



Strasbourg, 14 February 2025

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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE  
AND NATURAL HABITATS

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**Standing Committee**  
45<sup>th</sup> meeting  
Strasbourg, 8-12 December 2025

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**Bureau of the Standing Committee**  
8-10 April 2025  
Strasbourg

**Complaint on stand-by: 2020/06**

**Presumed threat to Tagus Estuary Special Protected Area  
from a new airport (Portugal)**

**- COMPLAINANT REPORT -**

*Document prepared by  
SPEA - Sociedade Portuguesa para o Estudo das Aves*

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*To the kind attention of*  
**Bern Convention Secretariat**  
Directorate General of Democracy and Human Dignity  
Council of Europe  
F-67075, Strasbourg

**Mr Mikaël Poutiers**  
**Secretary of the Bern Convention**  
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Lisbon, 14 February 2025

**Reference: Complaint No. 2020/6, “Portugal: Presumed threat to Tagus Estuary Special Protected Area from a new airport”**

**UPDATED INFORMATION ON COMPLAINT No. 2020/6**

Dear Sirs,

I refer to you, on behalf of the Portuguese Society for the Study of Birds (“**SPEA**”), with regard to the note of the Directorate General of Human Rights and Rule of Law of 10 April 2024, requesting updates on the file in view of the next meeting of the Bureau of the Standing Committee (the “**Bureau**”) to be held in Spring 2025.

For the purposes of the present updates, the complainant would like to bring to the attention of the Bureau the following considerations and developments, which mainly regard the conclusion of the Strategic Environmental Assessment (“**SEA**”) procedure, activated by the Portuguese Government to expand airport capacity in Lisbon.

In this respect, please note the following:

- As mentioned in the previous round of updates the Independent Technical Committee appointed by the Portuguese Government to carry out the SEA procedure published the first draft of the relevant SEA report. There, it was clearly stated that a solution involving Montijo would be unviable, being one of the main reasons its impacts on the environment and biodiversity.
- These conclusions were confirmed, upon the relevant consultations, in the final report of the SEA procedure, adopted in March 2024 (**Annex 1**).
- Upon these outcomes, the Portuguese Government announced that, taking into account the results of the SEA procedure, Montijo was no longer considered as an option to expand airport capacity in Lisbon. The decision, which was formalised through Resolution of the Council of Ministers No. 66/2024 of 27 May 2024 (**Annex 2**), fell on the military range of Alcochete.

While the viability of such a project should be carefully monitored and assessed, the complainant considers a very positive development that the Portuguese Government agreed on the unviability of a new airport in Montijo, mainly due to the impacts on the environment and biodiversity (as also confirmed by the Independent Technical Committee overseeing the SEA).

In parallel to this, however, it is worth reminding the Bureau that the legal action challenging the Environmental Impact Statement for the Montijo airport is still pending before the Administrative Court of Lisbon, without a decision on the same having been adopted yet.

In this regard, the complainant considers crucial that the legal action remains active and in full force for the following reasons.

The EIS, as already described in the previous communication, had a validity of 4 years, which expired on 21 January 2024. As already informed, however, the proponent requested the renewal its validity. Upon the relevant procedure, the Portuguese Environmental Agency, in consultation with the Institute for the Conservation of Nature and Forests, rejected the request (**Annex 3**), mainly due to the impacts of the project on biodiversity as highlighted by multiple scientific contributions that emerged since the issuing of the EIS (as noted before). Such impacts, as remarked in the claim before the Administrative Court of Lisbon as well as in the complaint No. 2020/6, are unequivocal and clear in leading to the conclusion that the project cannot go ahead, necessarily driving any relevant environmental assessment.

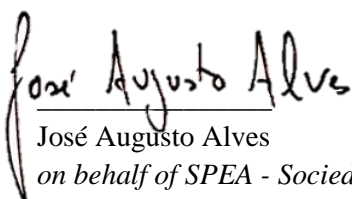
As per our information, the decision of the Portuguese Environmental Agency has nonetheless been challenged by the proponent at administrative level. On April 5, 2024, ANA presented an administrative appeal to the APA asking APA to annul the decision not to extend it and issue a new decision to extend it for another 4 years. APA had sixty working days to decide, a deadline that ended on July 4, 2024, but decided not to decide. The consequence of the non-decision is that ANA has a period of 1 year to appeal to the court against the decision not to extend the Environmental Impact Statement, a period that ends on July 4, 2025.

In this respect, the complainant considers important to remark to the Bureau that, until there is legal certainty that the Montijo project has decayed at any level, it remains crucial to insist before all the relevant instances – especially in the pending case before the Administrative Court of Lisbon – to ensure that the project is definitively halted.

For these reasons, the complainant would also respectfully ask the Bureau to keep the complaint at least on standby, until legal certainty is achieved, to avoid a scenario in which the Montijo project could be revived, in spite of all the evidence showing its unviability under an environmental and biodiversity standpoint, which irremediably reduce any space of manoeuvre for the competent authorities.

Reminding the Bureau that any solution considering developments at Montijo inevitably entails violations of applicable obligations (including under the Bern Convention), the complainant will take care of informing the Bureau about any updates on the above aspects at the earliest convenience.

In faith,



Handwritten signature of José Augusto Alves in black ink.

José Augusto Alves

*on behalf of SPEA - Sociedade Portuguesa para o Estudo das Aves*

**Annexes:**

- 1) Final report of the SEA procedure, published in March 2024.
- 2) Resolution of the Council of Ministers No. 66/2024 of 27 May 2024.
- 3) Portuguese Environmental Agency (APA) decision not to renew the EIS of 13 March 2024.