

From: Margarida Marcelino [REDACTED]
Sent: mercredi, 21 février 2024 18:13
To: ECE-Aarhus-Compliance <aarhus.compliance@un.org>
Cc: Paulo Monteiro [REDACTED]; Augusto Serrano [REDACTED]
Subject: RE: ACCC/C/2021/186 (Portugal) - letter to the Party concerned
Importance: High

Dear Ms. Fiona

In response to the request in your communication, we would like to inform you that:

On 8 March 2021, by our letter reference S010233-202102-DAIA.DAP, this Agency (APA) informed the Montescola Foundation that the provision of the required information (project, Environmental Impact Study and administrative process up to that point) would be deferred since the process was still at the stage of analysing the compliance of the Environmental Impact Study, the aim of which was to determine whether this study contained all the correct and necessary information for the environmental assessment of the project in question.

In this communication, the APA also stated that the Foundation would be informed when the public consultation was held, as part of which the Environmental Impact Study and the project would be made available.

In May 2021, through our letter of reference S032237-202105-DAIA.DAP, the Montescola Foundation was informed that the documentation submitted by the applicant had been made available to the public through the Participa Portal, not only the Environmental Impact Study but also the Mining Plan (Volume I and Annexes to the project), as requested by the Foundation, despite the fact that the latter document is not part of the mandatory disclosure documents provided for in article 30 of Decree-Law no. 151-B/2013, of 31 October, in its current wording.

With regard to access to the administrative process, this Agency deferred it until the respective decision was taken, i.e. until the Environmental Impact Statement (environmental decision) was issued, in accordance with the provisions of Article 6(3) of Law 26/2016 of 22 August.

It should also be noted that it was promoted, under the terms of the Espoo Convention, the Environmental Impact Assessment Directive and the Protocol of Action between the Government of the Portuguese Republic and the Government of the Kingdom of Spain to be applied to environmental assessments of plans, programmes and projects with cross-border effects. The Montescola Foundation took part in the public consultation organised in Spain.

In August 2021, via letter ref. S051631-202108-DAIA.DAP, the Montescola Foundation was provided with the initial Environmental Impact Study and all the procedural information on which a year had passed since its submission to the APA, as provided for in Article 6(3) of Law 26/2016 of 22 August.

In the meantime, since the Environmental Impact Statement (environmental decision) was issued on 30/05/2023, this Agency informed the Montescola Foundation of this decision, as well as the Opinions issued by the Evaluation Committee and the Public Consultation Report. This information was sent to the Foundation on 18 September 2023, via our letter reference S057113-202309-DAIA.DAP.

On 19 February 2024, through letter reference S010709-202402-DAIA.DAP, the entire administrative process relating to the EIA procedure for the Mina do Barroso Expansion project was made available to the Montescola Foundation.

Attached are the email communications and the respective letters sent to the Montescola Foundation.

Best regards

Margarida

Maria Margarida Marcelino

Senior officer | national focal point to Aarhus Convention

Environment Public Participation Unit

Communication and Public Participation Department



Rua da Murgueira 9 – Zambujal - Alfragide
2610-124 Amadora, Portugal

(+351) [REDACTED] | 214728200

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