

Questionnaire for the report of Portugal on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2013–2015

Information on the focal point for the Convention

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Part one

Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

Article 1

Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):

“Environmental impact – positive and negative changes in the environment resulting from a project, during a given period of time and within a certain area, compared with the baseline environmental situation that would happen in that same period of time and in that same area if the project was not executed.” (article 2, paragraph k) of Decree-Law n.° 151-B/2013, of 31 October)

- (d) There are no definitions of impact in the legislation

Your comments: The environmental factors that may be affected by the project, as established in the definition of impact, are listed in the annex V of Decree-Law n. ° 151-B/2013, of 31 October.

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of transboundary impact in the legislation

Your comments: No specific definition is provided in the national law. However specific provisions are set for consultation in case of projects likely to have significant effects on the environment of another state.

I.3. Please specify how major change is defined in your national legislation :

Decree-Law n. ° 151-B/2013, of 31 October does not provide a definition for "major change". However, it sets screening criteria for changes and extensions of projects listed in annexes I and II of the EIA national act (article 1, paragraph 4).

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the proposed project
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (c) By other means (please specify):

Your comments:

Decree-Law n. ° 151-B/2013, of 31 October provides for the following definition of public concerned: “*the holders of subjective rights or legally protected interests under the environmental decision-making process and the ones affected or likely to be affected by this decision, namely, non-governmental organizations promoting environmental protection.*” (article 2, paragraph r))

Article 2

General provisions

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

- (a) Law on EIA: Decree-Law n. ° 151-B/2013, of 31 October, amended by Decree-Law n. ° 47/2014, of 24 March and Decree-Law n.° 179/2015, of 27 August
- (b) EIA provisions are transposed into another law(s) (please specify): Decree-Law n. ° 75/2015, of 11 May, approving the Single Environmental Licencing that simplifies the procedures included in the environmental licencing laws.
- (c) Regulation (please indicate number/year/name): Order n.° 395/2015, of 4 November, establishing the formal technical requirements to be complied with some procedures considered in the national EIA Law; Order n.° 398/2015 and order 399/2015, of 5 November, both establishing the information that must instruct the environmental procedures, where the EIA procedure is included.
- (d) Administrative (please indicate number/year/name): Cooperation protocol signed in February 2008 between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, regarding the environmental assessment of plans, programmes and projects likely to have significant transboundary effects (applies to plans, programs and projects of any of the two countries that might have significant transboundary environmental effects in the other country).
- (e) Other (please specify):

Your comments:

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

- (a) There is no difference, all activities are transposed in the national legislation as is
- (b) It differs slightly (please specify):

The EIA national legislation lists the types of projects subject to EIA according to the European EIA Directive, which includes all the activities listed in the Appendix of the second amendment to the Convention.

The EIA national Law does not use the terms “large” and “major”. These have been replaced by thresholds above which EIA is mandatory (Annex I and II of the Decree-Law n. ° 151-B/2013, of 31 October). Below such thresholds, projects may still be subject to EIA if considered, through a case-by-case examination, likely to have significant effects on the environment.

Your comments:

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

- (a) There are different authorities at national, regional, local levels
- (b) They are different for domestic and transboundary procedures
- (c) Please name the responsible authority/authorities:

EIA authority: responsible for coordinating the EIA procedure, for appointing the Assessment Commission, for promoting and ensuring the public consultation and for analysing the opinion submitted by the Assessment Commission. Also issues the Environmental Impact Statement, if favourable or subject to conditions, and submits to the Minister responsible for the environmental matters the draft version of the Environmental Impact Statement if the same is unfavourable. Depending on the type of project, the EIA authority may be the Portuguese Environment Agency (APA - Agência Portuguesa do Ambiente) or the Regional Coordination and Development Commissions (CCDR – Comissões de Coordenação e Desenvolvimento Regional).

Assessment Commission: responsible for the technical analysis throughout the several EIA stages.

Minister responsible for the environmental matters, who issues the unfavourable Environmental Impact Statements.

(Articles 6 to 10 of Decree-Law n.º 151-B/2013, of 31 October).

- (d) There is no single authority responsible for the entire EIA procedure:

Your comments:

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

- (a) No
- (b) Yes (please specify): Although there is not a specific authority for transboundary EIA cases, the Portuguese Environment Agency, as the national EIA authority, is responsible for the transboundary consultation formalities as well as for collecting information regarding all the EIA procedures and making it available to public.

Your comments:

I.9. How does your country, as Party of origin and as affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin’s public, as required in article 2, paragraph 6 (please explain):

Every time the Portuguese authorities are assessing a project likely to have significant transboundary impacts, the EIA authority, through the Portuguese Environment Agency, notifies the affected Party, as soon as the Portuguese public is informed.

The affected Party has a 15 days period to declare its intention to participate in the EIA procedure. If the affected Party wishes to participate, the final deadlines for the EIA procedure may not apply if needed. The 2008 protocol of collaboration between Portugal and Spain enlarges this period to a maximum of 30 days.

The affected Party shall promote public consultation according to its domestic EIA legal framework.

Whenever the Portuguese State is notified by another Party of a project likely to have significant environmental impacts in national territory the EIA authority promotes public consultation disclosing all the information submitted by the Party of origin. The outcome of such public consultation will be forward to the national competent authorities in order to be considered in the EIA process. The national EIA authority will make available to the public all the information received from the Party of origin regarding the final decision of the EIA process.

(The procedures for transboundary consultations are addressed in articles 33 to 35 of the Decree-Law n.º 151-B/2013, of 31 October).

Article 3 Notification

I.10. As Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

- (a) During scoping
- (b) When the EIA report has been prepared and the domestic procedure started
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

Your comments: Every time the Portuguese authorities are assessing a project likely to have significant transboundary impacts, the EIA authority, through the Portuguese Environment Agency, notifies the affected Party, as soon as the Portuguese public is informed.

(Article 33 of the Decree-Law n.º 151-B/2013, of 31 October).

I.11. Please define the format of notification:

- (a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)
- (b) The country has its own format (please attach a copy)
- (c) No official format used

Your comments:

There is no official format. However, the article 33, paragraph 1 of the Decree-Law n.º 151-B/2013, of 31 October provides that the notification shall include the following elements:

1. A description of the project, along with the available information on the possible transboundary impacts;

2. Information on the decision to be taken by the authorities.

According to the article 34, paragraph 1 of the Decree-Law n. ° 151-B/2013, of 31 October, further information is provided if the affected Party declares its intention to participate in the EIA procedure.

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

- (a) The information required by article 3, paragraph 2
- (b) The information required by article 3, paragraph 5
- (c) Additional information (please specify):

Your comments: The notification includes the information required by article 3, paragraph 2, with the exception of the information related to the indication of a time for the response, once all the procedures and related deadlines are defined in the cooperation protocol signed in February 2008 between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, regarding the environmental assessment of plans, programmes and projects likely to have significant transboundary effects.

If no other indications are given in the notification, this acting Protocol establishes a 30 days period for the affected Party to declare whether it wishes to participate in the EIA procedure or not.

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, “within the time specified in the notification”)? Please specify:

- (a) National legislation does not cover the time frame
- (b) Yes, it is indicated in the national legislation (please indicate the time frame): 15 days after the notification is sent to the affected Party.
- (c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations (please indicate the average length in weeks):

Your comments: The time frame for receiving a response to the notification from the affected Party is defined in the article 33, paragraph 2 of the Decree-Law n. ° 151-B/2013, of 31 October (15 days). However, the 2008 cooperation protocol enlarges this period to a maximum of 30 days.

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline: If the notified affected Party does not answer the notification, the EIA will go on within the usual domestic procedure. However, there is some flexibility if the affected Party requests an extension of this period, since the final deadlines for the EIA procedure may not be applied if needed, according to the article 33, paragraph 3 of the Decree-Law n. ° 151-B/2013, of 31 October.

I.14. How do you inform the public and authorities of the affected Party (art. 3, para 8)? Please specify:

- (a) By informing the point of contact to the Convention listed on the Convention website¹

¹ List available from http://www.unece.org/env/eia/points_of_contact.htm.

(b) Other (please specify): The exchange of information is made through the Ministry of the Foreign Affairs of both Parties.

Your comments: The affected Party is informed according to the procedures and through the contact points established by the 2008 cooperation protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, regarding the environmental assessment of plans, programmes and projects likely to have significant transboundary effects.

According to the protocol the affected Party is the main responsible for promoting public consultation in its national territory and according to its domestic EIA legal regime.

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as affected Party (art. 3, para. 3)? Please specify:

(a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by Party of origin

(b) Based on the opinions of the competent authorities of the affected Party

(c) Based on the opinions of the competent authorities and that of public of the affected Party

(d) Other (please specify):

Your comments: Having analysed the documents submitted by the Party of origin and considering the characteristics of the project and its environmental impacts in national territory, EIA authority decides whether or not to participate in the EIA procedure. The EIA authority may also contact other competent authorities concerned.

The criteria used for this decision consists mainly in the significance of the impacts foreseen in national territory.

(Article 35 of the Decree-Law n.º 151-B/2013, of 31 October).

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

(a) Following the rules and procedures of the Party of origin

(b) Following the rules and procedures of the affected Party

(c) Other (please specify):

According to the institutional arrangements set by the cooperation protocol signed by the Government of the Kingdom of Spain and the Government of the Republic of Portugal, the competent authorities of the affected Party consult the entities and the interested public about the potential transboundary effects and the measures envisaged to reduce or eliminate such effects.

Within a maximum of three months, the competent authority of the affected Party sends its position about the project, so that it may be considered in the final decision.

There is also some flexibility if the affected Party requests an extension of this deadline.

Your comments:

Article 4

Preparation of the environmental impact assessment documentation

I.17. How do you ensure sufficient quality of the EIA documentation as Party of origin? Please specify:

- (a) The competent authority checks the information provided and ensures it includes all information required under appendix II as a minimum before making it available for comments
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Your comments: The content of the appendix II is included in the annex V of the EIA National Law (Decree-Law n.º 151-B/2013, of 31 October), defined as minimum content for the Environmental Impact Report.

I.18. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

- (a) By using appendix II
- (b) By using the comments received from the authorities concerned during the scoping phase, if applicable
- (c) By using the comments from members of the public during the scoping phase, if applicable
- (d) As determined by the developer based on its own expertise
- (e) By using other means (please specify):

Your comments: the relevant information to be included in the EIA documentation is based on the requirements of annex V of Decree-Law n.º 151-B/2013, of 31 October.

The relevant information is also determined by the Assessment Commission while analysing the EIA report submitted by the developer.

The scoping stage is an optional procedure in the Portuguese EIA national Law. If it takes place, the main conclusions are also considered to determine the relevant information to be included in the EIA documentation.

(Article 13, paragraph 1 and 2; article 14, paragraph 8 and 9 of Decree-Law n.º 151-B/2013, of 31 October).

I.19. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):

(c) Other (please specify):

Your comments: This is decided through a case-by-case analysis and it depends on the technical characteristics of the project, its location and dimension, as well as the environmental, social and economic characteristics of the area concerned.

Article 5

Consultations on the basis of the environmental impact assessment documentation

(a) Public participation

I.20. How can the public concerned express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

As Party of origin

- (a) By sending comments to the competent authority/focal point
- (b) By taking part in a public hearing
- (c) Other (please specify):

As affected Party

- (d) By sending comments to the competent authority/focal point
- (e) By taking part in a public hearing
- (f) Other (please specify):

Your comments: According to the 2008 cooperation protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, the affected Party is the main responsible for promoting public consultation in its national territory and according to its domestic EIA legal regime.

All the EIA procedures, domestic or in a transboundary context, include a period for consultation of the concerned authorities and public participation, subject to the following timeframes: 20 days or 15 days in the case of projects submitted to industrial licencing (article 15 of Decree-Law n. ° 151-B/2013, of 31 October).

I.21. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

- (a) Yes
- (b) No

Your comments:

I.22. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

- (a) Yes
- (b) No

Your comments:

(b) Consultations

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations (expert, joint bodies, etc.) between the authorities of the concerned Parties? Please specify:

- (a) Yes, it is obligatory
- (b) No, it does not have any provision on that
- (c) It is optional (please specify):

Your comments: The specific details for organizing transboundary consultations depend on the scope and characteristics of the project and are determined on a case by case basis.

According to the 2008 cooperation protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, meetings between the competent authorities from both Parties can be planned if necessary.

**Article 6
Final decision**

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

- (a) Conclusions of the EIA documentation
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2
- (c) Outcome of the consultations as referred to in article 5
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party
- (f) Mitigation measures
- (g) Other (please specify):

(Article 18, paragraphs 3, 4 and 5 of the Decree-Law n.º 151-B/2013, of 31 October: Content of the final decision; Article 34, paragraph 2 and 3 of the Decree-Law n.º 151-B/2013, of 31 October: inclusion of the public consultation results in the final decision as Party of origin; Article 35, paragraph 2 of the Decree-Law n.º 151-B/2013, of 31 October: inclusion of the public consultation results in the final decision as affected Party).

I.25. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1):

- (a) Yes
- (b) No

Your comments: The outcomes of such consultations are taken into account by the Assessment Commission while preparing its technical report. Consequently it will reflect on the final EIA decision (article 34, paragraph 2 and 3 of the Decree-Law n.º 151-B/2013, of 31 October). The same approach is adopted for the results of the national consultations.

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

- (a) No
- (b) Yes (please specify):

Your comments: No specific provision is established. However this is a general principle not only for projects with transboundary impacts but for all projects subject to EIA. If any additional information on the significant impacts of the project (transboundary or domestic) becomes available, provisions are established in order to allow the EIA authority to revise the EIA decision and add any necessary conditions to avoid or reduce such impacts.

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

- (a) Yes
- (b) No (please specify those that do not):

Your comments: Projects listed in Appendix I of the Convention are included in Annex I of Decree-Law 151-B/2013, of 31 October and all of them require a final decision to authorize or undertake the activity

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language:

The final EIA decision is binding and may be favourable, favourable with conditions or unfavourable. However, the “final decision” that gives the developer the right to undertake the project is the licensing decision or authorization issued by the competent authority for such economic activity. This decision has to take into account and comply with the requirements set by the EIA decision.

Your comments:

Article 7

Post-project analysis

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

- (a) No
- (b) Yes (please specify the main steps to be taken and how the results of it are communicated): After the EIA final decision, a post-project analysis is carried out for the subsequent stages of the project (construction and operational and deactivation phases). The post-project analysis included visits to the project location, auditing (legislation provides for 4 mandatory audits, one during the construction phase and one three years after the beginning of the operational phase) and monitoring arrangements.

The post-project analysis is carried out by the EIA competent authority with the participation of the entities who hold relevant technical knowledge, including the licensing authority and external specialists if needed.

The 2008 cooperation protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal also includes a specific provision on post-project analysis. The competent authorities of both Parties may establish monitoring arrangements for assessing the transboundary effects of the plan, programme or project. Specific forms for communicating the results of such arrangements may also be established

Your comments:

(Article 26 of the Decree-Law n. ° 151-B/2013, of 31 October and article 17 of the cooperation protocol).

Article 8

Bilateral and multilateral cooperation

(a) Agreements

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

(a) No

(b) Yes Please specify with which countries:

Convention on Cooperation for the Protection and Sustainable Use of the Waters of the Spanish-Portuguese Basins (Albufeira Convention), signed between the two countries and that came into force in January 2000.

This Convention aims at:

- searching a balance between protecting the environment and the use of the water resources necessary for the sustainable development of both countries;
- coordinating efforts for a better management of the water resources in Spanish-Portuguese river basins;
- establishing direct links and efficient procedures for dealing with extreme events, such as floods and droughts.

Full text in Portuguese available at:

http://www.cadc-albufeira.eu/imagenes/pt/PT1_14_tcm43-335441.pdf

Cooperation protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal, regarding the environmental assessment of plans, programmes and projects likely to have significant transboundary effects..

Full text in Portuguese available at:

http://www.apambiente.pt/_zdata/AAE/Responsabilidades/ProtocoloPT_ES_AIAA_AE_20080219.pdf

I.31. What issues do these bilateral agreements cover (appendix VI)? (more than one option may apply):

(a) Specific conditions of the subregion concerned

(b) Institutional, administrative and other arrangements

- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA
- (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities
- (g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies
- (h) Other, please specify:

Your comments:

(b) Procedural steps required by the national legislation

I.32. Please describe the steps required in your national legislation for a transboundary EIA procedure:

When EIA in a transboundary context is part of a domestic EIA procedure:

Every time the Portuguese authorities are assessing a project likely to have significant transboundary impacts, the EIA authority notifies the affected Party as soon as the Portuguese public is informed. The notification is sent through the competent services of Office for Foreign Affairs and shall include the following elements:

1. A description of the project, together with any available information on its transboundary impacts;
2. Information on the nature of the decision, which may be taken by the authorities.

After this notification, the affected Party has a 15 days period to declare whether it wishes to participate in the EIA procedure or not. The 2008 cooperation protocol between the Government of the Kingdom of Spain and the Government of the Republic of Portugal extends this period to 30 days.

If the affected Party intends to participate, Portugal sends to the competent national authorities all the information regarding the EIA procedure, namely:

1. A description of the project comprising information on the site, design and size of the project
2. The environmental impact report which includes:
 - The data required to identify and assess the main effects which the project is likely to have on the environment;
 - An outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects;
 - A description of the measures envisaged to avoid, minimize or otherwise compensate significant adverse effects and the monitoring arrangements.
3. A non-technical summary of the information mentioned in the previous indents.

The results of such participation shall be forward to the Portuguese authorities, within the legal deadlines in order to be taken into consideration by the Assessment Commission in its

technical opinion. As soon as the EIA procedure has ended, the competent services of the Ministry of Foreign Affairs shall forward the Environmental Impact Statement as well as the final licensing decision, to the competent authorities of the affected State.

Whenever the Portuguese State is notified by another Member State of a project likely to have significant environmental impacts in national territory, the EIA authority promotes the public consultation disclosing all the information submitted by the Party of origin. The outcome of such public consultation will be forwarded to the national competent authorities in order to be considered. The national EIA authority will make available to the public all the information received from the Party of origin regarding the final decision of the EIA procedure.

(b) When EIA in a transboundary context is a separate procedure (please provide of how this procedure links to the domestic procedure and whether the steps are different):

The transboundary EIA is always a part of a domestic EIA procedure.

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments:

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?:

(a) No

(b) Yes (please specify):

(i) Special provisions:

(ii) Informal arrangements:

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?:

(a) No

(b) Yes (please specify):

(i) Special provisions:

(ii) Informal arrangements:

Your comments:

Part two

Practical application during the period 2013–2015

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

1. Experience in the transboundary environmental impact assessment procedure during the period 2013–2015

Cases during the period 2013–2015

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

Transboundary EIA procedures: As Party of origin

Name of case	Starting date (date notification sent)	Length of the main steps in months		Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any Public participation, including public hearing, if any	
1. <i>Eixo da RNT entre Vila do Conde, Vila Fria B e a Rede Elétrica de Espanha, a 400 kV</i>	01/28/2014	07/08/2014		<p><i>During the EIA procedure, and after the notification to the Spanish authorities, the applicant requested not to be considered the northern section of the aerial high voltage power line, i.e. the final section connecting the Spanish border. This request was accepted by the Portuguese EIA authority and communicated to the Spanish authorities (10/15/2014). Therefore, the project no longer had transboundary impacts and, consequently, no opinion was issued by the Spanish authorities.</i></p> <p><i>A new design for the northern section of the project is now being prepared jointly with the Spanish developer of the project mentioned in the Table II.2(a) – line 1.</i></p>

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
...					

Your comments:

Table II.2 (a)
Transboundary EIA procedures: As affected Party

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1. <i>Subestações de Covelo e Beariz e Linhas Associadas a 400kV (Galiza)</i>		Notification was sent by the Spanish authorities on the 06/27/2013 and received by the Portuguese EIA authority on the 08/05/2013. The Portuguese authority responded to the Spanish authorities on the 09/04/2013 indicating its intention to participate in the EIA procedure. Later on the Spanish authorities notified the Portuguese EIA authority that modifications were being introduced in the project (sent on the 03/25/2013 and received on the 04/07/2013). The Portuguese EIA authority is now awaiting for the new environmental report on such modifications in order to proceed in order to proceed with the domestic consultations (response sent to the Spanish authorities on the 12/04/2015)			
2. <i>Explotación del yacimiento Alameda, situado en la Reserva Definitiva del Estado "Salamanca 28"</i>		Notification was sent by the Spanish authorities on the 08/17/2015 and received by the Portuguese EIA authority on the 08/21/2015. The Portuguese authority responded to the Spanish authorities on the 09/21/2015 indicating its intention to participate in the EIA procedure and requesting the translated documents in order to proceed with the domestic consultations (public and experts). No further developments have taken place.			
...					

Your comments:

Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others.

II.3. Translation is not addressed in the Convention. How has your country addressed the question of translation? What difficulties has your country as Party of origin and affected Party experienced relating to translation and interpretation, and what solutions has your country applied? (Please specify, among others, the parts and type of the documentation translated, language, costs, etc.):

(a) As Party of origin: According to the 2008 protocol of collaboration between Portugal and Spain, regarding environmental assessment plans, programmes and projects likely to have significant transboundary effects, all the information concerning transboundary effects must be translated, by the Party of origin, into the language of the affected party and sent in a separate document.

(b) As affected Party: According to the 2008 protocol of collaboration between Portugal and Spain, regarding environmental assessment plans, programmes and projects likely to have significant transboundary effects, all the information concerning transboundary effects must be translated, by the Party of origin, into the language of the affected party and sent in a separate document. Usually the Government of Spain sends the necessary information. As affected party, Portugal has not had difficulties related to the translation or interpretation of the necessary documentation send by the Government of Spain.

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information:

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

- (a) Yes
(b) No

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects:
(b) For NPPs:

II.7. Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases:

No relevant data due to the short number of transboundary EIA procedures during this time frame (2013-2015).

II.8. Would your country like to introduce a case in the form of a Convention "case study fact sheet"?

- (a) No (no relevant case studies during the 2013 – 2015 period)
(b) Yes (please indicate which cases):

II.9. Has your country carried out post-project analyses in the period 2013–2015:

- (a) No
(b) Yes (please indicate which projects, along with the challenges in implementation and any lessons learned):

2. Experience in using the guidance in 2013–2015

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?:

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

No

Yes (please provide details): This Guidance was considered and reflected into the provisions

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):

No

Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No

Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

3. Clarity of the Convention

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either as Party of origin or as affected Party, because of a lack of clarity of the provisions?:

No

Yes (please indicate which provisions and how they are unclear):

4. Suggested improvements to the report

II.12 Please provide suggestions for how this report may be improved.