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Ref: ACCC/C/2014/99

31 August 2015

Ms. María José Gomez
Advisor
Environmental Information Office
Technical General Secretariat
Ministry of Agriculture, Food and Environment
Pza de San Juan de la Cruz
28071 Madrid
Spain

Mr. Alexandre Peñalver i Cabré
Carrer Sant Salvador no. 97
08024 Barcelona
Catalonia
Spain

Dear Ms. Gomez,
Dear Mr. Peñalver i Cabré,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Spain in connection with the change of activity for a cement plant to process solid waste and sewage (ACCC/C/2014/99)

During the discussion of the above communications at its forty-ninth meeting (Geneva, 30 June – 3 July 2015), the Compliance Committee indicated that it would send further questions after the meeting for response in writing by both the communicant and the Party concerned.

Please now find enclosed the questions prepared by the Committee for your attention.

The Committee would be very grateful to receive the response of the Party concerned to the enclosed questions on or before **Monday, 21 September 2015**. The communicant will then have until **Monday, 28 September 2015** to provide the Committee with its response to the questions as well as any comments it wishes to make on the Party concerned's response. Please send your responses to aarhus.compliance@unece.org, copying the other party. The Committee will consider the responses and comments received by the above deadlines when deliberating upon its draft findings at its upcoming fiftieth meeting (Geneva, 6-9 October).

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of Spain to the United Nations Office and other international organizations in Geneva

Enc: Questions for the parties

Questions for the parties with regard to communication ACCC/C/2014/99

Questions to the Party:

1. Please provide English translations of all relevant provisions of Spanish or Catalan legislation that regulate the following:
 - a. The ways in which the public concerned shall be informed about applications to permit activities listed in Annex I of the Convention, and which specific information should be published in the notification.
 - b. The ways in which, and the time limits by when, the public shall be informed about decisions taken with respect to activities listed in Annex I of the Convention, and how the texts of such decisions, along with the reasons and considerations on which they are based, should be made accessible to the public.
2. Please provide an English translation of the relevant part of the decision of 3 June 2010 that states whether the modification was permitted as (i) a new activity; or (ii) a change or extension of an existing activity; or (iii) a reconsideration or update of operating conditions for an existing activity.
3. When and how was the public informed about the decision of 3 June 2010 permitting the modification of the cement plant, and how and when was the text of the decision, together with the reasons and considerations on which it was based, made accessible to the public?

Questions to both the Party and communicant:

4. Please comment on the extent to which you consider that the provisions provided by the Party concerned in response to question 1(a) above ensure that all the information listed in article 6, paragraph 2 (a) – (e) of the Convention are provided to the public concerned in an adequate, timely and effective manner, and if, in your opinion, there are any deficiencies in the legislation in those respects. Please refer to any relevant case law of Spanish courts, recommendations of the ombudsman, or general aspects of administrative practice.
5. Please comment on the extent to which you consider that the provisions provided by the Party concerned in response to question 1(b) above ensure that the requirements of article 6, paragraph 9 of the Convention are met. Please refer to any relevant case law of Spanish courts, recommendations of the ombudsman, or general aspects of administrative practice.