

**Format for the Aarhus Convention implementation
report in accordance with Decision IV/4
(ECE/MP.PP/2011/2/Add.1)**

**The following report is submitted on behalf of
_____ [name of the Party or the Signatory] in
accordance with decisions I/8, II/10 and IV/4.**

Name of officer responsible for submitting the national report: Margarida Marcelino

Signature:

Date: 2014

Implementation report

Please provide the following details on the origin of this report

Party: PORTUGAL

National Focal Point:

Full name of the institution: APA - Agência Portuguesa do Ambiente / Portuguese Environment Agency

Name and title of officer: Margarida Marcelino
Técnica superior / Senior Officer

Postal address: Rua da Murgueira, 9/9A
Bairro do Zambujal
2720-865 Amadora

PORTUGAL

Telephone: +351214728284

Fax: +351214721457

E-mail: margarida.marcelino@apambiente.pt

Contact officer for national report (if different):

Full name of the institution:

Name and title of officer:

Postal address:

Telephone:

Fax:

E-mail:

I. Process by which the report has been prepared

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

The preparation of the 4th report on the implementation of the Aarhus Convention under the coordination of Portuguese Environment Agency - APA, followed a participatory and transparent process. It was based on the previous report submitted in 2011, seeking to update the information already provided, but without losing the overall sense of the information.

Bodies of the central and regional State administration were consulted during the periods of public participation (August-November 2013 and February 2014). Environmental non-governmental organisations (NGO) and advisory bodies such as the National Council for the Environment and Sustainable Development (CNADS) and the National Water Council (CNA) were also consulted in that last period. The contributions received are reflected in this report, when appropriate.

II. Particular circumstances relevant for understanding the report

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

The Portuguese Public Administration underwent profound reform in the 2011-2013 period arising from the economic and financial adjustment programme underway, which led to the merger of various bodies and these being controlled by ministries responsible for multiple areas, as was the case of the Ministry that oversees environmental policies - initially the Ministry of Agriculture, Sea, Environment and Spatial Planning (MAMAOT) in January 2012 and then the Ministry of Environment, Spatial Planning and Energy (MAOTE), in August 2013.

This led to the need to identify and re-establish focal points in the various governance areas concerned with the environment, in order to prepare this report, owing to the new areas of expertise acquired, carried forward or lost by the different entities.

Accordingly, some bodies, such as Institute for Nature Conservation and Forestry (ICNF) and the General Agriculture, Sea, Environment and Spatial Planning Inspectorate (IGAMAOT) - became jointly governed by the Ministry of Agriculture and Sea (MAM) and by MAOTE, as described in the Organisational Law of the XIX Constitutional Government (Decree-Law No. 86-A/2011, of 12 July, republished by Decree-Law No. 119/2013 of 21 August) and reconfirmed in Decree-Law No. 17/2014. Official Gazette No. 24, series I of 04/02/2014 (approves the organisational law of MAOTE) and Decree-Law No. 18/2014. Official Gazette No. 24, series I of 04/02/2014 (approves the organisational law of the Ministry of Agriculture and Sea).

III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.

Explain how these paragraphs have been implemented. In particular, describe:

- (a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;
- (b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;
- (c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;
- (d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally; including:
 - (i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;
 - (ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;
 - (iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;
 - (iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;
 - (v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;
- (e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed

Article 3, paragraph 2

The Aarhus Convention was adopted by the Portuguese Parliament in accordance with Resolution No. 11/2003 of 25 February, ratified by Decree No. 9/2003 of the President of the Republic. In Portuguese law there are different legal instruments which, in general, allow the guiding principles of this Convention to apply, as mentioned in the previous implementation reports: the Portuguese Constitution (CRP); the Framework Law on the Environment (LBA), Law No. 11/87 of 7 April, amended by Law No. 13/2002 of 19 February; the Basic Law on Spatial Planning and Urban Management, Law No. 48/98 of 11 August, amended by Law No. 54/2007 of 31 August; the Code of Administrative Procedure (CPA), Decree-Law No. 442/91 of 15 November, amended by Decree-Law No. 6/96 of 31 August; the Law that defines the status of environmental NGO's, Law No. 35/98 of 18 July.

As far as more specific legislative and regulatory measures are concerned, the Aarhus

Convention is applied in Portugal through the transposition of various EU Directives. Special mention should be made of Directive 2003/4/EC regarding public access to environmental information, implemented in national law by Law No. 19/2006 of 12 June, which regulates the access to environmental information (LAIA), complemented, in all aspects not specifically regulated, by Law No. 46/2007 of 24 August, which regulates the access to administrative documents and their reuse (Law on Access to Administrative Documents - LADA).

The abovementioned LAIA establishes measures to be taken by public authorities to ensure access to information (Article 4) and measures for the dissemination of information (Article 5). Article 14 therein refers to the means of appeal that the applicant may use when the request for information is ignored, improperly refused (in whole or partially), when an inadequate response is obtained or when this law has not been complied with.

Also of note is Directive 2003/35/EC providing for public participation in preparing certain plans and programmes relating to the environment. This Directive is transposed into various legal instruments, particularly those relating to Environmental Impact Assessment (EIA) [Decree-Law No. 151-B/2013 of 31 October, amended by Decree-Law No. 47/2014 of 24 March - repealing Decree-Law No. 69/2000 of 3 May, as well as amendments made by Decree-Law 197/2005 of 8 November and the Rectification No. 2/2006 of 6 January], Integrated Prevention and Pollution Control (IPPC) [Decree-Law No. 173/2008 of 26 August], Strategic Environmental Assessment (SEA) [Decree-Law No. 232/2007 of 15 June, amended by Decree-Law No. 58/2011 of 4 May] and the Water Law [Law No. 58/2005 of 29 December and Decree-Law No. 77/2006 of 30 March], and the Code of Administrative Procedure (CPA) [Decree-Law 442/91 of 15 November (amended by the following legal instruments: Rectification No. 265/91 of 31 December, Rectification No. 22-A/92 of 29 February, Decree-Law No. 6/96 of 31 January; Ruling of the Constitutional Court 118/97 of 24 April)].

Portuguese Environment Agency (APA), had its powers extended in 2012 through the merger and closure of eleven entities of the Central Government, resulting from the implementation of the Plan for the Reduction and Improvement of Central Government (PREMAC), a process for which the XIX Portuguese Constitutional Government was responsible. (cf. Decree-Law No. 56/2012 of 12 March). APA, mindful of its responsibility in the action areas of the Aarhus Convention, has become accessible to communicating and making environmental information available as well as the implementation of active citizenship regarding the environment, as reflected in the redesign of the website (cf. <http://www.apambiente.pt>). It has an area devoted to how the Aarhus Convention is applied in Portugal (cf. <http://www.apambiente.pt/index.php?ref=16&subref=142&sub2ref=726&sub3ref=727>).

From a practical standpoint, many of the Ministry bodies responsible for the environmental policy as well as many other public bodies have centres of information and documentation with staff with appropriate training and experience to provide users all the help and guidance in the search for information. As a result of the implementation of the principles of e-government and better access to environmental information, most of these central agencies and those at the regional level - Regional Development and Coordinating Committees (CCDR) and decentralised services of the APA for matters on River Basins Regions (ex-ARH) - have websites through which information is made available within the framework of their powers, which have been improved in order to provide better accessibility to citizens. They also have procedures for answering requests received via email. This correspondence has the same value as the one received on paper. The relevant websites play a leading role where plans, programmes and projects on the environment subject to public consultation and participation are concerned, driving their disclosure and communication with all stakeholders. Local authorities also have documentation centres and/or libraries, websites, newsletters, etc., geared to local or specific public interests, on which the environment is usually present due to its pervasive nature. The implementation of processes of Local Agenda 21 has been a means of bringing the principles of Aarhus and environmental democracy to the local level and closer to the citizens. The ECO XXI award, promoted in Portugal by an environmental NGO, the Blue Flag Association of Europe, has

contributed to this, with the support of numerous public entities with direct or indirect intervention in the environmental field <http://www.abae.pt/programa/ECOXXI/inicio.php>. Among the 21 indicators of sustainable development of the municipality that determine the award of the "green flag", many are related to the information, education, citizenship and participation in environmental matters.

The nationwide "SOS Environment and Territory" line was created in 2002 to facilitate citizen participation in improving the environment. This telephone line receives complaints and reports of situations that may infringe environmental law, every day of the year - by telephone 808200520, fax 213217007, by the online reporting system http://www.gnr.pt/default.asp?do=5r20n/EF.qr070pvn5/s14z_5r20n, or by e-mail sepna@gnr.pt. This service is currently under the responsibility of the Nature and Environmental Protection Service (SEPNA) of the National Republican Guard (GNR). It can be deemed as a form of participation and cooperation of citizens as "environmental police" caring for the welfare of all in the national territory, assuming the preservation, conservation and enhancement of natural heritage as a fundamental duty and right. The complaints received by this service are analysed, recorded and investigated, and the complainant informed of the steps taken and the outcome. SEPNA, pursuant to Ordinance No. 798/2006 of 11 August is set up as a national environmental police, working in conjunction with several national entities involved in environmental policy and in cross-border operations coordinated by IGAMAOT, which have relied on collaboration with the Servicio de Protección de la Naturaleza of the Spanish Guardia Civil (SEPRONA). The Electronic Complaint System, general in scope and also managed by the GNR, resends to SEPNA complaints of an environmental nature, seeking their proper routing. IGAMAOT simultaneously receives complaints registered on a page specifically created for this purpose on its website and, like all other complaints received by email and post, it ensures they are processed, always informing the complainants of the actions taken.

Article 3, paragraph 3

The National Strategy for Sustainable Development (ENDS) 2005-2015, approved by Council of Ministers Resolution No. 109/2007, published in the Official Gazette No. 159, Series 1, 20 August 2007, stresses as a strategic priority the promotion of environmental education and awareness raising in order to ensure the participation of citizens in environmental policies, particularly by the promotion of access to environmental information.

The Ministry responsible for environmental policy has, through APA, not only promoted but also additionally supported actions promoted by the civil society, namely NGOs, aimed at informing citizens about matters under the Aarhus Convention.

The powers of APA include the environmental education, participation and informing the public, as well as support for ENGOs. It has an active role in the dissemination of information and mobilising citizens on environmental issues. To achieve this it seeks to develop and monitor the implementation of policies to educate and train citizens in environmental matters (cf. <http://www.apambiente.pt/index.php?ref=16&subref=142&sub2ref=244>), promote and monitor forms of support to ENGOs (cf. <http://www.apambiente.pt/index.php?ref=16&subref=142&sub2ref=181>), as well as promote and ensure access to information and public participation in decision-making on environmental matters (access on several items of the APA website menu). APA seeks, in a comprehensive manner, to directly and indirectly develop and support initiatives of formal and non-formal education, projects and other forms of transmission of training and informative content, whether of civil society organisations or from other State bodies.

With regard to the waste area, for which APA is the national authority, the issue of waste reduction has been the specific focus for raising awareness among the general public since 2009, during the European Week for Waste Reduction (EWWR), with support from the European Commission - Life Programme. In this regard, increased emphasis has been given

to actions aimed at primary school pupils (cf. <http://www.apambiente.pt/index.php?ref=16&subref=84&sub2ref=106&sub3ref=269>). The actions taken by this initiative - and others that have been multiplied for various audiences - are encompassed in the Urban Waste Prevention Programme (PPRU), which has the primary objective of proposing measures, targets and actions for implementation and monitoring, to reduce the quantity and hazardousness of urban waste produced (cf. <http://www.apambiente.pt/index.php?ref=16&subref=84&sub2ref=106>). Although APA was not the national organiser of the EWWR in 2013 (which was not the case in 2012), it invited the Urban Waste Management Systems to become the regional organisers. APA also ensured the dissemination of the project by providing all the information on its website, as well as an online tool to support more sustainable choices by citizens cf. <http://simula-residuos.apambiente.pt/>.

Since 2012, APA is also the national water authority. Its mission is to propose, monitor and ensure the implementation of the national water policy to ensure its sustainable management, as well as the effective implementation of the Water Law. The APA website, inheriting the work done by the Water Institute - INAG (a body made extinct in the PREMAC), provides some environmental education and awareness raising tools in the field of this important natural resource: <http://snirh.pt/junior/>. This area, as will be seen further on herein, also fosters public participation in decision-making.

The Water and Waste Services Regulator (ERSAR) is the entity which regulates the activities of public water supply, urban wastewater sewerage and municipal waste management. It launched a new series of publications in 2013 called "Awareness Raising Pamphlets – the consumer and water and waste services". Three pamphlets have been published. These form part of the required environmental education and have been distributed to the water utilities and users of the services, and are also available on the ERSAR website: <http://www.ersar.pt> - "The quality of tap water", "Water meters at home" and "The rights and duties of consumers".

The Sea Literacy Project, which falls under the education, science and technology programme area of the National Strategy for the Seas (ENM) 2013-2020, coordinated by DGPM, advocates educating future generations about the values of the Sea. It encompasses educational games to raise awareness of the sea, such as:

- Ruler - The Right Fish - Information on the minimum legal size of capture of the fish species most consumed in Portugal;
- Scientific toy "The Science of the Sea" - a kit with 10 scientific experiments that teach simple concepts related to marine science;
- Passport of the sea - access to associated institutions directly linked to the Portuguese natural and cultural marine heritage;
- Quiz about the sea – deck of cards with easy questions, making it easy to learn concepts related to the sea.

Portugal joined the European Commission initiative in 2013 to celebrate the "Year of Air" in order to draw attention to the seriousness of the problem of air pollution and its health impacts. APA, under its powers in the area of air quality, decided among other initiatives to promote the Lisbon Bike Tour to Clean Air, a sporting event aimed at promoting cycling as a means of urban transport (cf. <http://www.apambiente.pt/index.php?ref=16&subref=82&sub2ref=883&sub3ref=885>).

In its dual role of national authority for nature conservation and biodiversity and national forestry authority, ICNF, which resulted from the merger in 2012 between the extinct Nature Conservation and Biodiversity Institute (ICNB) and National Forestry Authority (AFN), has developed a wide range of activities targeted at the dissemination, education and awareness raising of the agents and organisations in the nature and forests conservation field, in order to create a collective consciousness of the importance of natural values. Accordingly, 2,383 environmental education initiatives were held in the last five years, between 2008 and 2012, intended at different school age audiences, involving about

106,595 students. These initiatives took place in protected areas with guided tours conducted by nature officers and guards. Of note is the voluntary participation of citizens in nature and forestry conservation activities, registering for the same time interval a group of 11,881 volunteers in initiatives as varied as the control of foreign species, the recovery of habitats and species or maintaining nature trails, just to name the most significant examples. In addition to the referred initiatives are those intended to ensure public participation in specific processes such as the development of regulatory frameworks for forestry activities or the review of protected area management plans. As 2011 and 2012 were the Year of the Bat, a website was created <http://anodomorcego.wix.com/icnb> containing varied information, activities for teachers and educators, and the dissemination of events. This website had around 17,000 visitors. Over 200 events were organised, attended by over 10,000 people across the country. The Bat Events newsletter was published, which publicised events and summarised news. An exhibition was organised of the work carried out during the campaign and displayed at the National Costume Museum between May and October 2013, and which had more than 10,000 visitors. The ICNF website (www.icnf.pt) and the staff of nature officers, whose duties include raising public awareness in order to reconcile development and welfare with the conservation of nature and natural resources management, play a fundamental role.

In terms of education and awareness, SEPNA/GNR annually undertakes several awareness raising initiatives, with particular emphasis on the school community. In relation to the protection of the forest against fires, an area where the GNR is responsible for prevention and awareness, SEPNA annually draws up an operating directive called "Protected Forest", in order to prevent the occurrence of fires. It conducts various awareness raising initiatives under this directive. The GNR website provides a range of information and advice on the protection of nature and the environment: <http://www.gnr.pt/default.asp?do=5r20n/DM.p105ryu15/p105ryu15>.

In the Energy sector, the General Directorate for Energy and Geology (DGEG) has sought to raise public awareness about the role of energy efficiency and the promotion of renewable energy sources in combating climate change and ensuring safety and security of supply. The DGEG website <http://www.dgeg.pt/> has a "Learning Energy and Geology" section, intended for children. It provides a brief overview for energy and lists the care to be taken in order to avoid waste. It also offers information on renewable energy, energy efficiency, climate change and sustainable development, as well as the associated legislation. DGEG has participated in the organisation of events aimed at disseminating information on the energy sector among the entities/institutions most linked to the sector, including information Sessions on the Intelligent Energy - Europe Programme (IEE), held annually. In the energy efficiency area, the new National Energy Efficiency Action Plan (PNAEE 2016) establishes awareness raising programmes and measures and provides information, in particular:

- Eco-Car - Green Tyre: awareness campaigns for the correct tyre pressure and calibration, and encouraging regular checking of the pressure, so that this and other checkpoints become mandatory in periodic vehicle roadworthiness inspection centres;
- Renew Home & Office - Promoting More Efficient Equipment: information and awareness raising campaign among consumers and for the development of simulators to compare the energy consumption of various products according to the respective energy performance classes, available on the PNAEE website, and permitting their monitoring;
- Communicate Energy Efficiency - Energy in Schools: information and awareness raising campaigns among the school communities, sports activities in partnership with institutions and leading companies in the energy field, and campaigns and awards for the dissemination and awareness raising of the school population to the issue of energy efficiency.

The National Laboratory of Energy and Geology (LNEG) participated in about 35 geology dissemination initiatives of various forms, such as field trips, lectures, articles in newspapers or magazines, conducting study trips under school curricula or themed visits on

nature tours. The highlights were:

- "The Health of Albufeira Lagoon" initiative, held under the 17th Edition of the Living Science in the Laboratory programme;
- Guidance and geological description of the themed visit "geology and vegetation – the Fórnea route" at PNSAC (Alvados/Porto de Mós), organised by the Gaia Biological Park;
- Description and disclosure of geology in protected areas in collaboration with Gaia Biological Park, in the protected areas of this municipality;
- Evaluation of the classification capacity of some outcrops existing in Gaia Biological Park for possible classification as places of geological interest;
- Making a video on the geodiversity of the Bragança region and Montesinho Natural Park, at the invitation of the Bragança Living Science Centre, published on the website: <http://www.cienciabraganca.pt/index.php?pagina=nav/naturais-show&id=676>.

An initiative of note at the regional level is that of APA-Algarve called "Environmental Volunteering for Water", in partnership with universities, the Regional Education Authority, training centres of school associations and NGOs. It covers the training of teachers and local government officers, fieldwork, enhancement activities in the freshwater and coastal area networks, etc. The aim is to raise awareness for water issues and mobilise people to take part in volunteer work (cf. <http://www.voluntariadoambientalagua.com>).

Article 3, paragraph 4

Since 1987, the date of approval of the Law on Associations of environmental protection (Law 10/87 of 4 April, later repealed by Law No. 35/98 of 18 July), Portuguese law provides a legal framework for intervention and support to environmental associations. The present situation is the same as that reported in 2011, and the website with relevant information is kept updated <http://www.apambiente.pt/index.php?ref=16&subref=142&sub2ref=181>

At the end of 2013 there were 111 environmental NGOs with active registration in the National Register of environmental NGOs and similar entities.

A page on the Facebook social network, called "Citizenship and Environment", was created in 2010 harnessing the potential of Web 2.0, with the aim of disseminating the initiatives of environmental NGOs (cf. <http://www.facebook.com/pages/Cidadania-e-Ambiente/>).

Article 3, paragraph 7

Nothing to report on this article.

Article 3, paragraph 8

In this context, it is noted that Article 268, paragraph 4, of the CRP provides that "Citizens are guaranteed effective jurisdictional oversight of their rights and interests that are protected by law, particularly including the recognition of said rights and interests, the challenging of any administrative act that harms their rights and interests, regardless of its form, the performance of the administrative acts legally required, and the adoption of adequate provisional remedies."

IV. Obstacles encountered in the implementation of article 3

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.*

Nothing to report on this article.

V. Further information on the practical application of the general provisions of article 3

Provide further information on the practical application of the general provisions of article 3.

Following the national surveys undertaken in 1997 and 2000 referred to in the 2008 Report, and as referred to in the 2011 report, the Institute of Social Sciences (ICS), University of Lisbon, with the support of the APA, analysed the projects carried out in Portugal concerning environmental education and education for sustainable development and published the results in 2010: "Environmental Education: Results and prospects for a more sustainable agenda". Recently, at the initiative of the University Institute of Lisbon (ISCTE-IUL), a telephone survey of 1,200 people was conducted during the months of June and July 2013, on how sustainability issues are addressed by education (cf. <http://iddesign.ipapercms.dk/INDEGISCTE/SustainabilityKnowledgeLabSKL/KEEducaoparaaSustentabilidadeemPortugal2013/>). This survey indicates the importance given by the respondents to topics such as entrepreneurship, citizenship and sustainability, and that they should be compulsorily tackled in school curricula.

VI. Website addresses relevant to the implementation of article 3

Give relevant website addresses, if available:

www.cada.pt
www.provedor-jus.pt
www.portaldocidadao.pt
www.apambiente.pt
www.gnr.pt

VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;
 - (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
 - (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;
- (c) With respect to **paragraphs 3 and 4**, measures taken to:
 - (i) Provide for exemptions from requests;
 - (ii) Ensure that the public interest test at the end of paragraph 4 is applied;
- (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;
- (e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;
- (f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;
- (g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

Besides the comments about Article 3 Paragraph 2, reference should be made to Law No. 19/2006, of 12 June, which regulates the access to environmental information - LAIA.

All matters not provided for in LAIA shall alternatively be governed by Law No. 46/2007 of 24 August, Law of Access to Administrative Documents (LADA), which repealed Law No. 65/93 of 26 August and transposes into national law Directive No. 2003/98/EC of the European Parliament and the Council of 17 November, on the reuse of public sector information.

Article 4, paragraph 1

Public authorities are obliged to make available to the applicant environmental information in their possession or held on their behalf, without the applicant having to justify their interest (article 6, paragraph 1, of LAIA).

The information must be provided in the form or format requested by the applicant, unless already available or easily accessible in a certain form or format or the public authority considers it reasonable, with due grounds, to provide the information in another form or

format (article 10, paragraph 1, of LAIA).

Access to information can be provided through consultation with the public authority (Article 6, paragraph 3, of LAIA).

The request for access to information must be submitted in writing on an application form setting out the key data for its identification, as well as the name, address and signature of the applicant (Article 6, paragraph 2).

Specifically with regard to the environmental impact assessment (EIA) of public and private projects likely to have significant impact on the environment, Decree-Law No. 151-B/ 2013 - amended by Decree-Law No. 47/2014 of 24 March - like the legal framework it repealed and which was in force until 31 October 2013, considers that all data and procedural documents relative to the EIA, for checking the environmental compliance of the performance project and post-assessment are, safeguarding due exceptions are public and to be made available by the EIA authorities. The exception to this rule are procedures covered by commercial or industrial confidentiality, including intellectual property, or which are relevant to the protection of national security or the conservation of natural and cultural heritage (cf. article 28). Notwithstanding this general rule, Decree-Law No. 151-B/2013 provides for the creation of an "electronic one-stop shop" that will enhance the availability of the most relevant documents in the context of the evaluation procedures, as well as promote a greater exchange of information among the various stakeholders, particularly during periods of public consultation (cf. article 28-31). This "electronic one-stop shop" is still to be implemented, as well as the space provided for on the Administrative Modernisation Agency's website (AMA) to centralise public consultations <http://www.ama.pt/>. Under the law in effect until October 2013, the documents relating to the various stages of the proceedings are available in the EIA authorities for consultation on paper. Copies can be made at a reasonable costs to the public (prices for environmental NGOs and students are lower). The documents relating to more recent cases have also been made available in digital format. Despite the fact the "electronic one-stop shop" has still not been set up, the legislation provides that the EIA authorities may ensure that the digital documentation of the EIA procedure, including the complete environmental impact study, is available online at least during the period of public consultation. The final decisions of the procedures are also published and made available to the public on the websites of the respective EIA authority.

With regard to the system to prevent major accidents involving hazardous substances, Decree-Law No. 254/2007 of 12 July, amended by Decree-Law No. 42/2014 of 18 March, stipulates in article 24 that "(...) APA and other competent authorities shall ensure transparency and public access to information produced pursuant to this Decree-Law, without prejudice to the provisions of legislation applying to access to information on the environment". Accordingly, APA has demonstrated its availability to provide information requested by the public, in paper and digital format, whenever it is available.

Article 4, paragraph 2

The time limits established in LAIA are that the public authority to whom the request is directed must provide the requested information within 10 business days whenever, within their respective responsibilities and according to legislation, it should have collected and processed this information. In all other cases the time limit is one month. In exceptional circumstances the time limit for making the information available may be extended up to two months.

Article 4, paragraphs 3 and 4

The request for access to environmental information can be refused when the public authority does not hold the requested information (Article 11, paragraph 1 of LAIA).

Pursuant to Article 8 of LAIA, if the request is formulated in general terms, the public

authority shall invite the applicant to formulate it in a precise manner, providing assistance for such.

Pursuant to article 11, paragraph 2 of LAIA, when the application relates to proceedings in progress, unfinished documents and data or internal communications, access is deferred until the decision is made or the procedure filed away.

Article 11, paragraph 6 of LAIA establishes the situations in which the access request may be rejected for jeopardising the confidentiality of the process, international relations, public security or national defence, the confidentiality of any police investigation, business secrets, intellectual property rights, the confidentiality of personal data, the interests of those who may have provided the information and the protection of the environment.

Article 11, paragraph 7 of LAIA ensures that certain grounds for rejection may not be invoked when the request for information relates to environmental emissions, and paragraph 8 of the same Article states that the grounds for rejection must be restrictively interpreted.

Article 4, paragraph 5

Article 11, paragraph 4 of LAIA establishes that where a public authority is aware that the information is held by another public authority or is held on its behalf, it must immediately refer the request to that authority and inform the applicant.

Article 4, paragraph 6

Article 12 of LAIA determines partial access, i.e. "where it is possible to remove the information covered by paragraphs 2 and 6 of Article 11," relating to pending proceedings or subject to access restrictions, respectively.

Article 4, paragraph 7

Article 13 of LAIA states that within 10 business days of receipt of the application, the applicant is notified in writing of the total or partial rejection of the request for information, stating the reasons for rejection as well as information on the appeal mechanisms established by LAIA.

Article 4, paragraph 8

Article 16 of LAIA defines how the fees should be charged for access to environmental information, predicting a 50% reduction for ENGOs and equivalent entities.

LADA, which alternatively applies, also governs this issue in its Article 12. The fees established by Order No. 8617/2002, of the Minister of Finance, published in the Official Gazette, Series 2, of 29 April, continue to be levied. Access to public registers or lists and looking up information held by public authorities is free of charge.

The fees payable for access to information in the GNR/SEPNA are regulated by Ordinance No. 1334-C/2010 of 31 December.

VIII. Obstacles encountered in the implementation of article 4

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.*

Nothing to report on this item.

IX. Further information on the practical application of the provisions of article 4

Provide further information on the practical application of the provisions on access to information in article 4, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?

Nothing to report on this item.

X. Website addresses relevant to the implementation of article 4

Give relevant website addresses, if available:

www.cada.pt

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Public authorities possess and update environmental information;
 - (ii) There is an adequate flow of information to public authorities;
 - (iii) In emergencies, appropriate information is disseminated immediately and without delay;
- (b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;
- (c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;
- (d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;
- (e) Measures taken to disseminate the information referred to in **paragraph 5**;

(f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

(g) Measures taken to publish and provide information as required in **paragraph 7**;

(h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

(i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

Articles 4 and 5 of LAIA (available in Portuguese, English and French on the CADA website <http://www.cada.pt/modules/news/index.php?storytopic=9&start=5>), with minor amendments, reproduce the wording of Article 5 of the Aarhus Convention and mould the general legal scheme regarding the collection and dissemination of environmental information.

The following assessment on each of the paragraphs of Article 5 of the Aarhus Convention indicates the legal schemes beyond the provisions of Articles 4 and 5 of LAIA, where each of the paragraphs of Article 5 of the Aarhus Convention has a corresponding standard casuistically applying to the collection and dissemination of environmental information related, for example, to environmental factors and data, to political, legislative and administrative measures and to the implementation of legislation.

Article 5, paragraph 1

The Portuguese authorities, based on the measures they have implemented and often as a requirement of Community law and international agreements, has been collecting and disseminating information on the environment for many years.

The practice of using indicators as a decision support base and public participation has become more widespread. The use of information and communication technologies, including databases and their dissemination via the internet, has become common practice.

Following the objectives established for the generalisation of electronic government (e-government), nearly all the public administration bodies of the State at central, regional and local government levels have websites and harness the potential of the internet and web 2.0 to better inform and raise the awareness of citizens and civil society organisations.

The implementation of the first pillar of the Aarhus Convention, whether strictly in the environmental field or in the sectors of activity interacting with it, has thus been facilitated.

Article 5, paragraph 2

The information made available is presented according to subject areas.

Climate

The Executive Committee of the Climate Change Commission (CECAC) was, until March 2012, the entity responsible for the operational implementation, monitoring and coordinating inter-ministerial policies on climate change (CC). This Committee was also responsible for management of the Portuguese Carbon Fund (FPC) and the duties of the Designated National Authority (DNA) for the mechanisms of the Kyoto Protocol (KP). After March 2012, all the duties of CECAC were transferred to APA (cf. <http://apambiente.pt/index.php?ref=16&subref=81>). Under international commitments on climate policy, Portugal is preparing the reports to the United Nations Framework Convention on Climate Change (UNFCCC) and the European Commission (EC) on the implementation of the measures, including five-year and ten-year emissions projections to

the year 2030, inclusive.

The following are submitted under the UNFCCC:

- National Inventory of greenhouse gases - GHG (Article 4 of the KP) - prepared annually and submitted by 15 April;
- National Communication (Article 12 of the KP) – drawn up every four years (the sixth was submitted by 31 December 2013).

As for the EC, the sequence of submission of the required reports was established by Decision 280/2004/EC, called the Monitoring Mechanism (MMD), which has since been repealed by Regulation (EU) No. 525/2013 of the European Parliament and the Council of 21 May. This legal instrument enshrines the submission of the following reports:

- National GHG Inventory (Article 7.2) - prepared annually and submitted at two different times. The draft version is sent by 15 January and the final version is sent by 15 March.
- GHG Projections and Information on Policies and Measures (Article 7.3) – a report prepared every two years (biennially), with a submission deadline of 15 March.

Moreover, this legal instrument describes the new climate policy reporting requirements, namely:

- Low Carbon Development Strategies for (Article 4) – the National Low Carbon Roadmap of Portugal was published in the 2nd half of 2012,
- Inventory System of the Union (Article 6);
- National and Union Systems for Policies and Measures and Projections (article 12);
- Separating planned and non-planned projections in the European Emission Trading System - EU ETS scheme (Article 14.1b).
- Communication of relevant information on National Adaptation Plans and Strategies (Article 15).
- Communication of information on the financial and technological support to developing countries (Article 16).
- Revenue obtained: Communication of the use of revenue obtained from sales by auction and credits by projects (Article 17).

Air

Improving air quality has been in Europe one of the great successes of European Community policy on the environment in recent decades, showing that it is possible to decouple economic growth from environmental degradation. However, despite the action taken there are still problems that persist and that need to be addressed. In this regard, Portugal has established an Air Quality Action Plan, which allows measures to be planned to ensure that air quality is kept within the recommended levels. It is possible to define a coherent and harmonised strategy to combat air pollution by upgrading and adapting existing legislation to the national reality. A key instrument to make these decisions possible, as in other matters, is the existence of basic information about air quality and atmospheric emissions. APA gathers and publishes on its website <http://www.apambiente.pt/index.php?ref=16&subref=82> a vast range of information based on which estimates for reduction efforts are drafted and compliance with national commitments is monitored and checked (cf. Article 5, § 3).

Water

The APA website <http://apambiente.pt/index.php?ref=16&subref=7> makes publicly available reference information on water resources (inland surface waters, transitional and

coastal waters and groundwater), on the licensing of their use and monitoring, including the preparation and public discussion of the respective management plans and programmes. The repository of all water-related information transferred from INAG to APA is found at <http://snirh.pt/> which has several searchable databases.

The LNEG geoportal <http://geoportal.lneg.pt/> makes available the database of Portuguese hydrogeologic resources and a glossary of hydrogeological terms – HIDROLEX.

Waste

APA, as the national waste authority, provides relevant information on its website <http://apambiente.pt/index.php?ref=16&subref=84> about the generation, management and prevention of waste, including:

- National reports of 2010, 2011 and 2012 on shipments of waste requiring notification to and from Portugal, under the powers of APA as National Competent Authority for the implementation of Regulation (EC) No. 1013/2006 of 14 June;
- The 2009 and 2010 Reports on the Monitoring of the Principle of Self-Sufficiency, on the performance of APA in its role relating to ensuring compliance with the Principle of Self-Sufficiency and Proximity, in accordance with the provisions of Article 4 of Decree-Law No. 178/2006 of 5 September, amended and republished by Decree-Law No. 73/2011 of 17 June;
- 2010 and 2011 update of the National Plan for Decontamination and Disposal of Polychlorinated Biphenyls (PCB), in compliance with Decree-Law No. 277/99 of 23 July, rectified by Rectification No. 13-C/99 of 31 August, amended by Decree-Law No. 72/2007 of 27 March, particularly in relation to the updating of data concerning the disposal and decontamination of equipment containing or contaminated by PCBs and by PCB-contaminated oils, pursuant to the terms and deadlines set forth in Directive 96/39/EC of the Council of 16 September; and making available the 2010 Guide to Good Practices for the Management of Equipment with PCBs;
- Monitoring reports of the Strategic Plan for Municipal Solid Waste (PERSU II), jointly prepared every year with ERSAR, between 2007 and 2010. Since 2011, APA has published an Annual Report on Urban Waste that includes the monitoring under PERSU II and other items related to the activity of Municipal Waste Systems Management;
- Sectoral status reports of data concerning the generation and destination of the waste produced, as well as processing infrastructure information. The monitoring report of the 2009-2016 Municipal Waste Prevention Programme (PPRU) was included in the Annual Municipal Waste Report, which includes both the monitoring under PERSU II and the monitoring of the PPRU;
- Draft Strategic Plan for Municipal Waste (PERSU 2020);
- "Rules and Procedures" - set of documents aimed at informing the general public about licensing procedures;
- Statistics on the production and management of waste covered by specific legislation.

The licences of the management entities licensed to manage specific waste stream management systems are still accessible.

Environmental responsibility

As part of the implementation of Directive 2004/35/EC of the European Parliament and Council of 21 April, amended by Directive 2006/21/EC of the European Parliament and Council, APA has published on its website the report on the experience gained with the implementation of Decree-Law No. 147/2008, of 29 July 2013, and the 2011 Guide to the Assessment of Imminent Threat and Environmental Damage (cf.

<http://www.apambiente.pt/index.php?ref=17&subref=157>).

Regulation of water and waste services

The Water and Waste Services Regulator (ERSAR) plays important roles in the context of Aarhus, such as analysing users' complaints and conflicts with the utilities providing public water supply services, urban wastewater sewerage services and municipal waste management on mainland Portugal, promoting conciliation and arbitration between the parties and taking the measures it deems necessary and urgent. It provides a telephone and e-mail contact service with service users to monitor and clarify issues related to the management of complaints.

ERSAR regulates the service quality of 385 utilities, implementing an annual cycle of quality of service regulation for each one. This cycle begins in January based on predefined procedures and specifications: the utilities access the ERSAR portal by a code between 1 and 31 March and select the service quality module, uploading about 50/60 data elements for each activity (supply, sewerage and waste) relating to the previous year. They can then view the data and the resulting indicators and can extract data and results reports. ERSAR then begins the process of validating that data, initially in its backoffice and then through local audits of the utilities. ERSAR then evaluates the service quality using a set of indicators regarding the adequacy of the user interface, sustainability of the management of the service and environmental sustainability. It analyses the evolution over time of each utility compared to the baseline; evaluates contradictions by utilities and considers possible changes in the assessment; it compares utilities with each other performing benchmarking by clusters and comparing with the reference values; it evaluates the evolution over time of each service quality indicator for all the entities.

ERSAR coordinates and undertakes the collection and dissemination of information on the sector, assessing the quality of the public water supply and urban wastewater sewerage services, as well as the management of municipal waste services through a set indicators on the adequacy of the user interface, sustainability of the management of the services and environmental sustainability. It promotes the comparison and public disclosure of the activity of the utilities for the public water supply and wastewater sewerage services, consolidating a culture of providing concise, credible information that is easy to interpret.

For this purpose ERSAR annually makes available to all stakeholders of the sector, including consumers, the Annual Report of Water and Waste Services (RASARP), available on its website <http://www.ersar.pt/website/>. The data in the databases that are the basis of this analysis are also immediately available to the public, free of charge. These data provide baseline information for the national statistical system for the monitoring and follow up of the sector's strategic plans (such as PEAASAR).

Nature Conservation, Biodiversity and Forests

ICNF, as part of its mission to promote and develop information regarding the enhancement and public recognition of natural heritage, makes available on its website www.icnf.pt an extensive set of general and technical information in the field of nature conservation and biodiversity and sustainable forest management. The information available on this site is diverse, particularly relating to land management plans (e.g. Protected Area Land Use Plans - POAP, Land Use Plans – POOC, or Regional Forestry Management Plans - PROF), the Natura 2000 network (geographic distribution, objectives, management models, etc.), protected flora and fauna species, regulations and guidelines for sustainable forest management (notably with regard to the Forest Management Plans - PGF), the annual information on areas burned by forest fires, different plans and initiatives to control forest pests and diseases, the phenomenon of desertification and how to minimise its impact, the "Business & Biodiversity" initiative, among others.

National Ecological Reserve

The aim of the National Ecological Reserve (REN), as set out in its legal system (Decree-Law No. 166/2008 of 22 August), is to protect natural water and soil resources, safeguarding systems and biophysical processes associated with the coast and terrestrial hydrological cycle, prevent and reduce the effects of degradation of the resupply of groundwater resources, the risks of marine floods, flooding, soil erosion and mass movement of slopes (landslips) and contribute to the ecological coherence and connectivity of the Basic Network of Nature Conservation.

The legal system of the REN establishes in article 6 therein the right to information and participation in procedures for developing the strategic and operational measures of the REN (achieved through the definition of the boundaries of the REN at the municipal level).

The website of the REN National Commission (CNREN) was created in January 2010 <http://cnren.dgotdu.pt/>. It provides corporate information to the public on legislation concerning the REN, updated information by municipality of all legislative acts related to defining the boundaries of the REN and also processes deposited with and available for inspection at the General Directorate for Land (DGT). It also provides the relevant data that formed the basis for the preparation of the nationwide strategic guidelines developed by the CNREN. The Technical Secretariat of the CNREN answers questions addressed to it in writing, by phone or by email, from public or private entities and from the general public, providing information regarding the REN. In addition to the information provided by the CNREN, the CCDR provide information on the municipal boundaries of the REN published in a Council of Ministers Resolution, usually accompanied by online tools on its webpages (cf. Infrastructure of Spatial Data of the Algarve IDEAlg <http://idealg.ccdr-alg.pt/ren.aspx>; georeferenced files of CCDR Alentejo at <http://gismapas.ccdr-a.gov.pt/ren/viewer.htm>; etc.).

Agriculture

The Office for Planning and Policy (GPP), under its mission to support the definition of strategic guidelines, priorities and policy objectives, and to coordinate, monitor and evaluate their implementation, integrating the environmental component and guidelines for sustainable land management and planning, makes available on its website (www.gpp.pt) sector-relevant information in terms of dissemination and support to citizens.

The General Directorate for Agriculture and Rural Development (DGADR), with the mission of promoting the enhancement, competitiveness and sustainability of agriculture and rural areas, has on its website (www.dgadr.pt) a wide range of information about the different areas it governs, which can be viewed by any citizen. An answer is always provided by letter, fax or email to the public or any organisation that requests it. This website makes available information on Mapping of Soils and Land Use Capability as well as other thematic maps available in analogue and digital format.

Coastal management

The Coastal Resource Management System (SIARL) formerly the Information System to Support the Re-establishment of Legality is an interactive tool for supporting decision-making which provides a global and local view, promoting the integration of entities and users, and promotes the continuous update of knowledge on coastal dynamics, with particular focus on coastal risks (cf. <http://www.siarl.igeo.pt/destaques.aspx>). It guarantees a closer relationship between the administration and the public, by providing updated information on this subject.

Geology

LNEG, besides the activities of dissemination to the general public on its geoPortal

<http://geoportal.lneg.pt/>, provides integrated geoscientific content of the national territory in digital format, streamlining its use and moving it closer to citizens as well as the support provided to decision-making centres. Several online databases related to energy, geology (including geo-sites), marine geology, groundwater and geothermal information are available at this Geoportal.

Chemicals

APA has taken part in various activities to disseminate information on chemicals, particularly by organising and participating in information sessions, making information available on its website (<http://apambiente.pt/index.php?ref=16&subref=85>), preparing and providing information summaries and material, and sending relevant information to specific audiences.

The following legislation was published in relation to Chemicals:

- Regulation (EC) No. 1907/2006 of the European Parliament and the Council of 18 December, concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH); its implementation in domestic law was guaranteed by Decree-Law No. 293/2009 of 13 October;
- Regulation (EC) No. 1272/2008 of the European Parliament and the Council of 16 December, concerning the Classification, Labelling and Packaging of substances and mixtures (CLP); its implementation in domestic law was guaranteed by Decree-Law No. 220/2012 of 10 October;
- Regulation (EU) No. 649/2012 of the European Parliament and the Council of 4 July, concerning the export and import of dangerous chemicals (PIC).

To ensure the provision of advice to manufacturers, importers, downstream users and any other interested parties regarding the respective responsibilities and obligations under REACH and CLP, the National Assistance Service was created, coordinated by the General Directorate for Economic Activities (DGAE) and the collaboration of APA and the General Directorate for Health.

Prevention of Major Accidents

As regards the provision of information to the public under the scheme to prevent major accidents and Decree-Law No. 254/2007 of 12 July (amended by Decree-Law No. 42/2014 of 18 March), APA keeps detailed and updated information on its website for the general public and operators of establishments covered by this legislation, such as establishments covered and related obligations, as well as several guidance documents and forms supporting the compliance with obligations (cf. <http://apambiente.pt/index.php?ref=17&subref=304>).

APA has also held meetings, information sessions and seminars on this topic, in addition to always being available to provide explanations in writing or by telephone.

In transposing Directive 2012/18/EU of the European Parliament and the Council of 4 July (the "Seveso III Directive"), the operators and entities involved in the implementation of the law were invited to participate in the six-year assessment of implementation of the law, either by being present at the stakeholder consultation session held in September 2013, or by sending their contributions to the implementation process. As a result of this assessment, one of the points identified as positive was the interaction with stakeholders as well as the production of guidelines and guidebooks to assist operators in implementing the law.

APA does not, although it is provided for in law, disclose the safety reports through publication on the APA website. These documents are available on request, subject to the provisions of legislation concerning access to environmental information and the possibility of such being confidential. It should be noted that this way in which APA works is aligned with the provisions of the "Seveso III Directive", which stipulates in its Article 14,

paragraph 2 that the safety report is made public on request.

The National Civil Protection Authority (ANPC) website also makes available to the public, under the Emergency Planning Information System, the external emergency plans of the establishments covered by Decree-Law No. 254/2007 (cf. <http://planos.prociv.pt>).

When risk situations occur that may affect persons, property or the environment, the ANPC issues warnings to the general public and press releases disclosing the possible effects and the respective self-protection measures.

Radiological Emergency

In the event of a radiological emergency, information is provided to the public in accordance with the provisions of Decree-Law No. 36/95 of 14 February, and Decree-Law No. 174/2002 of 25 July. This Decree-Law establishes the "prior information" that should ensure the population likely to be affected in the event of a radiological emergency is informed of the appropriate safety measures to take. The communication mechanisms in the event of accidents can follow various routes, with surveillance personnel 24 hours a day, 365 days a year. The response for this subject matter remains the same as that stated in the 2011 Report.

Portuguese cooperation

All relevant information about cooperation, language and culture is disseminated temporarily or permanently on the website of Camões, Cooperation and Language Institute, www.instituto-camoes.pt, including information on programmes, projects and cooperation initiatives, the most significant of which most closely associated with environmental policies, are the Portuguese versions of:

- Guide for OECD Policy Development "Mainstreaming Climate Change Adaptation into Development Cooperation", and
- CAD/OECD reference document "Applying the Strategic Environmental Assessment: Good Practice Guide to Development Cooperation".

Also noteworthy is the information included in the National Development Education Strategy (ENED), approved in September 2009. The overall goal of ENED is the promotion of "global citizenship through processes of learning and raising awareness of Portuguese society to development issues in a context of growing interdependence, having social change as the goal." This goal is divided in four specific objectives, corresponding to the four areas of activity, namely: capacity building and institutional dialogue; formal education; non-formal education; raising awareness and policy influence (advocacy and lobbying). It should be noted that ENED includes important references to environmental education and sustainable development education, when it comes to positioning Development Education in the group of "Education for...". In April 2010 the respective Action Plan was signed, involving public institutions and civil society organisations - including APA and the Portuguese Confederation of Environmental Protection Associations (CPADA), and it is subject to annual assessment (cf. <https://www.instituto-camoes.pt/sociedade-civil/educacao-para-o-desenvolvimento>).

In accordance with the cooperation protocol signed between the Ministry of Foreign Affairs and the Portuguese Platform of Non-Governmental Organisations for Development Cooperation, in 2001, a line of co-financing of NGO development education projects was created in 2005. More than 100 project proposals were supported between 2005 and 2013, in a total amount of around EUR 4.5 million. It should be noted that a significant number of these projects wholly or partially refer to the overall dimension inherent to different environmental issues, sustainable development and responsible consumption. It is to be highlighted that some of these projects have been promoted in partnership with environmental NGOs.

The area of resilience/disaster risk reduction was incorporated into the protocol signed with several private Portuguese foundations (Calouste Gulbenkian Foundation, EDP Foundation, Luso-American Foundation for Development and Portugal-Africa Foundation), with funding from Camões, with the goal of promoting access by NGOs to international sources of funding. This support mechanism for the preparation of projects (<http://www.gulbenkian.pt/section65artId2916langId1.html>) also provides NGOs and other civil society organisations with relevant systematic information on sources of international financing, especially in the environmental field (<http://financiamentointernacional.wordpress.com>).

Camões has funded many projects in developing countries, through the NGO Development Projects credit line, that promote access to environmental information by the population or public participation in the decision making process, including:

- The “Sustainable Management of Forest Resources in the Tarrafes de Cacheu Natural Park” project of the NGO MONTE;
- The “Urok Osheni! Conservation, Development and Sovereignty in the Urok Islands” project of the NGO Fundação Instituto Marquês Valle Flôr;
- The “Ethical tourism in Tutuala” project;
- Ahimatan ba Futuru - poverty reduction in East Timor through community-based tourism.

Also of note is the institutionalisation from 2005 of the Development Cooperation Forum, which is a space for promoting the coherence and complementarity of Portuguese cooperation, fostering reflection and dialogue between the State and civil society and providing for the emergence of joint projects, initiatives taken in partnership, proposals and opinions regarding cooperation policy, particularly in the context of sustainable development, involving agencies of central and local government and civil society.

Regional information

Under the scope of their duties and responsibilities, the Regional Coordination and Development Committees - CCDR - generally provide updated information on:

- Environmental matters:

- Environmental Impact Studies (EIA) subject to public consultation and respective Non-Technical Summaries (NTS);
- Environmental Impact Statements;
- Environmental Impact Decisions;
- Monitoring Reports;
- Regional inventories of atmospheric emissions;
- Annual Air Quality Reports.

- Spatial planning matters:

Following up on the preparation, monitoring and review of plans:

- Regional Spatial Plans (PROT),
- Municipal spatial plans (PMOT), which include
 - o Municipal Master Land Management Plans (PDM),
 - o Urban Development Plans (PU) and
 - o Detailed Plans (PU).

The CCDR Alentejo specifically provides updated documentary and cartographic information on the Regional Land Management Plan of Alentejo <http://webb.ccdr->

a.gov.pt/docs/ordenamento/.

CCDR Algarve provides information through a spatial data infrastructure of Algarve IDEAlg <http://idealg.ccdr-alg.pt> which adopts information and communication technology (ICT) and uses geographical information system (GIS) technology. The page for the PMOT contains features that provide for the interactive search of municipal master plans by municipality, by type, by the current status of such plans or by their location on the regional plan, as well as by the respective name. It also provides direct links to look up the legal instruments referred to in the available information for each plan.

Of note in 2013 in terms of administrative simplification is the fact that at the “One-Stop Entrepreneur Shop” <http://www.portaldaempresa.pt/CVE/pt/bde> a set of forms related to the application for licensing landfill projects was made available, with the collaboration of AMA, APA and the CCDRs.

Article 5, paragraph 3

The information on the environment is progressively available online in easy to access databases.

National Environment Information System (SNIAmb)

APA developed the National Environment Information System (SNIAmb) in 2010. It is an instrument that aims to optimise and streamline procedures for the collection, evaluation and communication of relevant and reliable information on the environment to support decision-making processes and the development and implementation of environmental policies and strategies and their integration into sectoral policies: http://sniamb.apambiente.pt/portalmetadados/index.php?option=com_content&view=article&id=14&Itemid=10&lang=pt

The SNIAmb currently includes three key tools: the Geographic and Document Metadata Portal, the Sustainable Development Indicators Portal and the Geographical Information Viewer.

National Water Resources Information System (SNIRH)

The National Water Resources Information System (SNIRH) is the national database and modelling system of the water resources monitoring network, which has been providing information on water resources since 1996. The SNIRH, composed of three sub-systems: SNIRH-LIT (coastal), SNIRH-JÚNIOR (youth) and SVARH (Monitoring and Alert System for Water Resources) - also provides thematic papers, technical reports, cartography, legislative instruments (national, European and world) as well as documents and photographs related to water resources (cf. <http://snirh.apambiente.pt/index.php?idMain=>).

The geographical information has been managed since 2007 by InterSIG, which consists of an information system based on the guidelines of the INSPIRE Directive. InterSIG organises and provides rapid internal access to all geographical information. It includes topics and charts that, depending on the access privileges held, can be made available in a simple manner to all users (general public and other government agencies) providing access to the most updated version of cartographical topics and enabling the establishment of links of geographical components with other information systems (cf. <http://intersig.apambiente.pt/intersig/index.aspx>).

The planning made to extend the information systems to other areas (permits to use water resources, for example), as referred to in the 2011 Report, or the maintenance of others (like INSAAR - National Inventory of Water Supply and Wastewater Systems), has been affected by the ongoing budget restraint and the corresponding organisational adjustment resulting from the merger of entities.

AIA Digital - Information System on Environmental Impact Assessments

Decree-Law No. 151-B/2013 of 31 October, like the legal framework which it repealed, assigns to APA the role of the national EIA authority responsible for ensuring the coordination and technical support under the referred legislation. It is the responsibility of APA, as the national EIA authority, to organise and maintain a system of information on EIA. This agency, therefore, publishes on its website all information relating to EIA processes, both those in the public consultation phase and those on which a decision has already been reached.

Integrated Environmental Licensing System (SILiAmb)

Administrative simplification and the computerisation of processes are key challenges to promote economic growth, competitiveness and quality of life of citizens. Environmental licensing involves several stakeholders, where users, citizens or corporate bodies stand out as agents interested in engaging in activities with an environmental impact. The State is also involved, which has responsibility that begins on receipt of requests to use, followed by its expert analysis based on multiple criteria and subsequent decision. The decisions of the State are based on legislation and factors related to planning and management.

The Integrated Environmental Licensing System (SILiAmb) placed this relationship between users and State on an electronic platform where, in addition to systematically steering the process data, it is possible to streamline the expert analysis and improve communication between the parties, reducing bureaucracy and enabling the provision of a better quality, faster and nationally harmonised service. It was developed to enable the reduction of red tape, standardisation, simplification and streamlining of licensing procedures for the different areas of expertise of APA - currently includes the licensing of water resource uses with greater demand and two components of the waste area: the reporting of Transboundary Movements of Waste, with regard to "green list" waste, and the gradual integration of the Integrated Electronic Waste Registration System (SIRER), which already includes the forms of the Integrated Registration Map for Waste (MIRR).

It was presented on 23 October 2012, a date that also marked its public disclosure: <https://siliamb.apambiente.pt>

The commissioning of this platform ensured a range of benefits in the licensing of water resources, which include:

- Easy access, easy to use and precise indications for each type of use in accordance with legal requirements, reducing the time private individuals and businesses spend on submitting applications;
- Standardisation of forms nationwide;
- Harmonisation of evaluation criteria of the licensing process, although allowing some flexibility to include regional specificities;
- Expert analysis supported by the environmental constraints report, automatically obtained by geoprocessing, with the consequent reduction of the analysis periods and issue of utilisation permits;
- Systematisation and management of the collection of self-monitoring data on a single platform;
- Greater transparency and consistency in the application of legal schemes in force;
- Easier data validation;
- Optimisation of APA's human and financial resources.

The current SIRER, supported on the Integrated Registration System of APA (SIRAPA) and on SILiAmb constitutes a uniform mechanism for recording and accessing data by the

State about the various types of waste, replacing the previous paper-based record systems and charts. The registration requirement remains, for that purpose, the responsibility of waste producers and entities operating in the waste transport and management sector. Although the data recorded in SIRER does not become automatically available for inspection by the public, this system provides the data needed to build reports with data about waste or to answer specific requests.

Information System on Waste Management Operations Licensing (SILOGR)

The Information System on Waste Management Operations Licensing (SILOGR) is a computer application that aims to facilitate access to relevant data about companies licensed to develop waste management operations, with a view to the correct routing of waste and its adequate management. The data made available do not replace or take precedence over the licences/permits issued by the respective licensors.

Coastal Resource Management System (SIARL)

SIARL is a system that is based on geographical information, relating to a geoportal associated with a database (cf. <http://www.siarl.igeo.pt/destaques.aspx>).

It is organised into modules for the systematic registration of information, namely:

- Occurrences in the water domain (e.g. accidents);
- Coastal interventions, including actions that involve investment (such as coastal defence works and interventions in areas at risk);
- Land use and occupation, through the centralising of access to decisions of central and local government relating to land management;
- Easements (rights of way) and restrictions;
- Documents of interest to knowledge about the coast and of geographical significance.

Database on air quality (QualAr)

Air quality information has been made available daily on the APA website since 2001, and the online QualAr database (www.qualar.org) has been implemented. That database gives access, almost in real time, to the concentrations of various pollutants measured at all the stations of the mainland and islands, those exceeding the threshold for providing information to the public and/or the alert thresholds. It also gives access to the information archive concerning the characteristics of the stations and the statistical processing of the validated data.

The QualAr database includes an information processing and analysis component in order to provide the public with an easy to read index on air quality (IQAR). IQAR has five categories, from "Very Good" to "Bad". It reflects the concentration values of different pollutants measured at various monitoring stations in a particular zone/population cluster and, based on a classification matrix, assigns to these the grade of the pollutant with the worst score. The IQAR is continuously updated during any day and displayed graphically on the map of zones and population clusters.

QualAr also started to provide daily information on the rates and levels envisaged for inhalable particles and ozone since 2008, as these are the most problematic pollutants, due to the levels recorded in Portugal and their possible effects on human health. The publication of the forecast of air quality for the day is done via the envisaged scale, indicating the associated colour for the seven districts of the country.

With regard to information to the general public concerning values in excess of the information and alert thresholds, besides the reporting through QualAR, a procedure was established making it the responsibility of the CCDR to send real-time faxes/e-mails to

various local/regional/national agencies and media entities when such events occur, to better disseminate the occurrence among the public, technicians and decision makers.

Also published on the website of APA are reports of the results of continuous scrutiny of the self-monitoring of air pollutants, with information from the universe of sporadic sources that meet legal requirements, the analysis of non-conformities and the monitoring regime, as well as the assessment of trends.

National inventories of atmospheric emissions

The APA is responsible for the coordination, annual preparation and online availability of national inventories of atmospheric emissions include greenhouse gases (GHG) and respective carbon sinks, acidifying substances and other air pollutants. The CCDR are responsible for regional inventories of the area under their territorial jurisdiction and the dissemination of the results.

The National System of Air Pollutants Emissions and Removal Inventory (SNIERPA) includes an entire set of institutional and legal responsibilities and the definition of procedures intended to ensure the emissions estimate has a high level of confidence, its timely reporting in compliance with legal obligations on the matter, the archiving of all relevant information and access of the public to information related to inventories.

Air Radioactivity Continuous Surveillance Network (RADNET)

Information on the results of online and real-time measurements of RADNET is permanently available to the public on the APA website <http://sniamb.apambiente.pt/radnet/>.

Information System on Natural Heritage (SIPNAT)

SIPNAT is created according to the legal scheme for the Conservation of Nature (Article 28 of Decree-Law No. 142/2008), consisting of the inventory of biodiversity and geological heritage present in the territory and in waters under national jurisdiction. The national authority for nature conservation and biodiversity (ICNF), in conjunction with other state agencies and with the competent authorities of the Autonomous Regions of the Azores and Madeira, is responsible for fostering the development of SIPNAT, validating the information contained therein and ensuring its management and public disclosure: <http://www.icn.pt/sipnat/> (version 3 undergoing modernisation).

The National Register of Classified Natural Assets is created through Article 29 of Decree-Law No. 142/2008. This is an archive of information on natural assets and the plant or animal species that are classified in an endangered category. This article provides for the updating of the Register every four years and whenever this is justified for reasons of nature conservation and biodiversity. The respective proposed update is subject to public consultation, promoted by the national authority. In the preparation of the update proposal, the national authority shall take into account the proposals made by any public or private individual or entity, duly substantiated by scientific information.

The SIPNAT Modernisation project aims to upgrade the version available online, making it a reference at national level for the information related to the natural heritage, extending it to other areas of knowledge (e.g. Land Planning, Landscape, Geological Heritage, Animal Planning, Rural fires, among others). It will include descriptive and geo-referenced information on these subjects, ensuring the means for its permanent update and its availability / interoperability with the general public, also creating conditions for the public provision of the Inventory of Biodiversity and Geological Heritage and the National Register of Classified Natural Assets. The development and inclusion of a geoportal is considered an asset. This project arises from NSRF / SAMA funding - National Strategic Reference Framework/System of Grants for Administrative Modernisation.

The recipients/potential beneficiaries of the new version of SIPNAT are the decision makers, the scientific community, the school community, reference institutions (such as State laboratories), public administration, companies, interest groups (such as environmental non-governmental organisations), private individuals and the general public.

National Forest Inventory (IFN)

The ICNF is responsible for the IFN. It is a process of a statistical and mapping nature that aims to assess the abundance, status and condition of national forest resources in mainland Portugal. The production of statistics in the IFN is based on sampling processes, which are performed at different stages that comprise the overall task of the Inventory.

The IFN, currently in its 6th edition, follows on from previous years, thus allowing the evaluation of the temporal evolution of the status and use of forest resources. The ICNF website (www.icnf.pt) provides information on this topic.

National ICNF Information System (SNI-ICNF)

The SNI-ICNF is in the phase of analysis of processes and implementation under the Legal Scheme of Forestation and Reforestation (Decree-Law No. 96/2013 of 19 July). This is a project of national scope that will provide this entity with a computer system that will include all forestation and reforestation applications and the respective description, facilitating the harmonisation of procedures and analysis of conditions for issuing an opinion, thus fostering sustainable land management. This system will allow the applicants to make their requests for forestation and/or reforestation and monitor their development, since it will automatically connect to the licensing entity. Moreover, the system will ensure coordination among services of the State and a faster and more effective public service.

The SNI-ICNF will allow the development of modules, according to the defined priorities. The development of the permanent forest fund module and fund for nature conservation and biodiversity management is anticipated. This module will permit the receipt and analysis of applications, receipt and review of payment requests, management of related processes (beneficiaries, guarantees, controls, recovery of funds), and obtain monitoring reports (status, type of decision, physical and financial indicators).

It is also to be noted that under the SNI-ICNF a tool for providing geographic information that ICNF is responsible for is also being developed, based on the structure of the INSPIRE European Directive (Infrastructure for Spatial Information in Europe). It can make available in a simple manner to all users (general public and other government agencies) depending on the access privileges held, providing access to the most updated version of the relevant topics.

National Geographic Information System (SNIG)

The General Directorate for Land (DGT) has existed since October 2012, following the merger between the Directorate-General for Spatial Planning and Urban Development and the Portuguese Geographical Institute. The new Spatial Planning, Urban Planning and Geographical Information site became operational in 2013: <http://www.dgterritorio.pt/>.

In this context, the DGT is responsible for the coordination and development of SNIG http://www.dgterritorio.pt/sistemas_de_informacao/snig/, National Infrastructure of Spatial Data (SDI) that aims to provide, from several points of access, the ability to search, visualise and explore spatial information about the country. It is also a space of contact that helps streamline, coordinate and organise the activities related to this topic in Portugal and also in the context of the INSPIRE Directive.

DGT is the national contact point for the INSPIRE Directive. In developing the SNIG and preparing the application of this Directive, networks of contact points and metadata managers were created that, actively participating and articulated, allow the establishment

of harmonised bases of national metadata and the pursuit of the goals of SNIG and INSPIRE.

National Territorial Information System (SNIT)

The SNIT, in operation since 2008, includes all land management instruments in force that are registered or deposited in the DGT, which happened just before the end of the first year of operation. The improved functionality and expansion of the content of SNIT occurs continuously, following the developments of the latest technologies in these areas (cf. http://www.dgterritorio.pt/sistemas_de_informacao/snit/).

Irrigation Information System (SIR)

The Irrigation Information System (SIR) is a website under the responsibility of DGADR, the National Irrigation Authority, which has a compilation of information concerning national irrigation, particularly regarding its public part, i.e. the hydro-agricultural irrigation projects of the initiative of central government (cf. <http://sir.dgadr.pt/>). The SIR has available a set of useful information not only for farmers, but for all types of general public, such as:

- General Cartography
- Thematic Cartography concerning Irrigation
 - o Irrigation vs. Aridity index
 - o Irrigation vs. Nature Conservation Areas
 - o Irrigation vs. Susceptibility to desertification
 - o Irrigation vs. Arid areas (2004-2006)
 - o Irrigation vs. Less Favoured Areas (EAFRD)
 - o Rehabilitation / modernisation needs
 - o Water reserve in reservoirs
 - o 2012 drought
 - o Monitoring the irrigation campaign
 - o Monitoring the water level of reservoirs
 - o Change in the water level of reservoirs

National Rural Network (RRN)

The National Rural Network (RRN) is a structure linking agents with active roles in rural development, which aims to disseminate and share information, experience and knowledge with the objective of improving the implementation of programmes and measures for the development of rural policies and the qualification of the intervention of the agents involved in rural development. The RRN interacts with the European Network for Rural Development and with the rural networks of other Member States. It is operated under the DGADR, developed by a Technical Organisation (ETA) which includes a central unit (DGADR) and regional focal points (Regional Directorates of Agriculture and Fisheries, on mainland Portugal, and Regional Offices in the Autonomous Regions). Network activity has a strong component connected with public access to information on Rural Development which, from the perspective of sustainability, includes the environmental dimension intrinsically linked to the economic and social dimensions. Hence, the Action and Communication Plans of the RRN predict the identification, analysis, sharing and dissemination of content on various topics, which also ties in with the environmental nature, namely the conservation of nature and wild and domestic biodiversity, efficient use

of soil resources, water and energy and factors of production, waste management, mitigation and adaptation to climate change, marketing in small circuits, local products and quality systems, innovation and entrepreneurship, diversification of agricultural activities, rural tourism, the built, cultural, natural and scenic rural heritage, governance, etc. The content is posted on the RRN website (cf. www.rederural.pt) and then disseminated through the members and the general public. In terms of the environment, the RRN website has specific areas for the dissemination of good examples of national projects in rural areas, the disclosure of the RRN initiatives (approximately 10% of them directly related to environmental matters), marketing in small circuits, the European Innovation Partnership for Agricultural Productivity and Sustainability, as well as a Resource Centre (<http://www.rederural.pt/index.php/pt/centro-de-recursos>) organised by thematic areas, giving access to information related to rural development (products resulting from RRN initiatives, studies, reports, conclusions of seminars, manuals and methodological documents, etc.). The ETA is also responsible for publishing a thematic magazine and fortnightly publication of an electronic newsletter.

At the regional level, the CCDRC developed the Data Centre in 2010, the IT platform of the monitoring system and assessment of the situation in the Central region. This is an investment in a public information service, unique at region level, easy to use and aimed at a diverse target audience. It is organised by major fields (Central Region, NSRF, Economic, Europe and CCDRC), and integrates over 800 statistical indicators of different sources of information, which can be combined according to the needs of the user or accessed through predefined tables for different levels of geographical breakdown. The highlights of the environmental area are topics such as air quality, air emissions, projects subject to EIA and Assessment of Environmental Issues, surveys carried out in different contexts, issuing reports and permits, production of industrial and municipal waste and municipal treatment infrastructure.

Article 5, paragraph 4

State of Environment Report (REA)

In Portugal, according to Law No. 11/87 of 7 April – Framework Law on the Environment – a report is presented to Parliament, along with the Major Options Plan of each year, on the state of the environment in Portugal in the previous year. The annual preparation of REA and a White Paper on the State of the Environment (every five years) is governed from 2014 by the new Law on the Environment (Law No. 19/2014 of 14 April).

This report is now published and disseminated by the Ministry responsible for the Environment and through APA, which ensures the collection, processing and analysis of environmental information, proceeding with the annual preparation and provision of the REA <http://www.apambiente.pt/index.php?ref=19&subref=139&sub2ref=460>

The national REA, produced for over 20 years, has slowly become a reference tool in this context. The first REA was published in Portugal in 1987 and, since then, these reports have been published annually, seeking to follow major international trends and practices in this field.

System of Indicators for Sustainable Development (SIDS)

The SIDS arose to respond to the need to assess the country's progress in sustainability, permitting its connection with key strategic levels of decision - policies, plans and programmes – of the national, regional and sectoral level.

The work developed over the years in this area by APA, and reflections and comments received on the first edition of a proposal in 2000, resulted in the publication of "SIDS Portugal" in 2007.

SIDS Portugal is available on the APA website at <http://www.apambiente.pt/index.php?ref=19&subref=139&sub2ref=503>.

Following the recommendations resulting from the methodological review of the REA and SIDS Portugal conducted by APA in 2006, other material to disseminate sustainable development indicators has been produced, such as brochures with key indicators with the main findings of the REA. The Indicare quarterly newsletter was also produced between 2007 and 2012, which is still available online, although it has been discontinued.

Article 5, paragraph 5

The online edition of the Official Gazette - the official report of legislative acts in Portugal – is fully official and valid since 1 July 2006 and the publication of legislation through it is effective for all legal purposes: <https://dre.pt/>. APA, through the Document Information System on Environmental Law (SIDDAMB) - <http://siddamb.apambiente.pt> - facilitates free consultation of national legislation on the environment published up to November 2008. It consists of a documentary information database on environmental law, full-text and relational structure, integrating national, EU and international law, national and European jurisprudence and doctrine, as well as the legal document analysis system. It was discontinued due to the fact that the electronic publication of the Official Gazette has been gradually providing many of these tools.

In general, all bodies of the State administration, at the level of their territorial and sectoral expertise, disseminate current legislation as well as the respective plans, programmes, strategies and policies.

APA provides, regarding the plans and programmes that impact on the environment and land areas, and under the procedures provided for in the respective strategic environmental assessment scheme, online information of concluded processes at <http://sniamb.apambiente.pt/AAEstrategica/> supplemented by information provided by DGT through SNIT <http://www.dgotdu.pt/channel.aspx?channelID=144EE72D-18A4-4CCA-9ABA-7303CDEAA0C6>.

Article 5, paragraph 6

For an environmental policy to be effective it is necessary and even indispensable to support the mechanisms of voluntary membership, which advocate and rely on good sustainability practices - information, transparency, accountability; examples of this are ISO 14001 environmental certification, EMAS registration, EU Ecolabels or even awards such as the Blue Flag of Europe (for beaches, pleasure boat ports and marinas, and pleasure craft), ECO XXI (for municipalities), the Green Key (for hotel units), etc.

With regard to the ISO 14001:2004 standard, up to 1 March 2013, 903 certifications were awarded in Portugal by the eight existing certification bodies, accredited in the Portuguese Quality System.

Two registrations were made in Portugal under the EC Eco-Management and Audit Scheme (EMAS) in 2012. At the end of this year, 62 organisations were registered (which corresponds to a total of 110 registered activity sites). Two new registrations and one extension of a registration were awarded by September 2013, making a total of 59 registered organisations (which corresponds to a total of 115 registered activity sites).

Of note in relation to environmental labelling is the EU Ecolabel System (Regulation (EC) No 66/2010 of the Parliament and the Council of 25 November) as a market instrument, also voluntary, which aims to stimulate supply and demand for products and services with reduced impact on both the environment and health during their production and consumption, promoting products and services with high environmental performance. In Portugal, 18 ecological labels had been assigned to products of 16 different companies by 30 August 2013.

The ecodesign of products is an essential element of the EU strategy for the 'Integrated Product Policy', which is considered a preventive approach aimed at optimising the environmental performance of products while preserving their functional and safety characteristics, and cannot have negative impacts on health or increased costs for consumers. The Ecodesign Directive (Directive 2009/125/EC of the European Parliament and Council of 21 October) is a Framework Directive, which is considered a fundamental component of European policy to improve the energy and environmental performance of products in the domestic market not directly introducing mandatory requirements for specific products, but merely setting the conditions and criteria for the introduction of "Implementing measures". The Ecodesign Directive is complemented by Directive 2010/30/EU of the European Parliament and the Council of 19 May, on the indication of the consumption of energy and other resources by energy-related products, through labelling and standard indications concerning the products. In this context, the European Commission established a Work Plan for the 2012-2014 period, to improve the energy efficiency and environmental performance of products throughout their life cycle. It considers 18 priority products and has the main objective of the reduction of CO2 emissions and reducing energy consumption.

IGAMAOT, under measures to encourage operators of facilities with environmental impact to improve the environmental performance of their activities or products, has implemented risk analysis systems for planning inspection activities at IPPC installations and WWTP serving populations of more than 10,000 inhabitant equivalents. Also implemented is a system of risk analysis for economic agents covered by the REACH Regulation in respect of some sectors in which this Regulation applies. Currently under way is the development of a system of global environmental risk analysis, a risk analysis system for operators covered by the Seveso directive and a system of risk analysis for operators managing electrical and electronic waste, thus widening the scope of activities in which the planning of the inspection activity is performed based on an analysis of systematic risk, to direct resources to areas that have a higher risk.

The use of the tool for informal conflict resolution and strategic communication with industry associations representing the sectors of activity that have been the subject of action by the IGAMAOT tool has permitted an increase in the awareness of operators to the environmental impacts associated with incorrect conduct, thus enhancing legal compliance. The activity of IGAMAOT is reflected on the website www.igamaot.gov.pt and in published documents.

IGAMAOT also has an ongoing multiyear objective to "improve the integration of companies and the population in environmental terms at the Sines Light Industrial Zone and Estarreja Industrial Zone", which aims to promote cross-communication involving the central authorities, companies, local authorities and the population, especially in the industrial areas in question, where the businesses and the surrounding community are geographically close to each other, and where there are several complaints about the respective activity. This project also aims to promote inter-company communication, which is beneficial - especially if they are located in the same geographical area – as it aids in identifying common hazards and measures for joint action, maximising and coordinating prevention measures to ensure the protection of the environment and human health. IGAMAOT is implementing two methods of the IMPEL network to develop this multi-year goal:

- Informal resolution of conflicts, constituting a methodology that is proven and effective in solving environmental issues of industry/population antagonism, which aims to achieve compromise solutions in a consensual manner;
- Assessment of the performance of companies based on their compliance management systems (SBS - based supervision system), which is an innovative approach in which the inspection authorities perform the supervision of the management systems implemented by companies through a methodology audit that assesses the quality levels of the internal control of the operator and its risk management, thus gauging the level of self-regulation and the degree of legal compliance achieved (goal-setting).

In the area of forest management, ICNF is the sector's standardisation body (ONS) for Sustainable Forest Management, according to the protocol of cooperation in the field of standardisation between the national standardisation body, Portuguese Institute of Quality, and ICNF. Accordingly, ICNF and in its capacity of ONS, is responsible for the coordination of the Technical Committee of Standardisation for Sustainable Forest Management (CT 145), an entity aimed at standardising the definitions and requirements for sustainable forest management in which individual and collective entities interested in these matters participate on a voluntary basis, organised into three areas: environmental, economic and social, and ensuring public participation in this topic.

Article 5, paragraph 7

The generalisation of online communication and information and the increasing penetration of the internet have facilitated the implementation of the objectives of the Aarhus Convention.

The APA website has a page exclusively devoted to the Aarhus Convention <http://www.apambiente.pt/index.php?ref=16&subref=142&sub2ref=726&sub3ref=727>

Article 5, paragraph 8

For more effective communication that makes it easier for consumers to make sound environmental choices, the General Directorate for Consumers institutionally promotes the consumer website at www.consumidor.pt which includes concerns for sustainability.

The civil society organisations include DECO, the consumer association, which also provides specific information on the environment: <http://www.deco.proteste.pt/>

Environmental NGOs have also performed extensive work in this field, such as Quercus (Eco-home project <http://www.ecocasa.pt/>) and the daily media shows: on the TV "Green Minute" and on the radio "One minute for the Earth" and GEOTA ("Oceans Campaign", with Greenpeace, aimed at retailers and consumers, with the goal of creating sustainable fish markets <http://www.greenpeace.org/portugal/pt/O-que-fazemos/Campanha-Dos-Oceanos-Mercados-em-Portugal/>).

Article 5, paragraph 9

In Portugal, the PRTR Protocol to the Aarhus Convention - Pollutant Release and Transfer Register applies through Community law: Decision 2006/61/EC of 2 December 2005, with implementation defined in Regulation (EC) No 166/2006 of 18 January 2006. In domestic law, Decree-Law No. 127/2008 of 21 July, amended by Decree-Law No. 6/2011 of 10 January ensures performance and compliance with the obligations of the Portuguese State under the PRTR Regulation.

On 31 March 2011, Portugal responded to the triennial survey of implementation of the European PRTR for the years 2007-2009. Note that the response sent only includes the mandatory part of the questionnaire related to PRTR Regulation; the optional part relates to the PRTR Protocol. More information is available on the APA website <http://www.apambiente.pt/index.php?ref=17&subref=156>

The integrated collection of environmental data in a context of simplifying the relationship between citizens and businesses with the State, and to facilitate the communication of environmental data by operators, is made on the SIRAPA Platform (Integrated Registration System of APA) through the Single Report (RU), established by Article 28 of Decree-Law No. 173/2008 of 26 August. The RU currently aims to ensure the collection of environmental information resulting from obligations under the PRTR and Integrated Pollution Prevention and Control (IPPC) legislation (cf. <http://www.apambiente.pt/index.php?ref=17&subref=156&sub2ref=350>).

XII. Obstacles encountered in the implementation of article 5

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.*

The constant evolution of the REACH and CLP regulations of the EU in the area of chemicals requires an additional effort in terms of disclosure by Member States, to ensure that the public and especially businesses have access to permanently updated information.

XIII. Further information on the practical application of the provisions of article 5

*Provide further information on the **practical application of the provisions on the collection and dissemination of environmental information in article 5**, e.g., are there any statistics available on the information published?*

Nothing to report on this item.

XIV. Website addresses relevant to the implementation of article 5

Give relevant website addresses, if available:

ANPC - National Civil Protection Authority - www.proteccaocivil.pt
APA - Portuguese Environment Agency – www.apambiente.pt
CADA - Committee on Access to Administrative Documents – www.cada.pt
Camões - Cooperation and Language Institute - www.instituto-camoes.pt
CCDR Alentejo - Regional Development and Coordinating Committee of Alentejo – <http://webb.ccdr-a.gov.pt/index.php>
CCDR Algarve - Regional Development and Coordinating Committee of Algarve – www.ccdr-alg.pt
CCDR Central Portugal - Regional Development and Coordinating Committee of Central Portugal – www.ccdr-pt.com
CCDR LVT - Regional Development and Coordinating Committee of Lisbon and Tagus Valley – www.ccdr-lvt.pt
CCDR North Portugal - Regional Development and Coordinating Committee of North Portugal – www.ccdr-n.pt
CNA - National Water Council – <http://conselhonacionaldaagua.weebly.com/>
CNADS - National Council for the Environment and Sustainable Development - www.cnads.pt
DGADR – General Directorate for Agriculture and Rural Development - www.dgadr.mamaot.pt
DGAE – General Directorate for Economic Activities – www.dgae.min-economia.pt
DGC - General Directorate of the Consumer - www.consumidor.pt/
DGEG – General Directorate for Energy and Geology - www.dgeg.pt

DGPJ – General Directorate for Justice Policy - www.dgpj.mj.p

DGPM - General Directorate for the Policy of the Sea – <http://www.dgpm.mam.gov.pt>

DGRM – General Directorate for Natural Resources, Maritime Services and Security – www.dgrm.min-agricultura.pt

DGS – General Directorate for Health - www.dgs.pt/

DGT – General Directorate for Land - <http://www.dgterritorio.pt/>

DR – Electronic Official Gazette - <https://dre.pt/>

ERSAR - Water and Waste Services Regulator – www.ersar.pt

GEE - Strategy and Studies Office - www.gee.min-economia.pt

GNR - Police - www.gnr.pt/

GPP - Planning and Policies Office – www.gpp.pt

ICNF - Nature Conservation and Forestry Institute – www.icnf.pt

IGAMAOT - General Inspectorate of Agriculture, Sea, Environment and Spatial Planning – www.igamaot.gov.pt

IMT - Institute for Mobility and Transport - www.imtt.pt

INAC - National Civil Aviation Agency - www.inac.pt

INE - National Statistics Agency - www.ine.pt

INPI - National Industrial Property Agency – <http://www.marcaspatentes.pt>

IPMA -Portuguese Sea and Weather Agency – www.ipma.pt

LNEC - National Civil Engineering Laboratory - www.lnec.pt

LNEG - National Engineering and Geology Laboratory - www.lneg.pt/

PJ - Justice Ombudsman - www.provedor-jus.pt/

SEPNA - Nature Protection and Environmental Service of the GNR - www.gnr.pt/default.asp?do=5r20n/DD.0n674rCn/an674rCn

TP – Portuguese Tourism Board – www.turismodeportugal.pt

XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
 - (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;
- (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;
- (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;
- (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;
- (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;
- (f) With respect to **paragraph 6**, measures taken to ensure that:
 - (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;
 - (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;
- (g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;
- (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;
- (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;
- (j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;

(k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Article 6, paragraph 1

Environmental impact assessment

As mentioned in previous reports, it has been sought through the processes of EIA of certain projects to continue to ensure the effective participation of citizens in decision-making on specific activities and promote the right to consultation and access to information on the environment. The entities responsible for managing these public participation processes are APA and the CCDR, with various other public bodies participating depending on the type of project and its implementation location.

New legislation about EIA was published in 2013 (Decree-Law No. 151-B/2013 of 31 October - amended by Decree-Law No. 47/2014 of 23 March) which, in line with previous legislation, confirms that the public concerned holds the right to participate in public consultation (cf. article 28 - article 31), reviewing the time limits for such – making them of shorter duration. (cf. article 15).

Chemicals

The REACH and CLP Regulations predict, in many cases, the sharing of information among stakeholders and the European Chemicals Agency (ECHA), through public consultations on proposals for:

- Testing on vertebrate animals for harmonised classification and labelling,
- The identification of substances of very high concern (SVHC),
- The inclusion of substances in Annex XIV (list of substances subject to authorisation),

as well as requests for authorisation and restriction proposals to be included in Annex XVII (restrictions applying to substances, mixtures and articles).

These public consultations are triggered by ECHA, and APA has fostered the participation of national stakeholders by publishing such on its website (<http://www.apambiente.pt/index.php?ref=19&subref=166&sub2ref=662>)

Stakeholder consultation under the REACH Regulation is also envisaged through the REACH Advisory Committee (CCREACH).

Prevention of Major Accidents

The setting up and modification of facilities covered by Decree-Law No. 254/2007 of 12 July (amended by Decree-Law No. 42/2014 of 18 March) requires the approval of APA relative to the Location Assessment Compatibility (ACL).

In the case of establishments subject to EIA, this procedure is integrated in the EIA procedure and public participation is made through public consultation, in accordance with EIA legislation.

For establishments whose projects are not covered by EIA, Decree-Law No. 254/2007 of 12 July (amended by Decree-Law No. 42/2014 of 18 March), states that the request for an ACL opinion is presented to APA for review and decision within 30 days, and APA may, within that same period, proceed with a public consultation. This procedure has not been implemented, notably for limiting the time period for issuing the opinion. It is being revised in the drafting of new legislation that will ensure the transposition into national law of Directive 2012/18/EU of the European Parliament and the Council of 4 July, the provisions of which shall come into force on 1 June 2015.

Nature conservation and biodiversity

In accordance with Natura 2000 network legislation - Article 10 of Decree-Law No. 49/2005 of 24 February - the actions, plans or projects not directly related to the management of a site on the national list of sites, a site of Community Interest, a special conservation area or a special protection zone, and which are not necessary for that management but likely to affect this area significantly, individually or in combination with other actions, plans or projects, should have their environmental effects assessed in relation to the conservation objectives of the said zone. The assessment of environmental effects envisages the following formats:

- EIA - the EIA procedure complies with the provisions of the relevant legislation, which safeguards public participation and the component of public access to information;
- Analysis of environmental impact - according to Article 10(7) of Decree-Law No. 49/2005, this procedure is preceded, where appropriate, by public consultation.

Article 6, paragraphs 2 to 6

The current legislation for EIA, SEA, IPPC, GMO, etc., provides that the public concerned is informed in an effective, timely and appropriate manner from the beginning of the decision-making process; that the deadlines are reasonable; that such run when all options are open, the public concerned is identified and it is provided the requested information free of charge.

Article 6, paragraphs 7 to 10

Nothing to report on these paragraphs of article 6. Compliance with the various specified requirements is confirmed (cf. for EIA <http://www.apambiente.pt/index.php?ref=17&subref=146&sub2ref=485>).

Article 6, paragraph 11

See Chapters XXXIII - XXXVII (Genetically Modified Organisms).

XVI. Obstacles encountered in the implementation of article 6

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.*

Nothing to report on this item.

XVII. Further information on the practical application of the provisions of article 6

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 6**, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.*

Chemicals

Public consultations on 36 proposals for harmonised classification and labelling, 28 proposals for identification of SVHC and 1 restriction proposal were published in 2011 by ECHA. Public consultations on 25 proposals for harmonised classification and labelling, 67 proposals for identification of SVHC, 13 proposals for inclusion of substances in Annex XIV and 5 restriction proposals were held in 2012 by ECHA.

Genetically Modified Organisms

In the period between 2011 and 2013 no notifications for releases of GMOs were presented. These provisions were taken into account during the reference period of the previous report, in which 4 notifications were submitted for deliberate releases of GMOs (2 in 2008, 1 in 2009 and 1 in 2010).

XVIII. Website addresses relevant to the implementation of article 6

Give relevant website addresses, if available:

www.apambiente.pt

XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

The Strategic Environmental Assessment (SEA) is a tool to support decision making that seeks to promote sustainable development. In accordance with national and Community legislation it contributes to the integration of environmental considerations into the preparation and adoption of plans and programmes with the involvement of public and environmental authorities.

Portuguese SEA legislation, which arises from the transposition of Directive 2001/42 and dates from 2007, is very flexible, focusing on procedural transparency and the responsibilities of the entities that develop plans or programmes. The Ministry responsible for the Environment assumes a regulatory role, while APA's role is to monitor the implementation of legislation and disseminate information, ensuring dialogue with the European Commission.

Public participation in the preparation of plans and programmes is formally ensured by the corresponding national legislation. Decree-Law No. 232/2007 of 15 June, amended by Decree-Law No. 58/2011 of 4 May, outlines the institutional reference framework for SEA at national level. The option was taken in relation to territorial management instruments (IGT) to maintain the pre-existing procedures under the land management and urban planning policy, adjusting them to the requirements of the SEA through Decree-Law No. 316/2007 of 19 September, with the amendments of Decree-Law No. 46/2009 of 20 February, which establishes the legal regime of IGT, defines and regulates the public participation process for each type of instrument, as well as access to information under the policy of land and urban planning.

Participation is open to the general public, including - in addition to associations and NGOs - all citizens "who may somehow have an interest or be affected" by the approval of plans and programs or for future approval of projects encompassed by such.

The public consultation lasts at least 30 days and is advertised by electronic means of communication, including by publication on the website of the entity responsible for preparing the plan or programme and by publishing adverts in at least 2 successive issues of a regional or national newspaper, when the scope of the plan or programme warrants such.

During the duration of the consultation, the draft plan or programme and the respective environmental report are available to the public at the locations indicated by the entity responsible for its preparation and in the municipalities of the area covered, or the CCDR in the case of national plans. Electronic means of publication may also be used if this is standard practice.

Approved plans or programmes, accompanied by the respective Environmental Statements are available to the public on the web pages of the entities responsible for their preparation. The results of further evaluation and control are also available to the public in the same way, at least on an annual basis.

APA is responsible for the overall processing of information relating to the environmental assessment. It holds a primary position in the dissemination of information on SEA through

the website <http://apambiente.pt/index.php?ref=17&subref=147>.

A Good Practice Guide for Strategic Environmental Assessment was published in 2007 <http://apambiente.pt/index.php?ref=17&subref=147&sub2ref=652>, which includes recommendations that communication strategies are adopted that ensure active involvement by different target groups that may be strategic in the successful implementation of the plan or programme. This guide was revised and updated in 2012 based on the experience of the first years of implementation of the legal framework, having focused on presenting practical aspects to promote good practices in order to contribute to improving SEA quality.

The website <http://apambiente.pt/index.php?ref=17&subref=147&sub2ref=659> also contains the Environmental Statements, other technical guides and examples of good practice.

The first assessment of the SEA in Portugal, published by APA in December 2010 <http://apambiente.pt/index.php?ref=17&subref=147&sub2ref=657>, highlights the strengths and weaknesses of the enforcement of the law and the implementation of good practices. The most interesting findings show that in environmental assessments conducted at the beginning of the enforcement of national legislation the concern was to meet the legal requirements, but this did not always translate into good practices. There is still some way to go until Portuguese society makes the most out of this tool, the potential of which is beginning to be traced out. In this field APA has been developing initiatives to promote good practices and improve articulation between entities.

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.

Several examples of public discussions of strategies, plans and programmes in the period covered in this report are presented:

Strategies and plans on energy and climate change

- Council of Ministers Resolution (RCM) No 20/2013 of 10 April approved the National Action Plan for Energy Efficiency (PNAEE) for the period 2013-2016 and the National Action Plan for Renewable Energy (PNAER) for the 2013-2020 period, and it revoked Council of Ministers Resolution No. 29/2010, which adopted the National Energy Strategy (ENE 2020). Underlying the preparation of that Council of Ministers Resolution was the document "Strategic Guidelines for the review of the National Renewable Energy and Energy Efficiency Action Plans", which was under public consultation until 31 July 2012. The 2016 PNAEE carries forward a good part of the measures established in the 2008 PNAEE, adding to or removing some of the actions envisaged, depending on their stage of implementation and potential cost. This Plan also includes measures established under the EU Energy Efficiency Directive. The main objective of the 2016 PNAEE is to plan new actions and targets for 2016, in conjunction with the 2020 PNAER, integrating concerns relating to the reduction of primary energy consumption in 2020, established by the Energy Efficiency Directive, based on three action areas:
 - o Adjustment of the energy efficiency measures to the current economic and financial context;
 - o Monitoring methods in accordance with European guidelines and the creation of a macro view of the impact of the National Energy Efficiency Programme;
 - o Redefining the governance model of PNAEE.

The 2016 PNAEE includes six specific areas: Transport, Residential and Services, Industry, State, Behaviour and Agriculture. These areas encompass ten programmes that integrate various measures to improve energy efficiency, oriented at energy demand.

The 2020 PNAER seeks to match energy supply with demand and revise the goal of every source of renewable energy in the national energy mix, taking into account, in particular, the maturity of the technology and its competitiveness. It establishes the paths for the introduction of renewable energy sources (RES) in accordance with the pace of implementation of the measures and initiatives planned in each of these sectors: i) electricity, ii) heating and cooling and iii) transport.

The lines of action of the 2020 PNAER focus on meeting the goal of 10% in the Transport field as well as identifying the technologies that should be given priority to supply the system if additional power is required to that from the RES.

Full implementation of the 2016 PNAEE will mean attaining the objectives of the Plan itself, as well as the goals set under the 2020 PNAER, namely 31% incorporation of RES in gross final energy consumption and 10% of RES in the Transport sector.

The current review of the PNAEE and PNAER takes into account the energy efficiency measures and promotion of renewable energy sources already listed in the National Climate Change Programme (PNAC), approved by Council of Ministers Resolution No. 104/2006 of 23 August, revised by Council of Ministers Resolution No. 1/2008 of 4 January.

- Portugal started a set of works in 2011 that have materialised in a National Low Carbon Roadmap (time horizon to 2050). This document was available for public discussion in 2012. This initiative seeks to undertake a serious and systematic reflection on the implications in the medium and long term of a path towards a competitive and low-carbon economy, exploring trajectories consistent with the long term objectives of the European Union in this area.
- APA is reviewing the National Climate Change Programme (PNAC), approved by Council of Ministers Resolution No. 104/2006 of 23 August, revised by Council of Ministers Resolution No. 1/2008 of 4 January, as determined by Council of Ministers Resolution No. 93/2010 of 26 November. The new PNAC aims to identify the policies, measures and instruments to adopt, sectoral responsibilities and the mechanism for monitoring and control, in order to address the limitation of emissions in sectors not covered by the European Emissions Trading scheme (EU ETS) between 2020 and 2030 and envisaging the horizon to 2030.

Thus, the identification of policies and measures to reduce emissions of greenhouse gases, the assessment of their individual reduction potential and the costs associated with implementation, are critical to the development of the PNAC. The determination of the contribution of policies and measures to reduce greenhouse gases emissions is envisaged through the modelling of national emissions in all sectors included in the national inventory of emissions (with the exception of the change in land use and forest sector) for the 2020 and 2030 horizon, based on socio-economic scenarios, energy demand and sectoral developments, consistent with the National Low Carbon Roadmap 2050 (RNBC20150). The modelling should include the identification of the expected individual impact (and, where relevant, the interactions between various measures) of each policy and measure in the same timeframe. This exercise should also identify policies and measures of a sectoral cost efficient nature and indicate expected effects, necessary conditions for implementation and monitoring data of this implementation.

The preparation of the new PNAC envisages the involvement of civil society in order to promote a coordinated response to climate change related issues.

- The National Strategy for Adaptation to Climate Change (ENAAAC), approved in 2010 by Council of Ministers Resolution No. 24/2010 of 1 April, aims to promote the increase of the levels of awareness of the impacts of climate change, to enable the

update and availability of scientific knowledge in this area and strengthen the measures to be taken by Portugal in order to control its effects. In this sense, four structural goals were established: (i) information and knowledge; (ii) reduction of vulnerability and increased response capacity; (iii) promotion of participation, raising awareness and dissemination; and (iv) development of international cooperation.

The chosen approach comprised the definition of strategic sectors and fields to identify the actions regarding sectoral adaptation in a more consistent manner.

The sector-specific components, in terms of vulnerability to climate change and the capacity to meet the challenges, were instrumental in the chosen model based on the development of the work of several groups conducted with sufficient autonomy so as not to be mutually limited. In this context, the strategy steering group was responsible for promoting the maximisation of the synergies and identifying the functional inter-relationships between some of the areas and sectors, while minimising any undue impacts between the adaptation measures identified for each field or industry.

The adoption of ENAAC established the conditions for an integrated and coherent approach to adaptation to climate change, both in public administration and different socio-economic actors through their involvement in the work of the sectoral groups set up.

Dissemination and communication were carried out by various sector-wide initiatives, through the intervention of the coordination in various national and international forums and through the dedicated website.

The Executive Committee of the Committee on Climate Change (CECAC) was in charge of the Steering Group, and the Portuguese Environment Agency (APA), through the Adaptation and Monitoring Division of the Climate Change Department is currently responsible. The Steering Group of ENAAC is composed of the coordinators of the industry groups, representatives of the Autonomous Regions, the National Association of Portuguese Municipalities, the Portuguese Ocean and Atmosphere Agency and Camões, Instituto da Cooperação e da Língua. Its articulation with the Autonomous Regions of the Azores and Madeira, which have autonomy in this matter, is envisaged. Eight meetings of the Steering Group have been held since the entry into force of ENAAC, complemented by bilateral meetings between APA and sectoral coordinators. A total of 60 participants were present in at least one of the eight meetings of the ENAAC Steering Group, representing 19 entities.

The 1st progress report of this strategy was published in September 2013, with the results of the work of many industry groups, which analysed the main vulnerabilities, knowledge gaps and priorities for action. This report also indicated the main lines of the strategy review, with a view to its implementation.

Plans and programmes for waste

The drafting of the National Plan for Waste Management (PNGR) <http://www.apambiente.pt/index.php?ref=16&subref=84&sub2ref=108> was accompanied by an environmental impact assessment procedure which resulted in an Environmental Report. Both documents were in public consultation for a period of about a month and a half. 11 contributions from individual citizens, associations, public and private entities were received, which are compiled and analysed in the Public Consultation Report. Opinions were requested of entities with specific environmental responsibilities in 2 separate stages of the environmental assessment, according to current legislation.

The PNGR is a tool for planning waste management policy setting strategic objectives of national scope and establishing the guiding rules to be defined by specific, necessarily more detailed, sectoral plans for waste management policy. The draft PNGR is presently being updated.

The specific waste management plans implementing the PNGR in each specific area of

activity are, in the horizon under consideration, at the following phases of SEA:

- The Draft Strategic Plan for Hospital Waste (PERH 2011-2016), and the Environmental Report were under public consultation which ran from 15 March to 26 April 2010. 10 contributions were received and prepared in accordance with the Public Consultation Report and the Environmental Statement, which culminated in the adoption of the Plan in 2011 (Ordinance No. 43/2011, of 20 January);
- The Strategic Plan for Industrial Waste Management (PESGRI), which defines the main strategy for the management of this type of waste in Portugal, is at the implementation phase.
- The National Prevention Plan for Industrial Waste (PNAPRI) is also being implemented.
- The Urban Solid Waste Strategic Plan 2007-2016 (PERSU II) is in the final stages of review, accompanied by an environmental assessment procedure. The Draft Plan (PERSU 2020) and the Environmental Report will be under public consultation in 2014. The entities that constitute the plan's monitoring committee will also be asked for an opinion on the progress of the environmental assessment, taking into account the fact that they have already made their contributions during the preparation of the Draft Plan. This document is available for viewing on the APA website: <http://www.apambiente.pt/index.php?ref=16&subref=84&sub2ref=933>.
- The Programme for the Prevention of Urban Waste 2009-2016 (PPRU), approved by Ministerial Order No. 3227/2010 of 22 February, was made available on the APA website in advance to collect opinions, in addition to direct consultation with various bodies holding responsibilities in the waste area. It was consequently reassessed after analysis. The implementation of the PPRU poses significant challenges for the Public Administration, as the entity responsible for fostering the implementation of policies and defining its legal and administrative framework, as well as other instruments necessary for its implementation, and also for the other actors in this process, whether these are entities responsible for waste management or other operators directly or indirectly active in the production-consumption chain. In this context, a Collaboration Agreement between APA, EGF, EGSRA and the Urban Waste Management Systems was signed on 27 November 2009, establishing the contributions and obligations of each party in this area. This agreement aims to strengthen the prevention aspect in the implementation of the Action Plans of the Systems, comprising the first step towards the implementation of urban waste management, seeking to contribute to the reduction of waste generation and to minimise the negative impacts of waste management. Other avenues of collaboration and partnership will also be sought, such as protocols / voluntary agreements to be concluded between APA and other public and private entities - including NGOs - to achieve these goals. Cooperation agreements were signed in 2010 under the PPRU between APA and the General Directorate for Economic Activities (DGAE), the Portuguese Association of Distribution Companies (aped) and the Association for Consumer Protection (DECO).

The referred plans and programmes were subject, prior to their approval, to consultation with CAGER - Monitoring Commission for Waste Management, which has the responsibility, among others, of monitoring the implementation and reviewing the plans for waste management.

All the environmental assessment draft plans, plans and documents are available on the APA website for viewing.

Plans and programmes on water resources

The Water Act (Law No. 58/2005 of 29 December, republished by Decree-Law No. 130/2012 of 22 June), supplemented by Decree-Law No. 77/2006 of 30 March, other regulatory instruments, transposing into national law Directive No. 2000/60/EC (the Water Framework Directive - WFD), governs the way in which the planning and management of

water resources should be developed
<http://www.apambiente.pt/index.php?ref=16&subref=7&sub2ref=9>. The following programmes and plans are to be highlighted in the period covered in this report:

- The main goal of the National Programme for the Efficient Use of Water 2012-2020 (PNUEA) is to promote efficient water use in Portugal, especially in the urban, agricultural and industrial sectors, helping to minimise the risk of water shortage and to improve environmental conditions in water resources without jeopardising the needs and the quality of life of populations, as well as the socio-economic development of the country. It associates the improvement of water use efficiency with the consolidation of a new water culture through which this resource is increasingly valued not only for its relevance to human and economic development but also for the preservation of the natural environment, in a perspective of sustainable development and respect for future generations. It also aims to achieve the reduction of the pollutant loads returned to water resources and the reduction of energy consumption, aspects that are highly dependent on water use. Public consultation occurred between 13 June and 31 July 2012. 13 contributions were received
<http://www.apambiente.pt/index.php?ref=16&subref=7&sub2ref=9&sub3ref=860>
- The River Basin Region Management Plans (PGRH) are tools for planning water resource management aimed at the environmental, social and economic protection and enhancement of water in river basins integrated into river basin districts under the responsibility of APA. The planning of water resource management is structured in six-year cycles, under the WFD and the Water Law. The first PGRH drafted under this framework are in force for the period 2009 to 2015. The programmes of measures should be reviewed and updated by 2015 and then subsequently every six years.
<http://www.apambiente.pt/index.php?ref=16&subref=7&sub2ref=9&sub3ref=834>. At the end of December 2012, the 2nd cycle of development of the PGRH began, starting with the public consultation of the works calendar and plan
<http://www.apambiente.pt/index.php?ref=16&subref=7&sub2ref=9&sub3ref=848>
- Public Water Reservoirs Spatial Plans, Estuaries Spatial Plans and the Coastal Spatial Plans are special plans for land use planning. Public participation in their drafting is made according to the legal scheme of land management instruments (Decree-Law No. 316/2007 of 19 September, amended by Decree-Law 181/2009 of 7 August). Throughout the preparation of the plans the relevant information is made available to all stakeholders through the APA website, and the current status of development of the different plans may be checked
<http://www.apambiente.pt/index.php?ref=16&subref=7&sub2ref=10&sub3ref=96>,
<http://www.apambiente.pt/index.php?ref=16&subref=7&sub2ref=10&sub3ref=95> and
<http://www.apambiente.pt/index.php?ref=16&subref=7&sub2ref=10&sub3ref=94>.

Internationally, the management of shared basins is governed by the Convention on Cooperation for the Protection and Sustainable Use of Water of Portuguese-Spanish Catchment Basins, signed by the two countries on 30 November 1998, hereinafter called the Albufeira Convention. The aim of this is to define the framework for cooperation between the two countries for the protection of surface and ground waters and the terrestrial and aquatic ecosystems directly dependent on them, and the sustainable use of water resources of the Portuguese-Spanish hydrographical basins (cf. <http://snirh.apambiente.pt/index.php?idMain=6&idItem=1>). Four specific working groups were set up under the Commission for the Implementation and Development of the Convention (CADC), the Exchange of Information and Public Participation being significant for its importance in the context of the Aarhus Convention, in addition to a secretariat for technical support.

The National Water Council (CNA) is the independent consultative body of the Portuguese Government for the planning and sustainable management of water, created by Decree-Law No. 45/94 of 22 February. The structure and operating means of the Council were redefined by Decree-Law No. 84/2004 of 14 April. Represented on the CNA are the Public Administration, the municipalities and the most representative

national scientific, economic, professional and non-governmental organisations in the various uses of water, ensuring the involvement and coordination of the government and civil society (cf. <http://conselhonaionaldaagua.weebly.com/>). The main objective of the CNA is to rule on the preparation of plans and projects with special emphasis on the uses of water and water resources, providing a forum for discussion of the management of national water resources policy and the strategic options for its implementation, from an integrative perspective of the environmental values and the sectoral and territorial economic interests. The CNA discussed and approved in plenary, between 2011 and 2013:

- National Water Plan and Hydrographic Region Management Plans (1st and 2nd generation);
- Liability for environmental damage in water resources;
- Sustainability of water supply and wastewater treatment services (PENSAAR 2020);
- Implementation of the National Programme for Efficient Water Use;
- Implementation and development of the Convention on the Protection and Sustainable Use of Portuguese-Spanish river basins;
- Implementation of the Water Framework Directive;
- Irrigation in Portugal;
- Implementation of the Marine Strategy Framework Directive;
- National Strategy for the Sea, Maritime Spatial Planning and Integrated Management of the Coastal Zone;
- Adaptations to climate change.

Strategy, plans and programmes for the sea

- The National Strategy for the Sea (ENM 2013-2020) is the public policy instrument that presents the vision of Portugal for the period 2013-2020 in relation to the development model based on the conservation and sustainable use of marine ecosystem resources and services, indicating a long-term path to smart, sustainable and inclusive economic growth based on the maritime component. It revised and updated the first version of the ENM 2006-2016 (RCM No. 163/2006 of 12 December), "taking into account the increase of national interest for the Ocean as a strategic vector, as well as the paradigm shift, marked both internally and externally, by an institutional context geared to sustainable development". The absence of an action plan for the implementation of the previous ENM hindered its monitoring and evaluation, which prevented the impartial verification of development and the effectiveness of the scope of the plans and programmes. The implementation and results of this cross-cutting and multi-sectoral policy depends on the involvement of public and private agents, so their participation in the formulation of the ENM was crucial. After an extended period of public discussion that took place between 1 March and 15 June 2013, during which more than twenty public meetings were held on the mainland and in the Autonomous Regions, and 118 contributions made in writing weighed up (cf. http://www.dgpm.mam.gov.pt/Documents/Relatório%20da%20Ponderação%20Discussão%20Pública_final.pdf), the ENM 2013-2020 resulting from the analysis undertaken during that period, was presented at the 10th meeting of the Interministerial Committee for Sea Affairs (CIAM – RCM No. 62/2012 of 13 June, and <http://www.dgpm.mam.gov.pt/Documents/CIAM.pdf>). At that 10th meeting, held on 16 November 2013, National Maritime Day, the ENM 2013-2020 was discussed and approved. The final details are available on the DGPM website, including the text of RCM No. 12/2014 of 12 February http://www.dgpm.mam.gov.pt/Pages/ENM_2013_2020.aspx. The implementation of ENM 2013-2020 will be made through the Sea-Portugal Plan, which integrates a set of

Action Plans and Projects covering a wide range of fields.

- The information on uses and existing activities in maritime areas under Portuguese sovereignty or jurisdiction, obtained under the first exercise for the planning of the maritime space, developed under the aegis of the ENM 2006, pursuant to Ministerial Order No. 32277/2008 of 18 December, was made available to the public after a period of public discussion held between November 2010 and February 2011.

Plans, programmes and strategy on biodiversity and nature conservation

- The National Strategy for Nature Conservation and Biodiversity (ENCNB) - adopted by Council of Ministers Resolution No. 152/2001 for a period between 2001 and 2010, is based on 10 principles, including the principle of participation, promoting the informing of and engagement of citizens and their representative associations in the discussion of policy and carrying out actions of nature conservation and for the sustainable use of biological resources. The ENCNB takes 10 strategic options, including strategic option number 9 which is ensure the informing, raising awareness and participation of the general public, and mobilise and encourage civil society. Six action policies were also defined with the aim of implementing this strategic option. This Strategy will be reviewed taking into account the results and recommendations of its interim assessment of 2008/2009, the adoption in 2010 of the Strategic Plan of the Convention on Biological Diversity 2011-2014 (<http://www.cbd.int/sp/>) and the publication in 2011 of the 2020 EU Biodiversity Strategy (<http://ec.europa.eu/environment/nature/biodiversity/comm2006/2020.htm>).
- The plans and programmes that, in view of the likely impact on a site of the national list of sites, a Community site of interest, a special conservation area or a special protection zone site, should be subject to a strategic environmental assessment of environmental impact under Article 10 of Decree-Law No. 140/99 of 24 April, amended by Decree-Law No. 49/2005 of 24 February. The draft plan or programme and the respective environmental report are subject to public consultation, according to article 7 of Decree-Law No. 232/2007.
- The legal scheme for the Conservation of Nature, RJCN (cf. paragraph 4 of Article 14 of Decree-Law No. 142/2008 of 24 July), envisages that the nationwide classification of protected areas is necessarily preceded by a period of public discussion aimed at gathering comments and suggestions on the classification as a protected area. The procedure and time limits of this public discussion are stipulated in paragraphs 5 and 6 of Article 14 of that Decree-Law. According to paragraph 3 of Article 14 of that law, paragraphs 4 to 6 of that same article 14 also apply to the classification of protected regional or local areas.
- The RJCN (cf. paragraph 5 of Article 23 of Decree-Law No. 142/2008) establishes that the procedures for preparation, approval, implementation and evaluation of management plans for protected areas shall apply to the provisions of legal instruments for land management, protecting the right of public participation in the preparation, modification, revision, implementation and evaluation of land management instruments.
- According to the legal scheme of the Natura 2000 network (sub-paragraph (a) of paragraph 3 of Article 7 of Decree-Law No. 49/2005), the Natura 2000 network management plans are preceded by public consultation, which follows the procedures provided in the legal scheme of land management instruments for special land management plans.

Strategy and plans in the forests area

- The National Strategy for Forests, adopted by RCM no 114/2006 – cf. <http://www.icnf.pt/portal/icnf/docref/enf> -, as well as the 21 Regional Forest Management Plans (PROF) – cf. <http://www.icnf.pt/portal/florestas/profs/obj->, are

currently undergoing evaluation and redesign, according to processes steered by a philosophy similar to that which led to their creation and which includes and guarantees public participation. It is followed up by a Steering Committee which brings together the stakeholders and submits the plans for public discussion, according to legislation – a period of more than 30 days, according to the legal framework of land development plans, management and intervention in the forest (Decree-Law No. 16/2009 of 14 January, amended by Decree-Law No. 114/2010 of 22 October).

- Legal scheme for Forestation and Reforestation (RJAR) and Legal scheme for the Harvest, Transportation, Storage, Processing, Import and Export of pine cones - both were the subject of extensive public participation initiatives, mainly centred on thematic seminars and discussion forums based on ICNF website. A similar process also took place with Regulation No. 995/2010 of the EU Parliament and the Council of 20 October, laying down the obligations of operators who place timber and timber products on the market, namely the supplementary level of preparation of regulatory enforcement.
- Forest Management Plans (PGF) relating to State-owned land, land in Forest Intervention Areas (ZIF) or integrating community land (wasteland) are mandatorily the object of consultation and public participation prior to their approval. In the period in analysis such land exceeded 475,000 ha for a total of about 100 PGF.

National Action Program to Combat Desertification (PANCD)

The PANCD review process began in January 2010, more than a decade after the entry into force of PANCD 1999, responding to the obligations and necessary alignment with the guidelines of the United Nations Convention to Combat Desertification (UNCCD) following the adoption of the Ten Year Strategy 2008/2018, which defines new strategic and operational objectives, expected impacts and global and national indicators to be complied with by national programmes for the period in question. These strategic objectives include the sustainable management and recovery of ecosystems of areas susceptible to articulation and promotion of synergies with the processes related to climate change and biodiversity in these areas.

The new PANCD with a horizon of 10 years, which will undergo public discussion before its adoption, should include the strategic guidelines for the development to combat desertification through direct impacts but also - as is apparent from the UNCCD - in areas associated with soil degradation and drought, as well as combating poverty and depopulation (cf. <http://www.icnf.pt/portal/naturaclas/ei/unccd-PT/pancd>).

Plans in the Tourism sector

The proposed revision of the National Strategic Plan for Tourism (PENT), outlining the action plans to be implemented by 2015 to ensure the implementation of the defined strategy and achievement of the vision for tourism is the result of work done during 2010, based on the current status of major developments in the tourism field both domestically and in the external environment, as well as adjustments to strategic development goals and axes. A test document was subject to public discussion between February and June 2011. The first of the 11 lines of development is precisely sustainability as a development model, engaging all agents in environmentally responsible behaviour (cf. [http://www.turismodeportugal.pt/Português/turismodeportugal/publicacoes/Documents/PE NT%20Revisao%202011.pdf](http://www.turismodeportugal.pt/Português/turismodeportugal/publicacoes/Documents/PE%20NT%20Revisao%202011.pdf)).

At the start of 2009, the Tourism of Portugal Board (Turismo de Portugal) initiated a comprehensive project aimed at generating positive impacts on sustainability, not only domestically but also in the tourism sector. In 2011, the Tourism of Portugal Board published its 3rd Sustainability Report, analysing the evolution of performance of the main activities, establishing commitments and strengthening its role as an example of good practice. The website has a section for promoting best practices in sustainability in the

sector (cf. <http://www.turismodeportugal.pt/Português/ProTurismo/sustentabilidade/Pages/Sustentabilidade.aspx>).

XXI. Obstacles encountered in the implementation of article 7

Describe any obstacles encountered in the implementation of article 7.

The main difficulty found in terms of public participation relating to the preparation of plans, programmes and policies on the environment, as well as other environmental policy instruments, is the feeble public involvement. Besides generalised low citizen involvement in participatory processes, there is an overload of information available via various media, in particular audiovisual media. Public services have been making efforts to improve the quality of relevant information and make information available by electronic means, facilitating their access to all interested parties. However, the situation on the ground means that there is a need to complement the information tools (e.g. website) with other effective tools for dissemination and raising awareness, to provide greater visibility of both the informational tool and the opportunity that the participatory process itself provides.

XXII. Further information on the practical application of the provisions of article 7

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

Nothing to report on this item.

XXIII. Website addresses relevant to the implementation of article 7

Give relevant website addresses, if available:

Nothing to report on this item.

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Waste

APA has promoted public participation and consultation in the preparation of the draft

legislation that gave rise to Decree-Law No. 79/2013 of 11 June. This legal instrument establishes rules regarding the restriction of the use of certain hazardous substances in electrical and electronic equipment (EEE) with the aim of contributing to the protection of human health and the environment, including the environmentally friendly recovery and disposal of EEE waste, and transposing into national law Directive No. 2011/65/EU of the European Parliament and the Council of 8 June, on the restriction of the use of certain hazardous substances in EEE, amended by Delegated Directives Nos. 2012/50/EU and No. 2012/51/EU, both of the European Commission of 10 October.

APA promoted a broad consultation concerning the transposition of Directive 2012/19/EU of 24 July on the waste of electrical and electronic equipment (WEEE), which involved the key entities involved in the management of WEEE [the Autonomous Regions; inspection entities; ERSAR; EGF and EGSRA; associations representing the economic sector of EEE, EEE sales and waste management operators; the confederation of environmental protection associations (CPADA); entities managing WEEE and the entity for the registration of producers], as well as the CCDR. Contributions were received from 16 entities, including the CPADA, which was represented by Quercus. The proposals contained in the draft legislation were generally approved.

XXV. Obstacles encountered in the implementation of article 8

Describe any obstacles encountered in the implementation of article 8.

Nothing to report on this item.

XXVI. Further information on the practical application of the provisions of article 8

Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

Nothing to report on this item.

XXVII. Website addresses relevant to the implementation of article 8

Give relevant website addresses, if available:

Nothing to report on this item.

XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;
 - (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;
 - (iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;
- (b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;
- (c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;
- (d) With respect to **paragraph 4**, measures taken to ensure that:
 - (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;
 - (ii) Such procedures otherwise meet the requirements of this paragraph;
- (e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

The framework of implementation of article 9 of the Aarhus Convention on access to justice has not changed from that stated in the previous national reports.

The right of access to justice, when the information request was ignored, denied or inadequately answered, is guaranteed by an independent administrative entity or by the administrative courts.

The independent administrative entity referred to is the Committee on Access to Administrative Documents (CADA), which is responsible for ensuring compliance with the LAIA legislation (Article 15 of LAIA).

The use of CADA (which is free of charge) is envisaged in Article 14(2) to whom

applicants can submit a complaint, pursuant to the time limits established in LADA.

Pursuant to Article 15 of LADA, the applicant may lodge a complaint with CADA due to no answer being received to its request, rejection or other decision limiting access to the administrative documents. The complaint must be assessed by CADA within 40 days, preparing a report appraising the situation, sending the appropriate findings to all stakeholders. On receiving the report, the public authority must inform the interested party of the final decision within 10 days, otherwise no decision will be considered to have been taken.

In the case of doubt concerning the application of LAIA, applicants or public authorities may request the opinion of CADA (Article 15, paragraph 2 of LAIA).

The opinions of CADA are not binding. However, if the public authority chooses not to abide by the opinion of CADA, applicants may challenge that decision in the courts pursuant to Article 15, paragraph 6 of LADA (the decision of which is binding).

Appeals to the administrative courts are established in article 14, paragraph 1 of LAIA, which states that applicants who consider their request for information has been ignored, totally or partially wrongfully refused, have obtained an inadequate response or have not complied with the LAIA, can challenge the legality of the decision, act or omission pursuant to general law.

This challenge is made in the administrative courts, via a subpoena to provide information, consult processes or issue certificates, as provided for in article 104 and subsequent of the Code of Administrative Court Procedure.

Moreover, "Third parties injured by the disclosure of the information may also use the channels mentioned in the preceding paragraphs to challenge such" (Article 14, paragraph 3 of LAIA).

It should also be noted that between 2011 and 2013, CADA issued 13 opinions in response to complaints and requests for opinions submitted under LAIA. It approved (in full or partially) access in all those cases.

Article 37 of AIA (Decree-Law No. 151-B/2013) – administrative and contentious remedy - contemplates the right of the interested public authority "(...) to administratively challenge through claim or optional hierarchical appeal, pursuant to the CPA, and contentiously, under the Code of Procedure of Administrative Courts, any decision, act or omission of the provisions of this Decree-Law." These challenges must be duly disclosed by the entities involved (cf. paragraph 2 of article 31).

Also noteworthy is the work of systematisation by the European Commission based on national consultations, reporting on the e-Justice Portal the information collected on access to justice in environmental matters in the Member States of the EU, available on the European e-Justice Portal since the end of 2013 https://e-justice.europa.eu/content_access_to_justice_in_environmental_matters-300-pt-en.do?member=1.

XXIX. Obstacles encountered in the implementation of article 9

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.*

Nothing to report on this item.

XXX. Further information on the practical application of the provisions of article 9

*Provide further information on the **practical application of the provisions on access to justice pursuant to article 9**, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?*

Nothing to report on this item.

XXXI. Website addresses relevant to the implementation of article 9

Give relevant website addresses, if available:

CADA – www.cada.pt

Justice Ombudsman - <http://www.provedor-jus.pt>

E-Justice website - https://e-justice.europa.eu/content_access_to_justice_in_environmental_matters-300-pt-en.do?member=1

Articles 10-22 are not for national implementation.

XXXII. General comments on the Convention's objective

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Portugal identifies with the objectives of the Aarhus Convention, seeking to be guided by the same processes related to governance and therefore seeking to implement legislation that addresses those objectives and the practices that ensure their implementation.

XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:

- (a) With respect to **paragraph 1 of article 6 bis** and:
 - (i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;
 - (ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;
 - (iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;
 - (iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
 - (v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:
 - a. The nature of possible decisions;
 - b. The public authority responsible for making the decision;
 - c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
 - d. An indication of the public authority from which relevant information can be obtained;
 - e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;
 - (vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;
 - (vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;
 - (viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

(b) With respect to **paragraph 2 of article 6 bis**, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

(a) Article 6 bis, paragraph 1

Annex I bis, paragraph 1

Decree-Law No. 72/2003 of 10 April, transposing into national law Directive 2001/18/EC of 12 March on the deliberate release of genetically modified organisms (GMOs), clearly establishes in Article 27 that the competent authority - APA - must provide the public with information concerning the deliberate release into the environment and placing on the market of GMOs, including:

- Information on the permits granted;
- Results of monitoring carried out;
- Register of the location of released GMOs and cultivated GMOs;
- Information on the deliberate release or placing on the market of products containing or consisting of GMOs, done without authorisation.

Annex I bis, paragraph 2

Decree-Law No. 72/2003 envisages in article 28 that only information considered confidential can be waived for public disclosure in order to protect intellectual property rights as well as the competitive position of companies.

Annex I bis, paragraph 3

The legislative instrument provides for in its article 14 that the competent authority shall send to the European Commission a summary of the notification, within 30 days of the date of its receipt.

Annex I bis, paragraph 4

According to Decree-Law No. 72/2003, Article 28, paragraph 3, and in accordance with the provisions of the Aarhus Convention, the following information cannot be declared as confidential:

- a) Description of the GMO, name and address of the notifier, purpose and location of release
- b) Methods and plans for monitoring GMOs and the emergency response
- c) Assessment of environmental risks.

Annex I bis, paragraph 5

APA provides information through its website, in particular with regard to legislation, information on the cultivation of GMOs, environmental monitoring, GMOs authorised for placing on the market and procedures for notifiers who wish to submit applications for the deliberate release of GMOs into the environment or the placing on the market of GMOs.

It should be noted that, under the authorisation procedures for the release of GMOs (testing) a public consultation is held prior to decision-making, pursuant to article 11 of the referred Decree-Law. The announcement of the public consultation is done through the written media as well as through the APA website.

On the topic of GMOs, APA also ensures the provision of explanations where necessary, via email or telephone.

Annex I bis, paragraph 6

Decree-Law No. 72/2003 of 10 April provides for in Article 11 that the public is consulted prior to making a decision on applications for the deliberate release into the environment (experimental trials), ensuring the notification is displayed for a period up to 60 days. The announcement of this information is made through an advertisement in 2 nationwide newspapers, and, if possible, on a regional or local level, which contains the address where the information can be viewed and indication of the start and end date of the public consultation. This information is also made available through the APA website.

Annex I bis, paragraph 7

The outcome of the public participation was taken into account when making the decision. Each response received and directly related to the object of the consultation, i.e. with the respective notification, was analysed in all public consultation processes.

Annex I bis, paragraph 8

The texts of the decisions taken on the deliberate release of GMOs into the environment, GMMs or placing GMOs on the market are published on the APA website at <http://www.apambiente.pt/index.php?ref=16&subref=85>.

(b) Article 6 bis, paragraph 2

The provisions of article 6 bis are included in national legislation since 2003 (see text in Annex I bis, paragraph 6).

Ratification of the Cartagena Protocol on Biosafety, through Decree No. 7/2004 of 17 April, ensured compliance with the requirement to raise global awareness and public participation in respect of the transboundary movements of GMOs. In Portugal, APA, as the authority for the Cartagena Protocol, submits information through the central portal of the Information Interchange Centre - Biosafety Clearing House (BCH).

Thus, national legislation ensures compliance with the provisions of paragraph 2 of article 6 bis.

XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6 bis and annex I bis.*

No obstacles were encountered to the implementation of Article 6 bis and Annex I bis.

XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis

*Provide further information on the **practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g.,***

are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

APA fosters public consultation of applications for the deliberate release of GMOs (testing) prior to decision-making, pursuant to article 11 of Decree-Law 72/2003 of 10 April (see text of Annex I bis, paragraph 6).

XXXVI. Website addresses relevant to the implementation of article 6 bis

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

The general public can find a list of authorisations granted for releasing GMOs into the environment or placing them on the market

- on the APA website - www.apambiente.pt under “Policies-Chemicals and genetically modified organisms”
<http://www.apambiente.pt/index.php?ref=16&subref=85&sub2ref=429>
- on the website of the General Directorate of Food and Veterinary Matters – DGAV - www.dgv.min-agricultura.pt

XXXVII. Follow-up on issues of compliance

If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.

Please include cross-references to the respective sections, as appropriate.

In the reporting period there were no recommendations/measures to apply to Portugal.