

STATEMENT BY SPAIN ON LEGAL AID TO ENVIRONMENTAL NGOs, IN CONNECTION WITH DRAFT DECISION V/9L CONCERNING COMPLIANCE BY SPAIN WITH ITS OBLIGATIONS UNDER THE CONVENTION

Thank you, Mr. Chair.

According to the last report by the CC on compliance by Spain with its obligations under the Convention (ECE/MP.PP/2014/20) and according also with Draft decision V/9l concerning compliance by Spain, **the Compliance Committee is still not convinced that sufficient efforts have been taken to overcome remaining obstacles of to the full implementation of article 9, paragraphs 4 and 5 with respect to legal aid to NGOs.**

Consequently, the Committee recommends Spain to report, by 31 December 2014, on the measures taken to ensure that the remaining obstacles to the full implementation of article 9, paragraphs 4 and 5 with respect to legal aid for NGOs are overcome.

As reflected in the report, our Study on Access to Justice in Environmental Matters found that the current drafting of article 23.2 of Law 27/2006 was not as clear and unambiguous as would be desirable, and with a view to redress to the extent possible the current disparity of jurisprudence on legal aid to NGOs, **the MAGRAMA expressed its support for the possible review of the current regulation.**

In this regard, as we reported in our last comments to the CC, **there is an ongoing review process of the national legislation on free legal aid.** Indeed, the Government of Spain, through its Council of Ministers, has recently approved a draft of a new Law on Free Legal Aid that is currently being discussed at parliamentary level (Senate and Chamber of Deputies) before its final approval.

In the context of this review process, we are happy to inform about the announcement made by the Ministry of Justice at the 183 Plenary Session of the Chamber of Deputies (29 April 2014) on the drafting of the new Law on Free Legal Aid. **The Ministry announced the submission of new amendments that will extend the right to free legal aid to legally recognized environmental NGOs, regardless of their financial capacities.**

This is the pattern that has been followed for other collectives, for which a number of sectorial laws traditionally recognized the right to free litigation, regardless of the lack of resources, such as trade union organizations, associations of consumers and users or victims of gender-based violence, terrorism or human trade.

As the legislative review process is still ongoing, **we will keep the Compliance Committee updated** and will of course provide detailed progress reports as requested by the Meeting of the Parties.

Thank you very much.