



PERMANENT MISSION OF PORTUGAL
GENEVA

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The Permanent Mission of Portugal to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to enclose herewith the replies of the Portuguese authorities to the Questionnaire on the Human Rights to Safe Drinking Water and Sanitation, as requested by the Special Rapporteur on 29 January 2019.

The Permanent Mission of Portugal avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 17 April 2019

Office of the High Commissioner for Human Rights
To the attention of Mr. Léo Heller
Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation
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As regards the questions posed by the Special Rapporteur on how mega-projects impact the realization of the human rights to water and sanitation at each stage of their project cycle which are included in the questionnaire, Portugal response is presented below.

At the moment we do not identify any "mega-projects" that are undergoing in the water sector in Portugal, according to the description provided in the survey.

In fact, most of the major investments in the water and sanitation sector have already been materialized.

With regard to "macro-planning", it may be pointed out that in the Strategic Plan for Water Supply and Wastewater Sanitation 2020 - PENSAAR 2020 - these human rights are explicitly recognized, and there are even objectives related to their pursuit. For instance, Operational objective 4.1 – Sustainable Cost Recovery, includes measures to ensure affordable tariffs and the human right to water services.

Furthermore, Portugal, as a member of the European Union, is bound to make the environmental assessment as a procedure that ensures that the environmental implications of decisions are taken into account before the decisions are made, including those on the human rights to water and sanitation and on other related rights.

Environmental assessment can be undertaken for individual projects, such as a dam, motorway, airport or factory, on the basis of *Directive 2011/92/EU* (known as 'Environmental Impact Assessment' – EIA Directive) or for public plans or programs on the basis of *Directive 2001/42/EC* (known as 'Strategic Environmental Assessment' – SEA Directive). The common principle of both Directives is to ensure that plans, programs and projects likely to have significant effects on the environment are made subject to an environmental assessment, prior to their approval or authorization.

Consultation with the public is a key feature of environmental assessment procedures.

The Directives on Environmental Assessment aim to provide a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation of projects, plans and programs with a view to reduce their environmental impact. They ensure public participation in decision-making and thereby strengthen the quality of decisions. The projects and programs co-financed by the EU (Cohesion, Agricultural and Fisheries Policies) have to comply with the EIA and SEA Directives to receive approval for financial assistance. Hence the Directives on Environmental Assessment stand as crucial tools for sustainable development.

The national legislation transposing the above mentioned European Directives into the Portuguese legal framework, is the following:

Decree-Law no.232 / 2007, of June 15, amended by Decree-Law no. 58/2011, of 4 May, establishes the framework for the SEA at national level. In the case of the territorial management instruments, it was decided to maintain the pre-existing procedures within the framework of the spatial planning and urbanism policy, adjusting them to the requirements of the SEA.

The Portuguese legislation on SEA has a focus on procedural transparency and the responsibilities of the entities that develop the plans or programs. The Ministry responsible for the Environment does not assume a regulatory role, and the Portuguese Environment Agency has the task of monitoring the application of legislation and disseminating information, ensuring dialogue with the European Commission.

The EIA is enshrined, as a principle, in Article 18 of the Environmental Law (Law no. 19/2014, of April 14).

The current legal framework for environmental impact assessment (EIA) is established by Decree-Law no. 151-B / 2013, dated October 31, amended and republished by Decree-Law No. 152-B / 2017, of December 11, which transposes Directive 2014/52 / EU on the evaluation of the effects of certain public and private projects on the environment into the internal legal order.

The Decree-Law no. 151-B / 2013 also reflects the commitments made by the Portuguese Government under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention), approved by Decree No. 59/99 of 17 from December.

The Decree-Law no. 152-B / 2017 of December 11 came into force on January 1, 2018.