



Dear colleagues of Aarhus Convention Compliance Committee:

In response to the document from the communicant, in which they reply to our address at the last open session of the Aarhus Compliance Committee, we must note the following:

For the possible application by a court of the case law established by our Supreme Court, the necessary and essential condition is to invoke said case law, just as any request is based on certain articles of our legislation.

It is surprising that the communicant opposes this means of access to legal aid, one based on reiterated Supreme Court decisions, and that it has taken a rigid stance considering legislative reform as the only alternative.

As we pointed out in our address, that possibility shall be studied by the relevant Ministries of the Kingdom of Spain from the viewpoint of need and appropriateness; however, we understand that in the current situation, the dissemination of the possibility of finding support in case law as a means of access to legal aid—dissemination that is being carried out directly by Spain's Aarhus Convention focal point and by our regional focal points—should be imitated by environmental NGOs, giving wider dissemination to our Supreme Court's decisions in this regard and to the possibility of invoking them when seeking access to legal aid in environmental matters.

The efficient administration of resources is an essential prerequisite for the management of any organization, and a legislative amendment such as that which is being sought would involve a lengthy administrative and legislative process. Therefore, we understand—as we expressed in our address to the Compliance Committee—that, given that there is a possibility that the EU will have to undertake legislative reforms regarding access to justice in environmental matters, which would be either directly applicable in Member States or would need to be transposed into their domestic legislation, it would seem that waiting to see the scope of such reforms in order to act accordingly would be a prudent measure of good administration.

We trust that the Compliance Committee and the communicant will understand the arguments noted, aware of the past difficulties, which have been severely aggravated by the current situation.

Joaquín Carril Martínez
Spanish Focal Point Aarhus Convention