

**REPORT TO THE COMPLIANCE COMMITTEE ABOUT DECISION V9(K) ON COMPLIANCE
BY SPAIN**

**FEES FOR PROVISION OF INFORMATION RELATING TO URBAN
PLANNING AND BUILDING**

Points 5 y 6 of the **Decision V/9k on compliance by Spain**

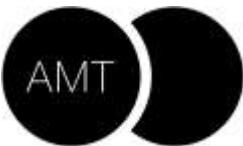
5. *Recommends* that the Party concerned take as a matter of urgency the necessary measures to ensure that the fees charged by the Murcia City Council for the provision of copies of land use and urban planning information are reasonable and are set out in a publicly available schedule of fees;

The necessary measures **have been taken** as a matter of urgency and, as a consequence, we have received positive information from the Murcia City Council in the sense that from 1st January 2015 municipal taxes will be modified, *inter alia*, with the purposes:

- a) to put at the same level urban planning information and environmental information
- b) to reduce environmental taxes to the same level of the tax applicable for environmental information in the State General Administration.

These modifications have following a period of 30 days of public participation until 30th November 2014. After that period, taxes will be published in the Murcia Official Gazette and will definitely entry into force from January 1st..

See Annex



ANNEX

1.1 TASA POR EXPEDICION DE DOCUMENTOS ADMINISTRATIVOS Y DERECHOS DE EXAMEN. ORDENANZA REGULADORA.

EXENCIONES Y BONIFICACIONES

Artículo 8º.-

1.Expedición de documentos administrativos:

- Tanto los jubilados como los pensionistas y todas aquellas personas que puedan acreditar que la totalidad de sus ingresos por todos los conceptos sean iguales o inferiores al salario mínimo interprofesional y no vivan a expensas de otras personas, previa aportación de la declaración del impuesto sobre la renta de las personas físicas o certificación de no estar sujeto a la obligación de declarar, tendrán derecho a una bonificación del cien por cien.
- Estarán exentos del pago de la tasa los suministros de información ambiental realizados entre entidades y órganos pertenecientes a las Administraciones Públicas, excepción hecha de las entidades que integran la Administración corporativa.
- *Estarán exentas del pago de la tasa las entregas de copias o fotocopias que se expidan de documentos, acuerdos o antecedentes que obren en las oficinas o archivos municipales relativas al epígrafe 1.2 de la tarifa, así como las relativas a expedientes de planeamiento urbanístico y de información ambiental, de menos de 20 páginas de formato DIN A4, y el envío de dicha información por vía telemática.*

Exemption of the payment of the fee

The delivery of copies or photocopies of documents, agreements or records held by the offices or municipal archives relating to section 1.2 of the tariff, as well as those relating to records of urban planning and environmental information, less than 20 pages of A4, and information sent electronically. are exempted of the payment of the fee

2.- Derechos de examen.

2.1. No se exigirá el devengo de derechos de examen cuando los aspirantes partícipes en el proceso selectivo provengan de una preselección efectuada por el SEF.

2.2. En el resto de procesos selectivos:

A) No estará sujeta a la Tasa de solicitud de participación en procesos selectivos la solicitud de las personas que acrediten con certificación del organismo oficial competente:

- a) Que son demandantes de empleo y se encuentran en esta situación durante el plazo, al menos, de un mes anterior a la fecha de finalización del plazo de instancias de la convocatoria,

- b) Que, en el citado plazo, no hayan rechazado oferta de empleo adecuado ni se hayan negado a participar, salvo causa justificada, en acciones de promoción, formación o reconversión profesionales.
- c) Y que, asimismo, carezcan de rentas superiores en cómputo mensual al Salario Mínimo Interprofesional (SMI).
- B) Las personas con discapacidad igual o superior al 33 por 100.

TARIFA

Epígrafe 1º.- Certificaciones y Documentos:

1.- Certificaciones de actas y documentos,

- a) Por el primer folio 2,00 euros
- b) Por cada folio más..... 1,00 euros

2.- Copias o fotocopias que se expidan de documentos, acuerdos o antecedentes que obren en las oficinas o archivos municipales, aunque sean simples y sin autenticación, por cada folio por una sola cara:

a) Copia en papel

Por cada fotocopia en blanco y negro (DIN A4). A partir de la vigésima (diecinueve primeras páginas exentas)

0,03 euros/página.

Por cada fotocopia en blanco y negro (DIN A3).

0,04 euros/página.

Por cada fotocopia en color (DIN A4). A partir de la vigésima (diecinueve primeras páginas exentas)

0,12 euros/página.

Por cada fotocopia en color (DIN A3)

0,25 euros/página.

Por cada m² de plano en blanco y negro

0,42 euros.

Por cada m² de plano en color

1,10 euros.

Rates from page 21

<i>Photocopy in black and white (A4). From the twenty (nineteen first pages free)</i>	<i>0,03 euros/page.</i>
<i>For every photocopy in black and white (A3).</i>	<i>0,04 euros/page.</i>
<i>Each colour photocopy (A4). From the twenty (nineteen first pages free)</i>	<i>0,12 euros/page.</i>
<i>Each colour photocopy (A3)</i>	<i>0,25 euros/page.</i>
<i>Per m² flat in black and white</i>	<i>0,42 euros.</i>
<i>Per m² of colour plane</i>	<i>1,10 euros.</i>

b) Copia electrónica

0 euros

3.- Soporte electrónico y envíos:

Por cada página

0 euros

Por cada DVD-R o DVD+R

0,61 euros.

<i>Por cada DVD RW</i>	<i>0,87 euros.</i>
<i>Por cada envío postal local</i>	<i>2,30 euros de tarifa adicional.</i>
<i>Por cada envío postal nacional</i>	<i>4,33 euros de tarifa adicional.</i>
<i>Por cada envío postal internacional</i>	<i>6,37 euros de tarifa adicional.</i>

FREE LEGAL AID TO ENVIRONMENTAL NGOs

- 6. **Also recommends that the Party concerned take measures by 30 November 2014 to ensure that the remaining obstacles to the full implementation of article 9, paragraphs 4 and 5, of the Convention with respect to legal aid to NGOs are overcome;**
- 7. **Requests the Party concerned to provide detailed progress reports to the Committee by 31 December 2014, 31 October 2015 and 31 October 2016 on the measures taken and the results achieved in accordance with the above recommendation;**

According to the last report by the CC on compliance by Spain with its obligations under the Convention (ECE/MR/PP/2014/20) and according also with Draft decision V/91 concerning compliance by Spain, **the Compliance Committee is still not convinced that sufficient efforts have been taken to overcome remaining obstacles of to the full implementation of article 9, paragraphs 4 and 5 with respect to legal aid to NGOs.**

Consequently, the Committee recommends Spain to report, by 31 December 2014, on the measures taken to ensure that the remaining obstacles to the full implementation of article 9, paragraphs 4 and 5 with respect to legal aid for NGOs are overcome.

As reflected in the report, our Study on Access to Justice in Environmental Matters found that the current drafting of article 23.2 of Law 27/2006 was not as clear and unambiguous as would be desirable, and with a view to redress to the extent possible the current disparity of jurisprudence on legal aid to NGOs, **the MAGRAMA expressed its support for the possible review of the current regulation.**

In this regard, as we reported in our last comments to the CC, **there is an ongoing review process of the national legislation on free legal aid.** Indeed, the Government of Spain, through its Council of Ministers, has approved a draft of a new Law on Free Legal Aid that is currently being discussed at Parliamentary level (Senate and Congress) before its final approval.

In the context of this review process, we have already informed about the announcement made by the Ministry of Justice at the 183 Plenary Session of the Chamber of Deputies (29 April 2014) on the drafting of the new Law on Free Legal Aid. **The Ministry announced the submission of new amendments that will extend the right to free legal aid to legally recognized environmental NGOs, regardless of their financial capacities.**

This is the pattern that has been followed for other collectives, for which a number of sectorial laws traditionally recognized the right to free litigation, regardless of the lack of resources, such as trade union organizations, associations of consumers and users or victims of gender-based violence, terrorism or human trade.

As the legislative review process is still ongoing, **we will keep the Compliance Committee updated** and will of course provide detailed progress reports as requested by the Meeting of the Parties.