

**Questionnaire for the report of [NAME OF COUNTRY] on
the implementation of the Convention on Environmental
Impact Assessment in a Transboundary Context in the
period 2019–2021**

Information on the focal point for the Convention

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Part one

Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not its experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the text of the Convention (for example, Environmental Impact Assessment Law of the Republic of ..., article 5 (3) of Government Resolution No. ..., para. ... item...)

Article 1

Definitions

I.1.1. Is the definition of the term "impact" for the purpose of the Convention the same in your legislation as that contained in article 1 (vii)?

- (a) Yes
- (b) Yes, with some minor differences (please explain the differences):
- (c) No, there are major differences (please explain the differences): X

"Environmental impact – positive and negative changes in the environment resulting from a project, during a given period of time and within a certain area, compared with the baseline environmental situation that would happen in that same period of time and in that same area if the project was not executed" (article 2, paragraph k) of Decree-Law n.º 151-B 2013, of 31 October).

- (d) The term "impact" is not defined in the legislation

Your comments: The environmental factors that may be affected by the project activity, as established in the definition of impact, are listed in the annex V of Decree-Law n.º 151-B 2013, of 31 October.

I.1.2. Is the definition of the term "transboundary impact" for the purpose of the Convention the same in your legislation as that contained in article 1 (viii)?

- (a) Yes, the same
- (b) Yes, with some minor differences (please explain the differences):
- (c) No, there are major differences (please explain the differences):
- (d) The term "transboundary impact" is not defined in the legislation

Your comments: No specific definition is provided in the national law. However specific provisions are set for consultation in case of activities likely to have significant effects on the environment of another state.

I.1.3. Please specify how the term "major change" is defined in your national legislation:

- (a) It is not defined
- (b) By using thresholds (Please explain:)
- (c) By using criteria (Please explain:)
- (d) On a case-by-case basis (Please explain:)

Your comments: Decree-Law n. ° 151-B/2013, of 31 October does not provide a definition for "major change". However, it sets screening criteria for changes and extensions of projects activities listed in annexes I and II of the EIA national act (article 1, paragraph 4).

I.1.4. How do you identify the public “of the affected Party in the areas likely to be affected”? Please specify (more than one option may apply):

- (a) Based on the geographical location of the proposed project
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (c) By other means (please specify):

Your comments: Decree-Law n. ° 151-B/2013, of 31 October provides a definition of public concerned: “the holders of subjective rights or legally protected interests under the environmental decision-making process and the ones affected or likely to be affected by this decision, namely, non-governmental organizations promoting environmental protection.” (article 2, paragraph 5).

I.1.5. How do you determine the “significance” of the environmental impact of the activities falling within the scope of the Convention?¹ Please specify (more than one option may apply), providing relevant explanations:

- (a) By establishing threshold levels (please explain)
- (b) By applying criteria related to the location of proposed activities (please explain)
- (c) By applying criteria related to the nature of proposed activities (please explain)
- (d) By applying criteria related to the size of proposed activities (please explain)
- (e) By applying criteria related to the effects of proposed activities (please explain)
- (f) Other (please explain):
- (g) It is not determined (please explain:)

Your comments: The significance of the environmental impact of the activities falling within the scope of the Convention is determined case by case, taking into to consideration all the criteria above mentioned.

I.1.6. Please clarify whether “cumulative impacts” are taken into account in transboundary procedures under the Convention in your national legislation and, if so, how:

- (a) Yes, the legislation provides for taking into account cumulative impacts:

Please explain: Decree-Law n. ° 151-B/2013, of 31 October establishes the obligation of taking in account the cumulative effects of other existing or licenced authorized projects activities, either in the selection criteria (Annex III) or in the elements to be provided by the developer (Annex IV), for the purpose of deciding the submission of the project activity to a full environmental impact assessment procedure (Article 3) and of the minimum content of the EIA documentation (Annex V).

- (b) No, the legislation does not provide for taking into account cumulative impacts

Please explain:

¹ Although the term “significance” is not explicitly defined in the Convention, appendix III thereto provides general criteria to assist in determining the environmental significance of activities not listed in appendix I.

Your comments: The several environmental procedures established in the Decree-Law n.º 151-B 2013, of 31 October contemplate the obligation of taking in account the cumulative effects of other existing or licenced/authorized projects activities, including in the procedures concerning projects activities likely to have significant effects on the environment of another state.

Article 2 General provisions

I.2.1. Provide information on legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2 (2)):

- (a) Law on environmental impact assessment (please provide exact title/reference number/year/access link, if any): Decree-Law n.º 151-B 2013, of 31 October, amended and republished by Decree-Law n.º 152-B 2017, of 11 December, and subsequently amended by Decree-Law n.º 102-D 2020, of 10 December.
- (b) Environmental impact assessment provisions are transposed into another law/other laws (please specify and provide title(s) of the related legislation): Decree-Law n.º 75 2015, of 11 May, rectified by the rectification declaration n.º 30/2015, of 18 June, approving the Single Environmental Licencing that simplifies the procedures included in the environmental licencing laws.
- (c) Regulation (please indicate number/year/title/related articles/access links): Order n.º 395 2015, of 4 November, establishing the formal technical requirements to be complied with some procedures considered in the national EIA Law: Order n.º 398 2015 and order 399 2015, of 5 November, both establishing the information that must instruct the environmental procedures, where the EIA procedure is included.
- (d) Administrative (please indicate number/year/title/related articles/access links): Cooperation protocol signed in February 2008 between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, regarding the environmental assessment of plans, programmes and projects likely to have significant transboundary effects (applies to plans, programs and projects of any of the two countries that might have significant transboundary environmental effects in the other country).
- (e) Other (please specify):

Please explain:

I.2.2. Is the list of activities referred to in appendix I to the Convention fully transposed into your country's national legislation?

- (a) Yes. There is no difference, all activities referred to in appendix I are covered by national legislation

Please elaborate, as needed:

- (b) No. Activities covered by national legislation differ slightly from the activities referred to in appendix I

Please explain: The EIA national legislation lists the types of projects subject to EIA according to the European EIA Directive, which includes all the activities listed in the Appendix of the second amendment to the Convention.

The EIA national Law does not use the terms "large" and "major". These have been replaced by thresholds above which EIA is mandatory (Annex I and II of the Decree-Law n.º 151-B 2013, of 31 October). Below such thresholds, projects activities may still be subject to EIA if considered, through a case-by-case examination, likely to have significant effects on the environment.

- (c) No, there are gaps remaining in the list of activities in the national legislation

Please explain:

I.2.3. Indicate the competent authority/authorities responsible for carrying out the environmental impact assessment procedure in your country. Please specify:

- (a) There are different authorities at the national, regional and local levels
- (b) Authorities are different for domestic and transboundary procedures
- (c) Authorities are the same for domestic and transboundary procedures

Please name the authority/authorities and its/their responsibilities:

EIA authority: responsible for coordinating the EIA procedure, for appointing the Assessment Commission, for promoting and ensuring the public consultation and for analysing the opinion submitted by the Assessment Commission. Also issues the Environmental Impact Statement, deciding if it is unfavourable, favourable or subject to conditions. Depending on the type of project activity, the EIA authority may be the Portuguese Environment Agency (APA - Agência Portuguesa do Ambiente) or the Regional Coordination and Development Commissions (CCDR – Comissões de Coordenação e Desenvolvimento Regional).

Assessment Commission: responsible for the technical analysis throughout the several EIA stages.

(Articles 6 to 10 of Decree-Law n.º 151-B 2013, of 31 October).

I.2.4. Is there an authority in your country that collects information on all the transboundary environmental impact assessment cases? If so, please name it:

- (a) No
- (b) Yes

If “Yes”, please clarify the type of information collected and provide access link, if available:

Although there is not a specific authority for transboundary EIA cases, the Portuguese Environment Agency, as the national EIA authority, is responsible for the transboundary consultation formalities as well as for collecting information regarding all the EIA procedures and making it available to public. Information on the EIA procedures, transboundary and domestic, can be found on the following website: <https://siaia.apambiente.pt/>

Your comments:

Article 3 Notification

I.3.1. Article 3 (1) states that: “The Party of origin shall notify any Party which it considers may be an affected Party as early as possible and no later than when informing its own public about that proposed activity.” As a Party of origin, when do you notify the affected Parties?

- (a) During scoping
- (b) When the environmental impact assessment report has been prepared and the domestic procedure has started
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

Your comments: Every time the Portuguese authorities are assessing a project activity likely to have significant transboundary impacts, the EIA authority, through the Portuguese Environment Agency, notifies the affected Party, as soon as the Portuguese public is informed.

(Article 33 of the Decree-Law n.º 151-B 2013, of 31 October).

I.3.2. Please define the format of notification used in your country:

- (a) Notification is carried out using the tabular form in table 1 of decision I/4 on the format for notification adopted by the Meeting of the Parties at its first session (ECE/MP.EIA/2, annex IV, appendix, para. 32 and table 1)
- (b) Notification is carried out in the form of a letter containing all information detailed in decision I/4 of the Meeting of the Parties (ECE/MP.EIA/2, annex IV, appendix, para. 34)
- (c) A combination of (a) and (b) above (ECE/MP.EIA/2, annex IV, appendix, para. 35)
- (d) The country has its own format (please attach a copy)
- (e) No official format used

Your comments: There is no official format. However, the article 33, paragraph 1 of the Decree-Law n.º 151-B 2013, of 31 October provides that the notification shall include the following elements:

1. A description of the project, along with the available information on the possible transboundary impacts;
2. Information on the decision to be taken by the authorities.

According to the article 34, paragraph 1 of the Decree-Law n.º 151-B 2013, of 31 October further information is provided if the affected Party declares its intention to participate in the EIA procedure.

I.3.3. As a Party of origin, what information do you include in the notification (art. 3 (2))? Please specify (more than one options may apply):

- (a) Information on the proposed activity, including any available information on its possible transboundary impact (art. 3 (2) (a))
- (b) The nature of the possible decision (art. 3 (2) (b))
- (c) An indication of a reasonable time within which a response is required, taking into account the nature of the proposed activity (art. 3 (2) (c))
- (d) Relevant information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments (art. 3 (5) (a))
- (e) Relevant information on the proposed activity and its possible significant adverse transboundary impact (art. 3 (5) (b))
- (f) Other (please specify):

Your comments: The notification includes the information required by article 3, paragraph 2, with the exception of the information related to the indication of a time for the response, once all the procedures and related deadlines are defined in the cooperation protocol signed in February 2008 between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, regarding the environmental assessment of plans, programmes and projects likely to have significant transboundary effects.

If no other indications are given in the notification, this acting Protocol establishes a 30 days period for the affected Party to declare whether it wishes to participate in the EIA procedure or not.

I.3.4. Article 3 (3) requires that “The affected Party shall respond to the Party of origin within the time specified in the notification”. As a Party of origin, please indicate whether your country’s legislative or regulatory framework defines a time frame for response to the notification by the affected Party/ies and, if so, how:

- (a) No, the time frame is not specified in the national legislation
- (b) Yes, the time frame is specified in the national legislation

Please indicate the time frame or its range as per your national legislation, in weeks/days: 30 days after the notification is sent to the affected Party.

- (c) The time frame is determined and agreed with each affected Party on a case-by-case basis

Please indicate the average time frame set on a case-by-case basis, in weeks/days:

Your comments: The time frame for receiving a response to the notification from the affected Party is defined in the article 33, paragraph 2 of the Decree-Law n.º 151-B/2013, of 31 October.

I.3.5. Please specify the consequences should a notified affected Party not comply with the time frame for responding to the notification, as required by article 3 (3), and elaborate on the possibilities of extending the deadline:

Your comments: If the notified affected Party does not answer the notification, the EIA will go on within the usual domestic procedure. However, there is some flexibility if the affected Party requests an extension of this period, since the final deadlines for the EIA procedure may not be applied if needed, according to the article 33, paragraph 3 of the Decree-Law n.º 151-B/2013, of 31 October.

I.3.6. Article 3 (8) states that: “The concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed of ... the proposed activity”. Which of the following approaches do you use to achieve this goal? Please specify:

- (a) Informing the point of contact for the Convention listed on the Convention website²
- (b) Other (please specify): The exchange of information is also made through the Ministry of the Foreign Affairs of both Parties.

Your comments: According to the national legal framework, procedures are established in order to ensure the formal consultation of the affected Party, considering that the authorities of that Party are the main responsible for promoting public consultation in its national territory and according to its domestic EIA legal regime.

For the majority of the activities listed under the Appendix I, the only affected Party is the Kingdom of Spain. In this case, the procedures for informing that Party will be developed according to the procedures and through the points of contact established by the 2008 cooperation protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, regarding the environmental assessment of plans, programmes and projects likely to have significant transboundary effects.

I.3.7. On what basis does your country, as an affected Party, make the decision to participate (or not) in the transboundary environmental impact assessment procedure? Please specify:

- (a) Notified ministry/authority of the affected Party responsible for environmental impact assessment decides on its own based on the documentation provided by the Party of origin
- (b) Based on the opinion of the competent authorities of the affected Party
- (c) Based on the opinion of the competent authorities and of the public of the affected Party
- (d) Other (please specify):

Your comments: Having analysed the documents submitted by the Party of origin and considering the characteristics of the project/activity and its environmental impacts in national territory, EIA authority decides whether or not to participate in the EIA procedure. The EIA authority may also contact other competent authorities concerned.

² List available at <https://unece.org/environment-policy/environmental-assessment/points-contact-regarding-notification>.

The criteria used for this decision consists mainly in the significance of the impacts foreseen in national territory.

(Article 35 of the Decree-Law n.º 151-B/2013, of 31 October).

I.3.8. Article 3 (5) (a) states that the Party of origin must provide affected Parties with “relevant information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments”.

How does your country, as a Party of origin, determine the time schedule referred to in article 3 (5) (a)? Please specify:

- (a) Following the rules and procedures of the Party of origin
- (b) Following the rules and procedures of the affected Party/ies
- (c) A combination of (a) and (b) above. Please specify the rules and procedures of the Party of origin and the affected Party/ies that are applied in the combination:
- (d) Other (please specify): According to the institutional arrangements set by the cooperation protocol signed by the Government of the Kingdom of Spain and the Government of the Republic of Portugal, the competent authorities of the affected Party consult the entities and the interested public about the potential transboundary effects and the measures envisaged to reduce or eliminate such effects.

Within a maximum of three months, the competent authority of the affected Party sends its position about the project activity, so that it may be considered in the final decision.

There is also some flexibility if the affected Party requests an extension of this deadline.

Your comments:

Articles 2 (6), 3 (8) and 4 (2) Public participation

I.3.9. Article 2 (6) of the Convention states that: “The Party of origin shall provide an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.”

How does your country’s environmental impact assessment legislation ensure that equivalent opportunities and rights to participate in the procedure are provided for the public of the affected Party?

- (a) As an affected Party:
 - (i) Not specified in the national legislation, but it is determined and agreed with the Party of origin on a case-by-case basis at the beginning of the transboundary procedure
 - (ii) Specified in the national legislation as follows: According to the 2008 cooperation protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, the affected Party is the main responsible for promoting public consultation in its national territory and according to its domestic EIA legal regime.

All the EIA procedures, domestic or in a transboundary context, include a 30 days period for consultation of the concerned authorities and public participation.

Depending on the nature and complexity of the project activity, as on its potential to originate significant environmental impacts, the EIA authority (as a part of origin or as affected party) decides the adequate procedures to assure an effective public

consultation in its country (article 29, paragraph 3 of the Decree-Law n. ° 151-B 2013, of 31 October).

Those procedures may include public hearings, meetings with interested parties or between the competent authorities in both countries. An online platform is available for gathering comments/opinions from the public concerned.

The national EIA legislation does not require specifically the organization of a public hearing if our country is the affected party. However, as mentioned above, the EIA national authority decides the adequate procedures to assure an effective public consultation, which may include public hearings and meetings with the different stakeholders in both countries.

Your comments:

(b) As a Party of origin:

(i) Not specified in the national legislation; such equivalent opportunities and rights cannot be ensured in the procedure

Please explain:

(ii) Not specified in the national legislation, but it is determined and agreed with the affected Party on a case-by-case basis at the beginning of the transboundary procedure

(iii) Specified in the national legislation as follows: According to the 2008 cooperation protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, the affected Party is the main responsible for promoting public consultation in its national territory and according to its domestic EIA legal regime.

All the EIA procedures, domestic or in a transboundary context, include a 30 days period for consultation of the concerned authorities and public participation.

Depending on the nature and complexity of the project/activity, as on its potential to originate significant environmental impacts, the EIA authority (as a part of origin or as affected party) decides the adequate procedures to assure an effective public consultation in its country (article 29, paragraph 3 of the Decree-Law n. ° 151-B 2013, of 31 October).

Those procedures may include public hearings, meetings with interested parties or between the competent authorities in both countries. An online platform is available for gathering comments/opinions from the public concerned.

As mentioned above, the EIA authority of the Affected Party decides the adequate procedures to assure an effective public consultation, which may include public hearings and meetings with the different stakeholders in both countries. The Portuguese authorities may be involved if requested by the Affected Party.

Your comments:

I.3.10. How can the public of your country, as an affected Party, express its opinion on the environmental impact assessment documentation of the proposed project further to articles 2 (6), 3 (8) and 4 (2)? Please specify (more than one option may apply):

(a) By sending comments in writing directly to the competent authority of the Party of origin, or to the ministry responsible for environmental affairs/focal point in the affected Party

(b) In a territory of the affected Party: by taking part in consultations [on the basis of the environmental impact assessment documentation] or a special event, where the opinions of the public are officially registered

(c) In a territory of the Party of origin: by taking part in consultations or a special event, where the opinions of the public are officially registered

(d) Other (please specify):

Your comments: The national EIA legislation does not require specifically the organization of a public hearing if Portugal is the affected party. However, as mentioned above, the EIA national authority decides the adequate procedures to assure an effective public consultation, which may include public hearings and meetings with the different stakeholders in both countries.

Article 4

Preparation of the environmental impact assessment documentation

I.4.1. How do you determine the relevant information to be included in the environmental impact assessment documentation in accordance with article 4 (1)? Please specify (more than one option may apply):

- (a) By using appendix II
- (b) By using the comments received from the authorities concerned during the scoping phase, if applicable
- (c) By using the comments received from members of the public during the scoping phase, if applicable
- (d) As determined by the proponent based on its own expertise
- (e) By using other means (please specify):

Your comments: The relevant information to be included in the EIA documentation is based on the requirements of annex V of Decree-Law n.º 151-B/2013, of 31 October.

The Assessment Commission while analysing the EIA report submitted by the developer may also request for additional information, considering the activity and the location.

The scoping stage is an optional procedure in the Portuguese EIA national Law. If it takes place, the main conclusions are also considered to determine the relevant information to be included in the EIA documentation.

(Article 13, paragraph 1 and 2; article 14, paragraph 8 and 9 of Decree-Law n.º 151-B/2013, of 31 October).

I.4.2. Article 4 states that: “The environmental impact assessment documentation... shall contain, as a minimum, the information described in appendix II.” What quality control measures are provided for in the legislative or administrative framework of your country, as a Party of origin, to ensure sufficient quality of the documentation? Please specify:

- (a) The competent authority checks the information provided and ensures that it includes all information required under appendix II as a minimum before making it available for comments
- (b) By using quality checklists based on the requirements listed in appendix II
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Your comments: The content of the appendix II is included in the annex V of the EIA National Law (Decree-Law n.º 151-B/2013, of 31 October), defined as minimum content for the Environmental Impact Report. The EIA report must therefore include, as a minimum, the information described in annex V.

The EIA procedure begins with the analysis of the conformity of the EIA report submitted by the developer. This analysis is carried out by the Assessment Commission and the EIA authority and aims to assess whether the study contains all the information necessary for the environmental assessment of the project activity and public participation or if, on the contrary, it is necessary to submit additional information. If there is such a need, the

additional information is requested by the EIA authority to the developer and the deadline for the EIA procedure is suspended.

The environmental assessment of the project/activity and public participation are only carried out after the EIA report is considered, by the Assessment Commission and the EIA authority, as being in conformity with all the requirements, and therefore, it must include all the necessary information for the EIA procedure.

Furthermore, there is a requirement in the national legislation that the EIA report must be prepared by 'competent experts'.

I.4.3. How do you determine "reasonable alternatives" in accordance with appendix II (b)?

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) Other (please specify):

Your comments: This is decided through a case-by-case analysis and it depends on the technical characteristics of the project, its location and dimension, as well as the environmental, social and economic characteristics of the area concerned.

Article 5

Consultations on the basis of the environmental impact assessment documentation

I.5. Does your national environmental impact assessment legislation provide for organizing transboundary consultations between the authorities of the Parties concerned?

- (a) Yes, it is obligatory
- (b) Yes, it is optional (please specify):
- (c) No, it does not have any provision on that

Your comments: The specific details for organizing transboundary consultations depend on the scope and characteristics of the project/activity and are determined on a case by case basis.

According to the 2008 cooperation protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, meetings between the competent authorities from both Parties can be planned if necessary.

Article 6

Final decision

I.6.1. Please select from the list below the information that your country, as a Party of origin, in accordance with its legislative and administrative framework, should take due account of in the final decision on the proposed activity (art. 6 (1)):

- (a) Conclusions of the environmental impact assessment documentation
- (b) Comments received in accordance with articles 3 (8) and 4 (2)
- (c) Outcome of the consultations as referred to in article 5
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party/ies
- (f) Mitigation measures
- (g) Other (please specify):

Your comments: (Article 18, paragraphs 3, 4 and 5 of the Decree-Law n.º 151-B 2013, of 31 October, amended and republished by Decree-Law n.º 152-B 2017, of 11 December; Content of the final decision: Article 34, paragraph 2 and 3 of the Decree-Law n.º 151-B 2013, of 31 October, amended and republished by Decree-Law n.º 152-B 2017, of 11 December; inclusion of the public consultation results in the final decision as Party of origin: Article 35, paragraph 2 of the Decree-Law n.º 151-B 2013, of 31 October, amended and republished by Decree-Law n.º 152-B 2017, of 11 December; inclusion of the public consultation results in the final decision as affected Party).

I.6.2. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6 (1))?:

- (a) Yes
- (b) No Please explain the differences

Your comments: The outcomes of such consultations are taken into account by the Assessment Commission while preparing its technical report. Consequently it will reflect on the final EIA decision (article 34, paragraph 2 and 3 of the Decree-Law n.º 151-B 2013, of 31 October, amended and republished by Decree-Law n.º 152-B 2017, of 11 December). The same approach is adopted for the results of the national consultations.

I.6.3. According to article 6 (3): If additional information on the significant transboundary impact of a proposed activity, which was not available at the time a decision was made with respect to that activity and which could have materially affected the decision, becomes available to a concerned Party before work on that activity commences, that Party shall immediately inform the other concerned Party or Parties. If one of the concerned Parties so requests, consultations shall be held as to whether the decision needs to be revised.

Is there any regulation in your country that ensures the implementation of the provisions of article 6 (3)?

- (a) No
- (b) Yes, by legislation (please specify):
- (c) Yes, by other means (please specify):

Your comments: No specific provision is established. However this is a general principle not only for projects activities with transboundary impacts but for all projects activities subject to EIA. If any additional information on the significant impacts of the project activity (transboundary or domestic) becomes available, provisions are established in order to allow the EIA authority to revise the EIA decision and add any necessary conditions to avoid or reduce such impacts.

I.6.4. Do all activities listed in appendix I (items 1–22) and major changes thereto require a final decision to authorize or undertake such an activity in your legislative framework?

- (a) Yes
- (b) No

If “No”, please list those activities listed in appendix I or major changes thereto for which there is no requirement for a final decision. Please explain why those activities/major changes do not require a final decision in your national legislation.

Article 7 Post-project analysis

I.7. Is there any provision regarding implementation of post-project analysis in your national environmental impact assessment legislation (art. 7 (1))?

- (a) No
- (b) Yes Please specify: After the EIA final decision, a post-project analysis is carried out for the subsequent stages of the project (construction and operational and deactivation phases). The post-project analysis included visits to the project location, auditing (legislation provides for 4 mandatory audits, one during the construction phase and one three years after the beginning of the operational phase) and monitoring arrangements.

The post-project analysis is carried out by the EIA competent authority with the participation of the entities who hold relevant technical knowledge, including the licensing authority and external specialists if needed.

The 2008 cooperation protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal also includes a specific provision on post-project analysis. The competent authorities of both Parties may establish monitoring arrangements for assessing the transboundary effects of the plan, programme or project. Specific forms for communicating the results of such arrangements may also be established.

Your comments: (Article 26 of the Decree-Law n.º 151-B/2013, of 31 October, amended and republished by Decree-Law n.º 152-B/2017, of 11 December, and article 17 of the cooperation protocol).

Article 8 Bilateral and multilateral cooperation

I.8.1. According to article 8: “The Parties may continue existing or enter into new bilateral or multilateral agreements or other arrangements in order to implement their obligations under this Convention and under any of its protocols to which they are a Party. Such agreements or other arrangements may be based on the elements listed in appendix VI.”

Has your country established any bilateral or multilateral agreements to implement the Convention?

- (a) No
- (b) Yes Please specify with which countries:

If publicly available, please also attach the texts of any such bilateral and multilateral agreements, preferably in English, French or Russian.

Your comments: Convention on Cooperation for the Protection and Sustainable Use of the Waters of the Spanish-Portuguese Basins (Albufeira Convention), signed between the two countries and that came into force in January 2000.

This Convention aims at:

- searching a balance between protecting the environment and the use of the water resources necessary for the sustainable development of both countries;
- coordinating efforts for a better management of the water resources in Spanish-Portuguese river basins;
- establishing direct links and efficient procedures for dealing with extreme events, such as floods and droughts.

Full text in Portuguese available at:

http://www.cadc-albufeira.eu/imagenes/pt/PT1_14_tcm43-335441.pdf

Cooperation protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, regarding the environmental assessment of plans, programmes and projects likely to have significant transboundary effects..

Full text in Portuguese available at:

http://www.apambiente.pt/_zdata/AAE/Responsabilidades/ProtocoloPT_ES_AIA/AAE_20080219.pdf

I.8.2. What issues do these bilateral agreements cover (appendix VI)? (More than one option may apply):

- (a) Specific conditions of the subregion concerned
- (b) Institutional, administrative and other arrangements
- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the environmental impact assessment
- (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities
- (g) Undertaking joint environmental impact assessment, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies
- (h) Other, please specify:

Your comments:

Complimentary information related to legal implementation of the Convention

I.9.1. Please describe how the steps required under your national legislation for carrying out a transboundary procedure are interlinked with a domestic environmental impact assessment procedure in the lead-up to the final decision.

In doing so, please also describe differences between the steps (i.e. screening/scoping, preparation of the environmental impact assessment, consultation, public participation, making a final decision) of a domestic procedure and a transboundary procedure, if any:

Alternatively, this question can be answered or supported by a schematic flow chart showing these steps.

Your comments: The transboundary EIA is always a part of a domestic EIA procedure.

Every time the Portuguese authorities are assessing a project/activity likely to have significant transboundary impacts, the EIA authority notifies the affected Party as soon as the Portuguese public is informed. The notification is sent through the competent services of Office for Foreign Affairs and shall include the following elements:

1. A description of the project, together with any available information on its transboundary impacts;
2. Information on the nature of the decision, which may be taken by the authorities.

After this notification, the affected Party has a 30 days period to declare whether it wishes to participate in the EIA procedure or not (Prior to 1st January 2018 this period was of 15 days, enlarged to a maximum of 30 days within the framework of the 2008 protocol of collaboration between Portugal and Spain).

If the affected Party intends to participate, Portugal sends to the competent national authorities all the information regarding the EIA procedure, namely:

1. A description of the project including information on the site, design and size of the project
2. The environmental impact report which includes:
 - The data required to identify and assess the main effects which the project is likely to have on the environment;
 - An outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects;
 - A description of the measures envisaged to avoid, minimize or otherwise compensate significant adverse effects and the monitoring arrangements.
3. A non-technical summary of the information mentioned in the previous indents.

The results of such participation shall be forward to the Portuguese authorities, within the legal deadlines in order to be taken into consideration by the Assessment Commission in its technical opinion. As soon as the EIA procedure has ended, the competent services of the Ministry of Foreign Affairs shall forward the Environmental Impact Statement as well as the final licensing decision, to the competent authorities of the affected State.

Whenever the Portuguese State is notified by another Party of a project activity likely to have significant environmental impacts in national territory, the EIA authority promotes the public consultation disclosing all the information submitted by the Party of origin. The outcome of such public consultation will be forward to the national competent authorities in order to be considered. The national EIA authority will make available to the public all the information received from the Party of origin regarding the final decision of the EIA procedure.

I.9.2. Does your country have special provisions or informal arrangements concerning transboundary environmental impact assessment procedures for joint cross-border projects, the construction of nuclear power plants and/or their lifetime extension?

<i>Joint cross-border projects</i>	<i>Construction of nuclear power plants</i>	<i>Lifetime extension of nuclear power plants</i>
(a) No <input checked="" type="checkbox"/>	(a) No <input checked="" type="checkbox"/>	(a) No <input checked="" type="checkbox"/>
(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>
(i) Special provisions:	(i) Special provisions:	(i) Special provisions:
(ii) Informal arrangements:	(ii) Informal arrangements:	(ii) Informal arrangements:
Please explain:	Please explain:	Please explain:

Your comments:

Part two

Practical application during the period 2019–2021³

Please report on your country's practical experiences in applying the Convention (not your country's procedures, as described in part one), whether as a Party of origin or as an affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improving its application.

Part two also focuses on general issues arising from the sixth review of implementation of the Convention (2016–2018)^a and issues that have been identified as priorities by Parties in the 2021–2023 workplan.^b It also addresses the goals of the Long-term strategy and the action plan for the Convention and the Protocol that requires that the reviews of implementation be adapted, in particular, "to maximize their usefulness as a source of information, highlight progress achieved, draw attention to areas that need improvement, disseminate best practice ...".^c

^a United Nations publication, ECE/MP.EIA/32.

^b ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2.

^c ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/3–IV/3, annex, item II.A.9.

A. List of transboundary procedures initiated during the period 2019–2021

II.1. Please indicate, in the table provided in annex I to the present questionnaire, the total number of transboundary environmental impact assessment procedures initiated in the reporting period in relation to activities listed in appendix I to the Convention and in which your country was a Party of origin or affected Party. Please also indicate the number and types of transboundary procedures related to activities not listed in appendix I that your country implemented in the reporting period as a Party of origin or as an affected Party, if any.

Your comments: The number of transboundary environmental impact assessment procedures initiated in the reporting period is indicated in the table provided in annex I.

II.2. Please list transboundary environmental impact assessment procedures referred to in question II.1. above using table 1 of annex II to the present questionnaire for procedures in which your country was a Party of origin and table (2) for procedures in which your country was an affected Party.

Your comments: The transboundary EIA procedures are listed in table 1 of annex II.

II.3. According to paragraph 10 of decision VIII/5 of the Meeting of the Parties the project lists referred to in question II.2 above and annex II to the present questionnaire are to be posted on the ECE website. Should your country object to this, however, please indicate "Yes" and explain, as relevant:

(a) Yes (my country has an objection the compilation and posting of this information)

Please explain:

(b) No (no objection)

³ Part II of this questionnaire is not considered to be a reporting obligation according to the Convention. Parties are encouraged to share examples of good practice, subject to their capabilities and the availability of relevant data.

Your comments:

B. Experience in the transboundary environmental impact assessment procedure during the period 2019–2021

Please share with other Parties your country's experience of using the Convention in practice. When responding to each of the questions below, please provide one or two practical examples and/or describe your country's general experience. You might also include examples of lessons learned in order to help others.

II.4. Please provide at least one example of the implementation of the Convention for an activity listed in appendix I to the Convention based on the template contained in annex III to the present questionnaire.

Your comments:

II.5. The Convention does not refer to the translation of environmental impact assessment documentation and to other language-related issues as important prerequisites for providing effective public participation of potentially affected Parties in a transboundary procedure. As an affected Party, please specify in which language(s) the environmental impact assessment documentation is made available for your own public to ensure effective public participation in transboundary procedures. (You may select several options, as needed):

- (a) In the official language(s) of the country Please specify: [According to the 2008 protocol of collaboration between Portugal and Spain, regarding environmental assessment plans, programmes and projects likely to have significant transboundary effects, all the information concerning transboundary effects must be translated, by the Party of origin, into the language of the affected party and sent in a separate document.](#)
- (b) Information in English is acceptable
- (c) Please list other languages that fulfil the requirements of effective public participation in your country, if applicable:

Your comments:

II.6. What difficulties has your country experienced with regard to translation of environmental impact assessment documentation and interpretation during consultation meetings with authorities, or during events organized within the public participation procedure, if applicable, and what solutions has it found?

- (a) Experience with regard to translation of the environmental impact assessment documentation
- (i) As a Party of origin:
 - (ii) As an affected Party:
- (b) Experience with regard to interpretation during consultation meetings with authorities
- (i) As a Party of origin:
 - (ii) As an affected Party:
- (c) Experience with regard to interpretation during public participation-related events
- (i) As a Party of origin:
 - (ii) As an affected Party:

Your comments: [As already expressed, the bilateral protocol only foresees the translation of the document concerning transboundary effects, which is a limited document within the all package of information that constitutes the EIA report. In some cases it could be justified to have the EIA report also translated in order to](#)

better support the consultation of the authorities and the public in the affected Party.
This however entails an additional burden for the developers.

II.7. Which Party covers the cost of translation of environmental impact assessment documentation?

- (a) As a Party of origin: All the costs related to the translation of the necessary transboundary information are supported by the Party of origin, namely by the developers.
- (b) As an affected Party: All the costs are supported by the Party of origin.
- (c) Other, please specify:

Your comments: According to the 2008 protocol of collaboration between Portugal and Spain, regarding environmental assessment plans, programmes and projects likely to have significant transboundary effects, all the information concerning transboundary effects must be translated, by the Party of origin, into the language of the affected Party and sent in a separate document.

II.8. What parts of the environmental impact assessment documentation does your country usually translate/require to be translated?

- (a) As a Party of origin: All the information concerning transboundary effects.
- (b) As an affected Party: None, as the obligation of translation is ensured by the Party of origin.

Your comments:

II.9. Has the issue of translation been addressed in bilateral agreements between your country and other Parties?

- (a) Yes Please explain how it has been addressed: According to the 2008 protocol of collaboration between Portugal and Spain, regarding environmental assessment plans, programmes and projects likely to have significant transboundary effects, all the information concerning transboundary effects must be translated, by the Party of origin, into the language of the affected Party and sent in a separate document.
- (b) No

Your comments:

II.10. As a Party of origin, how and in which language do you usually provide environmental impact assessment documentation to the affected Party?

- (a) A full set of environmental impact assessment documentation is translated into English
- (b) Selected parts of the documentation are translated in English
Please specify which parts are translated and how they are selected
- (c) A full set of environmental impact assessment documentation is translated into the affected Party's language
- (d) Selected parts of environmental impact assessment documentation are translated into the language of the affected Party

Please specify which parts are translated and how they are selected: According to the 2008 protocol of collaboration between Portugal and Spain, regarding environmental assessment plans, programmes and projects likely to have significant transboundary effects, only the document concerning transboundary effects must be translated.

- (e) Other (please specify)

Your comments:

II. 11. Please indicate how the costs of interpretation during the events organized within the public participation procedure are covered:

- (a) By the developer: Please explain:
- (b) By the Party of origin alone: Please explain
- (c) By the affected Party alone: Please explain
- (d) Shared by both Parties concerned upon an agreement:
- (e) Please provide details of related agreements and considerations based on which the Parties concerned agreed to share the translation costs:
- (f) Other (please specify)

Your comments: We have not yet organized a public participation procedure with events that required interpretation. However it is reasonable that each Party should be responsible for the costs of interpretation during the events organized by that Party within the public participation procedure.

II.12. Please describe any difficulties that your country has encountered during public participation procedures and consultations referred to in articles 2 (5), 3 (8), 4 (2) and 5 with regard to issues not covered above; for example, with regard to time frames for the duration of public participation and the consultation period and the need for additional information:

- (a) As a Party of origin:
 - (i) Experience with public participation
 - (ii) Experience with consultations under article 5: Regarding consultations under article 5, Portugal has identified some difficulties, namely:
 - Different criteria among Parties for determining if a proposed activity is likely to cause a significant adverse transboundary impact;
 - Common understanding on the approach, procedures and timelines adopted in the different Parties;
 - Delays in the consultation process.
- (b) As an affected Party:
 - (i) Experience with public participation
 - (ii) Experience with consultations under article 5: Regarding consultations under article 5, Portugal has identified several difficulties, namely:
 - Different criteria among Parties for determining if a proposed activity is likely to cause a significant adverse transboundary impact;
 - Common understanding the approach, procedures and timelines adopted in the different Parties;
 - Information on the final decision on the proposed activity;
 - Translation of the different documentation provided.

Your comments: Recognising these difficulties and the lessons learnt recently, both Parties agreed also to reinforce cooperation under the Bilateral Protocol signed in February 2008 between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, regarding the environmental assessment of plans, programs and projects likely to have significant transboundary effects. This enhanced cooperation between Parties focused in particular on the effective exchange of information and on building common ground for criteria and practices for transboundary consultation. It was therefore agreed to organize bilateral meetings twice a year. Since then two meetings have been organized, one in Madrid and one in Lisbon, with a view of discussing issues of common interest and exchanging information on a regular basis on projects' activities under development in each country.

II.13. Has your country carried out post-project analyses in the period 2019–2021:

- (a) No
(b) Yes

Please list the projects for which post-project analysis was carried out, describing challenges and lessons learned, if any:

Your comments:

II.14. Does your country have successful examples of organizing transboundary environmental impact assessment procedures in any of the categories of projects indicated below?

<i>Joint cross-border projects</i>	<i>Construction of nuclear power plants</i>	<i>Lifetime extension of nuclear power plants</i>
(a) No <input checked="" type="checkbox"/>	(a) No <input checked="" type="checkbox"/>	(a) No <input checked="" type="checkbox"/>
(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>	(b) Yes <input type="checkbox"/>

If “Yes”, please describe what, in your opinion, made it successful, for example, means of cooperation (for example, contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (for example, translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects:
(b) For construction of nuclear power plants:
(c) For lifetime extension of nuclear power plants:

You may also wish to describe the example using annex III to the present questionnaire.

Your comments:

II.15. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) for the information of Parties that, in your view, constitute good practice or lessons learned on various topics:

Your comments:

II.16. The Long-term strategy and the action plan for the Convention and the Protocol⁴ recommends enhancing the use of the networks of national focal points for administrative matters⁵ and points of contact for notification⁶ published on the website of the Convention. Does your country use the networks for contacting the affected Parties’ authorities?

- (a) Yes, my country makes use of the networks
(b) My country is aware of the networks but is not using them

Please explain why, and describe the alternative ways used by your country to identify which competent authority of the affected Party to contact:

Your comments:

⁴ ECE/MP.EIA/2020/3–ECE/MP.EIA/SEA/2020/3, item II.A.7.

⁵ List of Focal Points for Administrative Matters, available at <https://unece.org/environment-policy/environmental-assessment/focal-points-administrative-matters>.

⁶ List of Points of Contact regarding Notification, available at <https://unece.org/environment-policy/environmental-assessment/points-contact-regarding-notification>.

II.17. Please specify what quality control measures your country, as a Party of origin, applies to ensure sufficient quality of environmental impact assessment documentation and, in particular, that said documentation contains, as a minimum, information described in appendix II to the Convention.

Your comments: As previously mentioned the content of the appendix II is included in the annex V of the EIA National Law (Decree-Law n. ° 151-B 2013, of 31 October), defined as minimum content for the Environmental Impact Report. The EIA report must therefore include, as a minimum, the information described in annex V.

The EIA procedure begins with the analysis of the conformity of the EIA report submitted by the developer. This analysis is carried out by the Assessment Commission and the EIA authority and aims to assess whether the study contains all the information necessary for the environmental assessment of the project activity and public participation or if, on the contrary, it is necessary to submit additional information. If there is such a need, the additional information is requested by the EIA authority to the developer and the deadline for the EIA procedure is suspended.

The environmental assessment of the project activity and public participation are only carried out after the EIA report is considered, by the Assessment Commission and the EIA authority, as being in conformity with all the requirements, and therefore, it must include all the necessary information for the EIA procedure.

Furthermore, there is a requirement in the national legislation that the EIA report must be prepared by 'competent experts'.

II.18. Please specify whether alternatives are assessed in the environmental impact assessment documentation and, if so, how. If possible, provide at least one example of such assessment, either as a Party of origin or as an affected Party, or both

Your comments: According to the Portuguese legal framework, the EIA report must include a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project activity and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

However, alternatives may be approached in different ways in the EIA report:

- They may be described and discussed as background for substantiating the project solution that has been chosen by the developer and therefore presented to the EIA authority and the Assessment Committee for analysis and decision; or
- They may be equally and fully assessed in the EIA report so that the Assessment Committee and the EIA Authority can choose and decide on the alternative they consider the most environmentally feasible.

II.19. Please specify whether the following issues are considered in the environmental impact assessment documentation:

- (a) Biodiversity
- (b) Climate change
- (c) Circular economy
- (d) Sustainable Development Goal implementation
- (e) Smart and sustainable cities
- (f) Sustainable infrastructure
- (g) Renewables

(h) Other issues not listed above (please specify): Other issues are also considered in the EIA documentation as well. The EIA report must identify, describe and assess, in an appropriate manner and in the light of each individual case, the direct and indirect significant effects of a project activity on the population and human health: land, soil, water, air, material

assets, cultural heritage and the landscape, as well as on biodiversity and climate change already mentioned above.

Please provide at least one example of how one of the above-mentioned issues is addressed in the environmental impact assessment documentation:

You may wish to use the template in annex III to the questionnaire.

Your comments:

II.20. Please indicate whether, in your country's practice, cumulative impacts are taken into account during the assessment under the Convention and, if so, how:

- (a) No
- (b) Yes

If "Yes", please provide at least one example of how cumulative impacts are considered.

Your comments: According to the Portuguese legal framework, the EIA documentation must include a description of the likely significant impacts of the activity, including the cumulating impacts with other existing and/or approved activities, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources.

However, both developers, consultants and public Administration have difficulties in properly assessing, at the EIA level, the cumulative impacts of the projects, especially due to the lack of detailed guidance on the matter.

II.21. Please indicate whether health issues are taken into account in your country during the assessment under the Convention in practice and, if so, how:

- (a) No
- (b) Yes

If "Yes", please provide at least one example of how health issues are taken into account

Your comments: According to the Portuguese EIA legal framework, health is one of the factors for which the EIA report must identify, describe and assess, in an appropriate manner and in the light of the individual case, the direct and indirect significant effects of the project. Health is also a factor that must be addressed by the Assessment Committee and the EIA authority while assessing the project activity and issuing the EIA decision.

This obligation applies both to domestic EIA procedure and to transboundary EIA procedures.

II.22. Please indicate whether environmental impact assessments implemented in your country can be considered to have contributed to the implementation of Sustainable Development Goals and their specific targets:

- (a) No, there is no evidence that environmental impact assessments contribute to the attainment of Sustainable Development Goals
- (b) Yes, (certain) environmental impact assessments significantly contributed to the attainment of Sustainable Development Goals
- (c) Yes, (certain) environmental impact assessments contributed somewhat to the attainment of Sustainable Development Goals

If “Yes”, please list the most relevant Sustainable Development Goals⁷ (and their targets) and provide [at least one] example[s] of how environmental impact assessment has contributed to their attainment.

Your comments: We have no information to support this conclusion but given it’s objectives and procedures, we believe that EIA has contributed to the implementation of the SDG, namely in what concerns clean energy, climate action, life on land and access to justice.

⁷ In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of Sustainable Development Goal targets that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
 - (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
 - (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
 - (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4);
 - (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
 - (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
 - (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
 - (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
 - (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
 - (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);
 - (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
 - (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).
- For more details, see ECE/MP.EIA/WG.2/2016/5/INF.16, available at http://staging2.unece.org/net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__Sustainable_Development_Goal_Mapping.pdf.

C. Experience in using the available guidance documents in 2019–2021

IL23. Have you used in practice the following guidance, adopted by the Meeting of the Parties and available online?

Title of guidance document	Use of guidance	Your comments and or suggestions for improving or supplementing the guidance
Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	
Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix)	I use it <input type="checkbox"/> I do not use it <input checked="" type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input checked="" type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	This guidance is not relevant for our specific regional context since a cooperation protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, regarding EIA and SEA in a transboundary context in force since February 2008.
Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	
Guidance on the applicability of the Convention to the lifetime extension of nuclear power plants (ECE/MP.EIA/2020/9)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	

<i>Title of guidance document</i>	<i>Use of guidance</i>	<i>Your comments and/or suggestions for improving or supplementing the guidance</i>
Good Practice Recommendations on the Application of the Convention to Nuclear Energy-related Activities (ECE/MP.EIA/24)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the document <input type="checkbox"/> (ii) The document is not relevant <input type="checkbox"/> (iii) The document is outdated and needs revision <input type="checkbox"/>	
Revised Guidelines on Environmental Impact Assessment in a Transboundary Context for Central Asian Countries (ECE/MP.EIA/28)	I use it <input type="checkbox"/> I do not use it <input checked="" type="checkbox"/> Please specify: (i) I am not aware of the document <input type="checkbox"/> (ii) The document is not relevant <input type="checkbox"/> (iii) The document is outdated and needs revision <input type="checkbox"/>	
Guidance on Notification according to the Espoo Convention (ECE/MP.EIA/12)	I use it <input checked="" type="checkbox"/> I do not use it <input type="checkbox"/> Please specify: (i) I am not aware of the guidance <input type="checkbox"/> (ii) The guidance is not relevant <input type="checkbox"/> (iii) The guidance is outdated and needs revision <input type="checkbox"/>	

Your comments:

D. Clarity of the Convention

II.24. Has your country had difficulties implementing the procedures defined in the Convention, either as a Party of origin or as an affected Party, because of a lack of clarity of the provisions?

No

Yes Please indicate which provisions and how they are unclear:

Your comments:

E. Contributions to the funding of the workplans

II.25. Please indicate whether the information regarding contributions to the trust fund was already provided by your country in the responses to the questionnaire concerning the Protocol and covered both the Convention and the Protocol:

- (i) Yes
(ii) No

If "No", please provide the information regarding the contributions to the trust fund below.

Your comments:

II.26. Through paragraph 4 of decision VII/4–III/4, applicable for the period 2017–2020, the Meetings of the Parties to the Convention and the Protocol jointly “urge[d] all Parties to contribute to ensuring sustainable funding of activities and an equitable and proportionate sharing of the financial burden among the Parties”.⁸ For the period 2021–2023, by paragraph 1 of decision VIII/1–IV/1, regarding funding of the adopted workplans, the Meeting of the Parties decided that “all the Parties have a duty to contribute to the sharing of the costs that are not covered by the United Nations regular budget”.⁹

(a) Please indicate whether your Government contributed to the funding of the workplans during the reporting period, indicating also the currency and the amount of the contribution:

- (i) My Government made a multi-year contribution for the period 2017–2020

Please indicate when the contribution was provided (year), amount and currency:

- (ii) Individual contribution in 2019

Yes Amount and currency:

No Please explain the reason:

- (iii) Individual contribution in 2020:

Yes Amount and currency:

No Please explain the reason:

- (iv) Individual contribution in 2021:

Yes Amount and currency: 15 000 €

No Please explain the reason:

- (v) Please indicate any plans of your country to contribute for the period 2021–2023

(b) Did your country make in-kind contributions in the reporting period?

Yes Please describe how: During the reporting period Portugal has indicated and provided an expert to the Bureau and the Implementation Committee. During this period Portugal also participated in the Ad hoc working group on the applicability of the Convention to the lifetime extension of nuclear power plants and hosted, in June 2019, in Lisbon, one meeting of this Ad hoc group.

No Please explain the reason

⁸ ECE/MP/EIA/23/Add 1–ECE/MP/EIA/SEA/7/Add 1

⁹ ECE/MP/EIA/30/Add 1–ECE/MP/EIA/SEA/13/Add 1

F. Suggested improvements to the report

II.27. Please provide further suggestions (preferably specific drafting proposals including wording suggestions) for how this report could be improved.

Annex I

Number of transboundary procedures initiated by your country, as a Party of origin, and participated in, as an affected Party, in the reporting period

<i>Activities listed in appendix I to the Convention</i>	<i>No. of procedures as a PoO*</i>	<i>No. of procedures as an ApP*</i>
1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 metric tons or more of coal or bituminous shale per day.		
2. (a) Thermal power stations and other combustion installations with a heat output of 300 megawatts or more;		
2. (b) Nuclear power stations and other nuclear reactors, including the dismantling or decommissioning of such power stations or reactors 1/ (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).		
3. (a) Installations for the reprocessing of irradiated nuclear fuel;		
3. (b) Installations designed:		
- For the production or enrichment of nuclear fuel;		
- For the processing of irradiated nuclear fuel or high-level radioactive waste;		
- For the final disposal of irradiated nuclear fuel;		
- Solely for the final disposal of radioactive waste; or		
- Solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.		
4. Major installations for the initial smelting of cast iron and steel and for the production of non-ferrous metals.		
5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20,000 metric tons finished product; for friction material, with an annual production of more than 50 metric tons finished product; and for other asbestos utilization of more than 200 metric tons per year.		
6. Integrated chemical installations.		

<i>Activities listed in appendix I to the Convention</i>	<i>No. of procedures as a PoO^a</i>	<i>No. of procedures as an AP^b</i>
7. (a) Construction of motorways, express roads 2/ and lines for long-distance railway traffic and of airports 3/ with a basic runway length of 2,100 metres or more;		
7. (b) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road, would be 10 km or more in a continuous length.		
8. Large-diameter pipelines for the transport of oil, gas or chemicals.		
9. Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 metric tons.		
10.(a) Waste-disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes;		
10.(b) Waste-disposal installations for the incineration or chemical treatment of non-hazardous waste with a capacity exceeding 100 metric tons per day.		
11. Large dams and reservoirs.		
12. Groundwater abstraction activities or artificial groundwater recharge schemes where the annual volume of water to be abstracted or recharged amounts to 10 million cubic metres or more.		
13. Pulp, paper and board manufacturing of 200 air-dried metric tons or more per day.		
14. Major quarries, mining, on-site extraction and processing of metal ores or coal.	1 as PoO	2 as AP
15. Offshore hydrocarbon production. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 metric tons/day in the case of petroleum and 500 000 cubic metres/day in the case of gas.		
16. Major storage facilities for petroleum, petrochemical and chemical products.		
17. Deforestation of large areas.		
18.(a) Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres/year (transfers of piped drinking water are excluded);		
18.(b) In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds 2 000 million cubic metres/year and where the amount of water transferred exceeds 5 per cent of this flow (transfers of piped drinking water are excluded).		
19. Wastewater treatment plants with a capacity exceeding 150 000 population equivalent.		

<i>Activities listed in appendix I to the Convention</i>	<i>No. of procedures as a PoC^a</i>	<i>No. of procedures as an AP^b</i>
20. Installations for the intensive rearing of poultry or pigs with more than: - 85 000 places for broilers; - 60 000 places for hens; - 3 000 places for production pigs (over 30 kg); - 900 places for sows.		
21. Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.	1 as PoC	
22. Major installations for the harnessing of wind power for energy production (wind farms).		
<i>Activities not listed in appendix I for which your country implemented a transboundary environmental impact assessment procedure in the reporting period</i>		
1. Agricultural irrigation	1 as PoC	
2. ...		

^a Party of origin.

^b Affected Party.

Annex II

A detailed list of the transboundary procedures in which your party participated as a Party of origin (table 1) and as an affected Party (table 2) in the reporting period

Table 1

Transboundary environmental impact assessment procedures as a Party of origin

Please find below an example of expected types of answers in each column and feel free to add additional rows as needed

<i>Please use as checkbox for referring to the progress and indicate the date, if available</i>			
<i>Project name</i>	<i>Starting date (date of the notification sent)</i>	<i>Affected Party/ Parties</i>	<i>Timing of the notification</i>
1. Ampliação da Mina do Barros	31/05/2021	Spain	Reviewing/assessing the EIA report Date: 31/05/2021
			<p><i>Submission of the environmental report</i></p> <p>The EIA report was sent to the Spanish authorities on the 31th May 2021. On the 3rd of February 2022 the Spanish Authorities replied stating that the project was not likely to produce environmental impacts on their territory. The Spanish Authorities also identified and recommended the adoption of several mitigation measures and monitoring requirements.</p>
			<p><i>Transboundary consultations between authorities concerned, if any</i></p> <p>Only written comments.</p>
			<p><i>Public participation, (please also indicate the means, for example, written comments, events organized, etc.) if any</i></p> <p>The Assessment Committee has identified the need to study and modify some project solutions. Therefore the EIA authority has suspended the EIA procedure for a period of 180 days to allow the developer to</p>
			<p><i>Final decision (date of issue, if information is available)</i></p>

Please use as checkbox for referring to the progress and indicate the date, if available

Submission of the environmental report	Transboundary consultations between authorities concerned, if any	Public participation, (please also indicate the means, for example, written comments, events organized, etc.) if any	Final decision (date of issue, if information is available)
Starting date (date of the notification sent)	Affected Party Parties	Timing of the notification	Project name
16 07 2019	Spain	Reviewing/assessing the EIA report Date: 16 07 2019	This project comprises the construction of an overhead electrical power line in the Portuguese territory that will establish the connection with a similar line in Spain (Subestações de Covelo e Beariz e Linhas Associadas a 400kV (Galiza) which was notified to the Portuguese authorities during the previous reporting period). The project "Linha Dupla Ponte de Lima – Fontefria, Troço Português, a 400 kV" was notified to the Spanish authorities on the 16 July 2019 and after that the Portuguese authorities replied to several communications from Spain requesting additional information on the project. The latest reply was sent on the 5 august 2020. In the light of the commitment assumed by the two countries at the Summit held on the 28 October 2021, which took place in Trujillo - Spain, regarding the interconnection point of the two projects at the border, both EIA decisions were issued:
			identify and assess changes to the project in order to mitigate the negative impacts that would otherwise be significant.

Please use as checkbox for referring to the progress and indicate the date, if available

Submission of the environmental report	Transboundary consultations between authorities concerned, if any	Public participation, (please also indicate the means, for example, written comments, events organized, etc.) if any	Final decision (date of issue, if information is available)
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Starting date (date of the notification sent)

Affected Party/ Parties

Timing of the notification

Project name

- for the project “Subestações de Covelo e Beariz e Linhas Associadas a 400kV (Galiza)”, the Spanish authorities issued the EIA decision on the 8 April 2022;
- for the project “Linha Dupla Ponte de Lima – Fontefria, Troço Português, a 400 kV”, the Portuguese authorities issued the EIA decision on the 30 June 2022, and notified it to the Spanish authorities by the end of September 2022.

3.	Aproveitamento Hidroagrícola de Xévora (AHXévora)	Spain	Reviewing/assessing the EIA report	July 2019	The project was notified to the Spanish authorities on July 2019 and after that the Portuguese authorities replied to several communications from Spain requesting additional information on the project. On the 26 October 2020 the Spanish Authorities replied stating that the project was likely to produce environmental impacts on their territory and therefore requested further data and studies. This additional information was sent by the Portuguese authorities and further meeting took place between both Parties. The EIA decision was issued on the 19 May 2022 considering the results of the transboundary consultation and the written comments provided by the Spanish authorities.
4.					

Table 2

Transboundary environmental impact assessment procedures as an affected Party

Please find below an example of expected types of answers in each column, and feel free to add additional rows as needed

Please use as checkbox for referring to the progress and indicate the date if available

Project name	Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification	Party of origin	Date	When were the documents on screening and scoping received, if available?	Comments to the environmental report (date when comments were provided)	Transboundary consultations between authorities concerned, if any (time frame)	Public participation, indicating the means; for example, written comments, events organized,) if any	Final decision (date when final decision was received)
1. Projeto de Exploração de Recursos de Estanho e Volfrâmio: "Valtreixal n.º 1906 e "Alto de Los Repilados" n.º 1352, Pedralba de la Pradería, Zamora	Response sent: Date: August 2020 Stage of the procedure (select as appropriate) –reviewing of the environmental impact assessment documentation	Spain			The consultations developed in Portugal have identified the need for further data and studies. This was communicated to the Spanish authorities in October 2020. No answer has yet been received from the Spanish authorities.		Written comments.	
2. Projeto de Exploração Mineira em Alconchel	Notification received: 10/07/2019 Response sent:	Spain			Date: 06/02/2020 Portugal requested additional information, considered			No final decision has yet been communicated

Please use as checkbox for referring to the progress and indicate the date if available

<i>Project name</i>	<i>Starting date (When was the notification received and at which stage of the procedure?) – Date of the response to the notification</i>	<i>Party of origin</i>	<i>When were the documents on screening and scoping received, if available?</i>	<i>Comments to the environmental report (date when comments were provided)</i>	<i>Transboundary consultations between authorities concerned, if any (time frame)</i>	<i>Public participation, indicating the means: for example, written comments, events organized,) if any</i>	<i>Final decision (date when final decision was received)</i>
3.	Date: In November 2019, the Portuguese authorities expressed their interest in participating in the EIA procedure.			necessary for assessing the transboundary impacts of the project. No answer has yet been received from the Spanish authorities.			by the Spanish authorities.
4.	Stage of the procedure (select as appropriate)			-reviewing of the environmental impact assessment documentation			
...							

Annex III

Template to describe an example of application of a transboundary procedure in accordance with the Convention in the reporting period

Please provide at least one example of application of a transboundary environmental impact assessment procedure in accordance with the Convention in the reporting period using the template and reflecting on the priorities of the 2021–2023 workplan and the long-term strategy. Should you wish to share more examples, please copy the template, as needed.

I. GENERAL INFORMATION

Please provide the following general information about the selected example:

1. Title of the transboundary procedure:
2. Party's role in the procedure and a list and roles of other Parties involved

Party of origin: <input type="checkbox"/>	Affected Party: <input type="checkbox"/>
Affected Party/ies: (please list)	Party/ies of origin: (please list)

3. Duration and period of implementation:
4. Stage(s)/step(s) of the procedure presented in this example:
 - The entire procedure
 - Notification (art. 3):
 - Preparation of the environmental impact assessment documentation (art. 4):
 - Consultations of the basis of the environmental impact assessment documentation (art. 5 (a)–(c))
 - Final decision (art. 6):
 - Post-project analysis (art. 7, if applicable)
 - Other , please specify:

II. BACKGROUND

Please provide a short description of the activity, the context of its development and general information about the environmental impact assessment procedure

III. PROCEDURE UNDER THE CONVENTION AND ELEMENTS OF GOOD PRACTICE

Please describe, in more detail, using the subsections below, the procedural step(s) considered to represent good practice and then explain why that is.

1. **Notification** (art. 3):
2. **Preparation of the environmental impact assessment documentation** (art. 4):

In addition to the description above regarding the preparation of the environmental impact assessment documentation, please indicate the following:

- (a) What alternatives were assessed and presented in the environmental impact assessment documentation?

- (i) At what level of detail were the alternatives described?
 - (ii) What methods and/or assessment grids were used for the selection of the most reasonable alternative?
- (b) Whether the following issues were covered in the environmental impact assessment documentation and, if so, how:
- (i) Biodiversity
 - (ii) Climate change
 - (iii) Circular economy
 - (iv) Sustainable Development Goal implementation
 - (v) Smart and sustainable cities
 - (vi) Sustainable infrastructure
 - (vii) Renewables
 - (viii) Other issues not listed above:
- 3. Consultations on the basis of the environmental impact assessment documentation (art. 5 (a)–(c)):**
- 4. Final decision (art. 6):**
- 5. Post-project analysis (art. 7, if applicable):**

IV. LESSONS LEARNED AND ADVICE TO OTHER PARTIES:

1. Please indicate:

Challenges in carrying out the procedure, if any, and how they were tackled

Lessons learned and advice to other Parties:

2. As relevant, please also refer to the contribution of the above application of environmental impact assessment procedure towards the attainment of Sustainable Development Goals¹ or climate objectives:

¹ In 2017, the Meetings of the Parties acknowledged that the Convention and in particular the Protocol contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of Sustainable Development Goal targets that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
- (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
- (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
- (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4);
- (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
- (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
- (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
- (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);

**V. ANY OTHER INFORMATION NOT INCLUDED ABOVE
THAT YOU MAY WISH TO SHARE:**

-
- (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
 - (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);
 - (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
 - (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).
- For more details, see ECE/MP.EIA/WG.2/2016/5/INF.16, available at http://staging2.unece.org/net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__Sustainable_Development_Goal_Mapping.pdf.

Questionnaire for the report of Portugal on the implementation of the Protocol on Strategic Environmental Assessment in the period 2019–2021

Information on the focal point for the Protocol

1. Name and contact information:

Maria do Carmo Figueira
Portuguese Environment Agency (APA - Agência Portuguesa do Ambiente)
Rua da Murgueira, 9/9A – Zambujal
Ap.7585 | 2610-124 Amadora | Portugal
Telephone: (+351) 21 472 82 00 | Fax: (+351) 21 471 90 74
carmo.figueira@apambiente.pt

Information on the point of contact for the Protocol

2. Name and contact information (if different from above):

Information on the person responsible for preparing the report

3. Country: Portugal
4. Surname: Sacadura Cabral
5. Forename: Saral
6. Institution: Portuguese Environment Agency
7. Postal address: Rua da Murgueira, 9/9A, Bairro do Zambujal; Ap. 7585
2610-124 Amadora – Portugal
8. Email address: sara.cabral@apambiente.pt
9. Telephone number: (351) 21 472 82 00
10. Date on which report was completed: 20th May 2022

Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not its experience in the application of, the Protocol.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the text of the Protocol (for example, Strategic Environmental Assessment Law of the Republic of ..., article 5 (3) of Government Resolution No. ..., para. ... item...)

Article 3

General provisions

I.3. According to article 3 (1) of the Protocol: "Each Party shall take the necessary legislative, regulatory and other appropriate measures to implement the provisions of this Protocol within a clear, transparent framework." Please provide the main legislative, regulatory and other measures your country has adopted to implement the Protocol (art. 3, (1)) (more than one option may apply):

(a) Law on strategic environmental assessment (please provide exact title/reference number/year/access link, if any): Decree-Law n.º 232/2007, of 15 June, amended by Decree-Law n.º 58/2011, of 4 May (<https://data.dre.pt/eli/dec-lei/232/2007/06/15/pdre/pt/html>)

(b) Strategic environmental assessment provisions are transposed into another law/other laws (please specify, providing title/reference number/year/access link, if any): For land use planning instruments, the existing procedures for preparation and adoption of plans and programmes have been adapted and improved in order to integrate the SEA procedures: Decree-Law n.º 80/2015, of 14 May (<https://data.dre.pt/eli/dec-lei/80/2015/pcons/20210329/pt/html>)

(c) Regulation (please indicate title/reference number/year/access link, if any):

(d) Administrative rule (please indicate title/reference number/year/access link, if any):

(e) Other (please specify): Strategic Environmental Assessment Good Practices Guide - Methodological Guidance; Strategic Environmental Assessment Better Practice Guide – Methodological guidance for strategic thinking in SEA (<https://apambiente.pt/avaliacao-egestao-ambiental/guias-e-modelos>)

Please explain: Following the adoption of the national legislation in 2007, the Portuguese Environment Agency published a guidance document on good practices in the assessment of plans and programmes: 'Strategic Environmental Assessment Good Practices Guide - Methodological Guidance'. The guide intended to support the institutions in meeting the requirements of strategic environmental assessment, in compliance with both European and national legislation. It recommends the adoption of a strategic basic methodology to facilitate the plan preparation phase, the implementation and the review of the plan in order to influence the formulation and discussion of strategic decisions and to support the decision on major development options while they are still open at an early phase of planning.

In 2012, considering the experience gathered during the first years of the implementation of the national legal framework, the guide was reviewed and updated: 'Strategic Environmental Assessment Better Practice Guide – Methodological guidance for strategic thinking in SEA', improving the methodology, clarifying concepts and presenting the most frequently used

techniques. It also includes good examples on how SEA can be an instrument of strategic nature and ensure compliance with the European and Portuguese legislation. Both guides are available at the APA website (the original documents in Portuguese as well as its English translations).

Article 4

Field of application concerning plans and programmes

I.4.1 Which plans and programmes referred to in article 4 (2)–(4) of the Protocol are set out in your country’s legislation?

List the types of plans and programmes that require strategic environmental assessment in your country’s legislation and provide references to the relevant legislation:

Plans and programmes for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use as well as any plan or programme that sets the framework for future development consent of projects listed in Annexes I and II of the Protocol or any other project likely to have significant environmental effects. SEA is also mandatory for plans and programs that require assessment under the Habitats on legislation.

Plans and programmes prepared for:

Agriculture: Common Agricultural Policy Strategic Plan

Forestry: Regional Programme for Forestry Planning

Fisheries: Programa Operacional do Fundo Europeu dos Assuntos Marítimos, das Pescas e da Aquicultura (FEAMPA); Plano de Situação do Ordenamento do Espaço Marítimo Nacional

Energy: Plano de Desenvolvimento e Investimento da Rede Nacional de Transporte, Infraestruturas de Armazenamento e Terminais de GNL (RNTIAT) para o período 2022–2031 (PDIRG 2022-2031), Plano de Desenvolvimento e Investimento da Rede Nacional de Transporte (RNT) de Eletricidade para o período 2022 – 2031 (PDIRT 2022-2031), Roteiro para a neutralidade carbónica, Plano Nacional Energia Clima

Industry including mining: Programa de prospeção e pesquisa de Lítio em Portugal

Transport: Plano Estratégico dos Transportes e Infraestruturas PETI3 +

Regional development:

Waste management: Plano Estratégico para os Resíduos Urbanos, Plano Estratégico para os Resíduos Não Urbanos, Plano Nacional de Gestão de Resíduos, Programa de Gestão do Combustível Irrradiado e dos Resíduos Radioativos

Water management: Plano Estratégico de Abastecimento de Água e de Saneamento de Águas Residuais (PENSAARP 2030), Planos de Gestão de Região Hidrográfica (PGRH) e Planos de Gestão dos Riscos de Inundações

Telecommunications

Tourism

Town and country planning

Land use

Other (including those falling under article 4 (3)–(4)), please list: Programa Nacional de Investimentos 2030, Plano Nacional para o Radão

Please explain:

I.4.2. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4 (2)): Decree-Law n.º 232/2007 of 15 June does not

establish a specific definition for "setting the framework for future development consent of projects". A case-by-case analysis is carried out and a full SEA is required every time a plan or programme may establish rules or lay down guidelines for the subsequent approval of projects likely to have significant environmental.

I.4.3. Explain how the term "plans and programmes ... which determine the use of small areas at local level" (art. 4 (4)) is interpreted in your country's legislation: The national legislation does not establish a specific definition for "small areas at local level". A case-by-case approach is carried out following the objectives and criteria of Annex III of the Protocol.

However, the methodological approach laid down in the SEA Guides published by the Portuguese Environment Agency (Agência Portuguesa do Ambiente – APA) helps to better understand the extension of these concepts under.

I.4.4. Explain how you identify in your legislation a "minor modification" to a plan or programme (art. 4 (4)): The national legislation does not establish a specific definition for "minor modifications to plans and programmes". A case-by-case approach is carried out following the objectives and criteria of Annex III of the Protocol.

However, the methodological approach laid down in the SEA Guides published by the Portuguese Environment Agency (Agência Portuguesa do Ambiente – APA) helps to better understand the extension of these concepts

Article 5 Screening

I.5.1 According to article 5 (1): "Each Party shall determine whether plans and programmes referred to in article 4, paragraphs 3 and 4, are likely to have significant environmental, including health, effects either through a case-by-case examination or by specifying types of plans and programmes or by combining both approaches."

How do you determine which plans and programmes referred to in article 4 (3)–(4) should be subject to a strategic environmental assessment? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b) above
- (d) Other (please specify):

Please explain: The Portuguese legal framework lists the several sectors that are covered by SEA. Therefore an environmental assessment shall be carried out for all plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent of projects listed under the EIA legal framework. Also any plan or programme that may have an impact on a nature conservation site or which constitutes a framework for the future approval of projects with potentially significant effects on the environment shall be subject to a SEA procedure.

For plans and programmes which determine the use of small areas at local level and minor modifications to plans and programmes shall require an environmental assessment only if they are likely to have significant environmental effects.

I.5.2. According to article 5 (2), each Party shall ensure that the environmental and health authorities are consulted during screening.

Please explain whether your legislation provides for consultation with environmental and health authorities at the screening stage and, if so, how.

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:

(c) Other (please specify)

Please explain: The entity responsible for the preparation of the plan or programme is also responsible for determining whether such plan or programme must be subject to SEA. For this screening exercise the entity responsible for the preparation of the plan or programme may consult the authorities with specific environmental responsibilities, which include the Portuguese Environment Agency, the Institute for Nature Conservation and Biodiversity, the Regional Coordination and Development Committees, the health authorities and the municipalities of the area covered by the plan or programme. For such consultation, the authorities have 20 working days to issue an opinion.

I.5.3. According to article 5 (3): “To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned in the screening of plans and programmes under this article.”

Please indicate whether you provide opportunities for the public concerned to participate in screening of plans and programmes in your legislation and, if so, how.

No

Yes

Please specify (more than one option may apply):

(a) By sending written comments to the relevant authority

(b) By completing a questionnaire

(c) By taking part in a public hearing

(d) Other (please specify): *By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes*

Please explain:

Article 6 Scoping

I.6.1 According to article 6 (1): “Each Party shall establish arrangements for the determination of the relevant information to be included in the environmental report in accordance with article 7, paragraph 2.”

Please explain how you determine the relevant information to be included in the environmental report. *The national legislation does not specify the need for a scoping report. However, the methodological approach foreseen in the SEA Guides published by the Portuguese Environment Agency is structured into three fundamental phases:*

1) SEA Critical Factors for Decision-Making and Context.

2) Analysis and Assessment, and

3) Follow-up

In the first phase (scoping) the entity responsible for the preparation of the plan or programme shall submit to the authorities with specific environmental responsibilities a report on Critical Factors for Decision-Making (scoping report). The authorities consulted have 20 working days to issue their technical opinion on this report. The results of this consultation shall then be considered on the development of the plan or programme as well as in the environmental report.

Although no specific content is established for the report on Critical Factors for Decision-Making the Guides lay down recommendations for the preparation of this document, including a suggestion for its template.

I.6.2. According to article 6 (2), each Party shall ensure that the environmental and health authorities are consulted during scoping.

Please explain whether your country's legislation provides for consultation with environmental and health authorities at the scoping stage and, if so, how.

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain: The national legislation provides for mandatory consultation during scoping. Therefore the entity responsible for the preparation of the plan or programme shall submit to the authorities with specific environmental responsibilities a report on Critical Factors for Decision-Making (scoping report). The authorities consulted have 20 working days to issue their technical opinion on this report. The results of this consultation shall then be considered on the development of the plan or programme as well as in the environmental report.

I.6.3 According to article 6 (3): "To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned when determining the relevant information to be included in the environmental report."

Please indicate whether your country's legislation provides opportunities for the public concerned to participate in scoping of plans and programmes and, if so, how.

No

Yes

Please specify (more than one option may apply):

- (a) By sending written comments to the relevant authority
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify): By sending written comments to the consultants SEA experts or persons preparing the plans and programmes

Please explain:

Article 7 Environmental report

I.7.1. According to article 7 (2): "The environmental report shall, in accordance with the determination under article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the plan or programme and its reasonable alternatives."

How do you determine "reasonable alternatives"? Please specify (more than one option may apply):

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b) above
- (d) Other (please specify):

Please explain: Decree-Law n. ° 232 2007 of 15 June does not establish a specific definition for "reasonable alternatives". However, some general guidelines have been set in the Guides published by the Portuguese Environment Agency, and a case-by-case approach is carried out.

The zero alternative is usually included in the alternatives assessed. Other types of alternatives assessed vary a lot since they depend on the moment the SEA procedure

is initiated. When SEA follows the planning procedure since an early stage, the alternatives are presented in the form of planning scenarios.

I.7.2. According to article 7 (3): “Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol.”

How do you ensure that quality of the reports is sufficient? Please specify:

- (a) The competent authority checks the information provided and ensures that it includes all information required under annex IV as a minimum before making it available for comments
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Please explain:

Article 8 Public participation

I.8.1. According to article 8 (2): “Each Party, using electronic media or other appropriate means, shall ensure the timely public availability of the draft plan or programme and the environmental report.”

How do you notify the public and make the draft plans and programmes and the environmental report available? Please specify (more than one option may apply):

- (a) Through public notices in printed media
- (b) Through electronic media
- (c) Placing copies in public offices for the public
- (d) Through other means: Mailing for several entities

Please explain: The public consultation under the national legislation follows the requirements of the SEA Directive. The period for public consultation shall be of at least 30 days and advertisements shall be published in national and regional journals. The plan or programme along with the environmental report shall be available to the public by electronic means (namely in the website of the entity responsible for the preparation of the plan or programme) at City Halls and Regional Coordination and Development Commissions.

For special programmes, such as River Basin Management Plans, a period of 6 months has been set for public participation. Several public meetings were held during that period. There is a web based platform (<http://www.participa.pt>) which assembles all public participation procedures within environmental and land planning areas. The public can also submit comments through this platform.

I.8.2. According to article 8 (3): “Each Party shall ensure that the public concerned, including relevant non-governmental organizations, is identified for the purposes of paragraphs 1 and 4.”

How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) By making the information available to all members of the public and letting them identify themselves as the public concerned

- (d) By other means:

Please explain: The SEA national legal framework follows in accordance with the Aarhus Convention. The public concerned (citizens, companies, non-governmental environmental organizations (NGOs)) is defined on a case by case approach. It is however mandatory to consult municipalities in case of a local or regional plan or program as well as the Regional Coordination and Development Commissions in case of a national plans or program.

NGOs are commonly consulted. The Portuguese Environment Agency maintains the national register of NGOs whose contacts are available for public participation purposes.

I.8.3. According to article 8 (4): “Each Party shall ensure that the public referred to in paragraph 3 has the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame.”

How can the public concerned express its opinion on the draft plan and programme and the environmental report? Please specify (more than one option may apply):

- (a) By sending comments to the relevant authority/focal point
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Please explain:

I.8.4. According to article 8 (4): “The public [concerned, including relevant non-governmental organizations] has the opportunity to express its opinion ... within a reasonable time frame.”

Do you have a definition (for example, a number of days) in your legislation of the term “within a reasonable time frame”? Please specify:

- (a) No, it is defined on a case-by-case basis
- (b) Yes (please provide the definition):
- (c) Other (please specify):

Please explain your selection:

Article 9

Consultation with environmental and health authorities

I.9.1. According to article 9 (1): “Each Party shall designate the authorities to be consulted which, by reason of their specific environmental or health responsibilities, are likely to be concerned by the environmental, including health, effects of the implementation of the plan or programme.”

How are the environmental and health authorities identified? Please specify:

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain: Article 3 (3) of Decree-Law 232/2007 of 15 June identifies the main competent authorities with environmental responsibilities (Portuguese Environment Agency (APA), Institute for Nature Conservation and Forestry (ICNF), Portuguese Environmental Agency (as National Water Authority and River Basin Authority), Regional Coordination and Development Commissions, Health Authorities and Municipalities). Other authorities may be considered relevant pursuant to the scope

and object of the plan or programme. Such authorities are identified on a case-by-case basis.

I.9.2. According to article 9 (4): “Each Party shall determine the detailed arrangements for informing and consulting the environmental and health authorities referred to in paragraph 1.”

How are the arrangements for informing and consulting the environmental and health authorities determined? Please specify:

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain:

I.9.3. According to article 9 (3): “Each Party shall ensure that the authorities referred to in paragraph 1 are given, in an early, timely and effective manner, the opportunity to express their opinion on the draft plan or programme and the environmental report.”

Does your national legislation call for consultations with environmental and health authorities?

- (a) Yes (please refer to specific provisions and provide citations in order to clarify the issue)
- (b) No

Please explain:

I.9.4. How can the environmental and health authorities express their opinion?

- (a) By sending comments
- (b) By completing a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Please explain:

Article 10

Transboundary consultations

I.10.1. According to article 10 (1): “Where a Party of origin considers that the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects or where a Party likely to be significantly affected so requests, the Party of origin shall as early as possible before the adoption of the plan or programme notify the affected Party.”

As a Party of origin, when do you notify the affected Party?

- (a) During scoping
- (b) When the draft plan or programme and the environmental report have been prepared
- (c) At other times (please specify):

Please explain:

I.10.2. According to article 10 (2): “[The] notification shall contain, inter alia:

(a) The draft plan or programme and the environmental report including information on its possible transboundary environmental, including health, effects; and

(b) Information regarding the decision-making procedure, including an indication of a reasonable time schedule for the transmission of comments.”

As a Party of origin, what information do you include in the notification? Please specify:

(a) The information required by article 10 (2)

(b) The information required by article 10 (2), plus additional information (please specify):

Please explain:

I.10.3. According to article 10 (2): “The notification shall contain, inter alia: ... an indication of a reasonable time schedule for the transmission of comments.”

As a Party of origin, does your legislation indicate a reasonable time schedule (in days, weeks, months) for the affected Party? Please specify:

(a) No

(b) Yes (please indicate how long):

If “Yes”, please explain whether that schedule contains individual time frames for a response to the notification and for provision of comments and specify those in days, weeks, months, as relevant:

I.10.4. According to article 10 (3)–(4), when the affected Party expresses its wish to enter into consultations before the adoption of the plan or programme, the Parties concerned shall enter into consultations further to detailed arrangements agreed by them with a view to ensuring that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion within a reasonable time frame.

How do the Parties agree on detailed arrangements?

(a) Following those of the Party of origin

(b) Following those of the affected Party

(c) On a case-by-case basis

(d) In accordance with existing arrangements (for example, bilateral agreement)

(e) Other (please specify):

Please explain: A bilateral Protocol has been signed in 2008 between Portugal and Spain (the only EU Member State with which Portugal has inland borders) concerning mutual consultation in cases of plans, programmes and projects with transboundary effects.

The detailed arrangements is in agreement with the bilateral Protocol between Portugal and Spain.

Article 11 Decision

I.11.1. According to article 11 (1): “Each Party shall ensure that when a plan or programme is adopted due account is taken of: (a) [t]he conclusions of the environmental report; (b) [t]he measures to prevent, reduce or mitigate the adverse effects identified in the environmental report; and (c) [t]he comments received in accordance with articles 8 to 10.”

Please specify how your country ensures that due account is taken of:

- (a) The conclusions of the environmental report
- (b) Mitigation measures
- (c) Comments received in accordance with articles 8–10

Please explain: Article 9 of the Decree-Law n.º 232/2007 of 15 June, specifically establishes that the environmental report (which includes mitigation measures when relevant) and the results of the consultations carried out (including public participation, consultation with environmental and health authorities and transboundary consultations) must be taken into due account while preparing the final version of the plan or programme.

I.11.2. According to article 11 (2): “Each Party shall ensure that, when a plan or programme is adopted, the public, the authorities ... and the Parties consulted ... are informed, and that the plan or programme is made available to them together with a statement summarizing how the environmental, including health, considerations have been integrated into it, how the comments received ... have been taken into account and the reasons for adopting it in the light of the reasonable alternatives considered.”

How and when do you inform your own public and authorities?

- (a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed):
- (b) Other (please specify):

Please explain: Whenever a plan or programme has been subject to an SEA, its adoption includes, besides the all the documents that constitute the plan or programme itself, the documents concerning the environmental assessment carried out, namely, an environmental statement.

The majority of the decisions adopting plans and programmes are published in the Official Gazette. In every case, the information mentioned is published at the website of the entity responsible for the preparation of the plan or programme, as well as at the website of the Portuguese Environment Agency.

I.11.3. Does the information provided to the public and authorities include?

- (a) Plan or programme:
- (b) Statement summarizing how the environmental, including health, considerations have been integrated into the plan or programme, and how the comments received have been taken into account:
- (c) The reasons for adopting the plan or programme in the light of the reasonable alternatives considered:

I.11.4. How do you inform the Parties consulted (art. 11 (2))?

- (a) By informing the point of contact
- (b) By informing the contact person of the ministry responsible for strategic environmental assessment, who then follows the national procedure and informs his/her own authorities and public

(c) By informing all the authorities involved in the assessment and letting them inform their own public

(d) Other (please specify):

Your comments:

Article 12

Monitoring

According to article 12 (1)–(2): “1. Each Party shall monitor the significant environmental, including health, effects of the implementation of the plans and programmes.

...

2. The results of the monitoring ... shall be made available ... to the authorities ... and to the public.”

I.12. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes: Decree-Law 232/2007 of June 15th establishes that the entities responsible for preparing plans and programmes assess and monitor the significant environmental effects, verifying the adoption of measures foreseen in the environmental declaration, in order to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.

The monitoring results are made public by those entities through electronic means and brought up to date at least once a year. The results are also communicated to the Portuguese Environment Agency.

Article 13

Policies and legislation

According to article 13 (1): “Each Party shall endeavour to ensure that environmental, including health, concerns are considered and integrated to the extent appropriate in the preparation of its proposals for policies and legislation that are likely to have significant effects on the environment, including health.”

I.13. Does your country have national legislation on the application of principles and elements of the Protocol as regards policies and legislation? Please specify.

(a) Yes (please specify which articles of the Protocol apply):

(b) No

Please explain:

Part two

Practical application during the period 2019–2021¹

Please report on your country's practical experiences in applying the Protocol (not your country's procedures, as described in part one). The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol and innovative approaches to improving its application. Parties' reporting also provides useful information to other countries within and beyond the United Nations Economic Commission for Europe (ECE) region that facilitates their efforts to implement and accede to the Protocol.

Part two also focuses on issues identified in the third review of implementation^a by Parties and those issues that have been identified as priorities by Parties in the 2021–2023 workplan.^b It also addresses the objectives of the Long-term strategy and the action plan for the Convention and the Protocol related to: "Adapting the reviews [of implementation] to maximize their usefulness as a source of information, highlight progress achieved, draw attention to areas that need improvement, disseminate best practice...".^c

^a United Nations publication, ECE/MP.EIA/SEA/14.

^b ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2.

^c Ibid., decision VIII/3–IV/3, annex, item II.A. 9.

A. Some specific questions related to domestic and transboundary implementation in the period 2019–2021

II.1. Does your country's strategic environmental assessment documentation always include specific information on health effects? Please specify:

- (a) Yes
- (b) No, only when potential health effects are identified

II.2. Does your country's strategic environmental assessment documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

- (a) Yes
- (b) No, only when potential transboundary effects are identified

¹ Part II of this questionnaire is not considered to be a reporting obligation according to the Protocol. Parties are encouraged to share examples of good practice, subject to their capabilities and the availability of relevant data.

B. Example of application of the Protocol in your country during the period 2019–2021

II.3. Please provide, using the table provided in annex I to this questionnaire, the (approximate) number of domestic strategic environmental assessment procedures initiated during the 2019–2021 period, list them grouped by the sectors listed in article 4 (2), and indicate their average duration and costs.

II.4. Please provide the (approximate) number of transboundary consultations referred to in article 10 of the Protocol that your country, during the reporting period, initiated, as a Party of origin, and participated in, as an affected Party. Please use the table in annex II to this questionnaire listing the transboundary procedures grouped by the sectors listed in article 4 (2), indicating their average duration.

II.5. Do you have a register of the domestic and transboundary strategic environmental assessment procedures (cases) that can be accessible for other Parties to consult, as needed?

<i>Domestic procedures</i>	<i>Transboundary procedures</i>
(a) Yes <input type="checkbox"/>	(a) Yes <input type="checkbox"/>
(b) No <input checked="" type="checkbox"/>	(b) No <input checked="" type="checkbox"/>
If so, please provide the access link to the register:	If so, please provide the access link to the register:

II.6. According to paragraph 10 of decision IV/5 on reporting and review of implementation of the Protocol,² the lists of domestic and transboundary strategic environmental assessment procedures included in the responses to questions II.3 and II.4 of the questionnaire are to be posted on the ECE website. Should your country object to this, however, please indicate “Yes” in the table below and explain, as relevant:

<i>Domestic procedures (list provided under question II.3 and link to register referred in question II.5, if provided)</i>	<i>Transboundary procedures (list provided under question II.4 and link to register referred in question II.5, if provided)</i>
(a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/>	(a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/>
Please explain:	Please explain:
(b) No (no objection) <input checked="" type="checkbox"/>	(b) No (no objection) <input checked="" type="checkbox"/>

C. Experience with the strategic impact assessment procedure in 2019–2021

II.7. Please list the benefits of strategic environmental assessment that are identified by your country:

- (a) Cost effectiveness
- (b) More focused and informed planning

² ECE/MP.EIA/30/Add.3–ECE/MP.EIA/SEA/13/Add.3.

-
- (c) Coordination with other sectors/i.e. avoiding overlaps or discrepancies
- (d) Environmental and health benefits
- (e) Other

Please provide your comments:

I.8. Has your country experienced substantial difficulties in interpreting particular terms contained in (or particular articles of) the Protocol?

- (a) No
- (b) Yes (please indicate which ones): The main difficulties during transboundary consultation arise from the official formalities of the administrative procedures between the two countries which tend to lengthen the process and delay the adoption of the plan or programme. Another problem is the translation as only a summary of the SEA report has to be presented in both languages. This has proved to be an obstacle for the full understanding of the plan or programme as well as its environmental impacts. Comments are also made in the other country's language which makes its full comprehension difficult.

II.9. Please indicate how your country overcomes these difficulties, if any. Please provide examples that may include, among other things, working with other Parties to find solutions or using existing guidelines or fact sheets: A bilateral protocol has been signed between Portugal and Spain in 2008 in order to simplify formalities, allowing documents and data to be sent directly to the national competent authorities, in parallel with the formal communications made through the competent services of the Ministries of Foreign Affairs. As for the translation of documents, the bilateral protocol with Spain foresees that, in addition to the relevant documents, a separate document must be available translated into the language of the affected Member State, including information on cross-border effects.

II.10. With regard your country's experience with domestic and/or transboundary procedures:

- (a) Please describe your country's procedures for ensuring that the health aspects are properly incorporated into the environmental report and that the health authorities are consulted as provided for in article 3

Health authorities are identified in national law as authorities with specific environmental responsibilities that should be consulted on the environmental report.

- (b) To contribute to the sharing of knowledge and experience on themes outlined in the workplan for 2021–2023, please provide at least one example of your country's application of strategic environmental assessment in one or several of the following areas:

- Biodiversity
- Circular economy
- Energy transition
- Development cooperation
- Smart and sustainable cities
- Sustainable infrastructure
- Maritime spatial planning

(When describing your experience, please indicate the name of the plan/programme subject to strategic environmental assessment, provide background information or describe the context in which the document has been developed, describe the stages of the procedure and other issues of interest for other Parties. Please flag good practice, and/or lessons learned, referring, as relevant, to the contribution of the above application of strategic environmental assessment towards the attainment of Sustainable Development Goals or climate objectives.

When providing an example, you may also make use of the template in annex III to the present questionnaire.)

(c) Please indicate whether strategic environmental assessments implemented in your country can be considered to have contributed to the implementation of Sustainable Development Goals and their specific targets:

Yes, (certain) strategic environmental assessments significantly contributed to the attainment of Sustainable Development Goals

Yes, (certain) strategic environmental assessments somewhat contributed to the attainment of Sustainable Development Goals

No, there is no evidence that strategic environmental assessment contributes to the attainment of Sustainable Development Goals in practice

If “Yes”, please list the most relevant Sustainable Development Goals³ (and their targets) and provide an example(s) of how strategic environmental assessment has contributed to their achievement

We have no information to support this conclusion but given it's objectives and procedures, we believe that SEA has contributed to the implementation of the SDG, namely in what concerns clean energy, climate action, sustainable management of water and sanitation, protection, restoration and promotion of the sustainable use of terrestrial ecosystems, sustainably manage forests and combat desertification.

³ In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular, the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of targets of the Sustainable Development Goals that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

(a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);

(b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);

(c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);

(d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4)

(e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);

(f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);

(g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);

(h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);

(i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);

(j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);

(k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);

(l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).

For more details see informal document ECE/MP.EIA/WG.2/2016/5/INF.16, available at http://staging2.unece.org.net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_eca.mp.eia.wg.2.2016.INF.16_SDG_Mapping.pdf.

II.11. Please indicate whether your country has been carrying out monitoring according to article 12.

- (a) No
- (b) Yes :

If so, please specify types of plans or programmes subject to the monitoring according to article 12, citing good practice examples or elements of good practice (for example, consultation or public participation), if available

II.12. With regards to your country's experience with transboundary procedures, in response to each of the questions below, please either provide one or two practical examples or describe your country's general experience. You might also want to include examples of lessons learned in order to help others. Please detail:

- (a) What difficulties has your country experienced and what solutions has it found?
- (i) Translation and interpretation: The main difficulty with translation is that only a summary of the SEA report has to be presented in both languages. This has proved to be an obstacle for the full understanding of the plan or programme as well as its environmental impacts. Comments are also made in the other country's language which makes its full comprehension difficult. In order to overcome these difficulties the bilateral protocol with Spain foresees that, in addition to the relevant documents, a separate document must be available translated into the language of the affected Member State, including information on cross-border effects.
- (ii) Other issues
- (b) What elements of the environmental report and other documentation does your country usually translate as a Party of origin? A summary of the SEA report and a separate document must be available translated into the language of the affected Member State, including information on cross-border effects
- (c) As an affected Party, please specify whether and how your country has ensured the participation of the public concerned and the authorities pursuant to article 10 (4):
- (i) No
- (ii) Yes (please indicate how): The Portuguese legislation provides the minimum procedures for carrying out of transboundary consultations in the case of plans or programmes developed in national territory that are likely to have significant environmental effects into another country. The results of the consultations held in the affected Party must be transmitted to the national authorities responsible for preparing plans and programmes. In the case of plans and programmes developed by other Party, with likely significant effects on the environment on the Portuguese territory, there is the possibility to participate in the Strategic Environmental Assessment process. The Portuguese Environment Agency is responsible for carrying out the consultations on these non-national plans and programmes in Portugal and the results are then transmitted to the Spanish authorities. In both cases, the consultations take place on the Environmental Report and corresponding version of the plan or programme.
- (d) What has your country's experience been of the effectiveness of public participation? Although public participation has, in some cases, been less significant, in others it has given an important contribution to safeguard, at an early stage, relevant concerns for the environmental assessment of plans and programs.
- (e) Does your country have examples of organizing transboundary strategic environmental assessment procedures for joint cross-border plans and programmes?
- (i) No
- (ii) Yes (please describe):

D. Experience regarding guidance in 2019–2021

II.13. Has your country used in practice the following documents:

Good Practice Recommendations on Public Participation in Strategic Environmental Assessment (ECE MP.EIA SEA 2014 2)

Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE MP.EIA 17)

Yes

No

Please specify reasons for not using the Good Practice Recommendations:

(i) Lack of awareness about the document

(ii) The document is not relevant

(iii) The document is outdated and needs revision

Your comments and/or suggestions for improving or supplementing the Good Practice Recommendations:

Yes

No

Please specify reasons for not using the Manual:

(i) Lack of awareness about the document

(ii) The Manual is not relevant

(iii) The Manual is outdated and needs revision

Your comments and/or suggestions for improving or supplementing the Resource Manual: This manual was considered and reflected into the guidance document published by the Portuguese Environment Agency in 2012 ('Strategic Environmental Assessment Better Practice Guide – Methodological guidance for strategic thinking in SEA')

E. Contributions to the funding of the workplans

II.14. Please indicate whether the information regarding contributions to the trust fund was already provided by your country in the responses to the questionnaire concerning the Convention and covered both the Convention and the Protocol:

(i) Yes

(ii) No

If your response is "No", please provide the information regarding the contributions to the trust fund below.

II.15. Through paragraph 4 of decision VII/4–III/4 on budget, financial arrangements and financial assistance,⁴ applicable for the period 2017–2020, the Meetings of the Parties to the Convention and the Protocol jointly "Urge[d] all Parties to contribute to ensuring sustainable funding of activities and an equitable and proportionate sharing of the financial burden among the Parties." For the period 2021–2023, by paragraph 1 of decision VIII/1–IV/1⁵, regarding funding of the adopted workplans, the Meeting of the Parties decided that: "All the Parties have a duty to contribute to the sharing of the costs that are not covered by the United Nations regular budget."

(a) Please indicate whether your Government contributed to the funding of the workplans during the reporting period, indicating also the currency and the amount of the contribution:

⁴ ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1.

⁵ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1.

(i) My Government made a multi-year contribution for the period 2017–2020

Please indicate when the contribution was provided (year), amount and currency:

(ii) Individual contribution in 2019

Yes Amount and currency:

No Please explain the reason:

(iii) Individual contribution in 2020:

Yes Amount and currency:

No Please explain the reason:

(iv) Individual contribution in 2021:

Yes Amount and currency: 15 000 €

No Please explain the reason:

(v) Please indicate any plans of your country to contribute for the period 2021–2023

(b) Did your country make in-kind contributions in the reporting period?

Yes Please describe how: During the reporting period Portugal has indicated and provided an expert to the Bureau and the Implementation Committee.

No Please explain the reason

F. Suggested improvements to the report

II.16. Please provide suggestions for how this report could be improved:

Annex I

List and number of domestic strategic environmental assessment procedures initiated in the reporting period

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Agriculture:	1				
Forestry:					
Fisheries:	1				
Energy:	5				
Industry including mining:	1				
Transport:	0				
Regional development:					
Waste management:	2				
Water management:	6				
Telecommunication:					
Tourism:					
Town and country planning:	185				
Land use:					
Other, including those falling under article 4 (3)–(4):	2				

* The information provided constitutes:

Statistical data

Estimates

** Once the need for strategic environmental assessment is determined

Your comments:

Annex II

List and number of transboundary strategic environmental assessments in the reporting period

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure.** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Agriculture:	1				
Forestry:					
Fisheries:					
Energy:					
Industry including mining:					
Transport:	1				
Regional development:					
Waste management:					
Water management:	4				
Telecommunication:					
Tourism:					
Town and country planning:					
Land use:					
Other, including those falling under article 4 (3)–(4):	2				

Annex III

Template for describing a good practice example of implementing a strategic environmental assessment at the national level or in a transboundary context

I. General information

1. Title of plan/programme
2. Authority responsible for the plan's/programme's development
3. Nature of the related strategic environmental assessment procedure:
 - (a) Domestic
 - (b) Transboundary
4. Please indicate which stage(s)/step(s) of the strategic environmental assessment procedure is/are considered to represent good practice:
The entire procedure
Screening (art. 5)
Scoping (art. 6)
Environmental report (art. 7)
Public participation (art. 8)
Consultation with environmental and health authorities (art. 9)
Transboundary consultations (art. 10)
Decision (art. 11)
Monitoring (art. 12)
5. Please indicate to which topic(s) of the 2021--2023 workplan the example is related:
Biodiversity
Circular economy
Development cooperation
Energy transition
Smart and sustainable cities
Sustainable infrastructure

II. Background

Please provide a short description of the plan/programme, the context of its development and general information about the strategic environmental assessment

III. Procedure under the protocol on strategic environmental assessment and elements of good practice

Please describe, in more detail, the procedural step/steps that is/are considered to represent good practice and then explain why that is:

- III.1. Field of application (art. 4)**
- III.2. Screening (art. 5)**
- III.3. Scoping (art. 6)**
- III.4. Environmental report (art. 7)**
- III.5. Public participation (art. 8)**
- III.6. Consultation with environmental and health authorities (art. 9)**
- III.7. Transboundary consultations (art. 10)**
- III.8. Decision (art. 11)**
- III.9. Monitoring (art. 12)**

IV. Lessons learned and advice to other parties:

IV.1. Please indicate:

- (a) Challenges in carrying out the procedure, if any, and how those were tackled
- (b) Lessons learned

IV.2. As relevant, please also refer to the contribution of the above application of strategic environmental assessment towards the attainment of Sustainable Development Goals¹ or climate objectives.

¹ In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular, the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of targets of the Sustainable Development Goals that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
- (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
- (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
- (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4)
- (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
- (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
- (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
- (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
- (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
- (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);

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- (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
- (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).
For more details see informal document ECE/MP.EIA/WG.2/2016/5 INF.16, available at http://staging2.unece.org.net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__SDG_Mapping.pdf.