

PUBLIC
LAW

THE SINGLE ENVIRONMENTAL LICENSING REGIME

Decree-Law no. 75/2015, May 11, approved the **Single Environmental Licensing regime**¹ (*Licenciamento Único de Ambiente*)/LUA) which aims to **simplify certain administrative procedures in environmental matters** by regulating the issuance procedure of the Single Environmental Title (*Título Único Ambiental*)/TUA).

LUA consists of a single administrative procedure which articulates the following regimes for licensing and prior controls:

- i. Environmental impact assessment, approved by Decree-Law no. 151-B/2013, October 31;
- ii. Prevention of serious accidents involving dangerous substances, approved by Decree-Law no. 254/2007, July 12;
- iii. Industrial emissions, approved by Decree-Law no. 127/2013, August 30;
- iv. Trade of licenses for the emission of greenhouse effect gases, approved by Decree-Law no. 38/2013, March 15;
- v. Waste management, approved by Decree-Law no. 178/2006, September 5;
- vi. Titles for the use of hydric resources, approved by Decree-Law no. 226-A/2007, May 31;
- vii. Operations of waste deposit in landfills, approved by Decree-Law no. 183/2009, August 10;
- viii. Installation and exploration of integrated centres for the recovery, valuation and disposal of dangerous waste, approved by Decree-Law no. 3/2004, January 3;
- ix. Environmental regimes provided in the legal regime for the waste management of the explorations of mineral deposits and mineral masses, approved by Decree-Law no. 10/2010, February 4;
- x. Environmental incidence assessment provided in Law no. 172/2006, August 23.

¹ Rectified by the Rectification Declaration no. 30/2015 published in the Portuguese Official Gazette on June 18, 2015.

The Single Environmental Licensing consists of a single simplified administrative procedure of several environmental licensing regimes

Therefore, the TUA consists of a single title for all environmental licensing and prior control acts applicable to the request, containing all the conditions for the construction, exploration, monitoring and decommissioning of a project, in environmental matters, including, amongst other, the following information:

- i. The legal regimes applicable to the request;
- ii. The licenses and prior control acts that have been requested or issued;
- iii. The issuance and expiration date of all licensing and prior control acts that have been issued.

Articulation of the environmental licensing regimes

The LUA procedure begins with the submission to the competent entity, the Agência Portuguesa do Ambiente, I.P. (APA, I.P.), of an application for the issuance of the TUA, through an electronic platform named “Sistema Integrado de Licenciamento do Ambiente” (SILiAmb), by filing the information required in the applicable licensing or prior control regimes.

To ensure the articulation of the different procedures, SILiAmb provides the necessary interoperability with the various electronic platforms foreseen in the abovementioned regimes and with the interlinked environmental regimes, namely the Responsible Industry System (SIR), the regime for the exercise of stock farming, the Regulation of Licenses for Electric Installations and the regime for the planning and management of the national maritime space.

The articulation of the various environmental licensing regimes is also achieved by assigning such competence to a single entity, which appoints a **procedure manager** for each LUA request, who is commissioned to accompany all the licensing requests submitted, provide any information requested by the applicant, and, in general, oversee and articulate the procedure with the coordinating entity, the licensing entity in environmental matters and further intervening entities in the procedure, therefore supporting the applicant throughout the different stages of the procedure.

Decision time frame and Single Environmental Fee (TAU)

Although LUA does not change the deadlines for decision provided in each of the environmental licensing regimes within its scope, which are foreseen in the Annex to the new legislation, the articulation and the information management as well as the simultaneous commencement of all procedures shortens the decision time frame.

In fact, since all the procedures begin with the payment of the respective duty, it is possible to determine a maximum time frame for the issuance of all environmental

After the administrative procedure, a Single Environmental Title is issued relating to the various applicable licenses or permissions

licenses and prior control acts, which corresponds to the longest deadline amongst those applicable.

Alongside the procedural simplification, LUA also provides for a single charge due for all the procedures by creating the **Single Environmental Duty** (“*Taxa Ambiental Única*”/TAU) which will have a significantly reduced rate when compared with that of the different fees provided in the applicable environmental regimes. Whenever a request is accompanied by the intervention of a certified entity, the rate of the TAU is reduced by 15%.

The remaining elements of the TAU, like the rate, the collection, payment method and allocation of the respective revenue will be provided by an ordinance to be approved within 90 days of the publication of the LUA regime.

Once the procedure is concluded, APA, I.P. (the National Authority for LUA) or the respective coordinating entity in environmental matters issues the TUA, which, for all legal effects, stands as evidence of the administrative acts therein registered or annotated.

The LUA regime has entered into force on **June 1, 2015**.

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