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T-PVS/Files(2022)41

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting

Strasbourg, 29 November - 2 December 2022

Complaint on stand-by: 2020/06

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

- GOVERNMENT REPORT -

Document prepared by

Institute of Nature Conservation and Forests (ICNF), Portugal



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vossa referência <i>your reference</i>	nossa referência <i>our reference</i>	nosso processo <i>our process</i>	Data <i>Date</i>
	S-012542/2022	P-009749/2021	2022-03-17
Assunto <i>subject</i>	New complaint to Bern Convention: 2020/6: Portugal: Presumed threat to Tagus Estuary Special Protected Area from a new airport - Report Update – MARCH 2022		

Dear Ms. Nadia Saporito,

Regarding the above mentioned subject, we provide an update on the information earlier reported.

Environmental Impact Assessment procedure (EIA)

All of the documents of the EIA procedure, including the environmental impact study (EIS) and the environmental impact declaration (EID), as well as all the supporting data are public and can be accessed at <https://siaia.apambiente.pt/AIA.aspx?ID=3280>.

The court actions that followed the DIA emission are also available at the mentioned link.

Strategic Environmental Assessment procedure (SEA)

The government decided to carry out an Strategic Environmental Assessment procedure in order to chose the solution for the new Lisbon airport.

Regarding the SEA, it is a procedure under the exclusive responsibility of the promoter, which aims to facilitate environmental integration and the assessment of opportunities and risks of strategies in previous phases of analysis, with the added value of identifying and evaluating the various strategic options anticipating possible significant effects on the environment. Within the scope of the SEA, the Ministry responsible for the Environment does not assume a regulatory role, and the APA, Environmental Protection Agency, is responsible for monitoring the application of legislation and disseminating information. That is, the SEA procedure, the public consultation, as well as the Environmental Declaration are the exclusive responsibility of the promoter. Effectively, the SEA legal regime, although mandatory, places the burden of the decision to subject a plan or program to this instrument on the entity responsible for drawing up the same plan or program and promoting the procedure.

Thus, it is in this context that we learned that the Ministry of Infrastructures announced, through [Order no. 7273-A/2021](#) , the decision of promoting a SEA. According to the preamble of the order, a comparative study will be carried out of three solutions — in their various dimensions, such as financial, economic, social, operational and environmental — to increase the airport capacity of the Lisbon region and which involve Alcochete and the Montijo:

(i) a dual solution, in which the Humberto Delgado Airport will have the status of the main airport and the Montijo Airport the complement,
(ii) an alternative dual solution, in which Montijo Airport will progressively acquire the status of main airport and Humberto Delgado Airport will acquire the status of complement, including the capacity for the main airport to fully replace the operation of the secondary airport
(iii) the construction of a new international airport at Campo de Tiro de Alcochete, which will, over time, fully replace the Humberto Delgado Airport. Delegate powers to coordinate the process of strategic environmental assessment of the expansion of airport capacity in the Lisbon region.
An International Open Tender for the elaboration of the strategic environmental study was launched. It is presumed that that the SEA will be concluded in 2023.

Court case files

There are four case files on the subject:

1. Case No. 979/19.9 BEALM - Provisional Measure (Administrative and Fiscal Court of Almada)

Author: NEGOCIATA – Nobody Expects Great Opportunities With Anti-Environment Investments – Association.

Defendant: Portuguese Environment Agency, IP, Ministry of Infrastructure and Housing and Ministry of Environment and Climate Action,

Process status:

Oppositions were presented, awaiting the normal development of the process.

Decision still pending

2. Case No. 262/20.7BEALM - Main Action (Administrative and Fiscal Court of Almada)

Author: NEGOCIATA – Nobody Expects Great Opportunities With Anti-Environment Investments – Association.

Defendant: Portuguese Environment Agency, IP, Ministry of Infrastructure and Housing and Ministry of Environment and Climate Action,

Process status:

The objections were presented, awaiting the normal development of the process.

Decision still pending

3. Case No. 425/19.8BELSB (Administrative and Fiscal Court of Porto)

Author: Zero – Sustainable Earth System Association

Defendant: Portuguese Environment Agency, IP, Ministry of Infrastructure and Housing and Ministry of Environment and Climate Action,

Process status:

The objections were presented, awaiting the normal development of the process.

Decision still pending

4. Process No. 970/20.2BELSB (Administrative Court of the Lisbon District)

Author: Portuguese Society for the Study of Birds

Defendant: Portuguese Environment Agency, IP,

Stakeholders: Ministry of Infrastructure and Housing and Ministry of Environment and Climate Action,

Process status:

The objections were presented, awaiting the normal development of the process.

Decision still pending

We keep available to clarify further questions that the Bureau may have in a spirit of cooperation with the Bern Convention aiming at the protection of species and habitats.

The President of the Directive Board,
Nuno Banza