Reserve (REN) aims to protect the natural resources water and soil, to safeguard biophysical systems and processes associated with the coast and the terrestrial hydrologic cycle, to prevent and to reduce the effects of degradation of groundwater recharge, of sea flood risk, of flooding, of soil erosion caused by water and mass movement of slopes, and to contribute to the ecological coherence and connectivity of the Fundamental Network for Nature Conservation.

The legal framework of REN establishes in Article 6 the right to information and participation in the procedures of preparing the strategic level and operational level of REN (achieved through the delimitation of REN areas at municipal level).

The site of the REN National Commission (CNREN) was created in January 2010 (<http://cnren.dgotdu.pt>) and provides the public with institutional information on the legal framework of REN, updated information and at municipal level of all legal acts concerning the delimitation of REN and also about the processes on deposit and available for consultation at the General Directorate of Land-Use Planning and Urban Development (DGOTDU). It also provides the relevant factors which led to the preparation of the national strategic guidelines prepared by CNREN.

The Technical Secretariat of CNREN answers questions addressed in writing, by phone or by e-mail from public or private entities and individuals, providing information regarding the REN.

## Nature Conservation and Biodiversity

The Institute for Nature Conservation and Biodiversity (ICNB), as part of its mission to promote and develop information on the public recognition and appreciation of the natural heritage, offers on its portal ([www.icnb.pt](http://www.icnb.pt)) a wide range of general and technical information on nature conservation and biodiversity. It comprises land-use development plans, Natura 2000 Network, studies and projects, geographic information, the initiative "Business & Biodiversity", etc.

## Forests

The portal of the National Forest Authority (NFA) brings together all relevant information in its custody, either structural information, or management information for forest owners and/or forestry producers, or for the general public. In particular, mention should be made to the National Forest Strategy, the Regional Plans of Forest Management, the National Forest Inventory (IFN), annual information on burnt areas and on control of pests and diseases (<http://www.afn.min-agricultura.pt/portal>).

## Agriculture

The Office for Planning and Policies (GPP) has the mission to support the definition of strategic guidelines, priorities and policy objectives and to coordinate, monitor and evaluate their implementation, integrating the environmental component and the land-use planning and sustainable land management guidelines. Its website ([www.gpp.pt](http://www.gpp.pt)) offers a set of relevant sectoral information useful to citizens.

The General Directorate for Agriculture and Rural Development (DGADR), whose mission is to promote the improvement, competitiveness and sustainability of agriculture and rural areas, has on its website ([www.dgadr.pt](http://www.dgadr.pt)) a wide range of information on different areas under its authority, accessible to all citizens. All requests are answered by letter, fax or e-mail to the public or any organization. This website also provides information on Mapping of Soil and Land Use Capacity and other thematic maps, available in analogue and digital format.

## Coastal Management

The Information System of Support to Restore Legality (SIARL) is an interactive system of decision support that allows a global and local view, based on geographic information, which promotes the integration of organizations and users, and enables the permanent updating of knowledge about coastal dynamics, with particular focus on coastal hazards. It facilitates access to information for all those interested in coastal issues, and it allows the convergence of the scientific knowledge from different disciplines with the needs of technicians and decision makers, in different areas and levels of the Administration, and with some areas accessible to citizens.

As regards the management of port areas, the annual edition of the Consolidated Report of the Port Sector provides environmental information of national mainland ports, such as its environmental performance (cf. [www.ipm.pt](http://www.ipm.pt)). The same applies to the Sustainability Reports of Port Authorities. Operators and users of facilities with environmental impact receive information on how to improve waste management procedures and handling of hazardous substances.

## Water

The INAG portal ([www.inag.pt](http://www.inag.pt)) provides reference information to the public on water, including the preparation and public discussion of the respective management plans and programs.

### Genetically Modified Organisms

Decree-Law No. 72/2003, of April 10, implements into national law Directive 2001/18/EC, of March 12, on the deliberate release of genetically modified organisms (GMOs) into the environment, and clearly establishes, in Article 27, that the competent authority shall provide the public with information concerning the deliberate release into the environment and placing on the market of GMOs, namely:

- Information on the authorizations granted;
- Results of the monitoring carried out;
- Records of the location of the release of GMOs and of GMO crops;
- Information on the deliberate release or marketing of products containing or consisting of GMOs undertaken without authorisation.

### Chemicals

In the area of Chemicals, the following legislation was published:

- Regulation (EC) No 1907/2006 of the European Parliament and the Council, of December 18, concerning the Registration, Evaluation and Authorisation of Chemicals (REACH), and its implementation in domestic law is ensured by Decree-Law No. 293/2009, of October 13;
- Regulation (EC) No 1272/2008 of the European Parliament and the Council of 16 December concerning the classification, labelling and packaging of substances and mixtures (CLP).

The APA has actively participated in different activities of dissemination of information, namely through the organization of information sessions, providing information via the website, through the elaboration and dissemination of synthesis and information materials, and sending relevant information to specific public groups.

The National Assistance Service, coordinated by the General Directorate for Economic Activities (DGAE), was created to provide advice to manufacturers, importers, downstream users and all the other stakeholders about their respective responsibilities and obligations. This Service has the support APA and the General Directorate of Health.

### Prevention of Major Accidents

The system of prevention of major accidents involving chemicals is established by Decree-Law No. 254/2007, of July 12, which implements in national law Directive 2003/105/EC of the European Parliament and the Council of December 16.

Although this legal document does not specifically mention any procedure to provide information to the public, the APA website has updated information for the public in general and for operators of facilities covered by this decree-law.

The APA has also held meetings, information sessions and seminars, and is always available to provide clarifications in writing or by telephone.

### Radiological Emergency

In the event of a radiological emergency, public information is made in accordance with the provisions of Decree-Law No. 36/95, of February 14, and Decree-Law No. 174/2002, of July 25. This Decree-Law establishes the "prior information", which should ensure that the population, likely to be affected in case of a radiological emergency, has the knowledge of appropriate protective measures. The communication mechanisms in case of accidents include several channels, with surveillance personnel 24 hours a day, 365 days a year.

The contents of the 2008 Report apply as far as this issue is concerned.

### Portuguese Cooperation

All relevant information about the programmes of Portuguese cooperation in progress can be found on the website of IPAD ([www.ipad.mne.gov.pt](http://www.ipad.mne.gov.pt)), including information framed by the National Strategy for the Development Education, where the principles of environmental education and sustainable development education are evident. The GPP, along with the AFN, participated in a project aimed at developing a programme to Combat Desertification in CPLP countries. It also promoted the organization of a public seminar on Rural Development and Desertification Combat, within the project Technical Cooperation Programme FAO/CPLP to combat desertification in countries of the Community of Portuguese Speaking Countries (CPLP).

### **Article 5, Paragraph 2**

The comments are included in the previous paragraph.

### **Article 5, Paragraph 3**

Environmental information is increasingly more available in easily accessible online databases.

### National Environment Information System (SNIAmb)

In 2010 APA developed the National Environment Information System (SNIAmb), a tool designed to optimize and streamline the procedures for collection, evaluation and communication of relevant and reliable environment information, which will be the support of the decision making processes and of the development and implementation of environmental policies and strategies and of its integration into sectoral policies.

Presently SNIAmb integrates three basic tools: the Geographic and Document Metadata Portal, the Sustainable Development Indicators Portal and the Geographical Information Viewer.

### National Water Resources Information System (SNIRH)

The National Water Resources Information System (SNIRH) is the national system of database and of models of the water resources monitoring network that provides, since 1996, information on water resources on an ongoing basis. In addition, the SNIRH, composed of three subsystems: SNIRH-LIT (coastal resources), SNIRH-Junior (youth) and SVARH (Monitoring and Alert System for Water Resources), also provides thematic summaries, technical reports, mapping, regulatory legal documents (national, European and global), as well as documents and photographs related to water resources.

Since 2007, geographical information is provided by the InterSIG, an information system based on the guidelines of the INSPIRE Directive, which organizes and allows easy internal access to all the geographical

information of INAG, IP. It includes maps and themes that, depending on the access privileges held, may be provided in a simple way to all users (general public, and other bodies of the Administration), allowing them to access the latest version of the mapping issues and enabling the establishment of links between the components of geographical information systems of INAG, IP, both current (SNIRH, INSA) and future (SNITURH, SIGPNA), and the geodatabase. Presently, the link between the InterSIG and the National Geographical Information System (SNIG), integrating INAG, IP, this national system and the National Steering Committee of the SNIG, is already active.

Under the Water Act, the National Information System of the Titles of Use of Water Resources - SNITURH is being implemented. It is a nationwide project that will provide national and regional public bodies, responsible for licensing, supervision and inspection, with a computer system, where records, and their characterization, of all water resource uses will be included, thus allowing the harmonization of procedures for the issuing of the titles and their management. This system will allow users of water resources to make their requests for new uses and to manage the existing titles, as it will automatically connect to the respective licensor. In addition, the System ensures interoperability with other national information systems, in particular REAI (Exercise Regime of Industrial Activity) developed by AMA (Agency for Administrative Modernisation), SIRAPA, managed by APA, and the information system of IGAOT, thus ensuring coordination between different departments of the Administration and a faster and more effective customer service.

Mention should also be made, within the review of the National Water Plan (PNA), to be undertaken by INAG, to the development of a PNA Observatory Portal, that will integrate a Geographical Information System - SIGPNA, which will allow the monitoring of water policy developments, translated into indicators with territorial expression, involving the participation of bodies and organizations responsible for the implementation of the measures contained in the PNA2010.

#### National Inventory of Water Supply and Wastewater Systems (INSAAR)

The National Inventory of Water Supply and Wastewater Systems – INSAAR, an initiative of INAG. is a national reference tool to record data on the water supply and wastewater drainage and treatment systems. This inventory aims to store data concerning the urban water cycle, available and updatable via the internet, and to make information easily accessible. Based on the connections between the different components of the systems, it will be possible to analyze the urban water cycle from its origin to the final consumer and from the producer of wastewater to the point of final disposal.

INSAAR is used as a tool for monitoring and evaluating the Strategic Plan for Water Supply and Wastewater Treatment PEASAAR II (2007-2013) and provides the data for water statistics published by the National Statistics Institute (INE).

There are updating campaigns every year, and data are included by the managing bodies or by those responsible for the systems. The results and indicators for each campaign can be found at <http://insaar.inag.pt>.

#### Information System to Support the re-establishment of legality (SIARL)

The SIARL uses a geo-portal linked to a database based on geographical services and is organized in modules for systematic recording of geographical information, namely:

- Occurrences in the water area, such as accidents, landslides, overtopping, and degradation of infrastructures and of works and everything that should be recorded under this item;
- Interventions on the coast, including actions involving Administration investments, such as (protectionn works and interventions in areas at risk;

- Land uses and land occupations, through centralized access to the decisions of central and local Administration related to the territory;
- Rights of way and restrictions on the construction of buildings, such as margins and the seabed, the public domain, floodplains, areas threatened by water and risk ranges;
- Documents, such as studies, theses, photos, movies, links, among others, regarding matters of interest to coastal knowledge and having a geographical expression.

#### Databases on air quality

In terms of air quality information is available on a daily basis since 2001 in APA website For this purpose, the online Database on Air Quality - QualAr ( [www.qualar.org](http://www.qualar.org) ) – was implemented with access, almost in real time, to the concentrations of various pollutants monitored in all stations of the mainland and islands, to the exceedances of information thresholds to the public and/or alert thresholds and also to the information archive regarding the characteristics of the stations and the statistical processing of the validated data.

The QualAr database includes a component for processing and analyzing information in order to provide the public with an easy-to-read index on air quality (IQAR). The IQAR has five categories from "Very Good" to "Bad", reflects the concentration values of the different pollutants measured at the air quality monitoring stations of a particular area/agglomeration and, based on the classification matrix elaborated for this purpose, includes the stations in a category according to the pollutant with the lowest classification. The daily IQAR is continuously updated and graphically displayed on a map of areas and agglomerations.

Since 2008, QualAr also provides daily information on indices and foreseen levels for ozone and inhalable particles, as they are the most problematic pollutants, both due to the levels recorded in Portugal, and for their possible effects on human health. The disclosure of the air quality forecast for the next day is done through the index provided, indicating the colour associated to it, for seven districts of the country and its extension to the entire national territory is expected in the short term.

With regard to the information to the public about the exceedances of information and alert thresholds, in addition to the disclosure through QualAr, a procedure was established according to which CCDR are responsible for the emission, in real time, of faxes/e-mails to different local/regional/national bodies and the media when these events occur, aiming at a better disclosure to the public, technicians and decision makers.

Mention should also be made to the disclosure on the APA website of the reports on the results of continuous monitoring of the self-control of air pollutant emissions, with information on all the specific sources that comply with the law, on the analysis of unconformities and of the monitoring scheme, as well as on the evaluation of trends.

#### National inventories of atmospheric emissions

National inventories of atmospheric emissions include greenhouse gases (GHGs) and sinks, acidifying substances and other air pollutants. Their coordination, annual preparation and online dissemination are the responsibility of APA; CCDR are in charge of carrying out the regional inventories of the areas under their jurisdiction and of disseminating them.

APA also periodically provides information, at municipal level, on atmospheric emissions of acidifying gases (AG), ozone precursors, particulate matter, heavy metals (HM) and greenhouse gases (GHGs). This information constitutes an essential basis for the tools supporting air quality planning and management.

The National System of Air Pollutants Emissions and Removal Inventory (SNIERPA) includes a range of institutional and legal responsibilities and defines procedures, which aim to ensure that the estimate of emissions has a high level of confidence, is timely reported, that all relevant information is filed and that public access to information related to the inventories is guaranteed.

#### Integrated System of Waste Electronic Registration (SIRER)

The Integrated System of Waste Electronic Registration (SIRER) is a mechanism for the registration and access to data on various types of waste, replacing the previous systems of registration and maps on paper. To this end, the obligatory registration remains the responsibility of producers and entities operating in the sector of waste management. It integrates the aggregation of all the information on waste produced in and imported into the country and on the entities operating in the waste sector, as well as on waste disposal; it is accessible via the Internet and is updated in real time by operators.

The Integrated Registration System of APA (SIRAPA) is expected to be developed, which will provide a single interface for the user on the environment.

#### Database on the Information System for Waste Management Operations Licensing (SILOGR)

The Information System for Waste Management Operations Licensing (SILOGR) is a software application, whose main objective is to facilitate the access to relevant data on waste management operations in order to achieve a correct routing and an adequate management of wastes. The available data do not replace or supersede the licenses/permits issued by their respective licensors.

#### Information System on Natural Heritage (SIPNAT)

According to Art. 28 of Decree-Law No. 142/2008 (Legal Regime for the Conservation of Nature) the Information System on Natural Heritage, hereinafter referred to as SIPNAT, was created, which consists of the inventory of biodiversity and geological heritage present in the national territory and in the waters under national jurisdiction. The national authority, in conjunction with other State agencies and the authorities of the Autonomous Regions of Azores and Madeira, is in charge to promote the development of the SIPNAT, to validate the information contained therein and to ensure its management and public disclosure: <http://www.icn.pt/sipnat/>.

Art. 29 of Decree-Law No. 142/2008 establishes the National Register of Classified Natural Values, which consists of a file of information on classified natural values and plant or animal species considered under a threat category. Art. 29 of Decree-Law No. 142/2008 provides for the updating of the Register every four years and whenever this is justified by reasons of nature conservation and biodiversity. The proposed update shall be subject to public consultation, to be undertaken by the national authority. For the proposed update, the national authority must take into account the proposals made by any public or private entity or individual, when duly based on scientific information.

#### National Geographic Information System (SNIG)

The Portuguese Geographic Institute (IGP) is responsible for coordinating and developing the National Geographic Information System (SNIG) - <http://snig.igeo.pt> - National Infrastructure of Spatial Data (SDI), which aims to provide, from several points of access, the search, view and exploration of geographic information on the national territory. It is also an area of contact that helps streamline, coordinate and organize activities related to this subject in Portugal and also in the context of the European Directive INSPIRE (INfrastructure for SPatial InfoRmation in Europe).

Between 2008 and 2010 several activities were developed under SNIG and INSPIRE focused on:

- Consolidation of the SNIG Metadata Catalog;
- Search in the Catalog;
- Viewer;
- GeoWebServices;
- SNIG Geoportal.

#### National Territorial Information System (SNIT)

The SNIT, in operation since 2008, began by providing online access to all Municipal Master Plans of the Mainland, as well as to two other territorial information products developed by DGOTDU - the Charter of the Regulation of Land Use of the Mainland (CRUS) and the Charter of Landscape Units of Mainland Portugal - and the PNPT.

These first contents have been progressively increased till the SNIT included all the instruments of territorial management in force, which are registered or deposited in DGOTDU. This happened before the end of the first year of operation. The improvements to and the expansion of the contents of SNIT proceed continuously, following the developments of the latest technologies in these areas.

#### **Article 5, Paragraph 4**

##### State of Environment Report (REA)

In Portugal, according to Law No. 11/87, of April 7- Framework Law on the Environment - a report on the state of the environment in Portugal for the previous year is presented to Parliament along with the annual Great Options Plan.

This report is now published and disseminated by the Ministry responsible for the Environment through APA, which ensures the collection, processing and analysis of the environmental information, and elaborates and disseminates, every year, the REA (<http://www.apambiente.pt/divulgacao/Publicacoes/REA>).

With over 20 years, the national REA has been assumed as a reference tool in this context. The first REA published in Portugal was prepared in 1987 and, since then, these reports have been published annually, trying to follow the major international trends and practices in this area.

##### System of Indicators for Sustainable Development

The national System of Indicators for Sustainable Development (SIDS) was established to give a response to the need to assess the country's progress towards sustainability, enabling the connection with the main strategic decision-making levels - policies, plans and programmes - at national, regional and sectoral levels.

The work developed over the last years by APA in this area, and the reflections and comments received on the first edition of a draft SIDS in 2000, resulted in the 2007 edition of "SIDS Portugal".

The SIDS Portugal is available for download on the Internet site of APA (<http://www.apambiente.pt/Instrumentos/sids>) and brochures on SIDS Portugal: key indicators are annually published. Since March 2011, indicators are regularly updated in the IDS Portal (<http://sniamb.apambiente.pt/portalsids/>) included in the SNIAMB.

Following what happened in 2008, APA held, on March 11, 2011, the Seminar on "The State of the Environment in Portugal and Europe" to disseminate these works, which was attended by the European Environment Agency and open to the general public.

## Newsletter Indicare

Within the review of the methods of the REA and the Proposal for a System of Indicators for Sustainable Development carried out by APA, a survey questionnaire was developed and launched at national level, in January 2006, in order to diagnose the state of knowledge and use of reports on the State of the Environment and the Sustainable Development Indicators in Portugal.

Considering that 75% of the respondents to the questionnaire showed interest in belonging to a mailing list on Sustainable Development Indicators and other related issues, a newsletter on those themes was launched in October 2007. Thus, the quarterly newsletter Indicare presents a compilation of major news, reports or other publications and events concerning environmental indicators and sustainable development.

This newsletter, in its 15th issue, has been well received, and has currently more than three hundred contacts on its mailing list, divided by central, regional and local Administration, public and private companies, universities and the general public.

## **Article 5, Paragraph 5**

All bodies of State Administration, at the level of their sectoral and specific territorial competences, disclose the legislation in force, as well as plans, programmes, strategies and policies.

APA, through the Document Information System on Environmental Law (SIDDAMB) (<http://siddamb.apambiente.pt>) - updated to March 31, 2010 - facilitates the free consultation of national legislation on the environment. It is a document information system of data on environmental law, with full-text and relational structure, which includes national, EU and international legislation, national and European jurisprudence and doctrine, as well as the juridical analysis of those documents. Its discontinuity was due to the fact that, gradually, the electronic publication of the Gazette of the Republic started providing many of these tools (<http://dre.pt>).

With regard to plans and programmes with impact in the areas of the environment and territory, within the procedures foreseen in the respective strategic environmental assessment scheme, APA provides online information on the ongoing and completed processes (<http://aiacirca.apambiente.pt:8980/Public/irc/aia/aae/library>), supplemented by information provided by DGOTDU through the SNIT.

In relation to international treaties, conventions and agreements or other relevant international documents on the environment, the Office of International Relations of the Ministry responsible for the Environment systematized this information, making it available on the site of the CPLP Network Environment and Territory, which aims at promoting a permanent dialogue, ensuring the sharing of experiences and good practices among countries of the Commonwealth of Portuguese Speaking Countries (CPLP) as far as Environment and Sustainable Development policies are concerned ([http://www.ambiente-territorio-cplp.org/pages/documentos\\_pub/index.php](http://www.ambiente-territorio-cplp.org/pages/documentos_pub/index.php)).

APA, in its areas of intervention, also systematizes the international agreements and conventions in which it plays an active role: (<http://www.apambiente.pt/Instrumentos/ConvencoesAcordosMultilaterais/Paginas/default.aspx>).

As already referred to above (comments on Article 3, paragraph 2 of the Convention), special mention should be made to the fact that the LAIA establishes measures to be taken by public authorities to ensure access to information (Article 4) and measures concerning the dissemination of information (Article 5).

The GPP has developed the first strategic report of the National Strategic Plan (NSP). This Plan includes as a strategic goal for rural development the promotion of sustainability of the rural areas and of the natural resources, which disseminates information on the impact of the implementation of the three Rural Development Programmes (PRODER, PRODERAM, and PRORURAL) in protecting and enhancing the environment and natural resources. It presents the measures linked to specific environmental objectives and targets, outputs and outcomes, using indicators to disclose the initial situation and its evolution.

### **Article 5, Paragraph 6**

For an environmental policy to be effective, it is necessary and even essential to support the mechanisms of voluntary participation, as exemplified by the environmental certification ISO 14001, the registration under EMAS, the eco-label or even the European Blue Flag award (for beaches, marinas and boats).

With respect to ISO 14001:2004 in Portugal, until the end of 2009, 581 certifications were awarded by the seven existing certification bodies, accredited to the Portuguese Quality System.

With regard to the Community Eco-management and Audit Scheme (EMAS), in 2009 eight registrations were assigned in Portugal, and later that year there were 80 organizations registered in accordance with the Regulation. In January 2010 a new EMAS Regulation (Regulation (EC) No. 1221/2009 of the European Parliament and the Council of 25 November) came into force, repealing Regulation (EC) No. 761/2001 with the main objective to strengthen the system, increasing its efficiency and attractiveness to organizations.

The Community eco-label award scheme (REUE) is a market instrument, also of voluntary participation, aimed at stimulating supply and demand of products and services with low impact both on the environment and health during their production and consumption, thus promoting products and services with high environmental performance. In Portugal, by the end of 2009, 14 eco-labels were awarded in 13 different companies. In January 2010 a new regulation on a Community eco-label award scheme - Regulation (EC) No. 66/2010 of the European Parliament and the Council, of November 25 - repealing Regulation (EC) No. 1980/2000 came into effect, whose main purpose is to strengthen its effectiveness and streamline its operation.

The ecodesign of products is an essential element of the strategy on "Integrated Product Policy", as a preventive approach, which aims to optimise the environmental performance of products, while maintaining their functional and security characteristics, and cannot induce negative impacts to health or increase costs for consumers. ECODESIGN Directive (Directive 2009/125/EC of the European Parliament and the Council, of 21 October) is a Framework Directive, which is assumed as a fundamental component of European policy to improve energy and environmental performance of products on the internal market, not by directly introducing binding requirements for specific products, but just by setting the conditions and criteria for the introduction of "implementing measures". The ECODESIGN scheme is currently made up of thirteen EU implementing Regulations for a set of eleven specific product groups, whose main objectives are to reduce CO2 emissions and promoting the reduction of energy consumption.

Under the Entrepreneurship and Innovation Programme (EIP), a sub-programme of the EU Competitiveness and Innovation Framework Programme (CIP), the European Commission, through the Executive Agency for Competitiveness and Innovation (EACI), has launched, since 2008, annual calls for proposals to companies, particularly small and medium enterprises (SMEs), in the field of Eco-innovation projects. In 2008, 2009 and 2010 there were Portuguese companies among the selected projects.

As part of the measures to encourage operators of facilities with an impact on the environment to inform the public about their activities and/or products, IGAOT has been implementing risk analysis systems for the planning of the inspection activity in the area of IPPC facilities and waste water treatment plants for a population of more than 10 000 equivalent inhabitants, and is in the process of implementing a risk analysis

system for facilities. The use of the tool of informal resolution of conflicts and communication strategies under REACH and Seveso has led to an increased awareness of operators regarding the environmental impacts associated with misconducts. The activity of IGAOT is reflected in the site [www.igaot.pt](http://www.igaot.pt) and in the published documents.

IGAOT has also been developing a project to implement a communication strategy in the context of REACH, bearing in mind that an effective communication between authorities and industry potentially promotes compliance in companies, even if the latter are not subject to any physical action of inspection.

### **Article 5, Paragraph 7**

The generalization of communication and information online and the increasing rate of penetration of broadband Internet have facilitated the implementation of the objectives of the Aarhus Convention.

The APA website has a page devoted exclusively to the Aarhus Convention:

(<http://www.apambiente.pt/politicambient/PromocaoCidadaniaAmbiental/politicestrat/Acessoainformacaoeparticipacao publica/Aarhus>).

### **Article 5, Paragraph 8**

In order to communicate more effectively to help consumers make environmentally based choices, the General Directorate for Consumer promotes the Consumer Portal ([www.consumidor.pt](http://www.consumidor.pt)), where concerns for sustainability are included.

At the level of civil society organizations, mention should be made to the role of DECO, which develops specific information on the environment (<http://www.deco.proteste.pt/ambiente/s316081.htm>).

The environmental NGOs have also promoted extensive work in this context, such as Quercus (Project Eco-house (<http://www.ecocasa.pt>) and daily items in the media: on TV, "Green Minute" and radio, "A Minute for the Earth") and GEOTA ("Oceans Campaign", with Greenpeace, directed to retailers and consumers in order to develop sustainable seafood markets (<http://www.greenpeace.org/portugal/pt/O-que-fazemos/Campanha-Dos-Oceanos-Mercados-em-Portugal/>)).

Several information and awareness-raising actions have been streamlined in order to promote changes in consumption habits. The work carried out by the National Network of Responsible Consumption, based on the collaboration of various civil society organizations with the support of the Portuguese Institute for Development Support (IPAD) (<http://www.consumoresponsavel.com/>) should be pointed out.

### **Article 5, Paragraph 9**

In Portugal, the PRTR Protocol – "Pollutant Release and Transfer Register" to the Aarhus Convention is applied under EU legislation: Decision 2006/61/EC, of December 2, 2005, whose implementation is defined in Regulation (EC) No. 166/2006, of January, 18, 2006. In domestic law, Decree-Law No. 127/2008, of July 21, as amended by Decree-Law No. 6/2011, of January 10, ensures the implementation and guarantees that the Portuguese State will comply with the obligations of the PRTR Regulation.

On March 31, 2011, Portugal responded to the three-year questionnaire on the implementation of the European PRTR for the years 2007-2009. The response sent only includes the mandatory part of the questionnaire related to the PRTR Regulation, and the optional part is related to the PRTR Protocol. More information is available on APA website:

<http://www.apambiente.pt/INSTRUMENTOS/REGISTOEMISSOESTRANSFERENCIASPOLUENTES>.

In the platform "Integrated Registration System of the Portuguese Environment Agency" (SIRAPA) the project "Single Report" is in development, following art.28 of Decree-Law No. 173/2008, of August 26. This application aims at the integrated collection of environmental data having in view the simplification of the relationship of citizens and businesses with the Administration and the facilitation of environmental data communication by the operators. The Single Report (RU) aims at ensuring the collection of environmental information in the following fields:

- European Registry for Greenhouse Gases (REGEE);
- European Pollutant Release and Transfer Register (PRTR);
- Annual Environmental Report (RAA).

arising from environmental obligations set out in the legal framework on the European Emissions Trading System (EU ETS), the European Pollutant Release and Transfer Register (PRTR) and the Integrated Prevention and Pollution Control (IPPC), respectively.

(Cf. <http://www.apambiente.pt/Instrumentos/RegistoEmissoesTransferenciasPoluentes/RU>).

## **XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5**

In terms of chemicals, it should be stressed that the constant evolution of the EU REACH and CLP Regulations requires an additional effort, in terms of disclosure by the Member States, to ensure that the public, and especially companies, have access to permanently updated information.

## **XIII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5**

The IGP is the national focal point for the INSPIRE Directive (<http://snig.igeo.pt/Inspire>). Following the development of SNIG and the preparation for implementation of the INSPIRE Directive, networks of focal points and metadata managers were created, who, through an active and coordinated participation, allowed the establishment of a harmonized national metadata base and the implementation of SNIG and INSPIRE objectives. In May 2010 the first monitoring of the implementation of the Directive was performed. For this purpose, 29 public institutions were contacted, which correspond to the institutions of the Network of INSPIRE Focal Points (CORE). It was found that the degree of coverage of the 435 spatial data sets (CDG) identified at this stage is almost complete (96%). There are metadata for 68% of the identified spatial data sets (CDG), and 80% of these are in conformity. Half of the CDG are searchable (50%) through two search services (SNIG and InterSIG), 38% may be visualized through 34 visualization services, only 19% are downloadable, corresponding to 7 download services (including in this group the GeoWebServices and the Webmapping applications with file downloading). The IGP is also in charge of promoting, coordinating and implementing, in the field of geographic information, research and experimental development programmes and projects, as well as training and dissemination actions. It is also responsible for coordinating the National System of Exploration and Management of Land Register Information (SINERGIC), which aims at implementing the scheme of land registration in Portugal.

In 2010 the graphical interface of APA website was reformulated. The information on the results of the online and real-time measurements of the Air Radioactivity Surveillance Network (RADNET) is permanently available to the public (<http://sniamb.apambiente.pt/radnet/>). The same applies to the daily online information about the Air Quality Index available in APA website.

**XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5**

**WEBSITES OF PUBLIC BODIES PROVIDING ENVIRONMENTAL INFORMATION**

CENTRAL PUBLIC ADMINISTRATION BODIES	URL
APA – Agência Portuguesa do Ambiente	<a href="http://www.apambiente.pt">www.apambiente.pt</a>
AFN – Autoridade Florestal Nacional	<a href="http://www.afn.min-agricultura.pt">www.afn.min-agricultura.pt</a>
CADA – Comissão de Acesso aos Documentos Administrativos	<a href="http://www.cada.pt">www.cada.pt</a>
CNREN – Comissão Nacional da Reserva Ecológica Nacional	<a href="http://cnren.dgotdu.pt">http://cnren.dgotdu.pt</a>
DGADR – Direcção-Geral de Agricultura e Desenvolvimento Rural	<a href="http://www.dgadr.pt">www.dgadr.pt</a>
DGEG – Direcção Geral de Energia e Geologia	<a href="http://www.dgge.pt">www.dgge.pt</a>
DGOTDU - Direcção-Geral do Ordenamento do Território e Desenvolvimento Urbano	<a href="http://www.dgotdu.pt">www.dgotdu.pt</a>
DGPA - Direcção-Geral das Pescas e Aquicultura	<a href="http://www.dgpa.min-agricultura.pt">www.dgpa.min-agricultura.pt</a>
DRE – Diário da República Electrónico	<a href="http://www.dre.pt">www.dre.pt</a>
GPP - Gabinete de Planeamento e Políticas	<a href="http://www.gpp.pt">www.gpp.pt</a>
ICNB – Instituto de Conservação da Natureza e Biodiversidade	<a href="http://www.icnb.pt">www.icnb.pt</a>
IGP – Instituto Geográfico Português	<a href="http://www.igeo.pt">www.igeo.pt</a>
IGAOT - Inspeção-Geral do Ambiente e do Ordenamento do Território	<a href="http://www.igaot.pt">www.igaot.pt</a>
INAG – Instituto da Água	<a href="http://www.inag.pt">www.inag.pt</a>

INE – Instituto Nacional de Estatística	<a href="http://www.ine.pt">www.ine.pt</a>
IPAD – Instituto Português de Apoio ao Desenvolvimento	<a href="http://www.ipad.mne.gov.pt">www.ipad.mne.gov.pt</a>
IPTM - Instituto Portuário e dos Transportes Marítimos	<a href="http://www.iptm.pt">www.iptm.pt</a>
SNIG – Sistema Nacional de Informação Geográfica	<a href="http://snig.igeo.pt">http://snig.igeo.pt</a>
MAMAOT – Ministério da Agricultura, do Mar, do Ambiente e Ordenamento do Território	<a href="http://www.mamaot.gov.pt">www.mamaot.gov.pt</a>

REGIONAL PUBLIC ADMINISTRATION BODIES	URL
Administração da Região Hidrográfica do Alentejo	<a href="http://www.arhalentejo.pt">www.arhalentejo.pt</a>
Administração da Região Hidrográfica do Algarve	<a href="http://www.arhalgarve.pt">www.arhalgarve.pt</a>
Administração da Região Hidrográfica do Centro	<a href="http://www.arhcentro.pt">www.arhcentro.pt</a>
Administração da Região Hidrográfica do Norte	<a href="http://www.arhnorte.pt">www.arhnorte.pt</a>
Administração da Região Hidrográfica do Tejo	<a href="http://www.arhtejo.pt">www.arhtejo.pt</a>
Comissão de Coordenação e Desenvolvimento Regional de Lisboa e Vale do Tejo	<a href="http://www.ccdr-lvt.pt">www.ccdr-lvt.pt</a>
Comissão de Coordenação e Desenvolvimento Regional do Alentejo	<a href="http://www.ccdr-a.gov.pt">www.ccdr-a.gov.pt</a>
Comissão de Coordenação e Desenvolvimento Regional do Algarve	<a href="http://www.ccdr-alg.pt">www.ccdr-alg.pt</a>
Comissão de Coordenação e Desenvolvimento Regional do Centro	<a href="http://www.ccdrc.pt">www.ccdrc.pt</a>
Comissão de Coordenação e Desenvolvimento Regional do Norte	<a href="http://www.ccdr-n.pt">http://www.ccdr-n.pt</a>

## **XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6**

### **Article 6, Paragraph 1**

#### Environmental impact assessment

As mentioned in the previous Report 2008, through the process of Environmental Impact Assessment (EIA) of certain projects, there have been efforts to continue the effective participation of citizens in the decision-making processes on specific activities and promote the right of consultation and access to information on environmental matters. The Portuguese Environment Agency (APA) and the Coordinating and Regional Development Commissions (CCDR) are the bodies responsible for the management of these public participation processes. However, according to the sectoral areas under study, several other public bodies may participate.

#### Chemicals

REACH and CLP Regulations provide, in several cases, the sharing of information between stakeholders and the European Chemicals Agency (ECHA), through public consultations regarding proposals for testing on vertebrate animals, proposals for harmonized classification and labeling, proposals for identification of substances of very high concern (SVHC), proposals for inclusion of substances in Annex XIV (list of substances subject to authorisation) and proposals for restrictions to be included in Annex XVII (restrictions applicable to substances, mixtures and articles).

These public consultations are triggered by ECHA, and APA has promoted the participation of stakeholders at national level, through the release on its website or through contacts with specific entities, including industry associations.

A stakeholder consultation is also foreseen, under REACH Regulation, by the Consultative Committee of REACH (CCREACH).

#### Prevention of Major Accidents

The procedure for licensing or authorizing the installation, alteration, modification or expansion of establishments included in Decree-Law No. 254/2007, of July 12, which are not subject to EIA, can only begin after APA has emitted a statement on the Location Assessment Compatibility (ACL).

In the case of establishments subject to EIA, public participation is made under the procedure of public consultation in accordance with the provisions of Decree-Law No. 69/2000, of May 3, as amended by Decree-Law No. 197/2005, of November 8.

For establishments not subject to EIA, the request for a statement on ACL is presented to APA for analysis and decision within 30 days, and APA, within the same period, may carry out the public consultation.

#### Nature conservation and biodiversity

According to Art. 10 of Decree-Law 49/2005, of February 24 (Legal regime of Natura 2000 Network), any actions, plans or projects, not directly related to the management of a site from the national list of sites, of a site of EU interest, of a special area of conservation or of a special protection area and not necessary to that management, but that may significantly affect that area, either individually or in combination with other

actions, plans or projects, must be assessed concerning their environmental impact with regard to the conservation objectives of the zone. The environmental impact assessment provides the following ways:

- EIA - EIA procedure obeys the provisions of Decree-Law No. 69/2000, of May 3, that safeguards component of public participation and public access to information;

- Analysis of environmental impact - in accordance with paragraph 7 of Art. 10 of Decree-Law 49/2005, this procedure is preceded, whenever necessary, with public consultation.

### **Article 6, Paragraphs 2 to 6**

The legislation in force (EIA, IPPC, GMO, ...) provides that the public concerned is informed in an effective, timely and appropriate way, about the beginning of the process of decision making, that the deadlines are reasonable, that it takes place when all options are open, that the public concerned is identified and that this public will be provided with the requested information free of charge.

### **Article 6, Paragraphs 7 to 10**

Nothing to report on these items.

### **Article 6, Paragraph 11**

#### Genetically Modified Organisms

The provisions of this article are addressed in national legislation since 2003. Indeed, Decree-Law No. 72/2003, of April 10, implementing in national law Directive 2001/18/EC, of March 12, on the deliberate release of GMOs into the environment, provides in Article 11 that the public should be consulted prior to making decisions on applications for deliberate release into the environment (experimental tests) For this purpose, the notification submitted will be available during a period of up to 60 days. This information will be publicized through an advertisement in two national newspapers, and, if possible, in a regional or local one, indicating the address where the information can be consulted and the date when the consultation begins and ends. This information is also available through the APA website.

Additionally, with the ratification by Decree No. 7/2004, of April 17, of the Cartagena Protocol on Biosafety, there has been compliance with a global requirement of awareness raising and public participation. At the national level, the National Centre for Information Exchange is being implemented.

## **XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6**

With regard to Chemicals, despite the awareness-raising campaigns already carried out, the issues in the context of chemicals, particularly in relation to the EU REACH and CLP Regulations, are still not the subject of considerable interest from the general public (cf. Analysis of the Eurobarometer). The ignorance and/or lack of interest leads to a less than desirable participation in various aspects of this Regulation, namely in public consultations.

Although CCREACH has been created to hear the interested parties under the REACH Regulation, as it is the case with the general public, the domestic industry hardly participates, particularly with regard to public consultations.

## **XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6**

### Chemicals

In 2008 16 public consultations were held regarding proposals of identification of SVHC.

In 2009 three public consultations were held regarding proposals for tests for substances, 12 for proposals for harmonized classification and labelling, 15 for proposals for identification of SVHC and 8 for proposals for inclusion of substances in Annex XIV.

In 2010 21 public consultations were held regarding proposals of tests for substances, 26 for proposals for harmonized classification and labelling, 19 for proposals for identification of SVHC, 8 for proposals for inclusion of substances in Annex XIV, and 4 for proposals of restriction.

### Genetically Modified Organisms

Between 2008 and 2010, four notifications were submitted for deliberate releases of GMOs (2 in 2008, one in 2009 and one in 2010).

For all notifications submitted, APA promoted the respective public consultation process, which always lasted 30 days. Each notification was advertised in two national newspapers, in APA website, and the documentation was made available for consultation at the town halls (Municipalities), where the tests would take place.

The responses were as follows:

- In 2008, 55 comments were received (50 against the tests and five in favour).
- In 2009, 670 comments were received (651 were against the tests, and 18 expressed their support and one did not state for nor against). It should be stressed that of all comments received, which were against the tests, 622 of them had an identical content, supported by a sample letter provided by an NGO.
- In 2010, 341 comments were submitted (328 were against the tests, and 313 of these were identical in content, supported by two letters provided by two NGOs), 10 comments were not directly related to the notification in question, and 3 expressed their support for carrying out experimental tests with GMOs.

The result of public participation was taken into account in the decision making process, since all comments received during the public consultation processes were duly analysed and all the comments directly related to the subject of consultation, i.e. with the respective notification, were taken into consideration. The arguments against conducting the tests were analysed, and in no case reasons were found for not performing those tests.

The decisions taken and the reasons which led to these decisions were made publicly accessible through the APA website.

## **XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6**

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

## **XIX. PRACTICAL AND/OR OTHER PROVISIONS MADE FOR THE PUBLIC TO PARTICIPATE DURING THE PREPARATION OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT PURSUANT TO ARTICLE 7**

The Strategic Environmental Assessment (SEA) is a tool to support decision making that seeks to promote sustainable development. According to national and EU legislation it contributes to the integration of environmental considerations into the preparation and adoption of Plans and Programmes, involving public and environmental authorities.

The Portuguese legislation for SEA, which arises from the implementation of Directive 2001/42, dated 2007, is very flexible, focusing on procedural transparency and on the responsibilities of the entities that develop plans or programmes. The Ministry responsible for the Environment assumes no regulatory role, while APA monitors the implementation of the legislation and disseminates information, ensuring the dialogue with the European Commission.

Public participation in the preparation of plans and programmes is formally guaranteed by the national legislation on Strategic Environmental Assessment, which implements Directive 2001/42/EC. Decree-Law No. 232/2007, of June 15, as amended by Decree-Law No. 58/2011, of May 4, established the institutional reference framework for SEA at the national level. As far as territorial management instruments are concerned, the pre-existing procedures within the spatial planning and urbanism policy were maintained, by adjusting them to the requirements of the SEA, through Decree-Law No. 316/2007, of September 19, as amended by Decree-Law No. 46/2009, of February 20.

Participation is open to the general public, including, besides associations, NGOs and all citizens "who may, somehow, be interested or affected" by the approval of plans and programmes or by the future approval of projects that may be conformed to them.

The public consultation lasts no less than 30 days and is publicized by electronic means of disclosure, including by publication on the website of the entity responsible for preparing the plan or programme and the publication of advertisements in at least two successive issues of a regional or national newspaper, whenever the scope of the plan or programme so justifies.

During the term of the consultation, the draft plan or programme and the respective environmental report are available to the public at the locations indicated by the entity responsible for their preparation and in the municipalities of the area in consideration, or in the Coordination and Regional Development Commissions in the case of national plans. Electronic dissemination may also be used, and this is a current practice.

The approved plans or programmes, together with the respective Environmental Statements, are available to the public through the web pages of the entities responsible for their elaboration. The results of further evaluation and control are also available to the public in the same way, at least once a year.

APA is responsible for the general treatment of the information on the environmental assessment, which is made available in [www.apambiente.pt](http://www.apambiente.pt). In 2007 APA published a Guide on Best Practices in Strategic Environmental Assessment, which includes recommendations concerning the adoption of communication strategies to ensure an active involvement of different target groups that may be strategic in the successful implementation of the plan or programme.

The first assessment of the SEA in Portugal, published by APA in December 2010, highlights the strengths and weaknesses of law enforcement and of the recommended good practices. The most interesting conclusions show that in the Environmental Assessments conducted at the beginning of national legislation there was a concern to meet the legal requirements in force, but good practices were not always used. There

is still a way to go until the Portuguese society profits the most from this instrument, whose capabilities have just started to be outlined.

A special reference to the following relevant legal documents should be made:

- Law No. 11/87, of April 7 (LBA - Framework Law on the Environment) that, as far as specific principles are concerned (Article 3), provides for the participation, considering that "the different social groups should be involved in the formulation of environmental land-use planning policy, through the competent central, regional and local administration bodies and other collective legal entities or private persons and entities "[c)]. On the other hand, Article 4, on 'objectives and measures', states that "the existence of an environment, that promotes the health and well-being and the social and cultural development of communities, as well as improves the quality of life , requires the adoption of measures aiming particularly at (...) i) promoting the participation of populations in the formulation and implementation of the environmental and quality of life policy, as well as the establishment of continuous information flows between responsible Administration bodies and the citizens for whom it is addressed. It should also be noted that "people's initiatives in improving the environment and quality of life, either spontaneous or matching an appeal of the central, regional or local administration, should be given adequate protection through the means needed to implement the objectives of the regime foreseen in this law "(LBA Article 40, paragraph 2).

- Law No. 33/96, of August 17 (Framework Law on Forest Policy), according to which "the regional plans of forest management (PROF) are prepared by the legally competent public body in collaboration with the holders of the areas covered, submitted to public evaluation and approved by the Ministry of Agriculture, Rural Development and Fisheries "(Article 5, paragraph 2).

- Law No. 48/98, of August 11 (as amended by Law No. 54/2007, of August 31), that establishes the Bases of the Land-Use Planning and Urbanism Policy. According to Article 5, "the land-use planning and urbanism policy follows the general principles of (...) f) participation, enhancing the civic awareness of citizens through access to information and to intervention in the procedures leading to the preparation, implementation, evaluation and review of the instruments of territorial management". Article 12 of this law enshrines the "right to information", so that "individuals have the right to information in both the procedures of elaboration and amending, and after the publication of the instruments of territorial management [Articles 8 and 9], referred to in paragraph 2 of the previous article [municipal and special land-use management plans], and may, in particular, consult the respective process, purchase copies and obtain certificates".

## **XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT PROVIDED PURSUANT TO ARTICLE 7**

Several examples of public discussions of strategies, plans and programs are presented:

### Plans and strategies on energy and climate change

The National Action Plan for Energy Efficiency (PNAEE) defines a set of measures that will contribute to a reduction of 9.8% of the final energy consumption by 2015 and covers the Transport, Residential and Services, Industry and State sectors, establishing as cross-cutting areas of action: behaviours, taxation, incentives and financing. This Plan was adopted in 2008, after public consultation in February of that year.

The National Action Plan for Renewable Energy (PNAER), delivered to the European Commission in June 2010, sets out the objectives of Portugal on the share of energy from renewable sources in the gross final energy consumption in 2020, taking into account the energy consumed in transport, electricity and heating

and cooling in 2020; it identifies the measures and activities foreseen for each of these sectors. It also establishes the national commitment on the share of energy from renewable sources used in the transport sector. Under the PNAER a public consultation process was carried out between June 2 and June 21 2010, and a discussion was organized in Parliament open to the public.

The National Strategy for Adaptation to Climate Change (ENAAAC), adopted in 2010, aims to promote awareness raising concerning climate change, to keep scientific knowledge in this area updated and available and to strengthen the measures Portugal will have to adopt in order to control its effects. Thus, four objectives were defined: (i) information and knowledge, (ii) reducing vulnerability and increasing responsiveness; (iii) promoting participation, awareness raising and dissemination, and (iv) development of international cooperation. This Strategy was subject to a formal public consultation period from July 17 to September 4 2009.

The National Energy Strategy 2020 (ENE 2020), adopted in 2010, updates the previous Strategy of 2005, and sets an agenda for competitiveness, growth and a reduction of energy dependence of the country, by investing in renewable energies, promoting energy efficiency, ensuring energy supply safety and economic and environmental sustainability of the national energy model and contributing to the reduction of CO<sub>2</sub> emissions. When drafting the National Strategy for Energy 2020 (ENE 2020), discussion sessions were held.

The Climate Change Forum was created in 2008 with the purpose to promote a regular engagement between the Climate Change Commission, the civil society and the different sectors. The Forum is a consultative body that intends to launch debates related with the development and implementation of public policies related with climate change, allowing the flow of orientations and recommendations by a wide range of areas and sectors of civil society. Participation in the Forum can occur through two different ways: (a) by direct invitation from the Ministry's that take a seat in the climate change commission; or (b) by an application procedure by individuals and/or entities from sectors related with the environment, such as waste and effluents, transports, energy, agriculture and forests. On the other hand, the Executive Committee of the Climate Change Commission also promotes regular and wide consultations, at a technical level with the relevant stakeholders either from the private sector, as well as other ministries during the development of national strategies and programmes related with climate change or during the negotiations of EU Directives. These interactions have occurred during the negotiations of the climate and energy-package in 2008 and are also starting to occur in present time, while preparing for a low-carbon roadmap for 2050.

#### Plans and programmes for waste

The draft National Plan for Waste Management 2011-2020 (PNGR 2011-2020), as well as the respective SEA Environmental Report, were approved in 2010 for submission to public consultation, but the latter only took place in 2011. The PNGR is a planning instrument of the policy for waste management, which sets strategic objectives, at national level, for 2020 and lays down the guidelines to be defined by the necessarily more detailed specific sectoral plans for waste management. Its evaluation process provides for the preparation of two Progress Reports in 2013 and 2016 and a Final Report in 2020.

The specific plans for waste management, which embody the PNGR in each specific area of activity, were at the following phases of SEA:

- The Draft Strategic Plan for Hospital Waste (PERH 2011-2016) and its Environmental Report were subject to public consultation, which ran from March 15 to April 26, 2010. 10 contributions were received and the respective Public Consultation Report and Environmental Statement were prepared, which led to the approval of the Plan in 2011 (Decree No. 43/2011, of January 20). The evaluation process of the PERH 2011-2016 foresees the elaboration of a Progress Report in 2013 and a Final Report in 2016;

- The Strategic Plan for Industrial Waste Management (PESGRI), which sets out the strategic principles to be complied with in the management of such waste in the country, began to be reviewed in 2010 and is expected to enter into public consultation process in 2011.

The draft Programme for the Prevention of Urban Waste 2009-2016 (PPRU) was made available on the APA website aiming at collecting opinions, besides a direct consultation to various entities with expertise in waste, and was, consequently, reevaluated after analysis. It was approved by Order No. 3227/2010, of February 22, of the Ministry of Environment and Spatial Planning. On November 26, 2010, a cooperation protocol between APA and the General Directorate for Economic Activities (DGAE) was signed, whose objective is to establish forms of collaboration in implementing the PPRU, which aims to help separate waste generation from economic growth while minimizing the negative impacts of its management.

The plans and programmes referred to have been subject, prior to approval, to a consultation of CAGERE - Monitoring Commission for Waste Management, which is competent, among other things, to monitor the implementation and review of the waste management plans.

#### Plans and programs on water resources

Directive 2000/60/EC of the European Parliament and the Council, of October 23, or the Water Framework Directive (WFD) establishes a framework for Community action in the field of water policy and was implemented into national law by Law No. 58/2005, of December 29 (Water Act - LA) and Decree-Law No. 77/2006, of March 30.

Between February and July 2009, the second public participation procedure, established according to the WFD, was held. It was focused on the reports of the Significant Issues on Water Management (QSiGA) identified for each hydrographic region of the mainland. The procedure for public consultation associated with the disclosure of the QSiGA, besides including the production and availability of documents to the public with the information used in the elaboration of the works, as well as documents directly related to the procedure itself, involved several public meetings (in the case of international rivers and under the auspices of the Committee for the Implementation and Development of the Convention (CADC), they were promoted both in Portugal and in Spain), exchanges of e-mails, information on the websites of INAG and ARH, disseminating leaflets and advertisements in national newspapers. All documents produced are available on the website of INAG.

The PNA2010 Communication Plan was drawn up within the framework of the National Water Plan (PNA2010) with the aim of supporting its strategic objectives, providing for organizational communication actions of the Plan during its preparation and monitoring in its different tasks, as well as the definition of metrics for evaluation, monitoring and application after its final publication. This Plan serves as a guideline for all internal and external communications, in relation to the target audiences to reach and inform, including strategic objectives, messages, audiences, assignments of responsibilities, evaluation of effectiveness, quality and quantity, the necessary assessment and budgets to support its implementation whenever appropriate. According to the objectives, key messages and target audiences identified, the various means of communication and interaction in different phases were progressively defined and implemented: Flyer PNA2010, Observatory Portal PNA2010 (<http://www.pna2010.inag.pt>) ; BlogsPNA2010, Social Networking (Twitter, Facebook and LinkedIn), press releases, newsletters, e-mail, meetings, seminars and workshops, public presentations, interviews and contacts data base.

The National Programme of Dams with High Hydropower Potential (PNBEPH) is a key element of national energy policy, contributing to the objectives established for the production of energy from renewable sources for the year 2020, reduction of national energy dependence and reduction of CO2 emissions. The development of the PNBEPH led to the selection of the locations of new large hydroelectric plants, thereby

taking advantage of the significant potential still untapped. The various requirements, both at national and Community level, concerning the environment and nature conservation and biodiversity, were met. At the same time, the Strategic Environmental Assessment was carried out, which allowed to find the environmentally more sustainable option. The PNBEPH was approved on December 7, 2007, and the 10 major hydroelectric plants (AH) to be built between 2007 and 2020 were identified. The implementation of PNBEPH began with the launch of calls for tender for the design, construction and operation of 10 AH, and to date the contracts were concluded between the Portuguese State and the promoters (EDP, Iberdrola and Endesa) for purposes of the respective provisional award, pursuant to Decree-Law 182/2008, of September 4, to 8 exploitations. The EIA process was developed for each plant.

The National Ocean Strategy approved by the Council of Ministers Resolution No. 163/2006, of December 12, determines that the construction of a prosperous maritime economy, aiming at the quality of life and social well-being and respecting the environment, must be supported on three strategic pillars: knowledge, planning and spatial planning and active promotion and defense of national interests. The preparation of the Plan of Maritime Spatial Planning (POEM), determined by Order No. 32277/2008, of December 18, establishes the creation of a multidisciplinary team for its preparation, consisting of the entities of the Interministerial Committee for the Affairs of the Sea (CMR No. 40/2007, of March 12) and assigns responsibility of its coordination to the INAG. It is an essential tool both for managing the maritime space and for the allocation of private uses, and to respond to a set of new designs that arise in the implementation of the Marine Strategy Framework Directive. The public discussion of the draft POEM and of the respective Environmental Report ran from November 29, 2010, and February 22, 2011. For this purpose the existing documentation was made available for consultation and eight public thematic sessions were carried out.

Internationally, the management of shared basins is governed by the Convention on Cooperation for the Protection and Sustainable Use of Water of Portuguese-Spanish Catchment Basins, signed by the two countries on November 30, 1998, hereinafter referred to as Albufeira Convention. This Convention aims at setting the framework for cooperation between the two States concerning the protection of surface and ground waters and their aquatic and terrestrial ecosystems directly depending from them, and the sustainable use of the water resources of the Portuguese-Spanish catchment basins. Under the Commission for the Implementation and Development of the Convention (CADC), four specific working groups were established, among which the working group for Exchange of Information and Public Participation, as well as a technical secretariat, and a website was created for the dissemination of information and of actions and activities developed by the CADC (<http://www.cadc-albufeira.org/>).

At the regional level initiatives have been undertaken aiming at the promotion of public participation in the processes of elaboration of the River Basin Management Plans, carried out by the ARH.

Public participation concerning the special plans of land-use planning, including the Spatial Plans for Public Water Reservoirs and Coastal Zone Spatial Plans, is made in accordance with Decree-Law No. 316/2007, of September 19, as amended by Decree-Law No. 181/2009, of August 7. Throughout the preparation of the plans all relevant elements are made available to stakeholders, who may make suggestions, and are available for consultation at the site of INAG.

The National Water Council (CNA) is the independent consulting body of the Portuguese Government for the planning and sustainable management of water, created by Decree-Law No. 45/94, of February 22; its structure and working regime has been redefined by Decree-Law No. 84/2004, of April 14. The public administration, local governments and the most representative scientific, economic, professional and non-governmental organizations, at the national level and related to the various uses of water, are represented in this Council, thus ensuring the involvement and the connection between the Administration and civil society. The Council's main objective is to comment on the elaboration of plans and projects with special relevance on water use and water resources, as well as on the measures that may lead to a more effective development and coordination of the actions arising out of them. It provides a forum for the discussion of the

policy of national water resources management and of the strategic options for its implementation, under an integrated perspective of environmental values and of the sectoral and territorial economic interests. As part of its activities, the CNA has analysed and deliberated, in plenary meetings, between 2008 and 2010 on:

- Estuary Spatial Plans (POE).
- Hydrographic Region Management Plans (PGRH).
- National Water Plan (PNA 2010).
- Strategic Plan for Water Supply and Wastewater Treatment, PEAASAR (2007-2013).
- Implementation of the Convention on the Portuguese-Spanish Catchment Basins. Planning of water resources in shared basins.
- National Strategy for Integrated Coastal Zone Management.
- Connection between agricultural policy and water management and protection policy.
- New legal, institutional and financial framework for the management of water resources in Portugal.
- New legal régimes of municipal, inter-municipal and multi-municipal services for water supply and wastewater sanitation.
- Water resources management and climate change.
- The connection between water management and nature conservation and biodiversity.
- Water quality in surface water bodies.

#### National strategy for nature conservation and biodiversity (ENCNB)

The Council of Ministers Resolution No. 152/2001 adopted the national strategy for nature conservation and biodiversity (ENCNB) to be in force between 2001 and 2010. The ENCNB is based on 10 principles, including the principle of participation, promoting information and the involvement of citizens and their associations in the discussion of the policy and in the implementation of measures aiming at nature conservation and the sustainable use of biological resources. The ENCNB also establishes 10 strategic options, among which the strategic option 9 refers to information, awareness raising and public participation, as well as to mobilization and encouragement to civil society. With a view to achieving this strategic option, six action directives were also defined (Chapter II, paragraph 21 of Council of Ministers Resolution No. 152/2001).

Between 2008 and 2009 the Mid-Term Review of the Implementation of ENCNB was carried out and was subject to a process of public consultation:

<http://portal.icnb.pt/ICNPortal/vPT2007/O+ICNB/Documentos+de+referência/Estratégia+Nacional+da+Consevação+da+Natureza+e+da+Biodiversidade/>

#### Plans and programmes on biodiversity and nature conservation

According to paragraph 1, b) of art. 3 of Decree-Law No. 232/2007, plans and programmes will be subject to a strategic environmental assessment whenever, in view of their likely effects on a site of the national list of sites, on a site of Community interest, on a Special Conservation Area or a Special Protection Area, they should be subject to an environmental impact assessment under Article 10 of Decree-Law No. 140/99, of April 24, as amended by Decree-Law 49/2005, of February 24. According to art. 7 of Decree-Law No. 232/2007, the draft plan or programme and its environmental report are subject to public consultation.

Paragraph 4 of article 14 of Decree-Law No. 142/2008, of July 24 (Legal Regime for the Conservation of Nature) provides that the classification of protected areas of national level is necessarily preceded by a public discussion period to collect comments and suggestions on the classification of the protected area. The process and deadlines of the public discussion are set forth in paragraphs 5 and 6 of article 14 of Decree-Law No. 142/2008, of July 24. In accordance with paragraph 3 of article 14 of this Decree-Law, paragraphs 4-6 of art. 14 shall also apply to the classification of protected areas of regional or local levels.

Paragraph 4 of article 23 of Decree-Law No. 142/2008, of July 24, states that the procedures for the elaboration, approval, implementation and evaluation of land-use plans of protected areas are ruled by the provisions of legal instruments of territorial management, namely Decree-Law No. 380/99, of September 22, as amended and republished by Decree-Law No. 46/2009, of February 20, which in its art. 6 and 48 safeguards the right of public participation in the elaboration, modification, revision, implementation and evaluation of the territorial management instruments.

In accordance with paragraph 3, a), of art. 7 of Decree-Law 49/2005 (the Legal Regime of Natura 2000 Network), the management plans for Natura 2000 Network are preceded by public consultation, following the procedures set by the legal instruments of territorial management for special plans of land-use management. These procedures are set out in art. 48 of Decree-Law No. 380/99, of September 22, as amended and republished by Decree-Law No. 46/2009, of February 20.

#### National Strategy for Forests and regional plans of forest management

The adoption of the National Strategy for Forests, through the Council of Ministers Resolution No. 114/2006, was preceded by a series of meetings with stakeholders of this sector, after which it was submitted to public consultation. The same happened with the elaboration of the 21 Plans of Forest Management this was followed up by a Steering Committee which brought together the stakeholders, and was also submitted to public discussion, as required by law. The review of the legislation that established the guiding instruments of forestry has introduced further clarification on the procedures for adoption of various types of plans, but the Monitoring Committee and the public discussion period exceeding 30 days remained, as provided in Decree Law No. 16/2009, of January 14, as amended by Decree-Law No. 114/2010, of October 22.

#### National Environment and Health Action Plan (PNAAS)

The National Environment and Health Action Plan 2008-2013 (PNAAS), co-coordinated by APA and the General Directorate for Health (DGS), was approved by the Council of Ministers Resolution No. 91/2008, of June 4, and eight other ministries, in a total of 40 entities involved, took part both in the conception and in the implementation of the Plan under way. The Plan aims to improve the effectiveness of the policies to prevent, control and reduce health risks caused by environmental factors, by promoting the integration of knowledge and innovation and thereby contributing to the economic and social development of the country.

In order to mobilize the Portuguese society, the different social partners and each individual citizen to participate in PNAAS, the Coordinating Entities (EC) launched, between August and October 2008, a "Call for Expression of Interest" to integrate the Strategic Social Platform (PSE) of PNAAS to representatives of the civil society and social partners (NGOs, universities, trade unions and others). This invitation was posted on the APA and DGS websites, and 13 expressions of interest were received, through the "Expression of Interest Form" available online.

The EC also launched, between October and December 2008, the "Call for participation in PNAAS" which had as main objective to raise additional resources by providing human and/or financial resources, equipment, relevant data in the area of the Environment and Health and/or otherwise contributing to that objective. A "Registration of Interest" online was used. Four expressions of interest were received, mainly with the intention of providing human resources.

In the context of the Action III.4 of PNAAS, "Environment and Health Education", the invitation was addressed to the schools of Basic and Secondary Education to consider the theme "Environment and Health" in the Project Area. In the 2009/2010 school year, 283 teachers, belonging to 116 schools, were enrolled in the Health and Environment Forum.

Six youths participated in the 5<sup>th</sup> Ministerial Conference on Environment and Health, under the auspices of the World Health Organization (WHO), who had been selected through the "Competition Environment and Health - The role of youth in a changing world", sponsored by APA and DGS, in conjunction with ACS and the Portuguese Youth Institute (IPJ). APA and DGS conducted the dissemination of the contest "WHY Media Award/World Health Young (WHY) Communication Network on Environment and Health," sponsored by WHO.

#### Plans on tourism and sustainability

The National Strategic Plan for Tourism (PENT) predicted, in 2010, the beginning of the process of mid-term review to assess the progress made and developments of the situation of the sector in order to adjust the action programs planned until 2015 and ensure the implementation of the Strategy defined for Tourism.

In early 2009, Turismo de Portugal started a comprehensive project aimed at generating positive impacts on sustainability not only in the Institute but also in the tourism sector. In July 2009 the first Sustainability Report was disclosed, which, in accordance with the benchmarking performed at the time, was the first Sustainability Report - following the guidelines of the GRI (Global Reporting Initiative) - performed by a National Tourism Authority worldwide. The document assesses the annual economic, environmental and social performance of the Institute for 2008, as well as of the tourism sector, and outlines medium-term objectives. In order to promote a reflection on the impacts of tourism policies in Portugal and on the role of the Turismo de Portugal in its implementation, this body decided to hold, for the first time, a consultation, by means of interviews, to its stakeholders. The aim of this consultation was to identify the main expectations of the stakeholders, as well as new challenges and opportunities for the sector in terms of sustainability. The work culminated in the definition of guidelines, commitments and targets for an ever tighter management of the resources and the impacts of tourism and in their presentation of the accounts rendered for the year 2009, released on the 2nd Sustainability Report published in July 2010. In 2011 the Turismo de Portugal issued its 3rd Sustainability Report, with the reporting of 2010, which analyzes the evolution of the performance of the main characteristic activities of tourism in Portugal, establishes commitments, as well as strengthens the role of the institute as an example of good practice.

#### Plans and measures of the fisheries sector

The management of the fisheries sector is made with the participation of all stakeholders, and the necessary information is provided on the website [www.dgpa.min-agricultura.pt](http://www.dgpa.min-agricultura.pt), as well as the links to the relevant national and international organizations.

### **XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7**

The main difficulty observed in terms of public participation regarding the preparation of plans, programmes and policies on the environment, as well as other environmental policy instruments, is the poor involvement of the public. In addition to a widespread passive basis of citizenship and a low involvement of citizens in participatory processes, there is an overload of information available through various media, particularly audiovisual. Public services have actually been making an effort to improve the quality of relevant information and to make it available electronically, thus facilitating the access to all interested parties. Yet the reality observed leads to the conclusion about the need to complement the information tools (e.g. portal) with effective tools for dissemination and awareness raising, in order to achieve a greater visibility both of the information tool and of the opportunity of the participatory process.

**XXII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7**

Nothing to report on this item.

**XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7**

Nothing to report on this item.

**XXIV. EFFORTS MADE TO PROMOTE PUBLIC PARTICIPATION DURING THE PREPARATION OF REGULATIONS AND RULES THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO ARTICLE 8**

The IGP promoted actions of public participation and consultation in the process of preparing the draft of Decree-Law No. 180/2009, of August 7, which reviews the National Geographic Information System (SNIG), implementing in the national law Directive No. 2007/2/EC of the European Parliament and the Council of 14 March 2007 (INSPIRE Directive). The <http://inspire-pt.blogspot.com> blog and the e-mail [inspire@igeo.pt](mailto:inspire@igeo.pt) were the major means used in the discussion of the draft law, which was finally published on August 7 of that year.

**XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8**

Nothing to report on this item.

**XXVI. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8**

Nothing to report on this item.

**XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8**

Nothing to report on this item.

**XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9**

The framework of the implementation of art. No. 9 of the Aarhus Convention on access to justice has not changed since the last national report, 2008.

Under paragraph 1 of Article 14 of the LAIA, "[the] applicant who considers that his/her request for information has been ignored, wrongfully, totally or partially, refused, has obtained an inadequate response or it was not complied with this law, can challenge the legality of the decision, act or omission in accordance with the general law", and, according to paragraph 2 thereof, the applicant may also file a complaint at CADA.

Further: "[The] third parties, harmed by the dissemination of the information, may also use the means of appeal under the preceding paragraphs" (No. 3).

Mention is also made to the fact that, from 2008 until July 2011, CADA issued fifteen Statements following complaints under the LAIA, giving at all of them a favourable (or partially favourable) opinion to access.

## **XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9**

Nothing to report on this item.

## **XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9**

## **XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9**

CADA – [www.cada.pt](http://www.cada.pt)

Ombudsman – <http://www.provedor-jus.pt>

**Articles 10-22 are not for national implementation.**

## **XXXII. GENERAL COMMENTS ON THE CONVENTION'S OBJECTIVE**

Portugal is identified with the objectives of the Aarhus Convention, and seeks to be guided by them in the processes inherent in governance, preparing for this purpose legislation that includes them and practices that implement them.

## **XXXIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON GENETICALLY MODIFIED ORGANISMS PURSUANT TO ARTICLE 6bis AND ANNEX I bis**

## **XXXIV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis**

**XXXV. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF  
THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis**

**XXXVI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF  
ARTICLE 6bis**