

Compliance Committee to the Convention on
Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters (Aarhus Convention)

**Second progress review of the implementation of decision VI/8j
on compliance by Spain with its
obligations under the Convention**

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I. Introduction

1. At its sixth session (Budva, Montenegro, 11-13 September 2017), the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) adopted decision VI/8j on compliance by Spain with its obligations under the Convention (see ECE/MP.PP/2017/2/Add.1).

II. Summary of follow-up

2. At its sixtieth meeting (Geneva, 12-15 March 2018), the Committee reviewed the implementation of decision VI/8j in open session with the participation by audio conference of representatives of the Party concerned, and the communicants of communications ACCC/C/2008/24 and ACCC/C/2014/99. During the session, the Party concerned sought the Committee's view on whether certain proposed measures would fulfil paragraph 7 of decision VI/8j. The Chair requested that the Party concerned provide its request for advice in writing and the Party concerned duly did so directly after the session.

3. On 6 May 2018, the communicant of communication ACCC/C/2008/24 submitted the text of a legislative proposal on legal aid that had been submitted by a political party in the Party concerned to the government for its consideration.

4. On 22 August 2018, the secretariat sent a letter to the Party concerned enclosing the Committee's advice regarding its request for advice on paragraph 7 of decision VI/8j.

5. On 28 September 2018, the Party concerned submitted its first progress report on decision VI/8j, on time.

6. On 5 October 2018, the secretariat forwarded the first progress report to the communicants of communications ACCC/C/2008/24, ACCC/C/2009/36 and ACCC/C/2014/99, inviting their comments by 1 November 2018.

7. On 8 October 2018, the communicant of communication ACCC/C/2009/36 provided comments on the first progress report of the Party concerned. On 31 October 2018, the communicants of communications ACCC/C/2008/24 and ACCC/C/2014/99 provided comments on the first progress report.

8. After taking into account the information received, the Committee prepared its first progress review and adopted it through its electronic decision-making procedure on 18 February 2019. The Committee thereafter requested the secretariat to forward the first progress review to the Party concerned and the communicants of communications ACCC/C/2008/24, ACCC/C/2009/36 and ACCC/C/2014/99.

9. At its sixty-third meeting (Geneva, 11-15 March 2019), the Committee reviewed the implementation of decision VI/8j in open session, with the participation by audio conference of a representative of the Party concerned. Though invited, the communicants of communications ACCC/C/2008/24, ACCC/C/2009/36 and ACCC/C/2014/99 did not take part in the open session.

10. On 19 March 2019, the communicants of communications ACCC/C/2008/24 and ACCC/C/2009/36 provided their comments on the statement of the Party concerned delivered at the open session on decision VI/8j at the Committee's sixty-third meeting.

11. On 24 July 2019, the secretariat sent the Party concerned a letter reminding the Party concerned of the deadline set out in paragraph 8(a) of decision VI/8j for it to submit its second progress report by 1 October 2019.

12. On 1 October 2019, the Party concerned provided its second progress report, on time.

13. On 2 October 2019, the secretariat forwarded the second progress report of the Party concerned to the communicants of communications ACCC/C/2008/24, ACCC/C/2009/36 and ACCC/C/2014/99 for their comments thereon.

14. On 30 October 2019, the communicants of communications ACCC/C/2008/24 and ACCC/C/2014/99 each provided their comments on the second progress report of the Party concerned.

15. After taking into account the information received, the Committee prepared its second progress review and adopted it through its electronic decision-making procedure on 1 March 2020. The Committee thereafter requested the secretariat to forward the second progress review to the Party concerned and the communicants of communications ACCC/C/2008/24, ACCC/C/2009/36 and ACCC/C/2014/99.

III. Consideration and evaluation by the Committee

16. In order to fulfil the requirements of paragraph 3 of decision VI/8j, the Party concerned would need to provide the Committee with evidence that it had taken measures, as a matter of urgency, to ensure that the remaining obstacles to the full implementation of article 9(4) and (5) of the Convention with respect to legal aid for non-governmental organizations identified by the Committee in paragraph 66 of its findings on communication ACCC/C/2009/36 have been overcome.

17. In order to fulfil the requirements of paragraph 7 of decision VI/8j, the Party concerned would need to provide evidence that it has taken the necessary legislative, regulatory or other measures and practical arrangements to ensure that the public is promptly informed of decisions taken under article 6(9) of the Convention not only through the Internet, but also through other means, including but not necessarily limited to the methods used to inform the public concerned pursuant to article 6(2) of the Convention.

Paragraph 3 of decision VI/8j

18. With regard to paragraph 3 of decision VI/8j, the Party concerned in its second progress report states that in its view there are two paths for implementing the recommendation in paragraph 3 of decision VI/8, namely either through developments in jurisprudence or through the joint work of the competent ministries to bring about legislative reform implementing those recommendations.¹

19. With respect to legislative reform to implement paragraph 3 of decision VI/8j, the Party concerned submits that it had been its intention to take such an approach but as of the date of its second progress report its political situation of a caretaker government since the general election on 28 April 2019 had meant that it had been without the capacity to implement legislative reform in the parliament.² It reports that the caretaker government was to remain in place until 10 November 2019.³

20. With respect to developments in jurisprudence relevant to the implementation of paragraph 3 of decision VI/8j, the Party concerned reports on a decision of the Administrative Chamber of the Supreme Court of 16 January 2018, in which the Court recognized the right of an environmental association to legal aid.⁴ Specifically, the Court found that an association meeting the requirements set forth in Act 27/2006, which is the main piece of legislation transposing the Convention into domestic law, need not meet the additional requirements of Act 1/1996 on Legal Aid.⁵ The Party concerned states that it considers the Supreme Court's judgment of 16 January 2018 has created a precedent and thereby solved the issue in paragraph 3 since, in its view, the remaining obstacles to the full implementation of the Convention with respect to legal aid for non-governmental organizations have been overcome.⁶

¹ Party's second progress report, 1 October 2019, pp. 1-2.

² Party's second progress report, 1 October 2019, p. 2.

³ Party's second progress report, 1 October 2019, p. 2.

⁴ Party's second progress report, 1 October 2019, p. 2, and annex 1, p. 4.

⁵ Party's second progress report, 1 October 2019, annex 1, pp. 2-4.

⁶ Party's statement delivered at the Committee's sixty-third meeting, 15 March 2019, p. 2.

21. The communicant of communication ACCC/C/2009/36 submits that the Supreme Court decision of 16 January 2018 fails to demonstrate that the Party concerned has fulfilled paragraph 3 of decision VI/8j.⁷ In particular, the communicant claims that a precedent is not the same as jurisprudence, and that the Party concerned is confusing the two terms. The communicant submits that, in order to qualify as a jurisprudential doctrine in the Party concerned, three requirements must be met.⁸ First, the doctrine must be reiterated in at least two rulings. The communicant claims, however, that the Supreme Court is not always obliged to follow the same doctrinal line and is the only entity free to vary it or modify it whenever there are sufficient causes of justification.⁹ Second, the rationale of the doctrine must have been the “basic motive for making a decision”, and not be “incidental argumentation or mere factual conjecture”. The communicant states that the line to be drawn between the former and the latter is difficult to define in practice.¹⁰ Finally, it is necessary that the similarity between the cases affected by the judgments is substantial and that it cannot be considered that a reasoning has been made on a specific legal interpretation if it is carried out on two accounts of different facts. The communicant claims that in relation to this last requirement, the jurisprudence of the Supreme Court only affects matters of that same kind.¹¹ The communicant accordingly concludes that the Party concerned must modify the law so that there is no possibility of interpretation concerning something that should not be open to interpretation.¹²

22. The communicant of communication ACCC/C/2008/24 supports the comments made by the communicant of communication ACCC/C/2009/36, claiming that the situation on legal aid for environmental NGOs is far from being solved.¹³ It claims that a judicial precedent such as that cited by the Party concerned has no value in its legal system and that only “jurisprudence,” which requires two judgments of the Supreme Court, can be an indirect source of law.¹⁴ The communicant accordingly submits that the Party concerned should provide a coherent, precise and definitive solution to its non-compliance using the legislative path and that an amendment to the Act 1/1996 on Legal Aid is required.¹⁵

23. The Committee welcomes the judgment of the Supreme Court of 16 January 2018 as a potentially significant positive development towards fulfilling the requirements of paragraph 3 of decision VI/8j. At the same time, the Committee takes note of the claim by the communicants of communications ACCC/C/2008/24 and ACCC/C/2009/36 that, under the legal framework of the Party concerned, a single ruling by the Supreme Court is insufficient to establish jurisprudence that might ensure the remaining obstacles to the full implementation of article 9(4) and (5) with respect to legal aid for NGOs are overcome. Should the Party concerned be able to produce evidence of further Supreme Court decisions in line with the approach taken in the judgment of 16 January 2018 which establish a consistent jurisprudence, and subject to any evidence being adduced to the contrary, the

⁷ Comments by communicant of communication ACCC/C/2009/36 on the Party’s statement, 19 March 2019, pp. 1-2.

⁸ Comments by communicant of communication ACCC/C/2009/36 on the Party’s statement, 19 March 2019, p. 2.

⁹ Comments by communicant of communication ACCC/C/2009/36 on the Party’s statement, March 2019, p. 2.

¹⁰ Comments by communicant of communication ACCC/C/2009/36 on the Party’s statement, 19 March 2019, p. 2.

¹¹ Comments by communicant of communication ACCC/C/2009/36 on the Party’s statement, 19 March 2019, p. 2.

¹² Comments by communicant of communication ACCC/C/2009/36 on the Party’s statement, 19 March 2019, p. 2.

¹³ Comments by communicant of communication ACCC/C/2008/24 on the Party’s statement, 19 March 2019, p. 1, and comments on the Party’s second progress report from the communicant of communication ACCC/C/2008/24, 30 October 2019, p. 1.

¹⁴ Comments on the Party’s statement from the communicant of communication ACCC/C/2008/24, 19 March 2019, p. 1.

¹⁵ Comments on the Party’s second progress report from the communicant of communication ACCC/C/2008/24, 30 October 2019.

Committee considers that such consistent jurisprudence may indeed satisfy the requirements of paragraph 3 of decision VI/8j.

24. In this regard, it has come to the Committee's attention that on 13 March 2019 the Supreme Court of the Party concerned apparently issued a further decision recognizing the right of an environmental association to legal aid.¹⁶ Since the text of the Supreme Court's decision of 13 March 2019 has not to date been put before the Committee, the Committee invites the Party concerned to provide, together with its final progress report, the text of that decision, including an English translation thereof, and to comment on the extent to which the Supreme Court's decisions of 16 January 2018 and 13 March 2019, together with any other Supreme Court decisions taken since 16 January 2018, establish a consistent jurisprudence recognizing the right of environmental associations to legal aid. The Committee also invites communicants and observers to comment on this point also.

25. In the light of the above, while welcoming the January 2018 judgment of the Supreme Court as a potentially significant positive development, the Committee considers that the Party concerned has not yet sufficiently demonstrated that it has met the requirements of paragraph 3 of decision VI/8j.

Paragraph 7 of decision VI/8j

26. Concerning paragraph 7 of decision VI/8j, the Party concerned reports that on 28 September 2018 the Directorate-General of Environmental Quality and Climate Change of the Department of Territories and Sustainability of the Autonomous Administration of Catalonia issued an instruction (Catalonia's instruction).¹⁷ Catalonia's instruction provides that:

“The units under the aegis of this Directorate-General, once environmental permits have been granted or denied, when notifying the municipal council of the location where the activity for which the environmental permit is being granted or denied is to be undertaken, must indicate that this resolution shall be made available to the public on the corresponding municipal notice boards and on the municipal website.”¹⁸

27. The Party concerned reports that the above instruction “has been disseminated among its different autonomous administrations, both in writing to the regional contact points for the Aarhus Convention in May 2019 and during a meeting held on 26 September 2019, in order for them to adapt their actions in their respective territories regarding this matter to the contents of the instruction and pursuant to the indications in decision VI/8j.”¹⁹

28. In its comments on the second progress report of the Party concerned, the communicant of communication ACCC/C/2014/99 claims that Catalonia's instruction is not an appropriate measure to implement paragraph 7 of decision VI/8j.²⁰ The communicant claims firstly that making permits available not only on the internet and in the Official Journal, but also on the corresponding municipal notice boards and on the municipal website fails to ensure that the public is effectively informed.²¹ It states that in practice more effective measures should be implemented, such as putting up posters announcing the authorization of the project in the area in which it is to be carried out and placing notices in the local press.²²

¹⁶ See <http://iidma.org/index.php/en/environmental-organization-is-exempted-from-bearing-the-trial-costs-spanish-supreme-court-rules/> and <https://www.clientearth.org/spanish-supreme-court-rules-that-engos-receiving-legal-aid-do-not-have-to-pay-court-costs/>

¹⁷ Party's second progress report, 1 October 2019, p. 3, and annex 2.

¹⁸ Party's second progress report, 1 October 2019, annex 2, p. 2.

¹⁹ Party's second progress report, 1 October 2019, p. 3.

²⁰ Comments by the communicant of communication ACCC/C/2014/99 on the Party's second progress report, 30 October 2019, p. 1.

²¹ Comments by the communicant of communication ACCC/C/2014/99 on the Party's second progress report, 30 October 2019, p. 1.

²² Comments by the communicant of communication ACCC/C/2014/99 on the Party's second progress report, 30 October 2019, p. 1.

29. The communicant submits secondly that the instruction has binding effects only for the public workers of the Directorate-General of Environmental Quality and Climate Change of the Department of Territories and Sustainability of the Autonomous Administration of Catalonia. The communicant claims therefore that the instruction cannot be applied to municipalities because they are, as local governments, a separate public administration.²³ The communicant submits that, in order to have binding effects for municipalities, a modification of the Spanish or Catalanian act or regulation on integrated pollution prevention control or environmental impact assessment is required.²⁴

30. The Committee welcomes the adoption of Catalonia's instruction on public participation as a positive step towards implementing the recommendation in paragraph 7 of decision VI/8j. The Committee examines below the extent to which the instruction will fulfil the requirements of paragraph 7 of decision VI/8j.

Decision VI/8j applies to all autonomous communities

31. At the outset, the Committee underlines that, as it already made clear in its first progress review, decision VI/8j concerns the compliance of Spain, not just that of Catalonia.²⁵ In its findings on communication ACCC/C/2014/99, the Committee noted that at the time the permit at issue in that communication was granted, article 23(4) of Spain's Law 16/2002 on integrated pollution and control stipulated that:

“The autonomous communities shall publish the administrative rulings by means of which integrated environmental authorizations are granted or modified in their respective official journals.”²⁶

32. The Party concerned has to date provided no evidence that Law 16/2002 has been amended, or other measures and practical arrangements have been taken, to ensure that in all its autonomous communities the public is promptly informed of decisions under article 6(9) not only through the Internet, but also through other means, including but not necessarily limited to the methods used to inform the public concerned subject to article 6(2). While the Committee appreciates that the Party concerned has disseminated Catalonia's instruction among its autonomous administrations, both in writing to the Aarhus Convention regional contact points in May 2019 and during a meeting held on 26 September 2019 in order for them to adapt their actions in their respective territories to the contents of the instruction and decision VI/8j,²⁷ the Committee considers that this falls short of taking the necessary measures to *ensure* that the public in all the autonomous communities of the Party concerned will be promptly informed of decisions taken under article 6(9) through the means required by paragraph 7 of decision VI/8j.

33. In this regard, it appears to the Committee that an amendment to article 23(4) of Law 16/2002 could be one way for the Party concerned to fulfil the requirements of paragraph 7 of decision VI/8j, provided that such an amendment would be binding on all autonomous communities. To fulfil paragraph 7 of decision VI/8j, the amended article 23(4) would have to require autonomous communities to publish the administrative rulings by means of which integrated environmental authorizations are granted or modified not only in their official journals but also through any other means used to inform the public concerned of the application for the permit under article 6(2) of the Convention and that the means used are not to be limited to the Internet. The Committee accordingly invites the Party concerned in its final progress report to clarify whether an amendment to article 23(4) of Law 16/2002 would be binding on all the autonomous communities. If an amendment would indeed bind the autonomous communities, the Committee also invites the Party concerned to consider making such an amendment.

²³ Comments on the Party's second progress report from the communicant of communication ACCC/C/2014/99, 30 October 2019.

²⁴ Comments on the Party's second progress report from the communicant of communication ACCC/C/2014/99, 30 October 2019.

²⁵ Committee's first progress review, 26 February 2019, para. 22.

²⁶ Statement delivered at the Committee's sixty-third meeting, 15 March 2019, p. 2.

²⁷ Party's second progress report, 1 October 2019, p. 3.

34. Whether in the form of an amendment to article 23(4) of Law 16/2002 or otherwise, the Committee invites the Party concerned in its final progress report to provide the text, together with an English translation thereof, of the legislative, regulatory or other measures or practical arrangements it has by then taken to *ensure* that the public in all the autonomous communities of the Party concerned will be promptly informed of decisions taken under article 6(9) of the Convention not only through the official journals but also through any other means used to inform the public concerned of the application for the permit under article 6(2) of the Convention and that the means used are not limited to the Internet.

Means of notification under article 6(2) as a minimum

35. As the Committee made clear in its first progress review, in order to fulfil paragraph 7 of decision VI/8j:

“Spain will need to demonstrate to the Committee that it has put in place the necessary measures to ensure that, for each decision-making procedure subject to article 6 of the Convention, the means used in practice to notify the public of its opportunities to participate in a particular decision-making procedure under article 6(2) will also be used, as a minimum, to inform the public of the decision once it has been taken.”

36. However, the Party concerned has not to date informed the Committee of the means of notification that autonomous communities are currently required to use to notify the public concerned of applications for permits under article 6(2) of the Convention. Without this information, the Committee is not able to assess whether the Party concerned has put in place a legal framework that will ensure that the means used by the Party concerned to inform the public of the decisions taken will indeed include all the methods used to notify the public concerned of applications for permits subject to article 6(2) of the Convention, as required by paragraph 7 of decision VI/8j.²⁸

37. The Committee accordingly invites the Party concerned in its final progress report to provide the text, together with an English translation thereof, of the relevant provisions of Law 16/2002 or other law setting out the means to be used by autonomous communities to notify the public concerned of applications for permits subject to article 6 of the Convention.

Catalonia's instruction

38. If the Party concerned puts in place legislative measures at the national level that are binding on all autonomous communities and that fully meet the requirements of paragraph 7 of decision VI/8j, for example through an amendment to article 23(4) of Law 16/2002, it will not be necessary for the Committee to separately examine the measures taken to address paragraph 7 in the autonomous community of Catalonia. However, to date no such legislative measures have yet been taken at the national level. Another possible way for the Party concerned to implement paragraph 7 would be for each autonomous community to adopt an administrative instruction as Catalonia has already done. The Committee thus examines below the extent to which Catalonia's instruction meets the requirements of paragraph 7, mindful that if the instruction does so, it may serve as a useful template for similar administrative instructions to be put in place in each of the other autonomous communities of the Party concerned.

Means of notification under article 6(2) as a minimum

39. In line with paragraph 35 above, in order for Catalonia's instruction to meet the requirements of paragraph 7 of decision VI/8j, the Party concerned will first need to demonstrate to the Committee that the instruction requires that the public will be notified of the granting of an environmental permit through all the methods of notification used to notify the public of the application for the permit, as a minimum. The Committee accordingly invites the Party concerned in its final progress report to provide the text of the relevant provisions of Catalan law, together with an English translation thereof, setting out the means to be used to notify the public concerned of applications for permits subject to article 6 of the Convention.

²⁸ Committee's first progress review, 18 February 2019, para. 23.

40. If Catalan law indeed currently requires additional means to be used to notify the public concerned of applications for permits subject to article 6 than are required to notify the public concerned of the decisions on such permits, the text of Catalonia's instruction should be amended to require that those additional methods are also used to notify the public concerned of the permitting decision. In such case, the Committee invites the Party concerned to provide the amended text of the instruction, including an English translation thereof, together with its final progress report.

Binding on municipal authorities

41. The Committee takes note of the observation by the communicant of communication ACCC/C/2014/99 that Catalonia's instruction is only binding on entities acting under the direction of the Directorate-General of Environmental Quality and Climate Change of the Department of Territories and Sustainability of the Autonomous Administration of Catalonia, and not municipal authorities. The Committee considers that the communicant's comment raises two issues, one of which is within the scope of decision VI/8j while the other is not.

42. First, the Committee recalls that communication ACCC/C/2014/99 concerned public participation on a permit granted by the autonomous community of Catalonia, and in that context the Committee examined both the Spanish and Catalan legislation with respect to public participation in decision-making on permits granted by autonomous communities. Communication ACCC/C/2014/99 did not make allegations concerning public participation procedures carried out by municipal authorities and the Committee's findings on communication ACCC/C/2014/99 therefore did not examine the legal framework for such procedures. They are thus not within the scope of the Committee's review under decision VI/8j.

43. On the other hand, the Committee considers that the communicant's observation that Catalonia's instruction will only bind entities acting under the direction of the Directorate-General and not municipal authorities raises the question as to whether Catalonia's instruction would be sufficient to prevent a situation where municipal authorities fail to act on a request from Catalan officials to make a particular environmental permit available to the public on its notice boards and website. The Committee thus invites the Party concerned to clarify whether Catalonia's instruction would indeed be binding on a municipal council which receives such a request.

Municipalities affected or where activity is to be undertaken

44. Finally, the Committee considers that there is a lack of clarity as to whether Catalonia's instruction requires the decision to be notified in all municipalities *affected* by the activity or only in the municipality where the activity will be *undertaken*. Whilst the statement of the Party concerned delivered at the Committee's sixty-third meeting (Geneva, 11-15 March 2019) states that Catalonia's instruction provides that the granting of permits should be "disseminated not only through the website of the granting institution of the permit, but also through its publication in the notice boards of the town councils affected by the activities subject to authorization",²⁹ the English translation of the instruction itself suggests that publication on municipal notice boards and websites is limited to those municipalities "where the activity for which the environmental permit is being granted...is to be undertaken".³⁰ If so, this is a meaningful difference. The Committee accordingly invites the Party concerned to clarify this point. Should the instruction indeed be limited to requiring notification of permits only on the municipal notice boards and websites in which the activity in question is to actually take place, this would not fulfil paragraph 7 of decision VI/8k.

Concluding remarks regarding paragraph 7

45. While welcoming Catalonia's instruction and the distribution thereof to the other autonomous communities as a positive step, in the light of the issues identified in paragraphs 40, 43 and 44 above, the Committee considers that the Party concerned has not yet demonstrated that the instruction would fully meet the requirements of paragraph 7 of

²⁹ Party's statement at the Committee's sixty-third meeting, 15 March 2019, p. 2, emphasis added.

³⁰ Party's second progress report, 1 October 2019, p. 3, and annex 2, p. 2.

decision VI/8j. However, should the Party concerned provide evidence to the Committee demonstrating that each of the issues in paragraphs 40, 43 and 44 have been satisfactorily addressed, the Committee considers that the instruction may indeed fulfil the requirements of paragraph 7, though obviously with respect to Catalonia only. The instruction (with any necessary amendments) could then also serve as a useful template to be replicated in each of the other autonomous communities. Alternatively, as discussed in paragraph 33 above, the Party concerned may decide to implement paragraph 7 at the national level through a legislative measure, such as an amendment to article 23(4) of Law 16/2002.

46. Based on the above, the Committee considers that the Party concerned has not yet met the requirements of paragraph 7 of decision VI/8j, though it welcomes the efforts to date made by the Party concerned in that direction.

IV. Conclusions

47. The Committee considers that the Party concerned has not yet fully met the requirements of paragraphs 3 and 7 of decision VI/8j, while welcoming the positive steps made in that direction.

48. The Committee invites the Party concerned, together with its final progress report due on 1 October 2020:

- (a) With respect to paragraph 3 of decision VI/8j, to provide:
 - (i) The text of the legislative measures, together with English translation thereof, it has by that date taken to ensure; or
 - (ii) The text of the Supreme Court decision of 19 March 2019 and any other relevant decisions of the Supreme Court issued since 16 January 2018, together with English translations thereof, and to comment on the extent to which the Supreme Court's decisions together establish a consistent jurisprudence recognizing the right of environmental associations to legal aid which conclusively demonstrates;

that the remaining obstacles to the full implementation of article 9(4) and (5) of the Convention with respect to legal aid for non-governmental organizations identified by the Committee in paragraph 66 of its findings on communication ACCC/C/2009/36 have been overcome.

- (b) With respect to paragraph 7 of decision VI/8j at the national level:
 - (i) To clarify whether an amendment to article 23(4) of Law 16/2002 would be binding on all the autonomous communities;
 - (ii) To provide the text, together with an English translation thereof, of any amendment to article 23(4) of Law 16/2002 or other legislative or regulatory measures or practical arrangements it has by then taken to ensure that the public in all its autonomous communities will be promptly informed of decisions taken under article 6(9) of the Convention, not only through the official journals but also through any other means used to inform the public concerned of the application for the permit under article 6(2) of the Convention and that the means used are not limited to the Internet;
 - (iii) To provide the text, together with an English translation thereof, of the relevant provisions of Law 16/2002 or other law setting out the means to be used by autonomous communities to notify the public concerned of applications for permits subject to article 6 of the Convention.
- (c) With respect to paragraph 7 of decision VI/8j in the autonomous community of Catalonia:
 - (i) To provide the text, together with an English translation thereof, of the relevant provisions of Catalan law setting out the means to be used to notify the public concerned of applications for permits subject to article 6 of the Convention.

(ii) If Catalan law currently requires additional means to be used to notify the public concerned of applications for permits subject to article 6 than are required to notify the public concerned of the decisions on such permits, to amend the text of Catalonia's instruction so that those additional methods are also used to notify the public concerned of the decision, and to provide the amended text of the instruction, together with an English translation thereof, with its final progress report.

(iii) To provide evidence to demonstrate that municipal councils, upon receiving a request from the Directorate-General of Environmental Quality and Climate Change of the Department of Territories and Sustainability to promptly inform the public of a decision taken under article 6(9) of the Convention, are legally required to do so.

(iv) To provide evidence to demonstrate that the notice requirements of Catalonia's instruction apply to municipal councils in all municipalities *affected* by the activity and not only in the municipality where the activity will be *undertaken*.

49. The Committee reminds the Party concerned that all measures necessary to implement decision VI/8j must be completed by, and reported upon, by no later than 1 October 2020, as that will be the final opportunity for the Party concerned to demonstrate to the Committee that it has fully met the requirements of decision VI/8j.
