

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

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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. ° 232/2007, of 15 June, amended by Decree-Law n. ° 58/2011, of 4 May (<https://data.dre.pt/eli/dec-lei/232/2007/06/15/p/dre/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.° 80/2015, of 14 May (<https://data.dre.pt/eli/dec-lei/80/2015/p/cons/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-e-gestao-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 Irradiado 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. ° 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 (gência 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)1. 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. ° 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 in to 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"/> Please explain: (b) No (no objection) <input checked="" type="checkbox"/> | (a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/> Please explain: (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_ece.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.