

# Recent developments in Portuguese law

## 1. Laws:

### 1.1. Framework Law

Disappointing new framework environmental law replaces much praised law dating back to 1987 (Law 19/2014 of 14th April)

### 1.2. Reforestation

A new law aimed at simplifying reforestation (D.L. nº 96/2013, 19th de July) with no matter what plant species (including eucalyptus, a tree considered by the biologists as a weed species) is approved in spite of the social contestation. Bad for the autochthonous slow-growing species and increases forest fire risk.

### 1.3. Impact assessment

New EIA law (Decree-Law 151-B/2013 31st october (amended 5 months later by Decree-Law n.º 47/2014 24th march) detailed regulation of EIA for projects consisting on changes in already existing projects.

Controversial exemption from EIA of projects located in new industrial areas (called “responsible industrial areas”) having already been submitted to EIA.

Careful regulation of the conformity report required when the EIA applied to a preliminary or draft project. Before, during the monitoring process, it used to be possible to add new requirements to enhance positive effects of the project. Now adding new requirements on the promoter is only possible to offset negative unforeseen impacts.

Public participation: before 30 to 50 days (annex I projects), or 20-30 days (annex II projects). Now 20 days or 15 for industrial activities submitted to IPPC.

Tacit approval of projects still possible. Before, after 140 (annex I projects) or 120 days (annex II projects). Now, after 100 days or 80 days (projects submitted to IPPC). If an accredited entity is responsible for the project, it's 70 and 60 days in each case.

## 2. Economic context: environment comes last

### 2.1. Waste and GHG

Economic crisis helps the achievement of environmental objectives on waste and GHG emissions. In the climatic performance of 58 developed and industrialized countries Portugal scores third, with 60% of the energy coming from renewable national sources. After huge investments on waste management installations (recycling and mechanical biological treatment), the reduction of waste production creates a crisis in the waste sector creating wage arrears. The government wants to privatize the urban waste management sector and the workers go on strike (chaos in Lisbon between December and January).

### 2.2. Protected areas

Construction of hydroelectric dams, roads, touristic projects as well as mining in natural protected areas still happening.

## 3. Judicial decisions: powerless courts

After a judicial decision in July 2010 on a wind farm in a Natura 2000 site aimed at reconciling the conflicting objectives of nature conservation and energy production, practice proves the inefficacy of the court decision. The court decided that turbine could not operate in the months of October, November and December, March and April, one hour before and one hour after sunset (the period in which it is believed there is an increased activity of bats) and only when the wind speed is more than 5 meters per second. In practice NGOs have proven that the wind mills are working all the time. The wind farm has been functioning for 4 years now, affecting the endangered bats.