

NATURE SCORE CARD



Portugal

Portugal has been a member of the European Union since 1986. Its Natura 2000 network consists of 165 sites, covering 50.895 km². Terrestrial sites are covering 19.010 km² (21% of the land area) while marine N2000 sites are covering 31.885 km². The below analysis and recommendations suggest that national authorities still need to make further efforts in order to fully implement the Birds and Habitats Directives and effective conservation of threatened species and habitats to be achieved on the ground.

	<ul style="list-style-type: none"> • Transposition of the Birds and Habitats Directives
	<ul style="list-style-type: none"> • Site designation • Stakeholder engagement, public participation and communication
	<ul style="list-style-type: none"> • Management of sites • Species protection • Avoid deterioration of sites, disturbance of species and implementation of appropriate assessments • Funding and resources • Landscape connectivity • Habitats and species monitoring • Promotion of research • Non-native species

ACTION PLAN FOR NATURE IN PORTUGAL

Transposition and designation

- Designation of sufficient and representative Natura 2000 marine areas and ensuring the connectivity between areas
- Designation of IBA's not covered by N2000 as SPA's must be a priority

Prevention of negative impacts

- Revision and effective implementation of the national legislation on IAS, ensuring that the necessary management plans (and resources) are in place
- Implementation of more transparent methodologies and easier access to monitoring and implementation reports for mitigation measures and compensation measures issued from environmental impact assessment processes.

Active management to achieve favourable conservation status

- Implementation of management plans for all N2000 areas
- Approval and effective implementation of national action plans for the conservation of priority species and habitats
- Better integration of international policies in the national implementation of the Directives, especially for the marine environment

Funding

- Ensuring sufficient resources for the adequate management/conservation and enforcement of the Directives, both through a national budget and EU money
- Production of a more detailed, adequate and better targeted PAF for the funding period post-2020

Monitoring and research

- Implementation of effective monitoring schemes for habitats and species, including the collection of sufficient baseline data

Stakeholder engagement

- Better governance and stakeholder participation, to ensure effective involvement of all parties
- Better communication and public awareness regarding Natura 2000 with special attention to the marine Natura 2000 areas and habitats/species.

The information in this scorecard is based on expert analysis from SPEA - Sociedade Portuguesa para o Estudo das Aves, LPN - Liga para a Protecção da Natureza, WWF Portugal, QUERCUS, GEOTA and FAPAS. Full details on the following pages.

LEGAL REQUIREMENT	STATUS IN PORTUGAL
<p>Transposition</p>	<ul style="list-style-type: none"> The transposition of the Birds and Habitats Directives is considered complete in Portugal.
<p>Site designation</p> <p>Designate and establish sites that form the Natura 2000 network of protected areas</p> <p><i>Habitats Directive, art. 3 & 4</i> <i>Birds Directive, art. 3 & 4</i></p>	<ul style="list-style-type: none"> Terrestrial sites are covering 19.010 km² (20.67% of land area) while marine N2000 sites are covering 31.885 km² The terrestrial Natura 2000 network is considered complete by the governmental institutions, but not on our advice: There are IBA's which have not been designated as SPA's but they meet the criteria (e.g. lagoa dos Salgados, Salinas de Alverca, Estuário do Mondego, São Pedro de Solis) but there is no will from the state to designate them. The marine Natura 2000 network is not complete. Natura 2000 sites, for the Habitats Directive in particular, are far from complete. Regarding the Birds Directive, almost all areas identified as IBAs are included as SPA's, except for Azores and 2 areas in the mainland (part of Berlengas marine IBA and Ria Formosa in Algarve). The Natura 2000 sites are mostly not included in Portugal's protected area (PA) system. Most of the PA's were defined before the N2000 network was concluded. Some areas are coinciding with PA's but there are a lot of Natura 2000 sites that are outside PA. Since the classification of new PA's is very bureaucratic and a political process it's difficult to designate new ones to integrate all Natura 2000 sites.
<p>Management of sites</p> <p>Establish site protection measures in Natura 2000 sites</p> <p><i>Habitats Directive, art. 6(1)</i> <i>Birds Directives, art. 4(1) & 4(2)</i></p>	<ul style="list-style-type: none"> Conservation objectives have been set partly, although too broad and often outdated. The conservation objectives at site level are not adequate as they are too broad and also there is no systematic/effective assessment that allows evaluating. Not a lot of management plans have been developed. Natura 2000 areas outside protected areas do not have management plans. Probably less than 20-30% of Nature 2000 areas have management plans and most of them just on paper (not implemented). The Commission has referred Portugal to the European Court of Justice for failing to designate SACs and establishing conservation measure in January 2018. Several SPAs have got management Plans (Estuário do Tejo SPA, Ilhéu da Vila SPA, Pico da Vara SPA, Paúl da Madriz SPA, ...), because they are inside a PA and because for some of them management plans have been developed through LIFE projects. Most of the management plans are not adequate, they lack specific and measurable conservation objectives and specific and concrete measures. There is also a lack of indicators, calendar or budget. Climate change considerations are in general not taken into account in the conservation measures proposed for Natura 2000. Very few management plans are implemented and mostly depending of projects (LIFEs), in the Azores and Madeira. On the mainland none have been implemented. There are clearly designated management authorities for Natura 2000 sites (ICNF) although there exist some degree of uncertainty regarding marine offshore areas. The government is pushing clearly to a new management system with municipalities and private organizations.
<p>Species protection</p> <p>Ensure species protection</p> <p><i>Habitats Directive, art. 12-16</i> <i>Birds Directive, art. 5-9</i></p>	<ul style="list-style-type: none"> Approved species action plans exist only for a few species (e.g. Azores bullfinch). There are also European action plans but no real implementation. Species action plans are implemented only partly, there is a lack of adequate funding. Permits / derogations for activities impacting protected species are being issued (e.g. Madeira Laurel Pigeon) but no recent reports have been made public or sent to EC
<p>Avoid deterioration of sites,</p>	<ul style="list-style-type: none"> Although the transposition of the Habitats Directive to the Portuguese law introduces the concept of "Environmental Incidences Evaluation" [literal

disturbance of species and appropriate assessment

Ensure no deterioration of habitats and disturbance to species in Natura 2000 sites

Habitats Directive, art.6(2)

Ensure that plans or projects likely to affect Natura 2000 sites are subject to appropriate assessment

Habitats Directive 6(3)

Ensure that developments affecting the integrity of the site are not approved unless there are no alternative solutions, and for imperative reasons of overriding public interest and if compensatory measures are taken

Habitats Directive 6(4)

translation of Avaliação de Incidências Ambientais], as far as we understand, this does not really represent what Appropriate Assessment (AA) should actually be, nor does it allow its accurate definition, implementation and enforcement nationally, as in other member States. Therefore, in practice, Portugal is not fully applying AA as it should be doing.

- Main gaps/problems are the following:
 - Cumulative impact are often not considered or when they are the assessment is very weak.
 - Environmental impact studies many times do not address properly the impacts and their evaluation by the Environmental Agency is insufficient too.
 - adverse effects on the site are not always correctly assessed as defined by the conservation objectives and status of the site
 - The precautionary principle is usually not applied
- Experts are subcontracted by the promoters to make Environmental studies and APA (Environmental Agency) approves or disapproves the studies. We consider them independent even though we find that sometimes the studies do not have enough quality.
- When the decision is taken by the government (instead of APA), because the project is considered of public interest, the result can go against the advice of environment experts including APA's advice.
- 'Overriding public interest' criteria are not always enough justified. Generally any dam, road, railway, airport is considered of public interest and this hampers the questioning of the real interest and adequacy of the project itself.
- With PIN (National interest) projects (very expensive and big projects that became considered strategic for development), which are commonly touristic resorts, environmental evaluation became less relevant.. The legal processes of environmental assessment are quicker and ill-evaluated by the environmental authority.
- Compensation measures are poorly effective and often unverified.
- In a few cases they are not even completely implemented or very delayed in time, like the case of the Sabor dam. In other cases, compensation measures just imply more studies, and that is not effective to mitigate or to promote wild populations. Most of the time it is very difficult to know if the compensation measures, monitoring programs and mitigation measures are being correctly implemented because these studies are not easily available from environmental authorities.

Landscape connectivity

Encourage the management of landscape features to improve the ecological coherence of the Natura 2000 network

Habitats Directive art. 3(3) & 10

- Landscape connectivity is not really integrated within the Natura 2000 management documents and implementation.
- The National Ecological Reserve (REN) is supposed to preserve ecological corridors, namely along riversides and floodplains, but because it has a weak protection status it is not effectively protecting natural values nor assuring actual landscape connectivity.

Funding and resources

Identify funding needs

Habitats Directive, art. 8

- Portugal has elaborated 3 PAFs (for mainland, Azores and Madeira), but they lack detail and don't adequately target the needs of Natura 2000 funding.
- The estimated money needed for the 3 PAFs is much higher than the annual budgets. PAF (mainland) estimates 100-130M€/year is needed for Natura 2000 and the national government budgeted for 2017 – 4M€.
- There is no dedicated budget to cover Natura 2000 need, not even from clear obligations, like the Rural development measures. Portugal does not have the funds to serve as co-funding for the rural development measures and the rural development measures are not taken up. Some of the measures that are implemented are detrimental for nature conservation.
- There is no sufficient staff dedicated to Natura 2000.

Habitats and species monitoring

Undertake monitoring of the conservation status of habitats and

- There is no monitoring system in place at the biogeographical, habitat, site or species level.
- Often the assessments of conservation status and the underlying data are not of good quality. The situation is highly heterogeneous, good data in some places, data that are not updated in most places and inexistent data in many

<p>species of Community importance <i>Habitats Directive, art.11</i></p>	<p>places.</p> <ul style="list-style-type: none"> Data are publically available but very outdated (last data publicly available was put online in 2006, for a national report on the status of the Natura 2000 network).
<p>Promotion of research Encourage research and scientific work <i>Habitats Directive, art. 18</i> <i>Birds Directive, art. 10</i></p>	<ul style="list-style-type: none"> The scientific community sometimes receives support for research projects to assess the status of threatened species, for top emblematic species, like the wolf, and the lynx, but even that data is outdated. Some data is only possible to obtain due to conservations projects (LIFE projects, etc).
<p>Non-native species Ensure that introductions of non-native species do not prejudice native habitats and species <i>Habitats Directive, art. 22</i> <i>Birds Directive, art. 11</i></p>	<ul style="list-style-type: none"> Measures to address the threat caused by invasive alien species are rarely foreseen. There is a general law that forbids the planting of invasive alien species. However practical actions to control invasive species in protected areas are only occasional and very local (e.g. acacia in Peneda-Gerês National Park). Some work to control invasive species done in islands and islets of Azores and Madeira and mainland.
<p>Stakeholder engagement, public participation and communication Stakeholder engagement and public participation are key to ensuring effective implementation</p>	<ul style="list-style-type: none"> Stakeholder participation in the site designation process is happening to some extent. The most recent designations were publically discussed and boundaries were revised according to stakeholder interests. However, stakeholder participation is still only partial, most of the times biased and faces many challenges. There is stakeholder participation in the development of management plans, but mostly for protected areas with the Planos de Ordenamento. Public consultation processes before approving management plans are only done in protected areas. There is stakeholder participation and public consultation on the granting of authorisations under Article 6, but it should be improved. For NGO's it is for instance very difficult to have the resources to participate in those processes which makes the process biased. Often there is no full public participation and transparency in decision-making impacting nature. In many cases decisions are taken against the public interest and public pressure. Awareness raising activities on Natura 2000 at the national/regional level have been undertaken, but insufficiently especially at national level. There is no Natura 2000 communication strategy for the local level (site level).

RECOMMENDATIONS FOR PORTUGAL

- Designation of sufficient and representative Natura 2000 marine areas, including sufficient representation of listed habitats and species, and ensuring the connectivity between areas. Designation of IBA's not covered by Natura 2000 as SPA's must be a priority.
- Implementation of management plans for all Natura 2000 areas, ensuring sufficient human and material resources for the adequate management/conservation and enforcement of the Directives in all designated areas, both through national budget (dedicated funds – such as “Fundo Ambiental” and “Fundo Azul”, municipal budgets, taxes, lottery money, incentives to private donations and specifically corporations) and EU money (CAP/Rural Development – allowing adequate implementation of agro-environmental measures to support Natura 2000, Fisheries Fund, Cohesion Funds, LIFE).
- Approval and effective implementation of national action plans for the conservation of priority species and habitats, namely assuring sufficient funding for this purpose.
- Better governance and (public and private) stakeholder participation, namely of landowners, in the management of Natura 2000 areas. Stakeholder participation and public consultation must ensure the effective involvement of all parties, both in terrestrial and marine environments.
- Better communication and public awareness (including the implementation of a national campaign) regarding Natura 2000 and habitats/species of Community importance and on the importance/services provided by N2000 areas. Special attention shall be given to the marine Natura 2000 areas and habitats/species.
- Implementation of effective monitoring schemes for the habitats and species, including the collection of sufficient baseline data when needed. Sufficient funding for this task must be assured, both from public and private sector (which uses and benefits from natural resources).
- Better integration of international policies in the national implementation of the Directives, especially for the marine environment.
- Production of a more detailed, adequate and better targeted PAF for the funding period post-2020.
- Revision and effective implementation of the national legislation on Invasive Alien Species, ensuring that the necessary management plans (and resources) are in place.
- Implementation of more transparent methodologies and easier access to monitoring and implementation reports for mitigation measures, compensation measures, issued from environmental impact assessment processes.