Compliance by Spain with its obligations under the Convention

 I. Introduction - decision IV/9f of the Meeting of the Parties

1. At its fourth session, the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) adopted decision IV/9f on compliance by Spain with its obligations under the Convention (included in ECE/MP.PP/20011/2/Add.1).
2. Review of Spain’s compliance had been triggered by two communications, communication ACCC/C/2008/24 in connection with an urbanization project in the city of Murcia, and communication ACCC/C/2009/36, relating to general issues and referring to specific projects on waste disposal, vine distillery and oil refinery in the vicinity of Almendralejo.
3. In its findings on communication ACCC/C/2008/24 (ECE/MP.PP/C.1/2009/8/Add.1) adopted on 18 December 2009, the Committee found that the Party concerned had failed to comply with article 4, paragraphs 1 (b), 2, and 8; article 6, paragraph 3, in conjunction with article 7; and article 9, paragraph 4, of the Convention. It made the following recommendations to the Party concerned, with its agreement:
	1. To take the necessary legislative, regulatory, and administrative measures and practical arrangements to ensure that:
4. Only reasonable costs, equivalent to the average costs of a photocopy on paper or electronic means (CD-ROM/DVD) are charged for providing access to environmental information to the public at central, regional and local level, with such measures including a review of the Murcia City Council Fees Chart for Services;
5. Information requests be answered as soon as possible, and at the latest within one month after the request has been submitted, unless the volume and the complexity of the information justify an extension of this period up to two months from the date of the request; and that related legislation be reviewed to provide for an easy and specific procedure to be followed, in the event of a lack of response to a request;
6. Clear requirements be established for the public to be informed of decision-making processes in an adequate, timely and effective manner, including informing public authorities that entering into agreements relevant to the Convention that would foreclose options without providing for public participation may be in conflict with article 6 of the Convention;
7. A study be carried out on how article 9, paragraph 4, is being implemented by courts of appeal in Spain; and in case the study demonstrates that the general practice is not in line with the provision at issue, to take appropriate measures to align it to the Convention;
8. Public participation procedures include reasonable time frames for the different phases allowing for sufficient time for the public to prepare and participate effectively, taking into account that holiday seasons as part of such time frames impede effective public participation; due to the complexity and the need to consult with experts, land use legislation be reviewed to expand the existing time frame of 20 days in the light of the findings and conclusions of the Committee;
9. Adequate, timely, and effective remedies, including injunctive relief, which are fair, equitable, and not prohibitively expensive be made available at first and second instance in administrative appellate courts for members of the public in environmental matters; and
	1. To develop a capacity-building programme and provide training on the implementation of the Aarhus Convention for central, local and regional authorities responsible for Aarhus-related issues, including provincial commissions granting free legal aid, and for judges, prosecutors and lawyers; and to develop an awareness-raising programme on Aarhus rights for the public.
10. In its findings on communication ACCC/C/2009/36 (ECE/MP.PP/C.1/2010/4/Add.2) adopted on 18 June 2010,the Committee found that the Party concerned had failed to comply with article 3, paragraph 8, article 4, paragraphs 1(a), 1(b) and 2; article 6, paragraphs 3 and 6; and article 9, paragraph 5, of the Convention. It made the following recommendations to the Party concerned, with its agreement:
	1. To take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that the recommendations of the Committee in paragraph 119 (a) (ii) and (iii) of its findings for communication ACCC/C/2008/24 become effective (i.e. paragraph 3(a)(ii) and (iii) above);
	2. To ensure the implementation of recommendations of the Committee in paragraph 119 (a) (iv) of its findings for communication ACCC/C/2008/24 (i.e. paragraph 3(a)(iv) above);
	3. To change the legal system regulating legal aid in order to ensure that small NGOs have access to justice;
	4. To examine the requirements for dual legal representation (“abogado” and “procurador”) for the court of second instance in the light of the observations of the Compliance Committee in paragraph 67 of its findings.
11. In January 2011, the Committee invited the Party concerned to provide information by February 2011 on its progress in implementing the recommendations of the Committee. Based on the information received, the Committee prepared its report on the Parties’ progress to the Meeting of the Parties at its fourth session.
12. In its report (ECE/MP.PP/C.1/2011/2/Add.7), the Committee welcomed the general progress undertaken by the Party concerned, and in particular with regard to costs for environmental information in Murcia (para. 3 (a) (i) above); the timely response to requests for environmental information (paras. 3 (a) (ii) and 4 (a) above); requirements for the public to be informed of decision-making (para. 3 (a) (iii) and (v) and para. 4 (a) above); and capacity-building programmes and training on the implementation of the Aarhus Convention and related Spanish legislation (para. 3 (b) above). In summary, the Committee found that steps had been taken in achieving compliance with the provisions of the Convention on access to information and public participation. However, with regard to costs, the Committee noted that there was still a difference in fees paid for information relating to urban planning and building. With regard to access to justice, the Committee made observations with respect to injunctive relief, legal aid and dual representation.
13. Through decision IV/9f, the Meeting of the Parties:
14. Endorsed the findings of the Committee, welcomed the recommendations made by the Committee to the Party concerned during the intersessional period, as well as the progress achieved by the Party in implementing them, in particular with regard to access to information and public participation, and encouraged the Party to continue its efforts in this direction in all provinces of Spain;
15. Noted that further action should be taken by the Party concerned to ensure that fees charged by public authorities for provision of information relating to urban planning and building are the same as for information relating to the environment;
16. Further noted that awareness should be raised among competent authorities and their officials in implementing the time frames for public participation in decision-making processes in such a manner so as to exclude holiday seasons and allow for broad participation;
17. Welcomed the many relevant capacity-building initiatives for civil servants, the judiciary and students at the National Institute of Public Administration, and encouraged the Party concerned to organize similar activities in a decentralized manner;
18. Recognized that further efforts, in particular in the area of access to justice, were needed to overcome any obstacles of fully implementing article 9, paragraphs 4 and 5, of the Convention;
19. Invited, therefore, the Party concerned to thoroughly examine, with appropriate involvement of the public, the relevant legislation and in particular the court practice with regard to:
	1. Injunctive relief in cases of environmental interest;
	2. Award of legal aid to environmental NGOs; and
	3. The rule of dual representation;
20. Invited the Party concerned to report to the Meeting of the Parties through the Compliance Committee, six months before the fifth session of the Meeting of the Parties, on the progress with the recommendation under subparagraph (b) above, the time frames applicable in public participation according to the Spanish laws, and the studies on access to justice requested under subparagraph (f) above.

II. Summary of follow-up action

1. By letter of 7 December 2011, the communicant of ACCC/C/2009/36 informed the Committee of Decision 49/2011/AN of the European Ombudsman, dated 17 November 2011, which had rejected a complaint by the communicant of maladministration by the European Commission for not proceeding with the communicant’s infringement complaint related to the facts referred to in the communication and specifically its allegations of non-compliance with article 3, paragraph 8.
2. On 8 August 2012, the Committee received communication ACCC/C/2012/78 alleging non-compliance by Spain with the provisions of the Convention on access to information and access to justice in connection with the inspection of a new zoo. The Committee determined that the communication was admissible at its thirty-ninth meeting (11-14 December 2012) and the communication was forwarded to the Party concerned for its response. In its response of 12 June 2013, the Party concerned conceded that the allegations concerning access to information had initially been well-founded, but stated it had acted to redress the situation, which constituted an isolated case, immediately and the information had in the meantime been provided to the communicant. The Committee sought the communicant’s view on whether, in the light of that response, the case should remain open. In its response of 11 August 2013, the communicant acknowledged that it had received most of the information requested, but expressed its wish that the case remain open. Given that the situation with regard to access to information had been redressed at the domestic level and also the fact that the allegations of the communication relating to access to justice would be considered under the summary proceedings procedure in the context of the follow-up with decision IV/9f, at its forty-second meeting (24-27 September 2013) the Committee decided to close the case.
3. At its fortieth meeting (25-28 March 2013), the Committee requested the secretariat to invite the Party to inform it about the steps it had already taken to address the recommendations of decision IV/9f along with its response to communication ACCC/C/2012/78, which was due to be sent by 24 June 2013.
4. On 12 May 2013, the communicant of ACCC/C/2009/36 provided information to the Committee commenting on the progress by the Party. The communicant informed the Committee that a new draft law on legal aid did not address the recommendations of the Committee and that despite repeated efforts to express its views to the Ministry of Agriculture, Food and Environment (MAGRAMA) and the Ministry of Justice, it had not yet received any satisfactory reaction.
5. On 12 June 2013, the Party concerned reported that MAGRAMA in close co-operation with the Ministry of Justice, had launched a process to undertake the preparation, in a participatory manner, of a study on access to justice in environmental matters as required by decision IV/9f. Firstly, a preliminary paper was drafted explaining the factual and legal background of communications ACCC/C/2008/24 and ACCC/C/2009/36, the conclusions of the Committee, decision IV/9f, and describing briefly the current situation in Spain regarding access to justice in environmental matters, as a starting point. In addition a questionnaire was prepared including questions on the three substantive issues addressed by decision IV/9f, namely injunctive relief, legal aid and dual representation. Both the preliminary paper and the questionnaire were sent to a wide range of stakeholders including other units within MAGRAMA and the Ministry of Justice, Regional Focal Points of the Aarhus Convention, associations in defence of environmental justice, environmental NGOs, the General Council of Spanish Lawyers, General Council of Attorneys, associations of judges and magistrates, prosecutors, universities, and law observatories, etc. The responses received were taken into account in the preparation of the first draft of findings of the study. The deadline for stakeholders to complete the questionnaire was 15 May 2013. The next step would be the drafting of a preliminary study taking due account of all the contributions received. This draft study would be uploaded to the website of both the Ministry of Agriculture, Food and Environment and the Ministry of Justice for the general public to submit further comments, observations or suggestions. Following this last period of public consultations, the final study would be drafted, translated and sent to the Compliance Committee.
6. At its forty-first meeting (25-28 June 2013), the Committee took note of the information received. It agreed that it would review the information again at its forty-second meeting. It would then also consider its recommendations to the Meeting of the Parties at its fifth session.
7. By email of 30 August 2013 to the Party concerned, the secretariat thanked the Party concerned for the update and recalled that in addition to a study on access to justice, decision IV/9f had also invited the Party concerned to report on the progress with respect to: (a) the fees by public authorities for provision of information relating to urban planning and building to ensure that such fees are the same as for information relating to the environment; and (b) the time frames applicable in public participation according to the law of the Party concerned. The secretariat invited the Party concerned to share with the Committee any information it might have on these two issues, as well as the preliminary outcomes of the ongoing study on access to justice.
8. On 16 September 2013, the Party concerned provided information on (a) fees by public authorities for provision of information relating to urban planning and building; and (b) time frames applicable in public participation according to its national laws. The Party concerned indicated that its study on access to justice was not yet finished, but it was expected it would be uploaded on the Ministry’s website by 15 October 2013 for the public to submit comments.
9. On 20 November 2013, the Party concerned provided a letter from the Secretary General of the Federation of Municipalities and Provinces (FEMP) dated 24 October 2013 and addressed to the Secretary General of the Ministry of Agriculture, Food and the Environment, in which FEMP stated that the Environment Commission of FEMP had at its meeting of 24 October 2013 recommended the insertion of information on its website and in its publications to encourage local entities to adopt measures to harmonize the fees charged by the public authorities for providing information on urban planning and on environmental matters.
10. On 9 December 2013, the Party concerned sent to the Committee the final study on access to justice, in Spanish. On 11 December 2013, the Party concerned provided the Committee with an English translation of the study.
11. On 17 December 2013, the communicant in ACCC/C/2009/36 submitted to the Committee its views on the implementation of decision IV/9f by the Party concerned. It submitted that the study on access to justice failed to concretely define a single measure that had been taken or that would be taken in the near future to correct the issues identified in the study. The communicant reported that it produced sadness and hopelessness that more than three years after the findings on ACCC/C/2009/36 were adopted, all that the Party concerned had done was to produce a document that highlighted the discrepancies between the Ministry of Agriculture, Food and the Environment and the Ministry of Justice about the interpretation of the Aarhus Convention. It also reported that it was still experiencing difficulty to access information and to participate effectively, for example due to documents only being available during office hours and rarely published in electronic format.
12. At its forty-third meeting (Geneva, 17-20 December 2013), the Committee continued preparation of its report to the fifth session of the Meeting of the Parties on the implementation of decision IV/9f.
13. On 26 December 2013, the communicant in ACCC/C/2010/24 provided brief comments on the Party concerned’s response, in which it stated that the Party concerned had not fulfilled the requirements of decision IV/9f in the following respects: (i) Murcia City Council had not changed its fees for providing access to information on land use and the price was still €2.15 per page and (ii) Murcia Regional Government had not changed the land use law to introduce sufficient timeframes for public participation. The communicant confirmed the final study on access to justice was correct.
14. By email of 16 January 2014, the Party concerned informed the Committee that an article on fees for access to urban planning and building information had been included in the latest issue of Carta Local, an internal FEMP news bulletin for municipal entities.
15. On 21 January 2014, the Party concerned informed the Committee that, in the light of the information from the communicant in ACCC/C/2008/24 that Murcia City Council was still charging €2.15 per page to provide copies of information on land use, the Ministry of Agriculture, Food and Environment (MAGRAMA) had sent an official letter to the Murcia City Council recalling decision IV/9f and the findings of the Compliance Committee. The letter also referred to the information on fees circulated by FEMP. The Party also informed the Committee that according to local newspapers and the website of the governing party in the region of Murcia, the Murcia Regional Government was considering amending its law on land use. The Party informed the Committee that as soon as MAGRAMA had access to the draft amendment, an official communication would be sent to the Murcia Regional Aarhus Focal Point stressing again the importance of taking on board the recommendations of the Compliance Committee regarding time-frames for public participation.
16. On 4 February 2014, the Party concerned informed the Committee that it had recently been informed by the Murcia City Council that the Municipal Tax Agency was currently working on a new version of the fee system in order to simplify and add coherence to the system and to further reduce the current rates. The Party informed the Committee that MAGRAMA had provided the Murcia Municipal Tax Agency with a copy of the draft national ordinance regulating fees for environmental information at the national level, which provided for black and white A4 photocopying at €0.03 per page, and colour A4 photocopying at €0.12 per page, with the first 19 pages free of charge in both cases.
17. Following its forty-third meeting, the Committee completed the first draft of the present report using its electronic decision-making procedure and sent it to the Party and the communicants in ACCC/C/2008/24 and ACCC/C/2009/36 for their comments on XX February 2014.

 III. Considerations and evaluation by the Committee

1. The Committee welcomes the constructive engagement of the Party concerned in the follow-up to decision IV/9f demonstrated by its correspondence with the Committee and its efforts to meet the deadlines set by decisions IV/9f. The Committee also appreciates the cooperation shown by the Party concerned in providing interim progress reports at the invitation of the Committee in June and September 2013 to assist the Committee’s deliberations at its forty-first and forty-second meetings, despite no such reports being specified in decision IV/9f, and the efforts made by the Party concerned to submit its progress report, due six months in advance of the fifth session of the Meeting of the Parties (i.e. 30 December 2013), several weeks early at the invitation of the Committee in order to assist the Committee’s deliberations at its forty-third meeting.
2. In order to fulfil the requirements of the decision IV/9f, the Party concerned would need to have undertaken the following actions, and report on them to the Committee six months before the fifth session of the Meeting of the Parties:
	1. To thoroughly examine, with appropriate involvement of the public, the relevant legislation and in particular the court practice with regard to:
		1. injunctive relief in cases of environmental interest;
		2. the award of legal aid to environmental NGOs; and
		3. the rule of dual representation.
	2. To take action to ensure that the fees charged by public authorities for provision of information relating to urban planning and building are the same as for information relating to the environment;
	3. To raise awareness among competent authorities and their officials in implementing the time frames for public participation in decision and to report on the time frames applicable in public participation according to the Spanish laws.

The Committee will examine the fulfilment by the Party concerned of each of these below.

**Study on access to justice (injunctive relief, legal aid and dual representation)**

1. In 2013, the Party undertook a study on access to justice through a consultative process run by MAGRAMA (see paragraph 12 above). The study examined relevant legislation and court practice, and stakeholders’ views on these, with regard to (i) injunctive relief in cases of environmental interest; (ii) the award of legal aid to environmental NGOs; and (iii) the rule of dual representation. The study incorporated an appendix by the Ministry of Justice reflecting its position on the situation of environmental justice in Spain, with regard to these three issues. The findings of the study regarding the three issues, together with the conclusions of MAGRAMA and the Ministry of Justice, are summarized below.

Injunctive relief in cases of environmental interest

1. The study examined the assessment of interests for injunctive relief, the costs of injunctive relief, the length of the injunction process and the interim suspension of urban plans and urbanization projects. With respect to the assessment of interests, the stakeholders submitted that when balancing the interests involved, economic interests were often placed above environmental ones. To oppose this trend, the stakeholders demand more objective legal criteria for injunctions. MAGRAMA concluded that the current legislation ensured full access to interim relief in environmental matters. Nevertheless, the possible introduction of a general principle in favour of giving prevalence to environmental interests could be considered, for example, through its inclusion in Law 27/2006, with a view to reinforce the right to access to environmental justice according to article 45 of the Constitution and the principles of the Aarhus Convention. With respect to the cost of injunctive relief, Most of the stakeholders participating in the study, mainly environmental NGOs, shared the view that the sometimes prohibitive costs of these bonds are insuperable obstacles and act, de facto, as a deterrent when demanding environmental interim justice. MAGRAMA concluded that while the current legislation permitted interim measures to be granted without a bond requirement when environmental interests are involved, that line of reasoning was not universally supported among the judiciary. MAGRAMA would thus consider suggesting legal amendments to clearly provide for the possibility to exempt the requirement for the deposit of a bond in such circumstances. With respect to the length of the injunction process, stakeholders expressed concern at the length of time taken to resolve applications for interim measures. MAGRAMA concluded that it was in favour of the possible enhancement of the current legislation to allow for interim measures to be requested before the action was brought in cases of environmental risk. Finally, regarding the interim suspension of urban plans and urbanization projects, MAGRAMA considered that there was a misunderstanding of the Compliance Committee in its findings on ACCC/C/2008/2004 with respect to this issue and no specific initiatives were needed.
2. In its appendix to the study, the Ministry of Justice stated that it considered the current legislation for precautionary measures (Law 29/1998) was adequate and sufficiently precise to enable the judiciary to react sufficiently in advance to avoid irreparable damage to the environment. It noted that there was growing awareness of the need to prioritize environmental public interests over other interests and to exempt bonds and cautions when effective access to justice could be at risk. It considered that the key to the successful implementation of the precautionary measures system lay in such awareness-raising and training. It also referred to the review of Law 29/1998 currently being undertaken by the Special Sections of the General Law Commission of the Ministry of Justice in order to identify any areas for possible improvement.

Award of legal aid to environmental NGOs

1. The study found that the majority of stakeholders were of the opinion that the incorrect interpretation and implementation of article 23.2 of Law 27/2006 was rendering that provision ineffective and that clarification or legislative modification was needed. Legal commentators and academics were divided, with some considering that Law 27/2006 automatically recognized the right to free legal aid for environmental NGOs; while others felt that it did not and consequently was not in line with the article 9, paragraph 5, of the Aarhus Convention regarding the establishment of appropriate assistance mechanisms to remove or reduce financial barriers to access to justice. In the light of the study’s finding 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, MAGRAMA expressed its support for the possible review of the current regulation or, if appropriate, the introduction of training and awareness raising activities for the institutions and public bodies responsible for the processing and resolution of the requests of free legal aid.
2. The Ministry of Justice, in its appendix to the study, stated that it considered that the relevant legislation (Laws 27/2006 and 1/1996) were adequate given their purpose and ensured that the limited resources would be used to grant aid to those legal persons whose nature and purposes were oriented to the general interest, avoiding any abusive or incorrect use.
3. The Committee shares the view of MAGRAMA and recalling the Committee’s findings in paragraph 74 and its recommendation in paragraph 75(c) of its findings in ACCC/C/2009/36, made with the agreement of the Party, and endorsed and welcomed by the Meeting of the Parties through paragraphs 2(f) and 3 of decision IV/9f respectively, for the Party to change the legal system regulating legal aid in order to ensure that small NGOs have access to justice, the Committee is not convinced that sufficient efforts have been taken to overcome the remaining obstacles to the full implementation of article 9, paragraphs 4 and 5 with respect to legal aid for NGOs.

The rule of dual representation

1. The study examined the roles of lawyers (“abogado”) and procurators (“procurador”) in the context of costs of access to justice. It found that the duties performed by procurators and lawyers were not interchangeable. Procurators played an important role in case management, which enables lawyers to concentrate on substantive legal issues. The fee for procurators were fixed, and formed only a small part of the litigation costs (eg €400 per case in comparison to €3000 for expert fees). Legal stakeholders, especially judges and magistrates, stated that in cases without procurators, delays and other malfunctions were noticed, and thus their involvement facilitated the efficient functioning of justice. MAGRAMA considered that, in the light of the study’s findings, changes were not currently warranted.

**Fees for provision of information relating to urban planning and building**

1. In its report of 16 September 2013, the Party concerned provided information on the activities it had undertaken to notify competent public authorities that the fees charged for provision of information relating to urban planning and building should be the same as for information relating to the environment (paragraph 5 of decision IV/9f). The Party also provided the Committee with a letter dated 24 October 2013 from the Secretary General of Spanish Federation of Municipalities and Provinces (FEMP) to MAGRAMA confirming that such a notification had also been inserted on the FEMP website.
2. However, on 26 December 2013, the communicant in ACCC/C/2008/24 informed the Committee that the Murcia City Council had not changed its fees for providing access to information on land use and the price was still €2.15 per page.
3. On 21 January 2014, the Party concerned informed the Committee that it had itself been informed by the communicant in ACCC/C/2008/24 of this issue. MAGRAMA had thereafter sent an official letter to the Murcia City Council recalling decision IV/9f and the findings of the Compliance Committee. The letter also referred to the information on fees circulated by FEMP.
4. On 4 February 2014, the Party concerned informed the Committee that it had recently been informed by the Legal Services of the Urban Planning Department of the Murcia City council that the Municipal Tax Agency was currently working on a new version of the fee system in order to simplify and add coherence to the system. The current rates would also be further reduced. MAGRAMA informed the Committee that it had provided the Murcia Municipal Tax Agency with a copy of the draft national ordinance regulating fees for environmental information at the national level, which provided for black and white A4 photocopying at €0.03 per page, and colour A4 photocopying at €0.12 per page, with the first 19 pages free of charge in both cases.
5. At paragraph 79 of its findings on ACCC/C/2008/24, endorsed by the Meeting of the Parties through decision IV/9f, the Committee had held:

“Given that the commercial fee for copying in Murcia is €0.03 per page, which seems to be generally equivalent to the standard commercial fee for copying in the United Nations Economic Commission for Europe (UNECE) countries, the Committee concludes that the charge of €2.05 per page for copying cannot be considered reasonable and constitutes non-compliance with article 4, paragraph 8, of the Convention.”

1. Thus, [unless the Party concerned can, before the forty-fourth meeting of the Compliance Committee, provide clear evidence that the Murcia City municipality has adopted a new fee system specifying reasonable charges for providing copies of land use, urban planning and other environmental information] the Committee finds that the Party concerned remains in non-compliance with article 4, paragraph 8, of the Convention in this respect.

**Time frames applicable for public participation in decision-making in environmental matters**

1. On 16 September 2013, the Party concerned provided the Committee with a summary of the general approach taken under national law with respect to time frames for public participation in decision-making in environmental matters. It also informed the Committee on its activities undertaken to raise the awareness among competent authorities and their officials in implementing the time-frames for public participation in decision-making processes (paragraph 6 of decision IV/9f).
2. The Party informed the Committee that time-frames for public participation were regulated differently depending on the level of the public administration involved, the kind of decision-making process, and the specific subject matter. In general, the applicable legal frameworks set minimum time frames for public participation which might be extended depending on the circumstances, such as the complexity of the case, the volume of documentation or if the period included public holidays. The Party provided examples of legislation that specified such minimum time frames, as well as examples of a draft policy, programme and legislative act which each had been recently open for public participation.
3. Regarding the actions taken by the Party concerned to raise awareness among competent authorities in implementing the time-frames for public participation in decision-making processes, the Party concerned informed the Committee that Spain’s Constitution enshrined the autonomy of municipalities, provinces and Autonomous Communities to manage their own interests. The actions taken by MAGRAMA to implement this recommendation were thus necessarily limited to exchange of information, cooperation and raising awareness with the competent authorities. To this end, MAGRAMA had organized a meeting with Regional Focal Points (representing the Autonomous Communities) and representatives of the Spanish Federation of Municipalities and Provinces (FEMP), in order to raise awareness of the findings and recommendations of the Compliance Committee and to call for the implementation, including those related to the time-frames for public participation. MAGRAMA was collaborating with the Ministry of Finances and Public Administration in order to bring this matter to the agenda of future meetings. Courses on the Aarhus Convention, relevant EU directives and the Law 27/2006 regulating the right of access to information, public participation and access to justice in environmental matters had been added to the training programme in MAGRAMA and its autonomous bodies, with the aim of improving implementation. The training programme was expected to be continued for the coming years.
4. Against this background, the communicant in its email of 19 December 2013 informed the Committee that Murcia Regional Government had not changed its land use law to introduce sufficient timeframes for public participation.
5. On 21 January 2014, the Party concerned informed the Committee that according to local newspapers and the website of the governing party in the region of Murcia, the regional Government was considering amending its law on land use. The Party informed the Committee that as soon as MAGRAMA had access to the draft amendment, an official communication would be sent to the Murcia Regional Aarhus Focal Point stressing again the importance of taking on board the recommendations of the Compliance Committee regarding time-frames for public participation.
6. The Committee finds that [unless clear evidence is provided to the Committee before its 44th meeting that Murcia’s land use law has been amended] the Party concerned has failed to comply with the recommendation set out in paragraph 119 (a) (v) of the findings on ACCC/C/2008/24, and welcomed by the Meeting of the Parties through paragraph 3 of decision IV/9f. The Party concerned thus remains in non-compliance with article 6, paragraph 3, of the Convention in this respect.

 IV. Conclusions and recommendations

1. The Committee welcomes the active and constructive engagement of the Party concerned in the compliance review process. The Committee also appreciates the Party’s cooperation in providing additional interim progress reports as well as the final progress report ahead of time in order to facilitate the work of the Committee.

**(Alternative 1: If prior to CC44, the Party (i) provides clear evidence (eg the fees chart) that Murcia City Council has changed its fees for providing land use /urban planning information; and (ii) provides clear evidence (eg Murcia’s amended Law on Land Use) that the timeframes for public participation have been increased beyond 20 days.)**

1. Having reviewed the information provided in the intersessional period, the Committee finds that the Party concerned has seriously and actively engaged to follow the recommendations set out in paragraphs 5, 6 and 9 of decision IV/9f. Based on the information provided, and except for efforts relating to legal aid for NGOs, the Committee considers 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), 1(b), 2, and 8; article 6, paragraphs 3 and 6; also article 6, paragraph 3, in conjunction with article 7; and article 9, paragraphs 4 and 5, of the Convention with respect to the specific points of non-compliance identified in those findings. In light of its findings in paragraph 32, the Committee is still not convinced that sufficient efforts have been taken to overcome remaining obstacles of the full implementation of article 9, paragraphs 4 and 5 with respect to legal aid to NGOs.
2. The Committee recommends that, pursuant to paragraphs 35 and 36(d) of the annex to decision I/7, that the Meeting of the Parties:
3. Endorses the above report of the Committee with regard to compliance by Spain;
4. 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;
5. Recommends the Party concerned to report to the Committee 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 to NGOs are overcome;
6. Requests the Party concerned to provide detailed progress reports to the Committee by 31 October 2015 and 31 October 2016 on measures taken and the results achieved in accordance with the above recommendation.

**(Alternative 2: If prior to CC44, the Party fails to (i) provide clear evidence (eg fees chart) that Murcia City Council has changed its fees for providing land use /urban planning information; or (ii) provide clear evidence (eg Murcia’s amended Law on Land Use) that the timeframes for public participation have been increased beyond 20 days.)**

* + - 1. Having reviewed the information provided in the intersessional period, the Committee finds that the Party concerned has seriously and actively engaged to follow the recommendations set out in paragraphs 5, 6 and 9 of decision IV/9f. Based on the information provided, and except for efforts relating to legal aid for NGOs, the Committee, considers 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), 1(b), and 2; article 6, paragraph 6; and article 9, paragraphs 4 and 5, of the Convention with respect to the specific points of non-compliance identified in those findings.
			2. In the light of its findings in paragraph 39 and 45 above, the Committee finds that the Party has failed to take sufficient measures to comply with article 4, paragraph 8, article 6, paragraph 3, and article 6, paragraph 3, in conjunction with article 7. Moreover, in light of its findings in paragraph 32, the 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.
			3. The Committee recommends that, pursuant to paragraphs 35 and 36(d) of the annex to decision I/7, the Meeting of the Parties:
1. Endorses the above report of the Committee with regard to compliance by Spain;
2. 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;
3. Recommends the Party concerned to:
	1. Report to the Committee 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;
	2. Take the necessary measures to ensure that:
		1. The fees charged by Murcia City Council for the provision of copies of land use and urban planning information are set out in a publicly available schedule of fees and are no more than reasonable;
		2. The minimum time frames for public participation on decision-making on specific activities and urban plans proscribed by Murcia’s land use legislation are amended to ensure reasonable time frames for the different phases allowing sufficient time for the public to prepare and participate effectively;
	3. Report to the Committee by 31 December 2014 on the measures taken in accordance with sub-paragraph b (i) and (ii) above and the results achieved in the implementation of those measures;
4. Requests the Party concerned to provide detailed progress reports to the Committee by 31 October 2015 and 31 October 2016 on the measures taken and the results achieved in implementation of the above recommendations.