

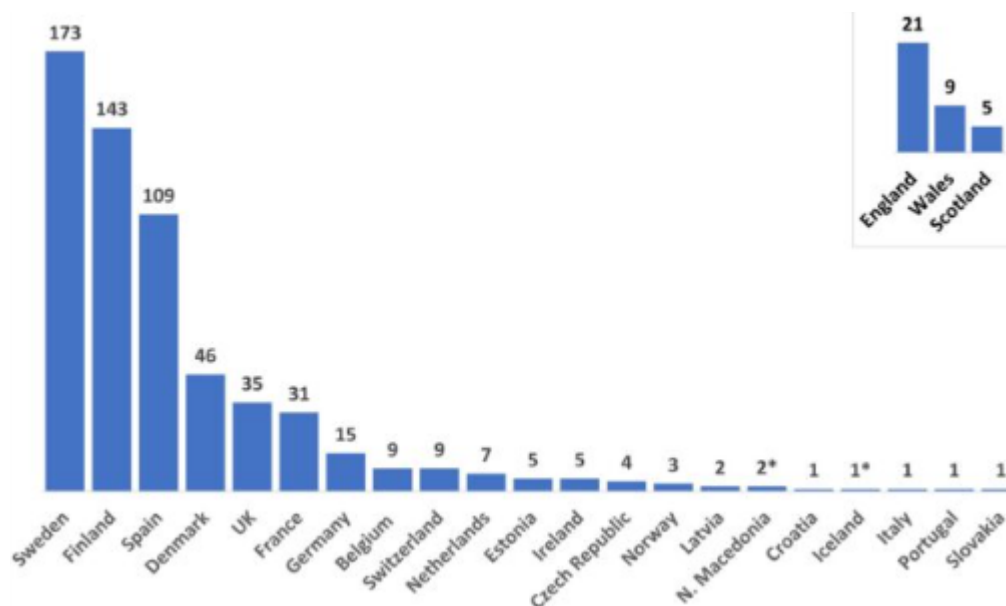
Recent developments and climate litigation in Portugal

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The importance of an EU “law” vs. an EU communication

Data shows the importance of having a strong legal instrument. Despite being in the biodiversity strategy since 2022¹, the removal of dams continued out of the Portuguese political agenda² until 2026.



Number of dams removed in 2025 in 24 countries

In April 2026, in the context of the implementation of the National restoration plan, finally the program Pro Rios, was submitted to public consultation³. The program

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52020DC0380>

² https://damremoval.eu/live_italy-2-2/

³ <https://portugal.gov.pt/gc25/comunicacao/comunicados/arranca-consulta-publica-do-prorios-para-o-restauro-dos-rios-e-ribeiras>

includes measures to control floods and reduce risks to populations; strengthen adaptation to climate change; improve the ecological status of river ecosystems; recover biodiversity and degraded habitats; contribute to the digitalization and integrated management of water resources.

More concretely the Pro Rios program will naturalize riverbeds and banks, remove barriers and eradicate invasive species, helping to control floods and reduce risks to populations. By 2030, an investment of €180 million is planned to recover more than 1,500 kilometers of waterways.

The other program under public consultation is the PRO NAT.URBE, an action plan for the restoration of nature in urban areas, also developed within the framework of the European nature restoration Regulation, to create a framework to ensure that there is no loss of urban green space and urban tree cover by 2030. It also aims to create conditions for the growth of these spaces from 2031 onwards, and measures should be taken in this regard.

According to the interim evaluation of the preparation status of the national restoration plans compared with other countries Portugal had the most ambitious targets⁴. Doubts remain as to where the resources necessary to implement it come from.

Despite the major expectation around the new water strategy adopted in 2025 all the expectations proved wrong. The strategy, intitled "Water that Unites" proved to be merely programmatic and used as a "justification matrix" for prioritizing the promotion of industrial irrigation, without any environmental assessment.⁵

The climate cases in Portugal are mostly adaptation cases on renewable energy projects (wind, solar) water reservoirs for irrigation and lithium extraction.

The case of the Portuguese Lithium: an alliance between EU and MS governments to support strategic mining projects for critical materials.

An investigation by the German website Table.Briefings, based on more than 290 pages of confidential internal documents from the European Commission, obtained through a leak, reveals that three Portuguese lithium extraction or refining projects — the Barroso Mine, the Romano Mine, and the Lift One refinery — were classified as “strategic projects” at the European level despite the negative assessment of independent technical experts⁶.

The information now released indicates that Portugal may have used the consultation mechanism with Member States to ensure the strategic classification of all its lithium projects — including those that had been rejected by experts. The European Commission

⁴ <https://www.restorenature.eu/en/our-work-past-actions/towards-restoring-nature-in-europe>

⁵

⁶ <https://www.publico.pt/2026/05/15/azul/noticia/ue-ignora-peritos-atribuiu-estatuto-estrategico-projectos-litio-portugueses-2174818>

refuses to make public the documents that show the reasons for the experts' initial reservations.

The released documents are based on the confidential records of the two meetings of the European Critical Raw Materials Board (CRM Board) held on February 20 and March 12, 2025. By comparing the two versions of the list of Strategic Projects, the Table.Briefings⁷ research identified a difference: 11 projects — or 12 applications — were not in the February document, but appeared in the final version in March, a few weeks later.

The explanation for this discrepancy lies in an internal letter from DG Grow, leaked and dated February, which is explicit: the preliminary list contained only applications that “were positively evaluated by our specialized experts.” The wording leaves no room for doubt — the projects that were not on this list had been rejected in the initial technical assessment, conducted by external experts, which covered environmental, social and governance aspects (the so-called ESG criteria).

The three Portuguese projects — the Barroso Mine (Savannah), the Romano Mine (Lusorecursos) and the Lift One refinery (Lifthium) — were precisely in this situation: absent from the February list, present in the March list, without the documents presenting any technical justification for the change⁸.

This raises serious questions about the transparency of the selection process for Strategic Projects under the European Critical Raw Materials Regulation, approved in 2024 with the stated objective of reducing Europe's dependence on external suppliers — especially China — in minerals considered critical for the energy transition and the technology industry. Lithium, essential for the manufacture of batteries for electric vehicles, is one of these minerals.

The research highlights that, by refusing access to technical opinions, the European Commission prevents citizens, environmental organizations, and journalists from independently verifying whether the approved projects actually meet the criteria established by the regulation — making it impossible to scrutinize the legality of the decisions taken.

Portugal was not the only country to benefit from political intervention in the selection process. The March list also includes projects from Spain, namely the Las Navas and Mina Doade lithium projects, as well as a primary polymetallic sulfide project from Serbia, with the controversial Jadar lithium project.

The classification of a project as a "strategic project" under the Community Regulation on Critical Raw Materials means, in practice, entry into a restricted circle of initiatives

⁷ <https://table.media/esg/news-en/mining-where-eu-funded-raw-material-projects-affect-natura-2000-sites>

⁸⁸ <https://www.climatechangenews.com/2026/02/24/rush-for-critical-minerals-tests-europes-resolve-to-protect-nature/>

considered crucial for European economic autonomy and for meeting the climate goals set in Brussels.⁹

According to the formulation used by the European Commission, a “strategic project” is one that is “indispensable for the security of the supply of critical raw materials of the Union”. The designation “strategic” functions as a political and administrative seal: guarantees priority on the agenda, accelerates licensing procedures and opens doors to more agile financing mechanisms. This is why the decision to include projects that did not pass the technical evaluation — and which face strong social opposition in the Courts — is considered particularly serious by critics.

The European Commission did not want to reconsider the classification of "strategic project" attributed to the Barroso mine, arguing that concerns regarding water scarcity, tailings safety or biodiversity loss belong to the sphere of national responsibility, insisting that the entity's role is only to detect manifest errors in the applications.

At the beginning of the year, UDCB and the environmental organization ClientEarth filed a lawsuit in the General Court of the European Union¹⁰ against its classification, citing the risks that the mine would represent for the region's water resources, for biodiversity, and for the safety of tailings dams — the structures that retain mining waste and which, historically, have been a source of large-scale environmental accidents.

Climate cases that led to changes in administrative practices on access to information: a radical (but insufficient) turn

The Sophia project is a large photovoltaic plant planned to install 425,600 solar panels, with a total power of 266 megawatts, in an area of more than 524 hectares in Castelo Branco and Idanha-a-Nova, covering the municipalities of Fundão, Idanha-a-Nova and Penamacor and representing an investment of around 590 million euros.

The area planned for the Sophia project, includes classified areas of the Naturtejo Geopark — a UNESCO World Heritage Site — as well as areas within the National Agricultural Reserve and the National Ecological Reserve.

The Beira Baixa Intermunicipal Community (CIM) issued an unfavorable opinion on the Sophia photovoltaic solar plant project, as part of the public consultation, due to the enormous impacts on the community and the territory.

The Sophia project received 12,693 participations¹¹, a number that it considers to be “one of the largest public mobilizations ever” in an environmental procedure in Portugal. The movement now demands “total transparency” and an integrated assessment of the accumulated impacts of all energy projects planned for Beira Baixa.

⁹ <https://www.publico.pt/2026/02/05/azul/noticia/organizacoes-levam-projecto-mina-barroso-tribunal-uniao-europeia-2163631>

¹⁰ <https://www.clientearth.org/latest/press-office/press-releases/eu-commission-sued-by-ngos-and-communities-over-barroso-lithium-mine-decision/>

¹¹¹¹ <https://participa.pt/pt/consulta/a-csf-de-sophia-e-as-lmat-associadas>

During a protest in Castelo Branco that brought together around a hundred people, it was announced that the two projects had received an unfavorable opinion from the APA, although the documents were not available on the Participa portal. According to information released by the environmental authority the evaluation committee rejected the Beira Photovoltaic Plant due to significant negative impacts on ecological systems and land use. After “months of public pressure” and a complaint filed with the Commission for Access to Administrative Documents, the Portuguese Environment Agency made public documents related to the Sophia Solar Photovoltaic Plant and Beira Photovoltaic Plant projects.

The Portuguese Environment Agency (APA), considers that Sophia photovoltaic solar plant would have “significant negative impacts” on the landscape and land use. The APA also highlighted that as an Environmental Impact Assessment (AIA) authority, it consulted the proponent regarding the possible interest in resorting to the project modification figure provided for in the AIA legal regime, with the aim of avoiding or minimizing the impacts identified. One of the weighty arguments relates to the “cumulative impacts” of this plant which “is located in a territory already heavily pressured by a set of existing, approved and planned energy infrastructures, including other photovoltaic solar plants, wind farms, substations and a network of very high voltage lines”.

The three plants already approved should have been considered in this assessment because the “spatial and temporal accumulation” of these projects increases the negative impacts on ecological systems and landscapes, leading to a “progressive artificialization of the territory” and a “fragmentation of the landscape”. Among the negative aspects highlighted are the impact on ecological systems — affecting 1,541 protected trees, including more than 1,000 holm oaks and effects in an area where there are several birds at risk — and impacts on the landscape that are “negative, permanent, irreversible and of high magnitude”. The study itself compares the high visibility of the installation to a “wound in the landscape”. It is also pointed out the affectation of quality agricultural soils and the extension of 1,700 hectares that “prevents the agricultural, silvopastoral and forestry use currently practiced”.

The Sophia solar photovoltaic plant project will be reformulated based on the opinion of the Evaluation Committee, the public consultation report and an active listening process in the territory, the project promoter said today.

Recently, the promoter of this photovoltaic solar plant publicly expressed his intention to reformulate the project.

“To this end, Lightsource bp has established dialogue channels that are already in operation with municipalities, parish councils, local communities and other relevant public and private entities, on a voluntary and open basis, with the aim of integrating social, technical and institutional contributions in the improvement and optimization of the project”, announced the British multinational in a statement.

In May 18, 2026, the Portuguese environmental Agency issued a statement about the availability of opinions and reports within the scope of EIA processes.

“Considering the need to safeguard the impartiality and fairness of the EIA (Environmental Impact Assessment) procedure, as well as the decisional serenity that must underlie processes of this complexity, the APA (Portuguese Environment Agency) has been deferring access to opinions, decisions, and reports produced by the Administration until a decision is made, the process is archived, or one year has elapsed since its preparation, in accordance with the provisions of § 3 of Article 6 of the LADA (Law on Access to Administrative Documents).

The observance of the principles and assumptions of the LADA and the need to ensure decisional impartiality, which must always underlie the decision-making process, due to the clear public interest in its disclosure, should, however, allow for another procedure”.

Consolidating a reflection that has been carried out, this Agency has determined, from this date, to assume, in the specific case of EIA processes labelled as “project modification”, the provision, through the SIAIA-EIA Information System, of the following documents: opinion of the Evaluation Committee and report of the public consultation.¹²

This decision was known after environmental organizations complained about the lack of transparency on the part of the environmental agency regarding these large projects for Beira Baixa.

Among the documentation now released are the public consultation reports, but also the opinions of the evaluation committees, which unequivocally demonstrate that the projects would be failed in the configuration in which they were proposed and evaluated.

Pending climate cases

After the decision by the Supreme Court of Justice¹³ on the acceptance of the case on the non-implementation of the Climate framework law that had been previously dismissed by the first instance court for being “abstract, generic and obscure”¹⁴ the case has been re-launched in the first instance of the civil court, once again. The claimant is still the civic association called “Last Resource”, but strategically, new applicants have joining the NGO “Last Resource” in their demands. The new applicants are four of the young applicants in the Duarte Agostinho ECHR case.¹⁵ In response to the Supreme Court decision, the applicants have included in the new petition a large list of concrete administrative measures deemed necessary to operationalise the ambitious Law. The case is still pending in the first instance court.

¹² <https://apambiente.pt/destaque2/disponibilizacao-de-pareceres-e-relatorios-no-ambito-de-processos-de-aia>

¹³ <https://www.stj.pt/wp-content/uploads/2024/09/28650-23.0T8LSB.S1-Associacoes-Clima.pdf>

¹⁴ <https://expresso.pt/sustentabilidade/crise-climatica/2024-04-15-tribunal-rejeita-acao-contra-estado-por-inacao-climatica-associacao-deve-recorrer-para-o-supremo-c23d152a>

¹⁵ <https://www.publico.pt/2025/04/09/azul/noticia/jovens-associacao-ultimo-recurso-apresentam-acao-climatica-portugal-2129170>

Dams as solutions to flooding

Between the 22 January and the 8th February 2026, the “training thunderstorm”¹⁶ Kristin¹⁷ hit the Centre region of Portugal causing extraordinary rainfall, thunderstorms and winds as strong as 200+km per hour, that moved along a track in the same region during a relatively short period causing flash flooding and massive destruction¹⁸.

As a response to the disaster, the political discourse shifted and the government promised to invest 22,6 thousand millions of Euros¹⁹ in the PTRRR²⁰ a program including a variety of mainly reactive and hard infrastructural measures to face future climate-related catastrophes²¹. One of the most debated case is the determination to build big dams as hard and heavy grey “solution” for flood control. The Girabolhos dam²² had been proposed in 2010²³ and abandoned 10 years ago by mutual agreement between the Spanish company Endesa (the developer) and the Portuguese State, considering its non-profitability for electricity production.

¹⁶ https://en.wikipedia.org/wiki/2026_European_storm_training

¹⁷ https://en.wikipedia.org/wiki/Storm_Kristin

¹⁸ <https://www.cotality.com/au/hazard-hq/storm-kristin-severely-impacts-portugal>

¹⁹ <https://eco.sapo.pt/2026/04/28/governo-lanca-plano-de-226-mil-milhoes-de-euros-para-reconstrucao-e-resiliencia/>

²⁰ <https://portugal.gov.pt/gc25/comunicacao/noticias/ptrr-portugal-preparado>

²¹ For instance : A fund for natural and seismic disasters, with reform of the risk coverage regime and the creation of mandatory housing insurance, supported by a solidarity mechanism to guarantee universal access;

Strengthening the technical and operational capacity of Civil Protection;

Reforms to the National Civil Protection System and INEM (National Institute of Medical Emergency)

"Connected Parishes" Program (redundant communications in all parishes)

Reform of the national emergency communications system (SIRESP) and implementation of the Cell Broadcast public alert system

Critical Resilient Hertzian Radio Network and Disaster Recovery Hub, with capacity for broadcasting specific emergency messages

New Calamity Law to regulate support and situation management in exceptional circumstances

National emergency accommodation system

Expansion of the Municipal Emergency Fund

National reserve of critical medicines and medical devices

Construction of structuring dams and hundreds of lagoons and small hydro-agricultural developments – "Water that Unites"

Reinforcement and modernization of electricity and gas networks

Acceleration of decentralized energy production and storage

Strengthening of cybersecurity and digital resilience of the State

Strategic reserves, food silos and cold chain network

National agenda For development and population retention in low-density areas

Development of technology parks and business expansion areas

Coastal defense against erosion and creation of an ocean radar system

Structural reduction of fuel load in forests and protection of villages

Investment in energy resilience and communications capacity of critical infrastructure and essential services

²² <https://www.publico.pt/2026/02/12/azul/noticia/mau-tempo-governo-quer-nova-barragem-revisao-diques-segurar-mondego-2164595>

²³ <https://siaia.apambiente.pt/AlADOC/RECAPE275/relatorio.acomp.publico.ppa41520141121145635.pdf>

Now, 15 years later, ENGOs claim that this dam will not solve the problem and launched a petition against it²⁴ that will eventually end up in court.

Dams as solutions to drought

One of the climate cases that is still pending is the building of the Pisão dam, a climate adaptation project aimed at storing water for irrigation. The Pisão dam “novel” had new episodes after the EIA has been claimed null by 4 NGOs was suspended by the first instance court, then the suspension was removed after the appeal by the government and the company. In May 2026 the construction works have been suspended again by the Second instance court²⁵ in an interim procedure to prevent the progress of the construction before the judicial decision on the case.

Pushing circular economy: an example of bad regulation

The government adopted new measures to promote circular economy. The Volta System came into effect on April 10th 2026 and introduced new rules for the purchase and return of beverage packaging. Plastic and can beverage packaging up to 3 liters now includes a 10-cent deposit, which is only recovered when the empty packaging is returned to an authorized collection point. The deposit amount is not subject to VAT and must be itemized on the purchase receipt.

Although the Volta system has great ecological intentions, with the final objective of increasing the packaging collection and recycling, the initial implementation phase continues to generate doubts and adaptation difficulties for many consumers. Consumers are mostly concerned with the practical operation of this new packaging return model. Among the main doubts and difficulties reported are the identification of covered packaging, the locations where they can be returned, the acceptance conditions, and the constraints associated with the storage and transport of packaging to collection points.

The package must be in excellent conditions, with an intact label, and can be returned at the 2500 machines (soon to be 3000) in the country.

Some brands are bypassing the law by raising the capacity of their containers in 100ml. When consumers realize they can buy more for the same price, without the bureaucracy of having to carry plastic bags to receive coins or vouchers, the choice will be obvious.

Accessible housing and land take

In 2025 an amendment of the urban and soil law called “Urbanistic simplex” was a controversial simplification measure adopted in 2024 by the Decree

²⁴ <https://observador.pt/2026/04/02/ambientalistas-lancam-peticao-contrucao-da-barragem-de-girabolhos-no-mondego/>

²⁵ https://www.rtp.pt/noticias/economia/obras-na-barragem-do-pisao-novamente-suspensas-por-decisao-judicial_n1741974

Law 10/2024²⁶ to facilitate the conversion of rural land into urban land provided that the land is contiguous to an existing urban area., the land cannot be located in areas protected by the National Ecological Reserve (REN) or the National Agricultural Reserve (RAN). This includes coastlines, floodplains, and high-quality farmland and 70% of the total above-ground construction area must be for public housing, affordable rental, or cost-controlled housing. The remaining 30% can be sold on the free market.²⁷

The entry into force of the Land Law, in April 2025, is influencing the real estate market, especially in the land segment. With the new legislation, it became possible to convert rural land into urban land, provided defined criteria are met, which is reshaping the interest of developers and individuals. This legal change is influencing the type of land placed on the market and how it is valued.

On the real estate portal (Imovirtual), 139,394 listings were published, representing a 22% decrease compared to the same period of the previous year. Even so, user interest remained significant, with more than 4,000 unique monthly sessions dedicated exclusively to searching for this type of property.

On the demand side, despite a slight 2.9% reduction in the number of searches, there was a 7.7% increase in the price per square meter. The median size of sought-after plots remains at 1,900 m², revealing a preference for large spaces, especially outside the most densely populated urban areas.

On the other hand, the supply is changing. The average size of advertised plots fell from 1,497 m² to 1,078 m² between December 2024 and June 2025, a reduction of 28%. This behavior could indicate a greater entry into the market of smaller plots, now with urban planning viability, becoming viable options for construction or investment.

²⁶ https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?tabela=leis&nid=3737&pagina=1&ficha=1

²⁷ <https://ocidadao.pt/terrenos-com-nova-dinamica-apos-entrada-em-vigor-da-lei-dos-solos/>