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17 December 2013

Secretary to the Aarhus Convention Compliance Committee

Economic Commission for Europe

Environment, Housing and Land

Management Division

Bureau 348

Palais des Nations

CH-1211 Geneva 10

Switzerland

Re: Decision IV/9f of the Meeting of the Parties to the Aarhus Convention

We consider it is good to remind what was said in the last Meeting of the Parties:

«Chisinau, 29 June–1 July 2011

Decision IV/9f on compliance by Spain with its obligations under the Convention

9. Invites, 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:

- (a) Injunctive relief in cases of environmental interest;*
- (b) Award of legal aid to environmental NGOs; and*
- (c) The rule of dual representation;*

10. Also invites 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 paragraph 5, the time frames applicable in public participation according to the Spanish laws, and the studies requested under paragraph 9 above;»

The first step, we know of, which Spain took to comply with the recommendations of Decision IV/f was to send us a questionnaire of 12 questions, in April 2013.

In the "study on access to justice in environmental matters, in compliance with Decision IV/9(f) of the MOP " sent by the Ministry of Agriculture, Food and Environment, they did not

concretely define a single measure taken or that will be taken in a near future to correct the issues.

It produces sadness and hopelessness that more than three years after the "*findings and recommendations of the compliance committee with regard to communication accc/c/2009/36 concerning compliance by Spain with its obligations under the convention*" of July 12, 2010, all that Spain has done, is a document that highlights the discrepancies between the Ministry of Agriculture, Food and the Environment and the Ministry of Justice about the interpretation of the Aarhus Convention.

On the one hand it is recognized that the lack of specificity in the rules leads to conflicting interpretations, and on the other, it is maintained that it will be no change, so, despite to agree that a problem exists, Spain decides to do nothing to solve it. For us this unwillingness is no surprise, since we still have difficulty accessing information and effective participation (documents are only available during office hours and rarely published in digital format).

Spain continues in breach of the Aarhus Convention, we could give several examples, but we think it is not the right place, but as a sample we can cite the case of the Guadiana Hydrographical Confederation, to which our association requested some environmental information on 29 April 2013 (see Annex 1), as no reply were received, on 21 June 2013, we presented an appeal against the alleged refusal by administrative silence (see Annex 2). So far we have not received any reply.

We hope that in the next Meeting of the Parties, you make a resolution that clearly shows the willingness of all the signatories to the Aarhus Convention to comply with and enforce what it provides, so that this Treaty be an example of seriousness and rigor, otherwise it will become a dead letter.

Almendralejo, 17 December 2013

The President

A handwritten signature in blue ink, appearing to read 'Félix Lorenzo', is written over a light blue horizontal line.

Félix Lorenzo Donoso

Plataforma Contra la Contaminación de Almendralejo