

Subject: FW: Request of environmental information "Mina do Barroso"
From: "Recursos Geologicos (DGEG)" <Recursos.Geologicos@dgeg.gov.pt>
Date: 26.03.21, 13:14
To: "nik@miningwatch.pt" <nik@miningwatch.pt>

Dear Mr. Nik Völker

We inform you that, as this is environmental information regarding a procedure in progress, the situation falls, in Portuguese legislation, under the rules of Law 26/2016, specifically, in Article 18(2), inserted in SECTION II of the mentioned law, whose title is "*Right of access to environmental information*", and whose wording is transcribed:

"Article 18 - Rejection of the request for access

*When the request refers to a **procedure in progress**, the entity will send it to the entity that coordinates the procedure, which will inform the requester of the foreseeable deadline for its conclusion, as well as of the legal provisions provided for in the respective procedure, relative to access to information".*

The reference to the *procedure in progress* reflects a different valuation of that information that is in *preparatory moments of a decision or contained in uncompleted proceedings* (paragraph 3 of art. 6 of Law 26/2016). The procedure, administrative, to which the rule refers, in the concrete case, is the Environmental Impact Assessment procedure, provided for in Decree-Law no. 152-B/2017, of 12 November. The entity responsible for the coordination of the procedure regarding the request for allocation of rights by the company is APA, IP - Agência Portuguesa do Ambiente, in accordance with Article 8(3)(f) of the invoked legislation.

Although the DGEG may, in theory, be in possession of documentation relating to the administrative process mentioned, in accordance with the legislation invoked, the due procedure is to send the request for access to the information indicated to APA, IP, serving this email to inform you of this fact.

Therefore, in compliance with this rule, we hereby inform Mr Nik Völker that the request for the documentation requested has been sent to the entity responsible for the response to be provided, the aforementioned APA, IP.

Yours faithfully

The Secretary of DSEF-RG



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