20. PORTUGAL

20.1 Water Resources Management Policies and Actions

In Portugal, the Water Framework Law 2005 establishes the basis and the institutional framework for water management policy. This aims at providing the means for the sustainable management and protection of water resources to be undertaken by regional water management authorities with assigned territories designed around river basins. The Law provides for the creation of administrative regions for river basin and some of them are of international nature, e.g. most of the largest Portuguese rivers have international basins shared with Spain. It also provides the definition of several water resource planning and development instruments and determines their respective scope of intervention.

The main purposes of this law are to:

- Protect inland surface waters, coastal waters and groundwater
- Promote sustainable water use
- Protect the aquatic environment
- Improve the status of aquatic ecosystems
- Mitigate the effects of floods and droughts

With respect to the law, all water sector stakeholders are welcome to participate in the approval and execution of the water management plans. The law also sets out rules and imposes obligations for the use of water resources, in accordance with the principles of precaution and of promoting sustainable and efficient use of water resources. Nevertheless, the law is a step forward to the definition and implementation of a sustainable water policy and water management system, which is important in protecting water resources in Portugal.[319]

Strategic Plan for the Water Supply and Sanitation of Waste Water for 2007 – 2013 (PEAASAR 2007-2013)

Another document of crucial importance for the water sector which the Government has approved is the PEAASAR 2007-2013. This strategy document will be of crucial importance for the Country to attain the more advanced European targets concerning the Water Supply and the Sanitation of Waste Water.[320]

One of the objectives of PEAASAR 2007-2013 is to provide 90% of the country's total population with public urban wastewater treatment systems, with each integrated wastewater treatment system serving least 70% of the population it covers.[321]

(i) Water Supply

[319] Extracted from "Portugal – New Law on Water Policy in Portugal", http://www.mirandalawfirm.com/Docs/Articles/AO_ILO_Portugal.pdf, pages 1-2

[320] Extracted from the webpage of the Presidency of the European Union, http://www.eu2007.pt/UE/vEN/Bem_Vindo_Portugal/Ambiente/

[321] Extracted from http://ec.europa.eu/water/water-bathing/report2007/pt_comments.pdf, page 4

A key issue during the next programming period will be the role of price incentives in water supply management, as cost recovery is already close to 100%. Ideally, efforts should be focused on efficient tariff structures to reduce the complex variety of schemes that currently exist. The new charge on water resources is also expected to play a role.

According to PEAASAR 2007-2013, a large part of the investment set out for the 2007-2013 programme period is aimed at rehabilitation of existing infrastructures (40%). The improvement of water quality, through the construction or rehabilitation of water treatment plants, represents 9% of total investment. Total needs are estimated at 1061 million euro, although PEAASAR 2007-2013 indicates that 50% of all investment in water and wastewater systems is expected to be recovered through alternative funding sources such as user charges.

(ii) Wastewater treatment

Service levels in this sector are still far below established targets, with the sewage connection rate at 73.5% of the population, and sewage treatment plant connection at 60.4%. Full compliance with the Urban Waste Water Treatment not been achieved and Portugal has received several warnings from the European Commission on this issue. Increased coordination between bulk and retail system construction is important to ensure that collection, treatment, and discharges are properly integrated. Furthermore, it is clear that significant investment will be required in the next few years if there is to be any chance of achieving existing targets. There is some room for wastewater pricing because this is far from financial break-even, with a cost recovery level of 54%.[322]

Investment will be put on several areas between 2007 – 2013 which aims at rehabilitation of existing networks, building new sewage networks, and the construction or rehabilitation of wastewater treatment plants.

The Bathing Water Quality Improvement Programmes are part of PEAASAR 2007-2013 was recently adopted by the Minister of the Environment, Regional Planning and Regional Development. This will ensure that the public has access to water supply and wastewater treatment systems.[323]

[322] Extracted from "Strategic Evaluation on Environment and Risk Prevention under Structural and Cohesion Funds for the period 2007-2013", http://ec.europa.eu/regional_policy/sources/docgener/evaluation/pdf/evalstrat_env/pt_exec.pdf, page 1-2

[323] Extracted from http://ec.europa.eu/water/water-bathing/report2007/pt_comments.pdf, page 4

20.2 Environmental Evaluation/SEA in Portugal

In Portugal, the legislation that would transpose the SEA Directive was still under preparation in mid-2006 There is a guidance available regarding strategic impact assessment (SIA) of land-use/spatial plans (regional, inter-municipal, municipal, urban plans, coastal areas plans, natural protected areas plans and water reservoir plans). The National Directorate General issued the Guidance in 2003 for Land-Use Planning and Urban Development. [324,325]

The Guidance sets out a technical methodology for SIA to be used during the planning process as part of the conception, preparation, discussion, approval and implementation of spatial plans in Portugal. It applies to regional special, inter-municipal, and municipal master plans as defined in the Spatial Planning Act and regulations (Law n. 48/98 of 11th August, and Decree-Law n. 380/99, of 22 September 1999). The SIA methodology is designated to be used in close articulation with the planning methodology, to fit to the sequence and nature of planning activities and functions that are normally part of a plan development process.[326]

While most EU member states has transposed the SEA Directive by mid-2006, Portugal is one of the states identified that had no SEA legislation in place. As part of Portugal's moves to comply with European SEA Directive, guidance for SEA of Land-Use Plans available in 2003 provides an administrative requirement to implement SEA.

However, Portugal has had a poor record of integrating the environment into strategic decision-making. There are no legal requirements for SEA in Portugal. The existing EIA legislation is exclusively applied to projects; elements of environmental evaluation are incorporated into regional and local land use planning, in the preparation of a national energy plan and a national system for industrial waste management.[327]

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[324] Extracted from the "SEA in spatial/land use planning in the 25 EU member states – a July 2006 update", http://www.laum.uni-hannover.de/uvp/aktuell/SEAinMS2006.pdf, page 7

[325] The guideline can be referred to http://www.rec.org/REC/Programs/EnvironmentalAssessment/pdf/seminar2004/SEAGuidance-Portugal.pdf

[326] Extracted from the "Strategic Environmental Assessment: A sourcebook and reference guide to international experience", Barry Dalal-Clayton and Barry Sadler, 2004, http://www.iied.org/Gov/spa/documents/SEAbook/Chapter3_Oct04.pdf, page 99

[327] Referenced to the "Report on methodological approaches to SEA, including draft version of D5.1 (Report on current national procedures)" by the **B**uilding **E**nvironmental **A**ssessment **CON**sensus on the transeuropean transport network (BEACON), July 2004, http://www.transport-sea.net/filecount.phtml?file=D_2_1.doc&PHPSESSID=39b7a6b60cac49071eed204092d2aeb8, pages 55 - 57

20.3 Environmental Evaluation/SEA on Water Resources Management in Portugal

In Portugal, the legislation transposing the Directive was still under preparation in mid-2006, there is guidance for SEA of Land-Use Plans issued in 2003 which provides an administrative requirement to implement SEA. The Guidance sets out a technical methodology for SIA to be used for land use or spatial plans, which covers coastal areas plans and water reservoir plans.

Information of the process and requirements on SEA can be referred to section 20.2.

A summary table for both the water resources management policies and actions and SEA status in Portugal is presented in **Exhibit PT-1:**

Exhibit PT-1 Summary of Water Resources Management (WRM) Policies and Actions and SEA status in Portugal	
(a) WRM Policies and Actions	
WRM Policies and Actions	Policies ● PEAASAR 2007-2013 Actions ● Bathing Water Quality Improvement Programmes
Guidance/Legislations in WRM	Water Framework Law 2005
(b) Environmental Evaluations / SEA Status in WRM Policies and Actions	
Type of Assessment	SIA for land-use/spatial plans and programmes
Requirement Mechanisms	Administrative
Legislation for Environmental Evaluation / SEA	● Guidance on SIA of land-use/spatial plans ● National Directorate General for Land-Use Planning & Urban Development (2003)
Applications	● Plans and Programmes

20.4 Analysis and Conclusions

WRM Policies

In Portugal, the water management policy is established with reference to the Water Framework Law, which aims to promote sustainable and efficient use of water resources. PEAASAR 2007-2013 is the latest strategic plan for both the water supply and sanitation of wastewater. The plan targets to (i) provide an efficient tariff structures on water resources, and (ii) improve water quality by putting efforts on wastewater treatment.

Compared to Portugal, Hong Kong is not within the EU Directive regime and the scope of water resources need to be managed is restrained to the two main sources of water – rainfall from natural catchment and supply from Guangdong. It is Water Supplies Department's (WSD) scope of work to cover the whole process from the collection of natural yield from rainfall, the reception of raw water from Guangdong to the provision of a supply with a quality of accepted international standards to the users' taps. WSD also supplies sea water for flushing purposes to over 80% of the population. For protection against flooding, sewage collection, treatment and disposal, it is under Drainage Services Department's (DSD) jurisdiction.

For the sustainable development of Hong Kong, WSD has initiated a ***Total Water Management programme*** comprising key elements of new water resources, water reclamation, water conservation and water resources protection and management was initiated for better utilization of the different water resources.

EE/SEA

As an EU Member State, Portugal is obliged to adopt the requirements of the EU Directive 2001/42/EC by bringing into force the laws, regulations and administrative provisions necessary to comply with the Directive. However, the legislation of transposing the SEA Directive was still under preparation in mid-2006. There is a guidance available regarding strategic impact assessment (SIA) of land-use/spatial plans (regional, inter-municipal, municipal, urban plans, coastal areas plans, natural protected areas plans and water reservoir plans). The National Directorate General issued the Guidance in 2003 for Land-Use Planning and Urban Development.

The Guidance sets out a technical methodology for SIA to be used during the planning process as part of the conception, preparation, discussion, approval and implementation of spatial plans in Portugal. It applies to regional special, inter-municipal, and municipal master plans as defined in the Spatial Planning Act and regulations (Law n. 48/98 of 11th August, and Decree-Law n. 380/99, of 22 September 1999). The SIA methodology is designated to be used in close articulation with the planning methodology, to fit to the sequence and nature of planning activities and functions that are normally part of a plan development process.

While most EU member states has transposed the SEA Directive by mid-2006, Portugal is one of the states identified that had no SEA legislation in place. As part of Portugal's moves to comply with European SEA Directive, guidance for SEA of Land-Use Plans

available in 2003 provides an administrative requirement to implement SEA.

Hong Kong is not an EU Member. Hong Kong's SEA/EE is under Environmental Protection Department's (EPD) jurisdiction. Similar to the EU Member counterparts, there are both statutory and administrative systems for PPP projects in Hong Kong. While the statutory requirements govern primarily large scale development projects (i.e. over 20 ha of area or population over 100,000), the administrative counterpart has been applied to land use planning, transportation and sectoral PPP.

In most EU Member States' practices, a statutory system is put in operation for WRM related plans and programmes. Hong Kong may adopt a similar approach by expanding the scope of the current statutory system to cover other sectors such as WRM.

Also, the SEA Directive sets out the requirements for undertaking environmental assessments for plans and programmes in various sectors, namely, agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, etc. A similar scope or categorisation of sectors is recommended for setting up within Hong Kong's next generation SEA management framework.

Alqueva Dam[328]

River Guadiana [329]

[328] Source: http://www.appa.pt/site/index.php?option=content&task=view&id=257&Itemid=59
[329] Source: http://pwp.netcabo.pt/0510598901/portugal_ing.htm

20.5 Examples of Water Resources Management Policies / Actions or their Environmental Evaluation/SEA

Owing to limited information available from the internet, there are no suitable examples for Portugal.