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Economic Commission for Europe

Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Fifth session

Maastricht, the Netherlands, 30 June and 1 July 2014

Item 5 (b) of the provisional agenda

Procedures and mechanisms facilitating the implementation of the Convention: compliance mechanism

Draft decision V/9I concerning compliance by Spain with its obligations under the Convention*

Prepared by the Bureau

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ECE/MP.PP/2014/9), as well as the report of the Committee on compliance by Spain with its obligations under the Convention (ECE/MP.PP/2014/20) examining the implementation of decision IV/9f,

Encouraged by Spain's willingness to discuss in a constructive manner the compliance issues in question with the Committee,

1. *Welcomes* the efforts made by the Party concerned to meet the recommendations of the Committee and the significant progress it has achieved in that respect;

* The present document has been submitted late due to the short interval between the forty-fourth meeting of the Compliance Committee and the deadline for the submission of documents to the fifth session of the Meeting of the Parties, and the need for further consultation on the document before its submission.



2. *Endorses* the finding of the Committee that the Party concerned has seriously and actively engaged in efforts to follow the recommendations set out in paragraphs 5, 6 and 9 of decision IV/9f, to the extent that the Party concerned is no longer in a state of non-compliance with the provisions of article 3, paragraph 8, article 4, paragraphs 1 (a), (b) and 2, and article 6, paragraphs 3 and 6, of the Convention with respect to the specific points of non-compliance identified in the Committee's findings on communications ACCC/C/2008/24 (ECE/MP.PP/C.1/2009/8/Add.1) and ACCC/C/2009/36 (ECE/MP.PP/C.1/2010/4/Add.2);

3. *Also endorses* the findings of the Committee that the Party has failed to take sufficient measures to comply with article 4, paragraph 8, of the Convention with respect to the cost for copies of environmental information in Murcia, and to take sufficient efforts to overcome remaining obstacles to the full implementation of article 9, paragraphs 4 and 5, with respect to legal aid to non-governmental organizations (NGOs);

4. *Notes with regret* that the Party concerned therefore remains in non-compliance with the Convention through failing to implement some of the earlier recommendations of the Meeting of the Parties;

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;

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;

8. *Undertakes* to review the situation at its sixth session.
