

Portugal

Recent developments

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1. Laws:

a) Law n. 54/2012, 6th September - Defines the means preventing and combating theft and receiving stolen metals (non-precious but having commercial value) and provides additional mechanisms to strengthen the supervision of the waste management activities. Payment of non-precious metals waste acquisitions is only allowed by bank transfer or check, in this case always indicating the name of the seller (Except for values under €50).

(the social phenomena of waste of theft of waste is increasing, not only for metals but also for electric and electronic waste and paperboard)

b) Decree-Law n. 23/2013, February 15th- Introduces dematerialized (electronic and remote) procedures for sending notifications and information relating to shipments of waste.

c) Decree-Law n. 59/2013, May 8th, extends for the fifth time the deadline for licensing of livestock activities (original regime adopted in 2008).

2. Court decisions

a) Still in 2012, the Regional Government of Madeira Island suspended the plan for tourism in the autonomous region as a measure to promote the economic development of the region. This would allow a concentration of new touristic projects on areas of the islands where the touristic demand is higher, with a consequent increase in urban infrastructure pressure.

The Constitutional Court has declared this suspension to be unconstitutional (decision 387/12) because in spite of apparently looking like a mere suspension of a plan, substantially it would amount to a real abrogation of the plan until the next revision and without public participation.

b) The Southern Central Administrative Court declared (on 07/02/2013) that the Portuguese State was liable for failing to supervise the exclusive economic area of Açores. Indeed the fact that neither the navy nor the air force has prevented Spanish vessels from fishing in the Portuguese coasts. The environmental damage caused an economic loss to the fisherman and they should be compensated.

c) The Northern Central Administrative Court declared (on 22/02/2013) that the objective liability of the State for damages caused by wolfs should cover not only the compensation for material damages caused by Iberian wolfs but also for the moral injuries: anxiety, concern and stress resulting from wolf attacks.

Coimbra, 26th May 2013