



Instruction on public participation as regards environmental permits under Act 20/2009, of 4 December, on environmental prevention and control of activities

On 22 August 2018, the Aarhus Convention Compliance Committee sent a document on recommendations regarding the implementation of Decision VI/8j. These recommendations state that the Instruction of 19 March 2018, of the Director-General for Environmental Quality and Climate Change, which orders that announcements regarding environmental permits must include the physical locations at which these documents can be consulted in their entirety, is insufficient for compliance with the requirements of paragraph 7 of Decision VI/8j of 19 June 2017.

Paragraph 7 of Decision VI/8j recommends that the Party concerned take the necessary legislative, regulatory, or other measures and practical arrangements to ensure that the public is promptly informed of decisions taken under Article 6, paragraph 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, paragraph 2, of the Convention.

As regards the regulatory framework, Act 20/2009, of 4 December, on environmental prevention and control of activities, states in its preamble the need, *inter alia*, to adapt the rules on comprehensive intervention to the stipulations of Act 27/2006, of 18 July, which regulates the rights of access to environmental information, public participation, and justice, in accordance with the Aarhus Convention.

Among its stipulations, the Act includes organizational aspects, establishing a unit responsible for ensuring that citizens may exercise their right of access to environmental information, and, obviously, procedural aspects, putting in place a series of processes aimed at ensuring effective publicity for, and citizen participation in, procedures involving environmental permits.

Pursuant to Article 30.1 of Act 20/2009, interested parties are notified of the resolution granting or denying environmental permits, and this resolution is communicated to the municipal council of the location where the activity is to be undertaken, and to any administrations that have issued a report. Moreover, pursuant to Article 30.2, the normative section of the resolution and the environmental impact declaration are to be published in the *Diario Oficial de la Generalitat de Catalunya* [Official Gazette of the Government of the Autonomous Community of Catalonia]. The full content of environmental permits is publicly accessible on this Department's website. In application of the Instruction of 19 March 2018, they are also available on paper for citizens wishing to access them in this manner.

Furthermore, and as general principles for participation, Act 19/2014, of 29 December, on transparency, access to public information, and good governance is based on

knowledge of public activity, promotion of citizen participation, and improvement of public information and administrative management.

Therefore, in keeping with these principles, in accordance with the recommendations regarding implementation of Decision VI/8j of 22 August 2018 sent by the Aarhus Convention Compliance Committee, and to foster effective knowledge of the resolutions adopted on environmental permits, in exercise of the authority provided for in Article 88.1 j) of Decree 277/2016 of 2 August, on restructuring the Department of Territory and Sustainability, as regards the approval of criteria for matters within the scope of the Directorate-General and in order to expand the actions carried out to inform the public of the granting of environmental permits, the following instruction is issued:

- 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.

Mercè Rius i Serra
Director-General for Environmental Quality and Climate Change
Barcelona, 28 September 2018