

DECREE-LAW No 41/2022 of 8 June
CREATES THE NATIONAL ENVIRONMENTAL LICENSING AUTHORITY, I.P.,
AND APPROVES ITS STATUTES

Article 6(1) of Decree-Law No 15/2019, of 10 July (Organic Law of the Secretary of State for the Environment), provides that "the National Environmental Licensing Agency, abbreviated to ANLA, forms part of the indirect administration of the State, within the scope of the SEA".

It follows from paragraph 2 of the same article that ANLA ensures "the implementation of legislation on environmental licensing", being responsible for the "evaluation of projects, classification, issuing of environmental licenses and monitoring of the activities of public and private entities in general, of the proponents and holders of Environmental Licenses, without prejudice to the competences of the Ministry of Petroleum and Minerals", thus becoming the main environmental regulator institution in the country.

It is now important to proceed to its creation through this diploma, as well as to approve its Statutes, pursuant to the provisions of paragraph 3 of Article 6 of Decree-Law No 15/2019 of 10 July, which determines that ANLA is governed "by its own legislation".

Environmental licensing is an essential process to ensure the principle of prevention provided for in the Environment Framework Law (Decree-Law No 26/2012 of 4 July), according to which "programmes, plans or projects with environmental impact should anticipate, prevent, reduce or eliminate the causes as a priority to the correction of the effects that are likely to alter the quality of the environment".

In turn, the creation of a specialized authority, endowed with technical, administrative and financial autonomy and its own assets, makes it possible to ensure the transparency of environmental licensing procedures, as well as the necessary technical capacity for the same.

Thus, the Government decrees, under Article 115(3) of the Constitution of the Republic and Article 6(3) of Decree-Law No. 15/2019 of 10 July, to be valid as law, the following:

Article 1
Creation

The *Autoridade Nacional de Licenciamento Ambiental, I.P.* (National Environmental Licensing Authority), hereinafter referred to as ANLA, is hereby established.

Article 2
Nature

1. ANLA shall be a public corporate body, incorporated into the indirect administration of the State, in the form of a public institute, having technical, administrative and financial autonomy and its own assets.
2. ANLA shall be governed by this Charter, by its statutes and by all other legislation applicable to public bodies in general and public institutes in particular.
3. NLA shall act in strict conformity with the relevant legal framework, in particular as regards environmental matters.

4. ANLA shall, for all purposes, correspond to the Environmental Authority provided for in the legislation governing environmental licensing.

Article 3

Purpose

The mission of ANLA shall be to ensure the implementation of the legislation governing environmental licensing, and it shall be responsible for evaluating projects, classifying and issuing environmental licenses, and monitoring the activities of public and private entities in general, proponents, and holders of environmental licenses, without prejudice to the powers of the Ministry of Petroleum and Minerals.

Article 4

Supervision and oversight

1. The member of the Government responsible for the implementation of environmental policies shall exercise supervisory and oversight powers over ANLA.
2. The member of the Government referred to in the preceding paragraph shall, for all purposes, be the Supreme Environmental Authority provided for in legislation governing environmental licensing.

Article 5

Approval of the Statutes

The ANLA statutes, annexed hereto and forming an integral part thereof, are hereby approved.

Article 6

Transition of services 1.

1. The environmental licensing procedures in progress and the files, archives, staff and assets allocated on the date of publication of this Decree-Law to the departments of the Secretary of State for the Environment responsible for functions relating to environmental licensing shall be transferred to ANLA.
2. The supervising member of the Government shall approve, through an Executive Order:
 - a) The reallocation of ongoing procedures, processes and files which, by reason of the subject matter, must be kept and run the respective terms at ANLA;
 - b) (b) the reallocation of human resources, furniture, computer equipment and vehicles intended for ANLA
 - c) (c) the reallocation of budget appropriations to be allocated to ANLA, within the scope and limits of the budget appropriation allocated to the Secretary of State for the Environment, for the year 2022.

Article 7

Operation in 2022

In 2022, ANLA's operation and activities shall be ensured by means of the budget approved for the Secretary of State for the Environment in respect of environmental licensing.

Article 8
Transitory rule

Ministerial Order No 45/2017 of 2 August (Regulation on the Statute and Rules of Procedure for the Assessment Committee for the Management of the Environmental Assessment Process for Category A Projects) shall remain in force, with the necessary adaptations, until the approval of new procedures applicable to the environmental assessment of category A projects.

Article 9
Entry into force

This decree-law shall enter into force 90 days after its publication.

Approved by the Council of Ministers on 27 April 2022.

The Prime Minister,

Taur Matan Ruak

The Coordinating Minister for Economic Affairs,

Joaquim Amaral

Promulgated on 1 June 2022.

To be published.

The President of the Republic,

José Ramos-Horta