

PRACTICAL LAW COMPANY

PLC Cross-border Handbooks

# Environment

The law and leading lawyers worldwide

2006/07

Cross-border

Country Q&A

PLC Which lawyer?

Lawyer profiles

# Contents

## ■ ■ ■ Editorial

### 7 Editorial

Miranda Lang

*PLC Cross-border Handbooks*

## ■ ■ ■ Cross-border chapter

### 9 Preparing for REACH

Nigel Howorth and Michael Coxall

*Clifford Chance LLP*

## ■ ■ ■ Country Q&A

### 17 Brazil

Alessandra Lehmen

*Consultant*

### 25 France

Yvan Razafindratandra

*Adamas*

### 31 Germany

Dr David Elshorst

*Clifford Chance LLP*

### 43 Greece

Antonios Sifakis

*Lambadarios Law Offices*

### 53 Ireland

Alison Fanagan

*A & L Goodbody*

### 61 Israel

Idit Reiter and Shiri Shapira

*Yuval Levy & Co Law Offices & Notaries*

### 71 Italy

Emilio Sani

*Macchi di Cellere Gangemi Studio Legale*

### 81 The Netherlands

Jeroen Koster

*Clifford Chance LLP*

### 93 Poland

Waleria Szczuka-Skarzynska

*Clifford Chance LLP*

### 105 Portugal

António Vitorino and Ana Luísa Guimarães

*Gonçalves Pereira, Castelo Branco & Associados*

### 117 Romania

Luminita Ivanciu

*Musat & Asociatii*

### 125 South Africa

Ian Sampson

*Shepstone & Wylie Attorneys*

### 137 Sweden

Per Molander and Agnes Larfeldt Alvé

*Mannheimer Swartling*

### 147 Switzerland

Benoît Merkt and Rayan Houdrouge

*Lenz & Staehelin*

### 159 UK (England and Wales)

Katrina Moore and Hannah Yeo

*Clifford Chance LLP*

### 171 United States

Michael B Gerrard and Lester Sotsky

*Arnold & Porter LLP*

## ■ ■ ■ PLC Which Lawyer?

### 179 Which law firm?

### 187 Which lawyer?

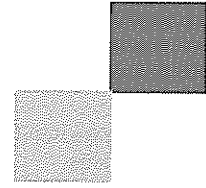
### 223 Lawyer profiles

## ■ ■ ■ Contributors

### 239 Contributor contacts

# Portugal

António Vitorino and Ana Luísa Guimarães,  
Gonçalves Pereira, Castelo Branco & Associados



[www.practicallaw.com/7-203-1690](http://www.practicallaw.com/7-203-1690)

## OVERVIEW

### 1. Please provide a brief overview of the system of environmental control?

There is a general regime for the integrated control of pollution resulting from certain potentially polluting activities (see Question 5). The regime sets out a number of rules to prevent or reduce emissions from such activities into the air, water or soil, and to prevent and control noise, and waste production.

Portugal has also adopted a number of special regimes including:

- Gas emissions in general (see Question 6, Air).
- Greenhouse gas emissions (see Question 6, Greenhouse gas emissions).
- Wastewater discharges into the water and soil (see Question 6, Wastewater).
- The management, processing and disposal of waste (see Question 8).
- The management of asbestos products and materials (see Question 11).

Further, permits for certain projects, works and investments are conditional on the completion and approval of an environmental impact study identifying the possible consequences of such projects (see Question 12).

### 2. To what extent are environmental requirements strictly enforced by regulators in your jurisdiction?

A number of public bodies strictly supervise the way in which operators carry on their activities to ensure compliance with environmental requirements. The effectiveness of environmental law depends largely on the diligence and professionalism with which these bodies perform their duties (see box, *The regulatory authorities*).

### 3. To what extent are environmental non-governmental organisations (NGOs) and pressure groups active in your jurisdiction?

There are about 20 NGOs active in the field of environmental protection, the most prominent being Quercus (*Quercus Associação Nacional de Conservação da Natureza*).

Quercus is active, well known by the public and has a strong media presence. National legislative bodies hear submissions from Quercus and other specialised NGOs when they adopt environmental laws, or laws that may have an impact on the environment.

There is an increasing awareness of environmental issues in Portuguese society, and environmental NGOs have an increasingly strong presence.

## PERMITTING OF EMISSIONS

### 4. Is there an integrated permitting regime or are separate permits required for different types of emissions?

There is an integrated permitting regime which aims to (*Decree-Law No 194/2000 of 21 August, according to Directive 96/61/EC concerning integrated pollution prevention and control*) (Integrated Permitting Regime):

- Prevent and control pollution produced by certain activities.
- Establish rules to prevent or reduce emissions from such activities into the air, water or soil.
- Prevent and control noise and waste production.

There are also special emission regimes that apply to, among other things:

- Emissions into the air, in general, setting emission limits (*Decree-Law No 78/2004 of 3 April*) (see Question 6, Air).
- Greenhouse gas emissions (*Decree-Law No 233/2004 of 14 December*) (see Question 6, Greenhouse gas emissions).
- Volatile organic compounds emissions.