

**REPORT OF PORTUGAL ON THE
IMPLEMENTATION OF THE CONVENTION ON
ENVIRONMENTAL IMPACT ASSESSMENT IN A
TRANSBOUNDARY CONTEXT**

in the period 2010–2012

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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.

Article 2

General Provisions

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2).*

The Portuguese legal regime on EIA has been initially established by Law Decree n.º 186/90 of 6 June, which transposed into national law the European Directive n.º 85/337/EEC, of 27 June, on the assessment of the effects of certain public and private projects on the environment.

In 1997, the European Union (EU) became a Party to the Espoo Convention. In order to include the provisions of the Convention into Community law, the European Council approved Directive n.º 97/11/EC amending Directive n.º 85/337/EEC.

Later on, also Portugal, as a sovereign state, has approved, into national law, the Espoo Convention through Decree n.º 59/99 of 17 December.

In this sense, and aiming to adjust its national EIA regime to the new legal framework, Portugal approved, in 2000, a new legal act, Law Decree n.º 69/2000 of 3 June. This legal act, which repealed the previous Law Decree n.º 186/90, establishes specific provisions concerning EIA in a transboundary context, setting the obligation to notify and consult any Party that may be affected by any project likely to have a significant adverse environmental impact across borders.

In 2005, Law Decree n.º 69/2000 was amended and republished by Law Decree n.º 197/2005 of 8 November, partially transposing Directive n.º 2003/35/EC, of 26 May, which amends Directive n.º 85/337/EEC and Directive n.º 97/11/EC.

The Portuguese EIA legal regime also includes Order n.º 1257/2005, of 2 December, establishing the applicable fees to the EIA procedures and Order n.º 330/2001, of 2 April, setting technical guidelines for the documentation submitted in the scoping, EIA and post assessment phases.

By establishing this legal framework, Portugal has guaranteed the implementation of the Espoo Convention provisions, to which the country has directly committed itself, by approving the Convention into national law, and indirectly while transposing the European Community law.

Indicate any further measures to implement the provisions of the Convention that are planned for the near future.

No further measures are planned for the near future.

3. *List the different authorities that are named responsible for the implementation of the EIA procedure in the transboundary context and domestically.*

The different entities and authorities involved in the domestic EIA procedure are the following:

- Proponent: has the initiative to develop the project and is responsible for the submission of all the information necessary for the EIA procedure, namely the EIS, the project description, and the non-technical summary;
- Licensing authority: responsible for sending to the EIA authority all the relevant information and data submitted by the proponent and for communicating and disclosing to the public the final decision on the licensing of the project
- EIA authority: responsible for coordinating the EIA procedure (scoping phase, EIA, post assessment phase and post-project analysis), for appointing the Assessment Committee, for promoting and ensuring the public consultation and for analysing the opinion submitted by the Assessment Committee and proposing a draft version of the Environmental Impact Statement to the Minister responsible for the environmental matters;
- Assessment Committee: responsible for the technical analysis of the proposal for scope definition, of the EIS and the post assessment report.
- Minister responsible for the environmental matters, who issues the Environmental Impact Statement.

These entities and their responsibilities are the same for transboundary EIA procedures. However the communication between the EIA national authority and the environmental authorities of the affected State is made through the competent services of the foreign affairs office.

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

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.

5. *Does your country have special provisions for transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?*

Given its geographical context, Portugal only has inland borders with one EU Member State, Spain. There are no specific provisions for joint cross-border projects. There is however a cooperation protocol signed on 19th February 2008 between Portugal and Spain, regarding environmental assessment plans, programmes and projects likely to have significant transboundary effects.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

6. *Is appendix I to the Convention transposed fully into your country's national legislation? Please describe any differences between the national list and appendix I to the Convention.*

The national legal EIA regime lists the types of projects subjected to EIA according to the European EIA Directive, which includes all the activities listed in the Appendix of the second amendment to the Convention except for the "offshore hydrocarbon production".

The national legal EIA regime does not use the terms “large” and “major”. These have been replaced through thresholds above which EIA is obligatory.

7. *Does your country’s legislation already cover fully the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7)?*

Yes.

PUBLIC PARTICIPATION

8. *How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country’s public as required in article 2, paragraph 6?*

The affected State shall promote the public participation according to its domestic EIA legal regime.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

9. *Describe how your country determines when to send the notification to the affected Party, which is to occur “as early as possible as and no later than when informing its own public”.*

Every time the Portuguese authorities are evaluating a project likely to have significant transboundary impacts, the EIA authority notifies the affected State, as soon as the Portuguese public is informed.

10. *Indicate whether and how the following provisions are reflected in your national legislation:*

- a. *The stage in the EIA procedure when your country usually notifies the affected Party (art. 3.1);*

The affected Party is notified after the Environmental Impact Study (EIS) is considered in accordance with the legal and technical requirements and the declaration of conformity is issued.

- b. *The format for notification. Please indicate whether this is the format as decided by the first meeting of the Parties in its decision I/4 (ECE /MP.EIA/2, annex IV, appendix). If not, does your country use a format of its own (in which case, please attach a copy of it)?*

The notification does not use this format, but the information provided is quite similar.

- c. *The time frame for the response to the notification from the affected Party (cf. art. 3, para. 3, “within the time specified in the notification”), the consequence if an affected Party does not comply with the time frame, and the possibility of extending a deadline;*

Law Decree 197/2005 in Article 33°, n.º 2, sets a 15 days period, after the notification is sent, for the affected State to declare whether it wishes to participate in the EIA procedure or not. However, the 2008 Protocol of Cooperation between Portugal and Spain enlarges this period to a maximum limit of 30 days. If Spain 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.

- d. *The request for information from the affected Party (art. 3 para. 6), necessary for the preparation of the EIA documentation;*

As provided in article 7, para. 4 of the European EIA Directive the States concerned shall enter into consultations regarding, inter alia, the potential transboundary effects of the project and the measures envisaged to reduce or eliminate such effects and shall agree on a reasonable time frame for the duration of the consultation period.

- e. *How your country cooperates with the authorities of the affected Party on public participation (art. 3, para. 8);*

According to the 2008 Protocol of Cooperation between Portugal and Spain, the affected Party is the main responsible for promoting public participation in its national territory and according to its domestic EIA legal regime.

However, as provided in Article 7, n° 3 of the European EIA Directive the States concerned, each insofar as it is concerned, shall :

- arrange for the information on the EIA procedure to be made available, within a reasonable time, to the authorities and the public concerned in the territory of the affected State;
- ensure that those authorities and the public concerned are given an opportunity, before development consent for the project is granted, to forward their opinion within a reasonable time on the information supplied.

- f. *When and how the public in the affected Party is notified (what kinds of media, etc., are usually used). What is normally the content of the public notification?*

According to the 2008 Protocol of Cooperation between Portugal and Spain, the affected Party is the main responsible for promoting public participation in its national territory and according to its domestic EIA legal regime.

- g. *When and how the public in the Party of origin is notified (what kinds of media, etc. are usually used). What is normally the content of the public notification?*

Public consultation begins within 15 days after the conformity declaration is issued for the Environmental Impact Report. Public consultation will then take place for 30 to 50 days, in case of projects listed under Annex I, and for 20 to 40 days, if the project is listed under Annex II.

The public is usually notified through the EIA authority website, local and national newspapers and through a public notice published in the city council and in the parish council.

- h. *Whether the notification to the public of the affected Party has the same content as the notification to your country's public. If not, describe why not.*

According to the 2008 Protocol of Cooperation between Portugal and Spain, the affected Party is the main responsible for promoting public participation in its national territory and according to its domestic EIA legal regime.

11. *Does your country make use of contact points for the purposes of notification, as decided at the first meeting of Parties (ECE/MP.EIA/2, annex III, decision I/3), and as listed on the Convention website (http://www.unece.org/env/eia/points_of_contact.htm)?*

Usually the points of contact are not used because the notification is always sent through the Ministry of Foreign Affairs.

According to the institutional arrangements set by the 2008 Protocol of Cooperation between Portugal and Spain, official communications between the two states are made through their Ministries of Foreign Affairs.

However the Portuguese Environment Agency is the competent authority to facilitate consultations and exchanges of information in transboundary EIA procedures. Any cross-border communication is made known by e-mail to the respective authorities.

Competent authorities hold meetings every six months for analysis of institutional and procedural aspects.

QUESTIONS TO AFFECTED PARTY

12. *Indicate whether and how the following provisions are reflected in your national legislation:*

a. *How your country decides whether or not to participate in the EIA procedure (art. 3, para. 3)?*

Having analysed the documentation submitted by another State on 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 authorities concerned. The criteria used for this decision consist mainly in the significance of the impacts foreseen in national territory.

b. *The request from the Party of origin for information (art. 3, para. 6), necessary for the preparation of the EIA documentation;*

As provided in article 7, para. 4 of the European EIA Directive the States concerned shall enter into consultations regarding, inter alia, the potential transboundary effects of the project and the measures envisaged to reduce or eliminate such effects and shall agree on a reasonable time frame for the duration of the consultation period.

c. *How your country cooperates with the authorities of the Party of origin on public participation (art. 3, para. 8);*

According to the 2008 Protocol of Cooperation between Portugal and Spain, the Party of origin is the main responsible for promoting public participation in its national territory and according to its domestic EIA legal regime.

d. *When and how the public is notified (e.g., what kinds of media, etc., are usually used).*

The public is notified through newspapers and the Internet at the following moments:

- During the scoping phase (non-mandatory phase);
- After the declaration of conformity is issued, the EIA authority has 15 days to begin the public consultation that will happen in a period of 30 to 50 days, for projects listed under Annex I, and 20 to 40 days, for projects listed under Annex II.
- During the post assessment procedure (before the project implementation).

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

13. *Indicate the legal requirements in your country, if any, related to:*

a. *The content of the EIA documentation (art. 4, para. 1; appendix II);*

The EIA documentation must include:

1. A description of the project comprising information on the site, design and size of the project
2. The environmental impact study 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 in order to avoid, reduce and, if possible, remedy significant adverse effects;
 - monitoring programmes.
3. A non-technical summary of the information mentioned in the previous indents.

b. *The procedures for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4, para. 1);*

The content of the EIA documentation must be in accordance with the technical guidelines set by Order n.º 330/2001. However, in case a scoping procedure takes place previously the scope of the environmental information to be submitted in the EIA documentation will be specifically established in this phase as well as the terms of reference for the environmental studies to be undertaken.

c. *The identification of “reasonable alternatives” in accordance with appendix II, paragraph (b);*

This is decided on 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 economical characteristics of the area concerned.

d. *The procedures and format for providing the EIA documentation domestically;*

The developer must prepare the EIA documentation in accordance with the national guidelines set by Order n.º 330/2001. Extra guidelines are set for the non-technical summary in a specific documento from the national EIA authority. Although no specific format is established, the main topics are detailed in Order n.º 330/2001.

e. *The procedures and format for providing the EIA documentation to the affected Party. If there is a difference between the procedures and format domestically and for the affected Party, please explain;*

The only difference is that the EIA documentation must include, in case of a project having transboundary impacts, a specific document assessing the impacts in the affected party, translated in the language of that party.

f. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation domestically, and how the comments submitted domestically are addressed;*

The EIA documentation is examined by an Assessment Committee, appointed and coordinated by the EIA authority. This Assessment Committee is responsible for the technical analysis of the EIA documentation and its opinion will constitute the grounds for the EIA authority to prepare the draft version of the Environmental Impact Statement. This statement will be issued by the Minister responsible for the environmental matters.

Public consultation takes from 20 to 40 days, for projects listed under Annex II and from 30 to 50 days, for projects listed under Annex I. Only written comments are considered, except the comments made during a public hearing, which are recorded by the EIA authority. After that period, the Assessment Committee will analyse the comments submitted and, whenever relevant, will take them into consideration in its technical analysis of the project. Specific answers to the comments submitted may also occur depending on the issues addressed.

- g. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation from the affected Party, and how the comments submitted by the affected Party are addressed;*

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 are responsible for promoting public consultation in its territory.

Within a maximum of three months, the competent authority of the affected Party must forward its position on the project to the Party of Origin, so that it may be considered in the final decision.

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

The procedures for the examination are quite similar to procedures described in the previous answer.

- h. *The procedures for public hearings domestically;*

No specific procedures are established for public hearings. These are set on a case by case approach.

- i. *The procedures for public hearings held on the territory of the affected Party.*

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 are responsible for promoting public consultation in its territory. This included public hearings.

QUESTIONS TO AFFECTED PARTY

14. *Indicate the legal requirements in your country, if any, related to:*

- a. *The procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin;*

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 must forward its position on the project to the Party of Origin within three months.

- b. *The procedures for public participation in the review of the EIA documentation domestically, and the authority responsible for the execution of the aforementioned procedures;*

The Portuguese Environment Agency, as the national EIA authority, is responsible for the transboundary consultation formalities. Therefore, it promotes public consultation for transboundary projects having Portugal as Affected Party. Whenever possible, periods of 20 to 40 days are established for projects listed under Annex II and periods of 30 to 50 days are established for projects listed under Annex I.

Only written comments are considered, except the comments made during a public hearing, which are recorded by the EIA authority.

When public consultation is concluded, the EIA authority or the Assessment Committee, if one has been appointed, will analyse the comments submitted and, whenever relevant, will take them into consideration in its technical analysis of the project.

- c. *The procedures for the examination of the EIA documentation domestically.*

For projects having another State as Party of Origin, it is not mandatory to appoint an Assessment Committee. However, it is common for the EIA authority to do so.

Therefore, the EIA authority or the Assessment Committee, if one has been appointed, will analyse the EIA documentation and prepare a report with the national position on the project and which will also include the analysis of the public consultation results.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

15. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The procedures for cooperation with the affected Party related to consultations;*

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 are responsible for promoting public consultation in its territory.

However, the cooperation protocol also foresees the possibility to plan meetings between the competent authorities from both Parties and to establish ad-hoc joint procedures for promoting public consultation.

- b. *The stages, procedures and deadlines for consultations with the affected Party;*

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 must forward its position on the project to the Party of Origin within three months.

The affected Party is consulted in the scoping phase and in the several stages of the impact assessment.

- c. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

Periods of 20 to 40 days are established for projects listed under Annex II and periods of 30 to 50 days are established for projects listed under Annex I.

Only written comments are considered, except the comments made during a public hearing, which are recorded by the EIA authority.

When public consultation is concluded, the EIA authority or the Assessment Committee, if one has been appointed, will analyse the comments submitted and, whenever relevant, will take them into consideration in its technical analysis of the project.

QUESTIONS TO AFFECTED PARTY

16. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The procedures for interaction with the Party of origin related to consultations;*

Specific procedures for interaction with the Party of Origin are established by the cooperation protocol signed by the Government of the Kingdom of Spain and the Government of the Republic of Portugal. It includes formal communications between the Ministries of Foreign Affairs and, simultaneously, informal communications between the Portuguese Environment Agency and the Spanish Dirección General de Calidad y Evaluación Ambiental y Medio Natural.

- b. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

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 the 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. 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.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

17. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The definition of "final decision" related to the implementation of the planned activity; the content of decisions; and procedures for their adoption;*

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 activity. This decision has to take into account and comply with the requirements set by the EIA decision.

- b. *For each type of activity listed in appendix I, identify what is regarded as the "final decision" to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2, para. 3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

All projects listed in appendix I require a licensing decision or authorization ("licença ou autorização"). This decision is established by sectorial laws.

- c. *The procedures for informing of the "final decision" domestically and for the affected Party;*

The final decision is published in the website of the EIA authority and communicated to the developer, the licensing authority and the municipality. In cases of transboundary consultation, a formal

- d. *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)?*

Yes.

- e. *The opportunity to review the decision if, before the activity is implemented, additional information becomes available according to article 6, paragraph 3.*

The EIA decision may be reviewed by the EIA authority if additional information becomes available.

Article 7

Post-Project Analysis

18. *Indicate the legal requirements in your country, if any, related to:*

- a. *Post-project analysis (art. 7, para. 1);*

When the EIA occurs in a phase of prior study or ante-project, a post assessment procedure must take place before the project implementation. This procedure consists basically in verifying if the implementation of the project complies with the conditions established by the Environmental Impact Statement.

As occurs in the EIA procedure also the post assessment begins with the submission, by the proponent, of a report regarding the environmental conformity of the final design project. The Assessment Committee appointed has a 40 days period to issued its opinion to the EIA authority. In this stage of the process the concerned public can also comment the project and the results of such participation will be taken into account in the final decision, issued by the EIA authority, no more than 5 days after the Assessment Committee has forward its opinion.

After the development of the project, a post-project analysis may be carried out including auditing and monitoring activities. This occurs during the construction, operation and deactivation phases of the projects.

b. Procedures for informing of the results of post-project analysis.

This consultation process will be carried out in the same terms as the consultation made within the EIA procedure.

Article 8

Bilateral and multilateral agreements

19. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

The 1998 Albufeira Convention between Portugal and Spain regarding the the Protection and Sustainable Use of the Waters of the Portuguese-Spanish Hydrographical Catchments which 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.

On 19th February 2008 a protocol of collaboration was signed between Portugal and Spain, regarding environmental assessment plans, programmes and projects likely to have significant transboundary effects.

20. Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?

As a result of the Albufeira Convention, a better coordination between Portugal and Spain was achieved and is actively in place, being regulated by the two peer bodies created by the agreement: the Conference of the Parties, at a ministerial level, and the Commission for the Implementation and Development of the Agreement, at a technical level.

Article 9

Research programmes

21. Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.

No information on any specific research within the items mentioned in article 9 of the Convention.

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

22. If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?

Preparatory work is almost completed so we intend to ratify the first amendment to the Convention very soon.

23. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Portugal has already ratified the second amendment to the Convention.

24. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

Portugal has already ratified the Protocol on SEA.

PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010–2012

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; and 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.

CASES DURING THE PERIOD 2010–2012

25. *If your country's national administration has a list 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 it.*

Portugal as the Affected Party and Spain as Party of Origin:

- High speed train between Porriño (Pontevedra) and the Portuguese border;
- Power line between Puebla de Guzmán (Huelva) and the Portuguese border;
- Oil refinery in Extremadura;
- Combined cycle power plant in Ledesma (Salamanca).

Portugal as Party of origin Spain as the Affected Party:

- High speed train between Braga and Valença;
- Almada de Ouro anchorage - Golf and Country Club;
- Dredging of the River Guadiana between the International Bridge and O Pomarão.

26. *Does your country object to the inclusion of the above list of transboundary EIA procedures in a compilation of such procedures to be made available on the website of the Convention? (Indicate "yes" if you object.)*

No objection.

27. *Provide information and explanations on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

No information available.

28. *If your country has had practical experience in the transboundary EIA procedure during the reporting period, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

In Portugal, EIA has proved to be a preventive and decisive tool in the pursuit of a sustainable development policy, contributing effectively to improve the quality of life. In this sense, the Convention has definitely provided for a stronger and closer cooperation between the countries, supporting the prevention, reduction or control of possible significant transboundary environmental impacts.

29. *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:*

- a. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?*

The 2008 Protocol of cooperation has established that a separate chapter has to be submitted by the developer, containing the information on the transboundary effects, translated into the language of the affected Party.

- b. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?*

The 2008 Protocol of cooperation has established that a separate chapter has to be submitted by the developer, containing the information on the transboundary effects, translated into the language of the affected Party.

- c. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? Has your country experienced difficulties with the participation of its public or the public of another Party (e.g., have there been complaints from the public about the procedure)?*

According to the 2008 Protocol of Cooperation between Portugal and Spain, the affected Party is the main responsible for promoting public participation in its national territory and according to its domestic EIA legal regime. There is no knowledge of any difficulties

- d. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?*

There is no knowledge of any difficulties.

- e. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

The final decision is communicated to the affected Party through the respective Ministries of Foreign Affairs.

- f. *Has your country carried out post-project analyses and, if so, on what kinds of project?*

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 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.

Between 2010 and 2012 a joint post-project analysis was carried out during the construction works for the Reinforcement of Power in the Bemposta Damm.

- g. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.);*

There is no information available on any transboundary EIA procedure for joint projects.

- h. *Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?*

There is no information available to support a case study.

- i. *Identify the most common means of applying the Convention (e.g., through focal points, joint bodies, multilateral agreements).*

Through formal letters between the Ministries of Foreign Affairs and, simultaneously, through informal letters between the Portuguese Environment Agency and the Spanish Dirección General de Calidad y Evaluación Ambiental y Medio Natural.

CO-OPERATION BETWEEN PARTIES IN 2010–2012

30. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries? If so please specify.*

Although no significant difficulties have been experienced, the 2008 Protocol of Cooperation between Portugal and Spain has overcome these problems.

EXPERIENCE IN USING THE GUIDANCE IN 2010–2012

31. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented.*

a. *Guidance on public participation in EIA in a transboundary context (ECE/MP.EIA/7);*

No relevant experience.

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

No relevant experience.

c. *Guidelines on good practice and on bilateral and multilateral agreements (ECE/MP.EIA/6, annex IV, appendix).*

No relevant experience.

CLARITY OF THE CONVENTION

32. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear?*

No difficulties have been experienced.

AWARENESS OF THE CONVENTION

33. *Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g., the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

This is indirectly made through the awareness promotion activities developed under the EIA national legal regime.

34. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so?*

The application of the Convention in Portugal has been improved by the 2008 Protocol of Cooperation between Portugal and Spain.

SUGGESTED IMPROVEMENTS TO THE REPORT

35. *Please provide suggestions for how this report may be improved.*

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