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New Environmental Framework Law

Law nr. 19/2014, of April 14, defining the environmental policy framework, was published today, revoking the previous Environmental Framework Law (Law nr. 11/87, of April 7), approved 27 years ago.

The New Environmental Framework Law carries out a significant simplification and systematization in comparison with the previous law, adapting to the legal framework published during the last decades and updating definitions, principles and environmental policy instruments.

Purposes of the environment policy

According to the new law, the environment policy, for which the State is responsible, aims at allowing the **exercise of environmental rights**, by **promoting sustainable development**, based on an adequate management of the environment, contributing to the development of a **low carbon society** and a “**green economy**”, rational and efficient when using natural resources, assuring the **well-being** and gradual improvement of the **citizens’ quality of life**.

Environmental principles

Public intervention regarding environmental issues is subject to the following principles:

- > **Sustainable development**
- > **Intra and intergenerational Liability**
- > **Prevention and Precaution**
- > **Polluter pays**
- > **User pays**
- > **Liability**
- > **Recovery**

Right to the environment

The new law maintains the general principle that all citizens have a right to the environment and to quality of life, under terms foreseen at a constitutional and international level.

The right to the environment is defined as **the right of defense against any aggression to each citizen’s constitutionally and internationally protected sphere**, as well as the **power to demand from public and private entities the compliance with the environmental duties and obligations** to which they are legally bound.

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Environmental procedural rights

The new law determines that all citizens are granted rights of intervention and participation in administrative proceedings related to the environment, in particular:

- > **Participation rights** of citizens, non-governmental organizations and all interested parties, regarding environmental issues
- > **Access right to environmental information** held by public entities

Environmental procedural rights

Procedural rights have been clarified and systematized, the new law acknowledging the right of all citizens to a full and effective protection of their legally protected rights and interests regarding environmental matters, including:

- > **Right of action** regarding the defence of subjective rights and legally protected interests, as well as the right of public action and of *actio popularis*
- > **Right to promote the prevention, cessation and remedying of violations of environmental assets and values**, as promptly as possible
- > **Right to request the immediate cessation of any activity that may threaten or cause damages to the environment**, as well the restoration to its previous state and the respective compensation

Environmental duties

Citizens' duties are treated separately, the new law establishing that **the right to the environment is directly associated with the duty to protect, preserve and respect it**, assuring a sustainable development in the long term, especially for future generations.

The new law defines **Environmental citizenship** as the **duty to contribute to the creation of a healthy and ecologically balanced environment** and to its protection and preservation.

Scope of the environmental policy – Natural and human environmental components

The previous distinction between natural environmental components and human environmental components, directly associated to the execution of the environmental policy, is maintained, having been subject to modifications under the terms set forth in the table below:

Natural environmental components	Components associated to human behaviours
Air Water Sea Biodiversity Soil Subsoil Landscape	Climate Change Waste Noise Chemical products

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Environment policy instruments

The environment policy instruments have been reviewed and systematized in seven categories:

- > **Environmental information** (available knowledge and information, monitoring and data collection)
- > **Planning** (strategies, programs and plans)
- > **Economic and financial** (financial support, environmental compensation, contractual, environmental taxation, financial guarantee and market instruments)
- > **Environmental assessment** (prior to the approval of programs, plans and public and private projects)
- > **Environmental authorization or licensing** (permissive acts prior to activities that are potentially or effectively pollutant or likely to significantly affect the environment or human health)
- > **Environmental performance** (continuous improvement of environmental performance, including the ecological footprint, eco-labeling, green public purchasing and certification systems)
- > **Control, supervision and inspection** (monitoring of activities that may cause a negative impact on the environment)

Entry into force

The New Environmental Framework Law shall enter into force on **April 19, 2014**.

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