Environmental Law and Practice in Portugal: Overview

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A Q&A guide to environment law in Portugal.

This Q&A provides a high-level overview of environmental law in this jurisdiction and looks at key practical issues including emissions to air and water; environmental impact assessments; waste; contaminated land; and environmental issues in transactions.

Environmental Regulatory Framework

1. What are the key pieces of environmental legislation and the key regulatory authorities?

Legislation

National laws that govern environmental matters are the following:

- General: Environmental Framework Law (Law 19/2014).
- Climate:
  - Climate Framework Law (Law 98/2021, as amended);
  - Framework for Emissions Trading Scheme (Decree-Law 12/2020, as amended);
  - Voluntary Carbon Market (Decree-Law 4/2024, as amended).
- Environmental impact assessment:
  - Environmental Impact Assessment Regime (Decree-Law 151-B/2013, as amended);

  - Strategic Environmental Assessment Regime (Decree-Law. 140/99, as amended).

- Licensing and permits:
  - Single Environmental Licensing Regime (Decree-Law 75/2015);
  - Industrial Emissions Regime (Decree-Law 127/2013, as amended);
  - Regime of Prevention and Control of Pollutant Emissions into the Air (Decree-Law 39/2018, as amended).
- Water use:
  - Water Law (Law 58/2005, as amended);
  - Use of Water Resources Framework (Decree-Law 226-A/2007, as amended);
  - Sea Management and Planning Law (Law 17/2014, as amended).
- Waste management:
  - Waste Management Regime (Decree-Law 102-D/2020, as amended);
  - Unified Framework for Specific Waste Streams (Decree-Law 152-D/2017, as amended);
  - Legal Framework on the landfill of waste (Annex II of Decree-Law 102-D/2020, as amended).
- Noise and air quality: Noise Regulation (Decree-Law 9/2007, as amended.
- Nature conservation and biodiversity:
  - Nature and Biodiversity Conservation Regime (Decree-Law 142/2008, as amended).
  - National Ecological Reserve Regime (Decree-Law 166/2008, as amended).
  - Natura 2000 (Decree-Law 140/1999, as amended);
  - Co-management model for protected areas (Decree-Law 116/2019, as amended).
- Environmental liability:

- Environmental Administrative Offences Law (Law 50/2006, as amended);
- Environmental Liability Framework (Decree-Law 147/2008, as amended);
- Criminal Code (Decree-Law 48/95, as amended).

Without prejudice to the domestic legislation, EU legislation also applies in Portugal either directly (Regulations) or as enacted in Portugal (Directives).

Regulatory Authorities

Environmental law enforcement in Portugal is generally compulsory, particularly in relation to the licensing of projects and conducting environmental impact assessments. Implementing these legal requirements is predominantly executed through inspections, continuous monitoring, and the imposition of administrative sanctions in instances of detected non-compliance.

The *Ministry of Environment and Climate Action* is the government body responsible for carrying out and enforcing environmental policies.

The main regulatory authorities are:

- The *Portuguese Environment Agency* (*Agência Portuguesa do Ambiente*) (APA): responsible for monitoring, planning and evaluation, licensing and inspection and the main environmental regulator.
- The Climate Agency (*Agência para o clima, I.P.*): responsible for implementing strategic objectives and priorities, and formulating public policies on climate action defined by the government. It is also responsible for exercising the functions of the competent National Authority within the scope of the European Emissions Trading System, as well as administrating and managing the Portuguese Emissions Trading Registry.
- The *General Inspection of Agriculture, Sea, Environment and Spatial Planning* (*Inspeção-Geral da Agricultura, do Mar, do Ambiente e do Ordenamento do Território*) (IGAMAOT): inspects and audits services and bodies in the environment, radiological protection, spatial planning and nature conservation sectors.
- The *Water and Waste Regulatory Authority* (*Entidade Reguladora dos Serviços de Águas e Resíduos*) (ERSAR): regulates and supervises public water supply, urban wastewater sanitation and urban waste management, including exercising functions as a competent authority for the co-ordination and supervision of the water quality regime.
- The *Institute for Nature Conservation and Forests* (*Instituto da Conservação da Natureza e das Florestas* (ICNF): oversees nature conservation, forest management, and biodiversity protection.
- The *Regional Spatial Planning Commissions* (*Comissões de Coordenação e Desenvolvimento Regional* (CCDR). these are decentralised entities responsible for implementing regional policies, particularly in spatial planning and environmental protection. There are five CCDRs in Portugal, corresponding to the regions of North, Centre, Lisbon and Tagus Valley, Alentejo, and Algarve.

- The *Directorate-General for Natural Resources and for Maritime Services and Safety* (*Direção Geral de Recursos Naturais, Segurança e Serviços Marítimos*) (DGRM): responsible for regulating and supervising activities related to maritime resources, including the development of fisheries and aquiculture policies.

- The Environmental impact assessment authorities: the competent EIA Authority may be the APA or the local CCDR, depending on the type of project and its location.

Environmental NGOs

2. To what extent are environmental non-governmental organisations (NGOs) and other pressure groups active?

Since 1998, environmental non-governmental organisations (ENGOs) in Portugal have benefitted from a special legal status granting them various rights, including to consult or be informed by administrative authorities about documents and decisions that impact the environment.

Further, ENGOs are legally permitted to initiate legal actions related to acts performed by public or private entities and to provide advocacy assistance in proceedings for environmental crimes.

They frequently present legislative proposals to political parties and the government on key environmental issues and regimes.

Additionally, ENGOs often collaborate with government agencies to advance environmental protection efforts. This collaboration includes participation in studies, reports, and contributions to the development and revision of environmental policies.

Water Pollution and Abstraction

3. What is the regulatory regime for water pollution?

Permits and Regulator

The use of water resources or accessing a public water course requires authorisation (*título de utilização dos recursos hídricos*). Depending on the type of use, the authorisation can be in the form of a licence, concession agreement or an authorisation, issued by the APA.

The water use title is annexed to the single environmental permit (*Título Único Ambiental*) (TUA). A TUA (Decree-Law 75/2015) comprises all the environmental licensing decisions and conditions issued for a given establishment, under the following legal frameworks:

- Environmental impact assessment regime.
- Regime on the control of major accident hazards involving dangerous substances (Decree-Law 150/2015).
- Industrial emissions regime, implementing the *Industrial Emissions Directive* (Decree-Law No. 127/2013) concerning integrated pollution prevention and control, establishing rules to avoid or reduce emissions to air, water and soil and on waste generation. See also *Practice note: EU Industrial Emissions Directive 2010*.
- Carbon trading scheme.
- Waste management regime.
- Water resources use regime.
- Landfill regime.
- Licensing and operation of hazardous waste recovery and elimination facilities.
- Mineral deposits and masses waste management regime.
- Environmental assessments under Decree-Law 76/2019, that establishes the legal framework for activities related to electricity generation, storage, transmission, distribution and trading.
- Regime of prevention and control of pollutant emissions into the air (see *Question 5*).
- Water production for re-use obtained from waste treatment facilities.

Prohibited Activities

Prohibited activities include:

- Using water resources without the necessary title.
- Diluting wastewater solely to meet emission limit values, as this practice undermines the integrity of pollution control measures

- Discharge of sludge in surface or underground waters.
- Immersion of waste in water in breach of the water authorities' environmental objectives.

In addition, Decree-Law 236/98 establishes the rules, criteria and quality objectives to protect water quality and sets out a list of hazardous substances which must not be directly discharged into groundwater.

Clean-Up and Compensation

Clean-up. Under the Environmental Framework Law and the laws governing water resources (see *Question 1*), any individual or operator responsible for water pollution or environmental damage to water resources is required to undertake clean-up measures.

Compensation. Polluters are liable for compensation under the "polluter pays" principle and must restore the environment to its original condition. In such a case, third parties can also seek compensation for damages under general civil liability rules.

In cases of wilful misconduct or negligence resulting in environmental harm or damage, particularly to water quality, the applicable laws impose an obligation on the offender to pay compensation to the state for the damage caused (Decree-Law 236/98).

Financial guarantee. Operators engaging in activities with a potential risk of water pollution must provide financial guarantees.

Under the Water Law and the water use regime, an environmental recovery fund must be constituted for specific water use titles, to ensure that funds are available for environmental recovery or restoration if damage to water resources occurs.

Penalties

Fines. Non-compliance with the obligations on water usage constitutes a light, serious or very serious offence, depending on its gravity, determining the application of fines and ancillary penalties:

- Light environmental offences include failing to notify the competent authority of a temporary assignment of the authorisation. The applicable fine is between EUR200 and EUR4,000 for individuals, and between EUR2,000 and EUR36,000 for companies.
- Serious environmental offences include the:
    - transfer of an authorisation without the respective communication or approval; or
    - failing to comply with self-monitoring obligations.

  The applicable fine is between EUR2,000 and EUR40,000 for individuals, and between EUR12,000 and EUR216,000 for companies.
- Very serious environmental offences include the:
    - use of water resources without authorisation; or

- breach of obligations imposed by a water use authorisation.

The applicable fine is between EUR10,000 and EUR200,000 for individuals, and between EUR24,000 and EUR5,000,000 for companies.

Ancillary penalties. These can also be applied for very serious and serious environmental offences:

- Seizure of equipment, machinery and utensils.
- Suspension of licences, permits and authorisations.
- Prohibition from applying for subsidies and public grants.
- Prohibition from participating in public tenders.

Criminal liability. Damage to the environment and to nature conservation can give rise to criminal liability for both individuals and companies. See *Practice note, EU Environmental Crime Directive 2024*.

Civil liability. Anyone who, through wilful misconduct or negligence, causes damage to a third party must pay compensation. This means that where any action resulting from an industrial or another type of activity harms a third party, the latter will be entitled to request compensation.

4. What is the regulatory regime for water abstraction?

Permits and Regulator

Water abstraction must be authorised in advance by the APA. This authorisation can be in the form of an authorisation, licence or concession agreement, depending on the purposes and extent of the intended water use.

Authorisations are typically granted for construction works, installation of hydraulic infrastructure, or water abstraction over private water resources which is likely to have minimal environmental impact.

Licences are issued for a maximum ten-year period for specific uses intended to be carried out over the private or public water systems such as:

- Water abstraction.
- Wastewater discharge.

- Installation of floating infrastructure and equipment.

However, abstracting water for public supply or for watering an area of more than 50 hectares are subject to a concession agreement.

The above permissions are issued and result from an independent procedure but once granted are included in the TUA.

Prohibited Activities

Abstracting water without the necessary authorisation or breaching the conditions of authorisation is a very serious environmental offence (see below). There are specific areas that may be subject to additional restrictions, such as protected natural parks or reserves.

Compensation

See *Question 3, Clean-Up and Compensation*.

Penalties

The breach of water use laws is a light, serious or very serious offence, depending on the gravity of the offence, and can incur fines. Ancillary penalties may also apply (*see Question 3, Penalties*).

Civil and criminal liability rules may also apply (*see Question 3, Penalties*).

Air Pollution

5. What is the regulatory regime for air pollution?

Permits and Regulator

Certain installations that are subject to continuous monitoring of pollutants must obtain an air emissions permit (*Título de Emissões para o Ar*) (TEAR). The TEAR is part of the TUA (see *Question 3*) however, the requirement is waived for installations holding a single environmental title, which are already included in the scope of the industrial emissions regime.

For combustion installations with a capacity of over 50 MW, the applicable emission limit values are set out under the industrial emissions regime.

The following require a TEAR:

- Combustion installations with a rated thermal input of between 1 MW and 50 MW (medium combustion installation) (MCI).
- New MCI complexes, unless the installation is already covered by Chapter III of the Industrial Emissions Regime.
- Industrial activities such as [mining], food, textile and cellulose industries, among others.

Under both the integrated and the industrial emissions regimes, the operator must monitor emission limit values and communicate the results to APA and/or the CCDR.

Prohibited Activities

The open-air burning of any waste or scrap metal, and the dilution of gaseous emissions, is prohibited.

In addition, operators that hold a specific emissions authorisation must comply with the emissions limit values. The operation of such installations without the necessary permit or in breach of the legal limits contained in an environmental licence constitutes an administrative offence, resulting in fines and in some cases ancillary penalties.

Clean-Up and Compensation

Under the "polluter pays" principle and the emissions regime, an operator that causes environmental damage through air pollution must pay compensation to the state and may have to pay compensation to third parties under civil liability rules. In addition to the payment of fines, when justified, the operator may be required to implement measures to restore the situation prior to the infringement and the minimisation of its effects.

However, the definition of "damage to the air" is not expressly provided for by environmental law.

Penalties

The breach of the legal framework regarding use of air pollution constitutes a light, serious or very serious environmental offence, and fines apply. Ancillary penalties may also apply (*see Question 3, Penalties)*).

Civil and criminal liability rules may also apply (*see Question 3, Penalties*).

Climate Change

6. Is your jurisdiction party to the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, or the Paris Agreement? Are there any national targets or legal requirements for reducing greenhouse gas (GHG) emissions?

International Agreements

Portugal is a party to the UNFCCC, the Kyoto Protocol and the Paris Agreement.

As an EU member state, Portugal aligns itself with the EU's stance in the UNFCCC and actively participates in co-ordination efforts.

Portugal is committed to ambitious climate targets, supporting initiatives that propose enhanced mitigation efforts consistent with its national policies, such as the Climate Framework Law which aims for climate neutrality by 2050.

See *Practice note: UK and EU climate change targets and key documents*.

Targets

Climate Framework Law. Portugal is legally committed to achieve carbon neutrality by 2050, and there is a political commitment to achieve climate neutrality by 2045 (the law obliges the government to assess this possibility).

Under the Climate Framework Law, Portugal must prepare a national inventory of anthropogenic emissions and other greenhouse gases. It also recognises the right of all citizens to require public and private entities to comply with their duties and obligations regarding climate change.

The following national emission reduction targets (by reference to 2005) are set:

- At least 55% by 2030.
- At least 65% to 75% by 2040.
- At least 90% by 2050.

(Climate Framework Law.)

In February 2026, the European Parliament approved an amendment to the Climate Law (*(EU) 2021/1119*), to set an intermediate target for achieving climate neutrality by 2050. The target 90% reduction in greenhouse gas emissions by 2040.

7. Are there any mandatory emissions or carbon trading schemes?

Portugal is part of the EU Emissions Trading Scheme mechanism.

The national carbon trading framework is set out in Decree-Law 12/2020, which enacts *Directive (EU) 2018/410* (EU ETS Phase IV Directive) into national legislation.

Operators are required to obtain a permit authorising them to emit greenhouse gases. Emissions must be monitored and certified annually, with the findings submitted to the Climate Agency. This permit is integral to the environmental licence of the operator, issued under the industrial emissions regime.

See also:

- *Emissions trading schemes toolkit*.
- *Practice note: EU Emissions Trading System (EU ETS): operation in Phase IV (2021-30)*.

Renewable Energy

8. Are there any national targets or legal requirements for increasing the use of renewable energy? Are there any renewables support schemes?

National Targets and Requirements

Portugal has introduced the Roadmap to Carbon Neutrality (*Roteiro para a Neutralidade Carbónica 2050*) (RNC 2050). The RNC 2050 determines renewable energy targets set at 80% by 2030 and 100% by 2050.

Portugal was the first EU country to close coal plants.

The PNEC 2030 aims to incorporate renewable energies in electricity production.

Renewables Support Schemes

In 2025, Portugal approved several laws on renewable energy:

- Decree-Law 11/2025. This stipulates that financial incentives for the installation of autonomous fossil fuel boilers will no longer be granted, with the exception of those selected for investment before 2025 (partially transposing Directive (EU) 2024/1275).
- Decree-Law 79/2025. This decree has contributed to the reform of the regulatory framework for renewable hydrogen (the concept of gas now includes not only natural gas, but also gases of renewable and low-carbon origin, either pure or in mixtures, provided that network interoperability is ensured).

- Decree-Law 85/2025. This sets targets for the integration of energy from renewable sources into the industrial and transport sectors (the targets and deadlines applicable are those defined on the Directive (EU) 2018/2001, as amended by Directive (EU) 2023/2413).

- Decree-Law 93/2025. This regulates the organisation, access, and exercise of electric mobility activities, and establishes the conditions for promoting and facilitating the use of electric charging points (implementing the Regulation (EU) 2023/1804).

- Resolution of the Council of Ministers 19/2025. This resolution approves the Offshore Renewable Energy Allocation Plan, which defines the areas and volumes of national maritime space, in the subdivision of the continent, for the commercial exploitation of renewable energy from ocean sources or locations.

See also *Practice note: EU energy regulation: the internal markets for electricity, natural gas and hydrogen*.

Energy Efficiency

9. Are there any national targets for increasing energy efficiency or legal requirements for achieving energy efficiency standards? Are there any mandatory or voluntary labelling schemes for identifying energy efficient goods or buildings? Are there any energy efficiency support schemes?

National Targets and Requirements

Aligning with the EU's strategic vision, the PNEC 2030 prioritises energy efficiency for Portugal, setting a target to reduce energy consumption by 35% relative to the projections in the 2007 European Union Reference Scenario.

A National Long-Term Strategy to Eliminate Energy Poverty 2023–2050 aims to eradicate energy poverty in Portugal by 2050. This strategy aims to protect vulnerable consumers while actively integrating them into the energy and climate transition, ensuring that the process is fair, democratic, and cohesive.

Labelling Schemes

Portugal has implemented an energy certification system for buildings, aimed at enhancing their energy performance.

Decree-Law 101-D/2020 transposes the *Energy Performance of Buildings Directive 2018 ((EU) 2018/844)* and partially transposes the *EU Electricity Directive 2019/944* .

The energy certificate is mandatory for:

- New buildings.

- Existing buildings subject to major renovation.
- Existing commercial and service buildings with a useful floor area of 1000 square metres (m2) or more, or 500m2 for shopping centres, hypermarkets, supermarkets and indoor swimming pools.
- Buildings owned and occupied by a public entity and frequently visited by the public that have a useful interior floor area of more than 250 m2.
- Buildings being sold, leased or transferred provided that this includes the transfer of the physical space.
- Buildings subject to financing programmes that require energy certification.
- Buildings eligible for access to tax benefits that require energy certification.

Energy Efficiency Support Schemes

The main financial support for environmental policies and energy efficiency measures is granted by the state Environmental Fund. In addition to direct financial support, the fund responds to specific requests for financial support as they arise for projects related to renewable energy and energy efficiency.

Environmental Impact Assessments

10. Are there any requirements to carry out environmental impact assessments (EIAs) for certain types of projects?

Scope

The EIA regime is set out in Decree-Law 151-B/2013, as amended (*Regime Jurídico da Avaliação de Impacte Ambiental*) (RJAIA).

Under this regime, the potential effect of a project on the environment is subject to a preliminary assessment as follows:

- Mandatory EIA procedure: for the types of project listed in Annex I of RJAIA, for example:
    - power plants;
    - nuclear plants;

  - road infrastructure;
  - ports;
  - hazardous and non-hazardous waste installations;
  - waste water treatment plants;
  - dams; and
  - extraction of oil and natural gas.

  The mandatory procedure also applies to projects reaching the thresholds listed in Annex II of RJAIA for example:

  - agricultural projects;
  - extractive industries;
  - energy industries;
  - chemical industries;
  - infrastructure and other projects).

- Framing decision/case-by-case procedure: for projects that do not fall under Annex I or Annex II of RJAIA. The licensing entity or the APA (where the project is located in a sensitive area) carries out a preliminary assessment to decide whether the project is likely to have an environmental impact and if so whether a subsequent EIA procedure is required.

If a project does not require an EIA, but is located in a protected area of the Natura 2000 network (under the *Birds Directive (2009/147/EC)* and *Habitats Directive (92/43/EEC)* and is likely to cause a significant environmental impact, a specific environmental assessment (*avaliação de incidências ambientais*) must be carried out.

See also *Practice note: EU Habitats Directive and Birds Directive*.

Permits and Regulator

All projects within the scope of the EIA regime must undergo an EIA procedure. The project can only begin if a favourable or conditionally favourable Environmental Impact Statement (*Declaração de Impacte Ambiental*) (DIA) is issued.

In case of a framing decision/case-by-case procedure, the decision can be issued by the licensing entity (for example, the municipality or the general directorate of energy and geology, depending on the project) or directly by the EIA Authority depending on the location of the project.

The issuing authority for the AIA decision can be either the APA or the CCDR, depending on the type of project. The APA issues the DIA where the project:

- Is listed in Annex I (except pig farms and quarries).
- Involves the major industrial accidents regime.
- Is in a maritime area.
- Is in the jurisdiction of two CCDRs.

The CCDR issues a DIA in all other situations.

Where an environmental assessment under the Natura 2000 law is carried out, an environmental assessment declaration (*Declaração de Incidências Ambientais*) (DIncA) must be obtained before the execution of the project. The DIncA is issued by the CCDR.

Penalties

A breach of the EIA laws constitutes a light, serious or very serious environmental offence, depending on the gravity and subject to fines. Ancillary penalties may also apply (*see Question 3, Penalties*).

Executing a project without the respective DIA or a Statement on the Environmental Compliance of the Implementation Project constitutes a very serious offence.

Non-compliance with the requirements provided in the DIA or with additional measures ordered by the relevant authority constitutes a serious environmental offence.

Civil and criminal liability rules may also apply (*see Question 3, Penalties*).

Habitats and Biodiversity

11. What requirements and regimes apply for the conservation of nature, habitats, and biodiversity that affect development? What assessments or obligations are required before any development begins?

Requirements and Regimes

Portugal is a party to several international conventions, including the:

- Convention on Wetlands of International Importance (Ramsar Convention).
- Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention).
- Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention).
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
- UN Convention on Biological Diversity (CBD).

Prior Assessments and Obligations

Actions, plans, or projects for a site on the national list of sites, a site of community interest, an ecologically critical area or a special protection area that could significantly impact that area, whether individually or cumulatively with other projects, must undergo a specific environmental assessment procedure (*avaliação de incidências ambientais*):

This assessment should be conducted with respect to the conservation objectives of the specified area.

Waste and the Circular Economy

Regulatory Regime

12. What is the regulatory regime for waste?

Permits and Regulator

Waste management activities, including soil remediation operations, are subject to a separate licensing procedure. The permits are issued by APA or by the CCDRs according to the specific situation. A waste licence is included in the TUA licence, see *Question 3*.

In addition to the permits required for the activity, specific licensing procedures such as an EIA may have to be carried out (see *Question 10*).

Prohibited Activities

Conducting waste management operations without complying with the relevant laws is expressly prohibited.

Other prohibited activities include:

- Dumping of waste.
- Disposal of waste at sea.
- Burying waste in the ground.
- Open burning of waste.
- Unauthorised disposal or management of waste, including dumping waste in public spaces.

Operator Criteria

Operators of landfill sites subject to an environmental licence under the industrial emissions regime and those that carry out the collection, transportation, recovery and elimination of hazardous waste must hold a financial guarantee to cover their environmental liability under environmental laws.

This financial guarantee must equal at least 20% of the global investment amount of the operator. The licence holder can require the reduction of the financial guarantee:

- Once a deposition rate of 50/PRCT has been achieved compared to licensed capacity.
- On completion of the landfill closure and landscape recovery operations of the site.
- The licence holder can also require the full cancellation of the financial guarantee, after a minimum period of maintenance and control of the sites, asset out in the licence.

In addition to the financial guarantee, an insurance policy effective from the date of the operation of the waste facility covering the extent of any possible damages arising from it must be in place.

Special Rules for Specific Waste Streams

The waste management regime applies to both hazardous and non-hazardous waste.

Specific waste types such as the following are covered by the Unified Framework for Specific Waste Streams:

- Packaging waste.
- Used oils.
- Electrical and electronic equipment, batteries and accumulators.

- Used tyres and end of life vehicles.
- Furniture and mattresses.
- Personal health products.

This legal framework provides for an extensive number of obligations applicable to:

- Waste facility operators.
- Producers of the product .
- Distributors.

Penalties

The breach of legal waste management obligations constitutes a light, serious or very serious environmental offence, depending on the gravity of the infraction and subject to fines. Ancillary penalties may also apply (*see Question 3, Penalties*).

Civil and criminal liability rules may also apply (*see Question 3, Penalties*).

13. What producer responsibility schemes exist?

The Extended Producer Responsibility (EPR) principle is the key mechanism for ensuring producers take responsibility for the environmental impact of the products they place on the market.

Producers of specific types of waste must either submit waste management to an individual system, transfer the responsibility for the management of the waste to an integrated system (managed by a duly licensed operator), or enter into voluntary agreements with the APA.

In addition, producers must be registered on the Integrated Electronic Waste Registration System (*Sistema Integrado de Registo Eletrónico de Resíduos* - SIRER) Platform and provide information to the relevant entities.

See also *Practice note: Waste overview, key concepts and definitions: EU waste policy.*

Asbestos

14. What is the regulatory regime for asbestos, including asbestos in buildings or in other materials?

The main legal framework for asbestos is set as follows:

- Law on the protection of workers from the risks related to exposure to asbestos at work (Decree-Law 266/2007).
- Decree-Law 264/98, as amended, prohibiting the placement on the market of substances and products containing asbestos.
- Decree-Law 101/2005, prohibiting the placement on the market and commerce of asbestos fibres and products containing asbestos fibres.
- Ministerial Order 40/2014, containing the rules for asbestos removal from buildings, including its transportation and management.
- Law 63/2018 regarding asbestos materials removal from buildings, installations and equipment.

Prohibited Activities

Some examples of prohibited activities include:

- Exposing workers to asbestos fibres during the removal, production or transformation of products containing asbestos.
- Placing on the market and using substances and products containing asbestos.
- Fragmenting, grinding or crushing material containing asbestos during its removal from buildings.
- Reusing material containing asbestos, recycling or other types of recovery of construction and demolition waste containing asbestos.

Main Obligations

Employers must use all available means to prevent or minimise workers' exposure to asbestos by:

- Regularly monitoring the concentration of asbestos fibres at the workplace.

- Identifying, at the beginning of works, all materials containing or that could contain asbestos.
- Drafting an asbestos removal works plan.
- Adopting specific hygiene measures.
- Providing workers with safety equipment and suits.
- Monitoring of workers' health.

An "employer" is any individual or company that employs workers.

A “worker” is the individual that provides a paid service to an employer.

The law prohibits some activities that can put workers in danger and imposes some safety obligations on employers.

Permits and Regulator

Under Decree-Law 266/2007, employers must obtain prior authorisation from the Portuguese Authority for Work Conditions (*Autoridade para as Condições do Trabalho*) - ACT) for the approval of asbestos removal work plans.

The transportation of asbestos-containing waste must be documented using waste transportation forms, so that it can be monitored by the APA.

Penalties

The breach of obligations of asbestos safety laws can amount to an environmental offence or a labour law offence, for example:

- A breach of rules relating to the protection of workers from the risks related to exposure to asbestos at work can be a light, serious or very serious labour law offence, depending on the gravity of the conduct and on the turnover of the company.
- A breach of the rules for asbestos removal from buildings, including their transportation and management, will be a light, serious or very serious environmental offence, depending on the gravity of the conduct and will be subject to fines.

Ancillary penalties may also apply (*see Question 3, Penalties*).

Contaminated Land

15. What is the regulatory regime for contaminated land?

Regulator and Legislation

A specific legal framework for the prevention of soil contamination and soil remediation in Portugal is still pending approval.

Currently, land contamination is regulated by various environmental laws, for example:

- Environmental liability laws (see *Question 1*).
- Laws relating to the licensing of economic activities.
- General rules on disposal of hazardous waste and waste management.
- Specific provisions of the environmental licensing laws.

Soil remediation operations are governed by the General Waste Management Regime, which provides that such operations require prior approval from the regional waste authorities (that is, the relevant CCDR).

APA has published technical guides and recommendations for the prevention of soil contamination and for soil remediation, with specific guidelines for operators on:

- Assessing soil quality where a potentially contaminating activity is being carried out or has been carried out.
- Assessing risk and criteria for determining acceptability.
- Elements to be considered in:
    - each phase of soil quality assessment and remediation; and
    - in the reports to be prepared by operators.

Investigation and Clean-Up

There are no general legal obligations requiring owners to investigate and assess the contamination level of their property.

However, some municipalities have started to include specific provisions in their municipal zoning plans requiring a site risk assessment before the licensing procedure starts for plots of land that, due to past activities, are considered likely to be contaminated with substances that might be hazardous to human health or the environment.

Where a proven risk is present, some municipalities require the drafting and execution of a decontamination plan to restore the environment to an acceptable condition.

Liability for soil contamination is based on the following principles:

- The "polluter pays" principle, which determines that the individuals or companies responsible for causing pollution or environmental damage will be held liable and must carry out (and bear all costs associated with) their repair, including any necessary clean-up actions, adopting all measures to prevent further threats and damage to the environment.

- The recovery principle, by which individuals or companies causing environmental damage are obliged to restore the land to its natural situation as it was before the occurrence of the harmful event.

Environmental liability laws (see *Question 1*) apply when environmental damage has been caused, requiring operators to implement both preventive and remediation measures.

Laws governing activities with a high potential for pollution generally require operators to maintain financial guarantees to cover their liability for pollution events.

If the operator lacks the capacity or expertise to perform in situ decontamination, they can engage a specialist company to handle the operation. This includes either decontaminating the site or removing the contaminated soil and transferring it to a duly licensed waste management operator for proper treatment and disposal.

Liable Party

Under the polluter pays principle, operators responsible for pollution or environmental damage are liable for the associated costs. They are required to undertake and finance the necessary measures for pollution control, clean-up, and the prevention of further environmental harm.

However, where the landowner is not the polluter, public authorities can still compel the current owner to conduct environmental investigations, implement preventive and remediation measures, and bear all associated costs if there is an imminent threat or serious danger to the environment. In such cases, the landowner retains the right to seek redress from the responsible party.

Public authorities also have the authority to directly carry out clean-up and decontamination operations. In addition, they have the right of redress against the party responsible for the pollution.

Where environmental crimes involve multiple liable parties, each party can be held liable individually based on their degree of blame, as outlined in the Criminal Code. This determination is independent of the punishment or responsibility of other parties.

Under the environmental liability regime, where multiple parties are liable, joint and several liability applies, meaning that all parties can be held liable for the full extent of the damage, even if only some are directly at fault.

Parties retain the right of redress against those ultimately responsible. If the degree of blame cannot be attributed to specific parties, it is presumed that liability is shared equally.

Owner and occupier liability. Environmental liability generally does not extend to tenants unless they are directly responsible for environmental damage. Similarly, previous owners can be held liable if they caused contamination during their ownership.

Limitation and scope of liability. Liable parties cannot limit their responsibility for environmental remediation or clean-up actions required by public authorities. Contractual limitations of liability are valid only among private parties and do not affect public obligations.

Key provisions under the environmental liability regime include:

- A 30-year limitation period for environmental damage claims.
- Remediation measures must be feasible and not impose disproportionate financial burdens.

Voluntary Clean-Up Programme

Although there is no specific legislation governing brownfield sites, the government has identified the brownfield locations within the Portuguese territory and has carried out various clean-up operations in the last two decades.

The government does not carry out clean-up operations in privately-owned properties. However, as a last resort, the government can carry out clean up when:

- It is impossible to identify the polluter, and the polluter-pays principle cannot be enforced.
- There is a serious and imminent and risk to the environment or to human health.

Penalties

Failing to adopt prevention or remediation measures directly ordered by the APA constitutes a very serious environmental offence.

Failing to immediately adopt prevention or remediation measures when an imminent threat or an environmental damage occurs constitutes a serious environmental offence

For the levels of fines and ancillary penalties, *see Question 3, Penalties*.

16. Can an individual bring legal action against a polluter, owner, or occupier?

Any individual or entity can notify the APA of environmental damage or imminent threats of damage. This notification must include all relevant data and information in their possession, with a request for the APA to intervene (Environmental Liability Legal Regime).

The constitution recognises class actions as a method of legitimate action by citizens (individually or through associations), to be exercised before any court, for the defence of diffuse rights such as environmental protection.

The Portuguese climate law recognises rights to propose an action against whoever breaches the right to a balanced climate.

Environmental Liability and Asset and Share Transfers

17. In what circumstances can a buyer inherit pre-acquisition environmental liability in an asset sale or the sale of a company (share sale)? In what circumstances can a seller retain environmental liability after an asset or share sale?

Buyer

Asset sale. If a buyer acquires an asset with environmental liability associated to it, the seller/operator responsible for the pollution or environmental damage will be liable for carrying out and paying the clean-up costs and for adopting the necessary measures to prevent further threats and damage.

However, if the pollution and contamination continues, and extreme circumstances of pollution or contamination are at stake, the authorities can require the buyer to carry out the environmental investigation and clean up directly as the new owner of the land.

Share sale. Liabilities remain in the target company acquired by the buyer, so the relevant target company is liable for remediation costs and payment of fines. Under the environmental liability regime, directors and managers in office at the date of the decision taken by the relevant authority are jointly and severally liable with the company for the adoption of prevention and/or remediation measures and respective costs, and for the payment of fines.

In the case of environmental offences, the Environmental Misdemeanour Law provides that directors and managers are secondarily liable with the company for the payment of fines and trial costs. Liability for representations and warranties (R&W) can be inserted in the share purchase agreement clarifying these issues.

Seller

Asset sale. The seller remains liable for pollution or contamination he caused under the polluter-pays principle. If liability is limited contractually between the buyer and seller, this will not apply in relation to public authorities as they can demand the seller to be liable.

Share sale. Liabilities remain in the target company sold by the seller. Therefore, the seller will not be at risk, apart from liabilities for the payment of fines (including trial costs) applied up until the sale.

If the seller was also a management member of the target, they can be jointly and severally liable for non-compliance with environmental obligations that originated during their period of office.

18. Does a seller have to disclose environmental information to the buyer in an asset or share sale?

No legal obligation to disclose this type of information to the seller is specifically foreseen by law. However, under the Civil Code, contracts must be negotiated and executed according to good faith principles. Likewise, general rules apply concerning the formation of a contract, including the error regime. This also applies in relation to contractual responsibility rules (losses and damages).

19. Is environmental due diligence common in an asset or share sale?

Scope

Environmental legal due diligence is common both in asset and share deals and usually covers matters related to the permits required for the performance of the activity including:

- Environmental licensing.
- Water usage.
- Hazardous substances.
- Air emissions.
- Waste management.
- Industrial licensing.
- Insurance.
- Radiological protection.
- Fluorinated greenhouse gas emissions.
- Under pressure equipment.

- Litigation.
- Premises (including environmental impact assessment, soil contamination).

Matters such as climate change, sustainability and ESG are increasingly being included in the scope of the due diligence processes.

Types of Assessment

Environmental due diligence is typically conducted through a virtual data room containing all relevant documents and information necessary to evaluate compliance with the applicable legal framework. In specific cases, site visits are carried out by environmental consultants.

Two main types of due diligence are commonly performed:

- Red flag due diligence: a focused review addressing only the most critical and relevant environmental issues.
- Fully descriptive due diligence: a detailed and exhaustive assessment covering all potential environmental concerns.

Both approaches rely on the accuracy and completeness of the information provided.

Environmental Consultants

Technical environmental consultants are used for large-scale and small and medium-scale installations or projects. Their analysis focuses on compliance with applicable thresholds, security and technical issues.

Engagement letters typically limit the liability of legal consultants to the documentation and information provided for the purposes of the due diligence or to the facts verified in case of a site visit.

> 20. Are environmental warranties and indemnities usually given and what issues do they usually cover in an asset or share sale? Are there usually time limits or financial caps on environmental warranties and indemnities?

Asset Sale

Environmental R&W are common and generally include:

- Statements by the seller states that:
  - the installation holds all permits, authorisations and licence; and

    - no contamination or damage has occurred.

- Specific indemnities.

Share Sale

Environmental R&W are also commonly included in the share and purchase agreement, and may include

- Statements that:
    - the target holds all permits, authorisations and licences to conduct the activity;
    - the target complies with all the conditions set forth in the existing titles; and
    - no environmental offence or judicial procedures are ongoing.

- Specific indemnities.

Time limits and financial caps on environmental liability are also common. Liability is usually limited to events occurring up to the transaction date.

Reporting and Auditing

21. Do regulators keep public registers of environmental information?

Public Registers

The APA's website contains a large amount of environmental information relating to environmental licences issued under the industrial emissions regime and all EIA procedures that have been conducted.

No register of contaminated properties is in place; except information relating to brownfield sites that have been subject to surveys, studies and reports by public authorities.

Third Party Procedures

Except where documentation relating to commercial or industrial secrets is concerned, parties can freely access the environmental information available at the any environmental authority , including documents, reports and studies, and at no cost, under the Law on Access to Administrative and Environmental Information and Reuse of Administrative Documents (Law No. 26/2016, of 22 August, which transposes *Directive 2003/4/EC* into national law). National defence issues are protected and cannot be publicly accessed.

22. Do companies have to carry out environmental auditing? Do companies have to report information to the regulators about environmental performance, compliance with environmental requirements or environmental incidents?

Environmental Auditing

Environmental auditing is not mandatory. However, operators subject to the industrial emissions regime must draft annual environmental reports (*relatório ambiental anual*) with all relevant environmental information and send them to the APA.

Reporting Requirements

On 26 February 2026, the EU published Directive 2026/470 on the simplification of the *EU Corporate Sustainability Due Diligence Directive* and the *EU sustainability reporting requirements under the Corporate Sustainability Reporting Directive*, clearing the final step in the Omnibus I legislative process.

Under environmental liability laws, environmental incidents or accidents must be reported to the APA by the operator within 24 hours.

The legal regime on major accidents involving dangerous substances (Decree-Law 150/2015) must also be notified within 24 hours.

Under the industrial emissions regime, any event that may significantly affect the environment must be notified within 48 hours, without prejudice to the environmental liability regime.

There are no requirements for information to be disclosed to the public.

See Practice note, *Environmental, social and governance (ESG): an introduction*.

23. What powers do environmental regulators have to access a company?

Administrative authorities exercising their powers of inspection must be allowed to freely access premises and sites (Law 50/2006, as amended by Law 114/2015)).

24. What obligations are there on companies to report on environmental and climate change issues in their annual corporate reports?

All companies in Portugal are required to include references to their non-financial performance in their annual report, including information on environmental issues (Article 66/3, Commercial Companies Code).

Large companies or groups that are publicly listed and have more than 500 employees must disclose non-financial information including on the:

- Environmental impact of the company's activities.
- Relevant policies in place.
- Environmental risks.
- Appropriate KPIs.

There is no specific requirement regarding the reporting format, but it can be presented using international standards (Articles 66-B and 508-G, Commercial Companies Code (these transposed *Directive 2014/95/EU* into Portuguese law). However, for the companies obliged under the Corporate Sustainability Reporting Directive, more detailed disclosure is required on environmental data, strategies, and procedures, structured according to European Sustainability Reporting Standards (ESRS).

Once the Corporate Sustainability Reporting Directive *((EU) 2022/2464*) (CSRD) is fully implemented in Portugal, following the outcome from the Omnibus package legislative procedure that was completed in February 2026, large companies will be under strict environmental information disclosure obligations.

The Omnibus I simplification package, which resulted in the publication of Directive (EU) 2026/474 in February 2026, has simplified the CSDD and CSRD Directives by reducing the reporting burden and limiting the trickle-down effect of obligations on smaller companies. Due diligence requirements in the CSDD apply to companies exceeding both 5,000 employees and EUR1.5 billion net turnover, including certain franchising arrangements and third-country companies meeting specific EU turnover thresholds. Sustainability reporting requirements under the CSRD apply to companies exceeding both 1,000 employees (on average during the financial year) and EUR450 million net turnover.

Although these are not direct legal obligations, the EU has published a reporting standard for SMEs (Commission Recommendation of 30 July 2025, on a voluntary sustainability reporting standard for small and medium-sized undertakings), containing relevant environmental information, and is promoting its widespread application. The level of adherence is still uncertain, but the need for information within the value chain, on the part of counterparties in general and financial institutions, may be an important factor in its adoption.

Finally, banks have specific obligations to disclose environmental information.

See also *Practice note, Financial reporting: climate-related and environmental disclosures in financial statements*.

Environmental Insurance

25. What types of insurance cover are available for environmental damage or liability, and what risks are usually covered? How easy is it to obtain environmental insurance and is it common in practice?

Types of Insurance and Risk

Environmental insurance is usually issued as a form of a financial guarantee under the environmental liability regime, and usually cover environmental liability and damages as set out in the Environmental Liability Directive (*2004/35/EC*).

If the insurance policy relates to a group company, it must state the environmental liability covered in relation to each installation.

All environmental insurances have a maximum limit, set by each insurance company depending on the risk assessment of each individual establishment.

Under Portuguese law, environmental insurance policies must cover wilful misconduct.

Obtaining Insurance

Environmental insurance is common practice and is usually drafted as a standard insurance agreement.

Environmental Taxes

26. What are the main environmental taxes?

Tax Liability

The main environmental taxes/charges are:

- Water use charge (*Taxa de Recursos Hídricos*). This is paid by the users of the water resources (domestic users, industrial installations, and concessionaires, among others).

- Waste management charge (*Taxa de Gestão de Resíduos*). The waste management charge is paid by management entities responsible for waste streams, waste incineration or co-incineration plants and landfills.

- Carbon tax (*Taxa Adicional sobre Emissões de CO2*). The additional carbon tax applicable to non-ETS sectors is paid by buyers of petrol and energy products.

- Light plastic bag charge (*Taxa sobre Sacos de Plástico Leves*). The charge is paid by final consumers.

Tax Rates

The water use charge rate depends on various factors (for example, the area occupied, cubic metres of water extracted or discharged, use of public waters and extraction of inert matter) and has a specific calculation formula for each one of its five components. Any amount below EUR10 will not be charged.

The waste management charge rate for 2025 was EUR35 per tonne of waste. In 2026 this charge is fixed at EUR 40 per tonne of waste.

The rate of the carbon tax varies according to tax policy and on the basis of the price of a CO2 tonne.

The light plastic bag charge is EUR0.08, plus VAT at the applicable legal rate, per bag.

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