

## Inventory

### Implementation of Articles III.4 and III.5 of the Convention

Portugal	
Party since 1 November 1983	
National Reports submitted: COP12 (2017), COP11 (2014), COP9 (2008)	
Relevant Legislation	
	<ul style="list-style-type: none"> <li>• Decree-Law 312/70, 6th July 1970 (Freshwater Fishing law).</li> <li>• Decree-Law 263/81, 3rd September (protection of marine mammals on the Portuguese coastal zone and EEZ).</li> <li>• Regional Legislative Decree 2/83/A, 2nd March (protection of four Delphinid species in the territorial sea and Azores EEZ).</li> <li>• Regional Legislative Decree 18/85/M, 7th September (protection of marine turtles in sub-area 2 (Madeira) of the Portuguese EEZ).</li> <li>• Regional Legislative Decree 6/86/M, 30th May (protection of marine mammals in the territorial waters of Madeira and sub-area 2 (Madeira) of the Portuguese EEZ).</li> <li>• Law nr. 30/86, 27th August (Hunting law).</li> <li>• Law 11/87, 7th April (Constitutional Law on the Environment).</li> <li>• Decree-Law 278/87, 7th July (Fishing law in maritime areas).</li> <li>• Decree-Law 316/89, 22nd September (regulates the Bern Convention).</li> <li>• Decree-Law 114/90, 5th April – regulates the CITES Convention into national legislation.</li> <li>• Decree-Law 218/92, 12th October (National Ecological Reserve).</li> <li>• Decree-Law 19/93, 23rd January (National Protected Areas Network).</li> <li>• Decree-Law 136/96, 14th August (Regulates Law nr. 30/86).</li> <li>• Law 33/96, 17th August (Constitutional Law on Forestry Policy).</li> <li>• Regional Legislative Decree 9/99/A, 22nd March (regulates whale watching in the territorial waters and Exclusive Economic Zone (EEZ) of the Azores).</li> <li>• Resolution of Council of Ministries nr. 27/99, 18th March (approves the Plan for the Sustainable Development of the Portuguese Forest).</li> <li>• Decree-Law 140/99, 24th April 1999 (reviews the adaptation of EU Directives 92/43/EEC – Habitats Directive, and 79/409/EEC – Birds Directive into national legislation. Updates Decree-Laws 75/91, 14th February, 224/93, 18th June and 226/97, 27th August) with changes included in Decree-Law 49/2005, 24th February.</li> <li>• Decree-Law 565/99, 21st December (regulates the introduction of exotic species).</li> <li>• Law nr. 173/99, 21st September (new hunting law; updates law 30/86, 27th August).</li> <li>• Decree Law 202/2004, 18th August (regulates law 173/99, 21st September).</li> </ul>

	<ul style="list-style-type: none"> <li>• Decree-Law 69/2000, 3rd May (sets the obligation of having an Environmental Impact Assessment for any project involving forestation and/or re-forestation).</li> <li>• Council Regulation (EC) nr 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95.</li> </ul>	
<b>Article III.5</b>		
<b>Laws that Implement the Take Prohibition</b>		
	Aquatic Mammals	Taking of all Appendix I aquatic mammals is prohibited, but relevant law is not identified.
	Terrestrial Mammals	Unknown
	Birds	Taking of all Appendix I birds is prohibited, but relevant law is not identified.
	Reptiles	Taking of all Appendix I reptiles is prohibited, but relevant law is not identified.
	Fish	Taking of all Appendix I fish is prohibited, but relevant law is not identified.
<b>Exceptions to the Take Prohibition</b>		
	Aquatic Mammals	None granted, but no law is identified to determine the scope of permissible exceptions.
	Terrestrial Mammals	Unknown
	Birds	Exceptions have been granted. Scientific permits for capturing, tagging and collection of biological samples have been issued for several bird species listed under Appendix I. No hunting or deliberate killing has been authorised. Notification of all exceptions granted are regularly sent to the Birds EU Directive and Bern Convention.
	Reptiles	None granted, but no law is identified to determine the scope of permissible exceptions.
	Fish	None granted, but no law is identified to determine the scope of permissible exceptions.
<b>Article III.4</b>		
<b>Laws to conserve and, where feasible and appropriate, restore habitats of CMS Appendix I species</b>		
	Portugal has created a number of protected areas, including Natura 200 sites, national parks, reserves, and protected landscapes.. Some of these include Appendix I species, including <i>Puffinus mauretanicus</i> .	
<b>Laws that prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species</b>		
	Windmills (birds and bats)	Environmental Impact Assessment (EIA) is required for any new project involving the use of wind turbines.
	Cell towers (birds and bats)	Unknown

	Dams (fish)	Unknown
	Road construction (mammals)	Unknown
	Train tracks (mammals)	Unknown
	Fishing gear/bycatch (marine mammals, sea turtles, fish)	Unknown
	Shipping (marine mammals)	Unknown
	Laws that prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of or controlling or eliminating, already introduced species.	
	<ul style="list-style-type: none"> <li>• Portugal has signed agreements with EDP (Portuguese Electricity Company) and REN (Portuguese Electrical Network) to evaluate and minimize the impacts of electrocution from medium- and high-voltage electricity transmission lines on migratory birds. Electrocution and collision with electric power lines have been covered by a collaborative programme of correction and monitoring of bird mortality led by the electric company EDP together with ICNF, SPEA and Quercus.</li> <li>• The government must authorize any installation of any new power line in areas with some status of legal protection for species and habitats (Protected Areas and Natura 2000, generally referred to as “Classified Areas”) (point h of Artº 9º of Decree nº 140/99, republished by Decree nº 49/2005, 24th of February, transposing Birds and Habitats Directives). Furthermore, this decree previews that any project that might be considered as having significant effects on the Nature 2000 site’s conservation objectives may be subjected to an EIA, under decision of the competent authority.</li> <li>• The installation of power lines equal or higher than 110 kV or that in total have a length equal or higher than 10 km is subjected to a procedure of Environmental Impact Evaluation, being ICNB part of an Evaluation Commission whenever the project is located in a Classified Areas or having some impact over one (Decreto-Lei n.º 151-B/2013, de 31 de outubro). Projects not covered by these thresholds that can be considered as having potential environmental impacts can be also subject to EIA, under decision of the competent authorities.</li> <li>• The specific legislation on protected areas (Natural Parks and Reserves regulation plans) may prohibit or restrict the installation of power lines.</li> </ul> <p>The following technical standards have been adopted to reduce electrocution:</p> <ol style="list-style-type: none"> <li>1. Insulation of live phase conductors</li> </ol>	

		<ol style="list-style-type: none"> <li>2. Insulation of tension clamps, pin insulators, bushings</li> <li>3. Insulating materials for suspension clamps and other overhead line fittings</li> <li>4. Upright insulators are forbidden in high sensitive areas.</li> <li>5. Perching and nesting dissuasion devices</li> </ol> <ul style="list-style-type: none"> <li>• Specific conservation projects have been developed for the conservation of the Imperial eagle, Lesser kestrel and Great bustard, with positive impact on their populations. However, insufficient information is provided to identify the content of any obligations.</li> </ul> <p>The Madeira Regional Parliament approved in 2013 legislation (Decreto Legislativo Regional 15/2013/M of 14 May) to discipline the whale-watching activities (commercial, leisure and scientific), including an observation code of conduct. Based on that legislation, the Madeira Regional Government established preferential areas of operation for whale-watching boats and limits in the number of boats operating on those areas and maximum of daily trips (Portaria 46/2014 of 22 April). It also established an exclusion zone in an area of importance for different cetacean species.</p> <ul style="list-style-type: none"> <li>• Impact assessment of plans, projects and programs, including minimization and compensation measures.</li> <li>• The Antidoto Project aims to prevent and control poisoning of wild fauna. However, insufficient information is provided to identify the content of any obligations.</li> <li>• The LIFE Project “Conservation of the Iberian imperial eagle in Portugal” aims at developing the appropriate conditions for the maintenance and the population growth of the Iberian imperial eagle in Portugal. The conservation actions target at reducing the impact of the several factors threatening the species and as well improving the appropriate sustainable conditions on the existing breeding territories but also on the potential ones. The project acts at several different levels, namely land planning, management of the species and its breeding and feeding habitats, management and recovery of the main prey-species and finally the awareness of the general public and the main stakeholders. The Imperial LIFE Project brings the opportunity to apply some of the recommendations of the European Action Plan of this Iberian bird species.</li> <li>• Project LIFE+ MarPro elaborates a proposal of new Natura 2000 network offshore areas and their management plans with reference to <i>Tursiops truncatus</i> and <i>Puffinus mauretanicus</i>.</li> <li>• The Azores monitors ship traffic within the Azorean EEZ using Automatic Identification System to map probability of ship strikes and identify areas where traffic/speed restrictions might be needed.</li> </ul>
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Reservations, territorial inclusions, and territorial exclusions		
	Reservations	None
	Territorial Scope	“Mainland Portugal, Madeira and the Azores archipelagoes”. Thus, the Convention is presumed to apply to all territory, including any overseas territories and semi-autonomous zones.