



European Forum
30 years of EIA of projects
Challenges in transposing
the amended Directive

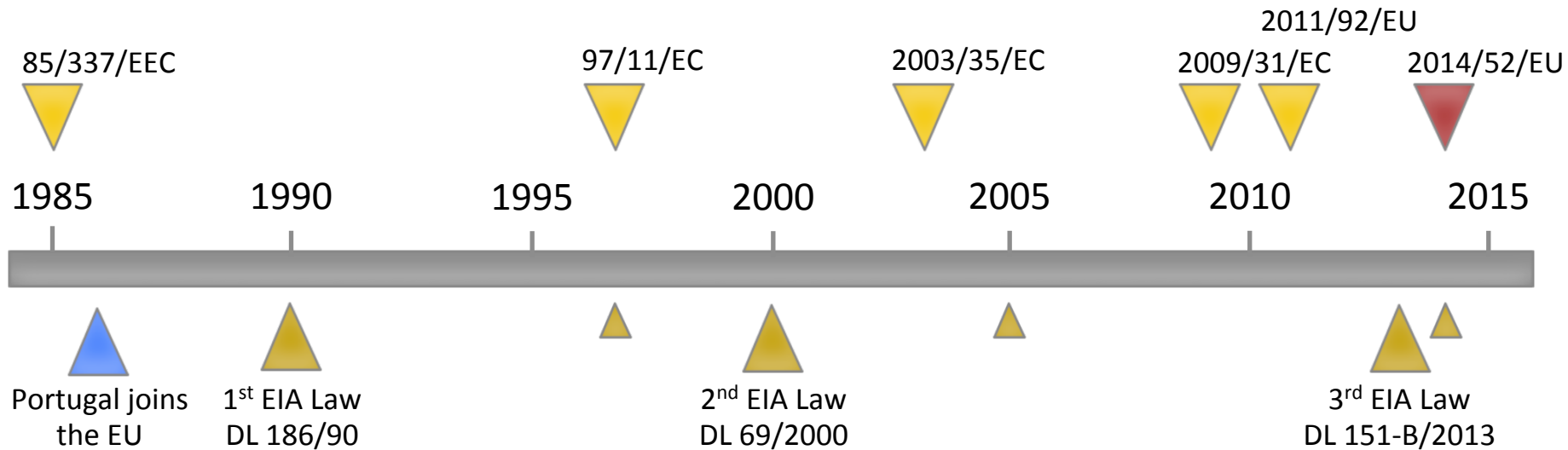
A Portuguese perspective on
the amended Directive

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The European Directive



The Portuguese EIA Legislation



EIA in Portugal: History

1981-1990

Absence of
legislation

Initiative of
developers

Influence of
international
banks and EU

Lack of public
participation

Voluntary effort
on quality

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1990-2000

DL 186/90
Minimalist

1st EIA law – a
copy of the 85
Directive

Assessment
committees

Strong public
participation /
NTS in the
Internet

Phased approach
(alternatives) in
practice

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2000-2013

DL 69/2000
Phased

Mature EIA
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Phasing
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law

Quality control

Formal EIA
decision

Practice weaker
than the law

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2014-...

DL 151-B/2013
Detailed

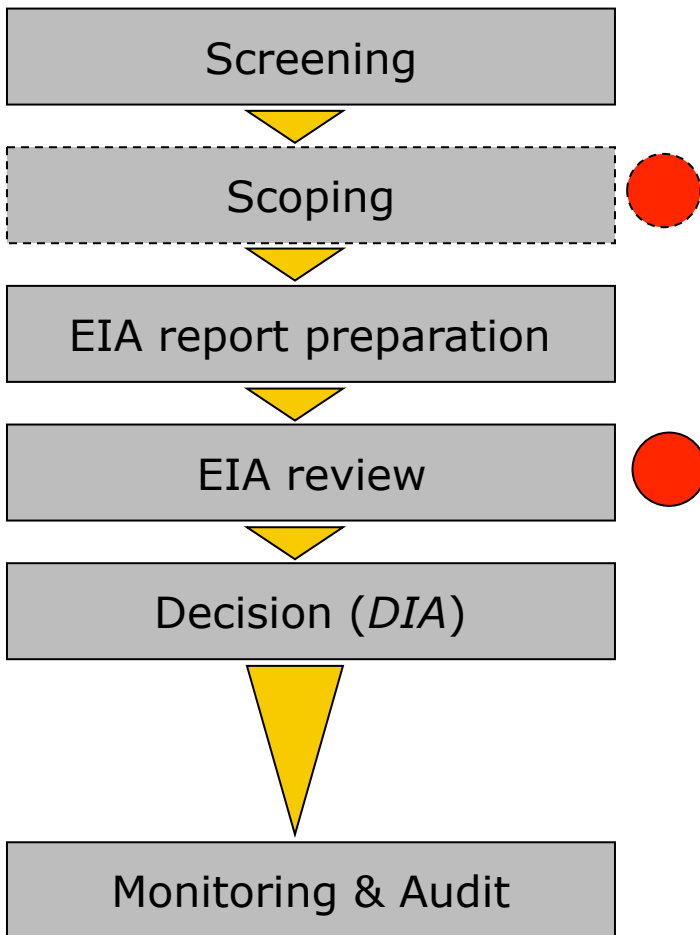
Detailing of the
procedures


Reinforcement of
the phasing
approach

Weakening of
public
participation

Portugal: The phased approach

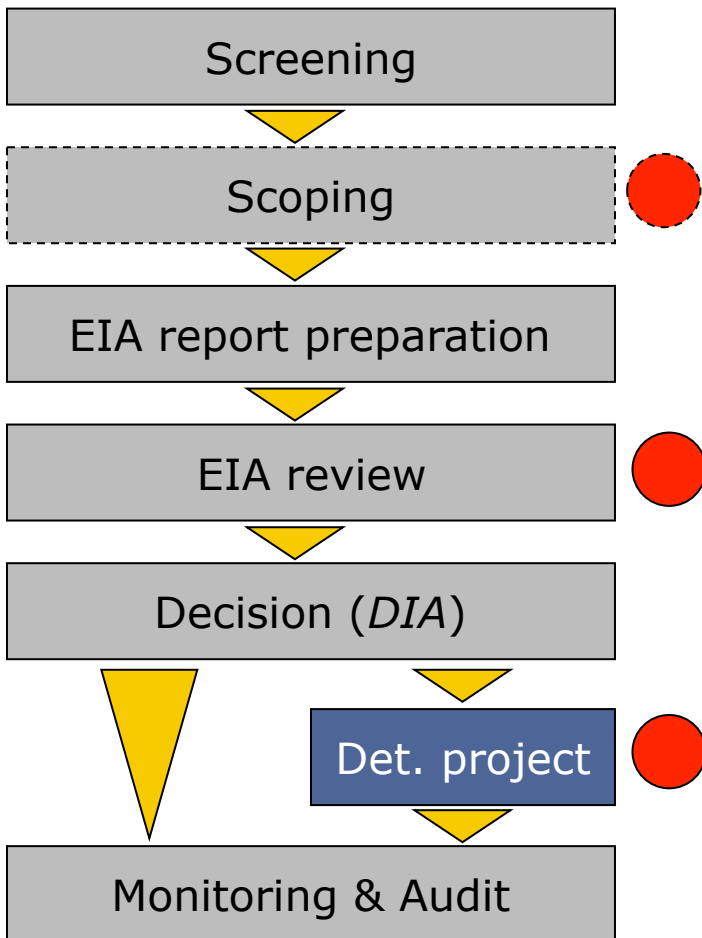
EIA
in Portugal




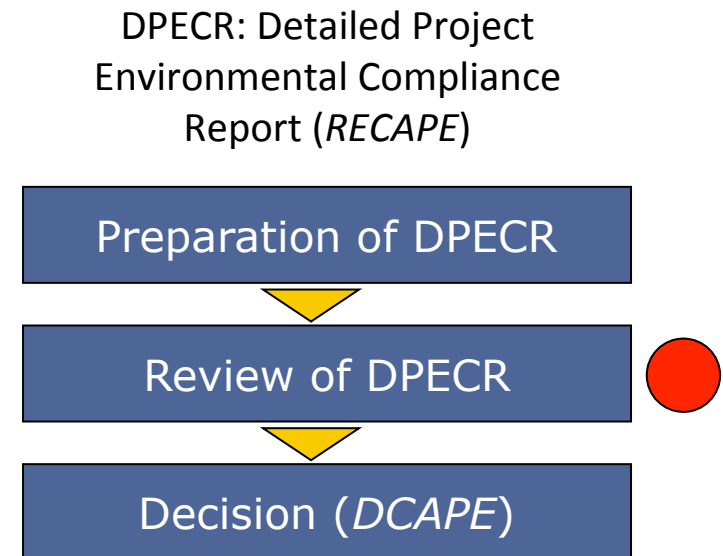
 Public & institutional consultation

Portugal: The phased approach

EIA
in Portugal



 Public & institutional consultation



Main new provisions of the amended Directive

Directive 2014/52/EU

Art 1-1

EIA definition: EIA report preparation + consultations + examination of information + integration in decision

Art 3-1

Scope of EIA: population and human health, biodiversity, land

Art 3-2

Scope of EIA: risks of major accidents and disasters

Portuguese EIA Law

Definition in the 2000 Portuguese EIA law: policy tool, including alternative analysis, to support decision-making

Portuguese regulations of 2001 have a weak reference to risks

Main new provisions of the amended Directive

Directive 2014/52/EU

Art 4-5

Determination of the case-
by-case examination

Art 4-6

Time frame for the
determination of the case-
by-case examination

Art 5-1

“a description of the
reasonable alternatives”

Portuguese EIA Law

Since 2013

Since 2013

Since 2000

The lack of reasonable
alternatives is a reason for
refusal

Main new provisions of the amended Directive

Directive 2014/52/EU

Art 5-3

- (a) Competent experts to prepare the EIA report
- (b) Expertise available at the competent authority

Art 5-3

- (c) Supplementary information by the developer

Art 6-5

Electronic accessibility through a central portal

Portuguese EIA Law

Since 2000

Since 2000

Main new provisions of the amended Directive

Directive 2014/52/EU

Art 6-6 & 6-7

Time frame for public participation and consultation of authorities

Art 8a

Decision, including mitigation and monitoring, reasons for refusal
Time frame for decision
Validity of the decision

Art 9a

Conflict of interests

Portuguese EIA Law

Since 1986

Since 2000 and 2005



Main new provisions of the amended Directive

Directive 2014/52/EU

Portuguese EIA Law

Art 10a

Penalties

Since 1986

Main problems

Bureaucracy

Balance of powers

Authorities with insufficient expertise

Lack of focus

Public participation seen by developers and authorities as a legal requirement

Main challenges

Scope of EIA: integrating human health & risks

Mandatory scoping

Certification of competent experts for the EIA preparation

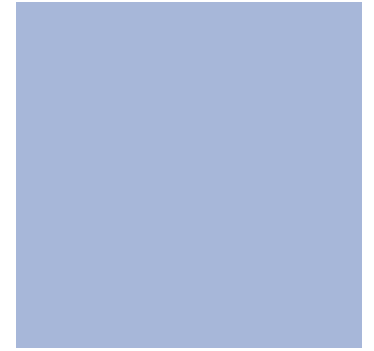
Suggestions of action

Discussion between stakeholders – a role for IAIA affiliates?

Creation of certification schemes for competent experts for the EIA preparation, review and training

Investment on research: How EIA is promoting better and more sustainable decisions? How can we improve the efficiency of EIA?

Investment on awareness of the stakeholders about the potential role of EIA (and other IA tools)



Comments and questions?