

Unofficial translation of the original in Spanish

Proceedings **42020**

Cliente... ECOLOGISTES EN ACCIO FEDERACIO D, ENGINYERIA SENSE FRONTERES y ASOCIACION AIGUA ES VIDA
Contrario
Asunto... RECURSO CONT-ADMINISTRATIVO 83/19
Court.. SUPERIOR COURT JUSTICE 5th BARCELONA

Summary

Resolution

16.11.2020

do 11/11: denial of free justice to the ecological federation

Best regards



Unofficial translation of the original in Spanish

**SUPERIOR COURT OF JUSTICE OF CATALONIA
CONTENTIOUS-ADMINISTRATIVE CHAMBER
FIFTH SECTION**

Ordinary appeal 83/2019 FASE: BL

Plaintiff party: AIGÜES DE BARCELONA, METROPOLITAN COMPANY FOR THE INTEGRAL WATER CYCLE MANAGEMENT.

Representative of the plaintiff: IGNACIO LOPEZ CHOCARRO

Defendant: COMMISSION OF GUARANTEE OF THE RIGHT OF ACCESS TO THE PUBLIC INFORMATION, FEDERATION OF ECOLOGISTS IN ACTION OF CATALONIA, CATALAN ASSOCIATION OF ENGINEERING WITHOUT BORDERS, WATER IS LIFE and METROPOLITAN AREA OF BARCELONA

Representative of the defendant: RICARD SIMO PASCUAL MARTA BORRAS RIBÓ y LAWYER OF THE GENERALITAT

ORDERING DILIGENCE

Carmen García Madorell Lawyer of the Administration of Justice of this Court.

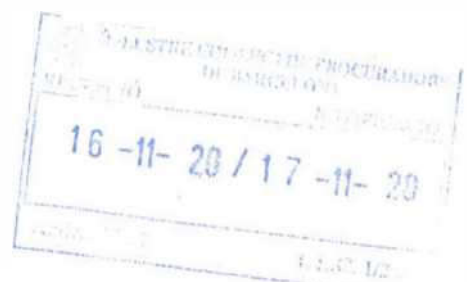
Barcelona, November 11, 2020.

Upon receipt of the previous resolution of the Comissió d'Assistència Jurídica Gratuïta of Barcelona which motivates the **denial of the recognition of the right to free legal assistance** to FEDERACIÓ D'ECOLOGISTES EN ACCIÓ DE CATALUNYA, join and give a copy to the parties.

An appeal for reconsideration may be filed against this resolution before the Lawyer of the Administration of Justice, within a period of FIVE days counting from the day following its notification, expressing the infraction in which the resolution has incurred in the judgment of the appellant. If the established requirements are not met, it will be inadmissible, by means of a directly appealable decree under review.

I order and sign.

RZ.





ÓA
56791/2019
RNBA-178819-2020

Unofficial translation of the original in Catalan

RESOLUTION

Having seen the application file for recognition of the right to free legal aid submitted by the Barcelona Bar Association, which is detailed below:

Num. expedient: BCNA-017306-2019
Applicant: ECOLOGISTES EN ACCIO DE CATALUNYA
Procedure: Ordinary administrative contentious appeal 83/19-BL
Judicial Organ: Section 5 Administrative Litigation of the High Court of Justice of Barcelona

Considering that the file of application for free justice number BCNA-003127-2020 was resolved by this Commission on 26/06/2020 by means of resolution number RNBA-14281 5-2020 by which the recognition of the right to free justice for being a legal person excluded from the scope of action of Law 1/1996, of 10 January on free legal aid;

Having regard to the writ submitted by the applicant on 31/07/2020 before this Commission, it is requested to motivate the decision taken on 12/06/2020;

Given that the applicant is not registered in the Register of Associations declared of public utility of Legal Entities of the Department of Justice, nor is it a foundation registered in the corresponding Public Register or an association of those provided in the Disposition additional second of Law 1/1996, of 10 January, on free legal aid;

Since the file has been processed in accordance with the procedure established by Law 1/1996 of 10 January, on free legal aid, amended by Royal Decree-Law 3/2013, Decree 252/1996, of 5 of July, of creation of the commissions of free legal assistance of regulation of the procedure for the recognition of the right of free legal assistance and of the subsidy for the professional actions of the lawyers and solicitors, and the articles of application in Catalonia of the Regulation of free legal aid approved by Royal Decree 996/2003, of 25 July;

Pursuant to Article 2 of Law 1/1996, of 10 January, on free legal aid, which provides in its section c), that legal persons entitled to free justice are "associations of public utility, provided for in article 32 of Organic Law 1/2002, of 22 March, regulating the Law of Association and the foundations registered in the corresponding Public Registry", provided that they prove their insufficiency of resources to litigate ;

Given that the Second Additional Provision of Law 1/1996, of 10 January, on free legal aid, establishes "without prejudice to the provisions of Article 2, the Spanish Red Cross shall have the right to free legal assistance, without the need to prove insufficient resources to litigate. The same right will assist the Consumers and Users Associations, in the terms provided for in article 2.2 of Law 26/1984. July 19, for the Defense of Consumers and Users. The right to free legal aid, without the need to prove insufficient resources to litigate, is also recognized to public benefit associations whose purpose is the promotion and defense of the rights of persons with disabilities referred to. in Article 1.2 of Law 51/2003, of 2 December, on equal opportunities, non-discrimination and universal accessibility for people with disabilities ";

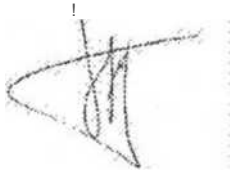


Given that the Commission of Free Legal Aid of Barcelona, in session dated October 2, 2020, considered, according to the data contained in the file, that the applicant is a legal person not included in The personal scope of application of article 2 of Law 1/1996, modified by Royal Decree-Law 3/2013, as it is not an association declared of public utility, a foundation registered in the corresponding Public Register or an association of those provided for in the second additional provision of Law 1/1996, of 10 January, on free legal aid;

The Barcelona Free Legal Aid Commission

SOLVED:

1. Deny recognition of the right to free legal aid to the applicant indicated above.
2. That this Resolution be notified, in accordance with article 17 of Law 1/1996, informing that the holders of a right or a legitimate interest may challenge it in accordance with art. 20 of Law 1/1996.



Jesús Bley Gil
Chairman of the Assistance Committee
Free Legal Services of Barcelona

Barcelona, 23/10/2020

Document: 090f4244810e214a

Unofficial translation of the original in Catalan