



Abandoned mine waste tailings at the Borralha Mines photo credit: Baltazar Ribeiro

Court rules documents on mining project in Northern Portugal must be disclosed

By **Natasha Donn** - 1st December 2022

New 'win' by citizens battling to save local heritage

In a **ruling issued Tuesday (November 29)**, the Administrative Court of Lisbon ordered the DGEG (Directorate-General for Energy and Geology) to disclose documents on the **Borralha Mines in the municipality of Montalegre** – tying **DGEG director João Bernardo** to a penalty payment in case of non-compliance, says a press release issued today by **Mining Watch Portugal**.

The court proceedings were initiated by **Galician NGO Montescola Foundation** in conjunction with **Portuguese citizens group "Movimento Não às Minas – Montalegre"**, which requested documents on technical, economic, and metallurgical evaluation of the Minas da Borralha project in March 2021, during the public consultation on the attribution of a tungsten (wolfram) mining license to the company *Minerália – Minas, Geotecnia e Construções, Lda*.

"At the time, DGEG did not include the requested documents in the public consultation and did not respond to requests for disclosure", says the release.

As result of a subsequent complaint to the Commission for Access to Administrative Documents (CADA) – and already after DGEG had granted tungsten exploitation rights to Minerália in October 2021 – the DGEG revealed "only fragments of the technical reports in question and argued, in January 2022, the documents contained commercial secrets whose disclosure would harm the interests of the project".

This week's ruling saw the Administrative Court of Lisbon rule **DGEG's "generic affirmation on the presence of commercial secrets is not sufficiently sustained by a clear and contextual justification that would allow to negate the basic right of the public's access to administrative and environmental information, as fixed in national legislation and international law"**, says Mining Watch.

"In its decision, the court also stated that the **response given by DGEG was "devoid of meaning**, in addition to revealing a misunderstanding of the content of the legal principles that govern all its

activity”.

The **decision** has been welcomed by João Evans Pim, director of the Montescola Foundation, who says it **“proves that the DGEG impeded public participation by withholding information, thereby also violating the transparency and participatory measures granted by Decree-Law 30/2021 of 2021 on mineral deposits.**

“There is **no point in guaranteeing participation and access rights in legislation if, when the time comes, administrations adopt prejudicial decisions** that are **diametrically opposed** to what the law says”, he added.

This is certainly not the first time citizens backed by NGOs have locked horns with the DGEG director. **Two years ago a furious petition was collecting signatures, demanding his resignation**

Nik Völker, spokesperson of MiningWatch Portugal, concludes: “In Portugal, we are witnessing a boom of mining projects, fuelled by the geopolitical situation and also the demand prospects of the twin energy and digital transition.

“At the same time, public acceptance of mining in Portugal, the number one business risk for extractive projects, is among the lowest of all member states, including the lack of trust in both companies and also public authorities to fulfill their legal duties.

“This court ruling is a clear sign that **Portuguese authorities still have quite a lot of headspace to improve their performance, also to regain trust in society.** This is especially important in the case of projects that already come with a whole tail of environmental and social legacy **such as the Borralha Mines.**”

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