

Dear Members of the Compliance Committee,

The Draft Law on Legal Aid was approved last month in the Council of Ministers in Spain. The Party concerned mentioned it in its last communication to the Committee last 21 March and AJÁ want to share the text with the Committee in order to translate it partially and express our concerns and explain why the environmental NGOs have reacted against the Draft Law.

After many years using Law 1/1996 on Legal Aid the government want to improve the legal framework and coordinate the “Legal Aid Law” with the Law 10/2012 (“Court Fees Act”) in order to regulate general access to Justice. The financial barriers created by Law 10/2012 do not apply for persons and entities, which can use Legal Aid (see Preamble of the Draft Law).

Not only the environmental NGOs through letters and meetings with the Ministry of Justice, but the Ministry of Environment (MAGRAMA) through the “Study on Access to Justice in Environmental Matters in Spain” recommended to change the law to include environmental NGOs among the entities which can use Legal Aid without a proof of lack of resources and the condition of “utilidad publica” (See Case 36 to understand the complexity of the situation).

The Draft Law on Legal Aid has finally no reference to environmental NGOs.

Article 2, paragraph 3, dedicated to the entities which can “*use Legal Aid without proof of lack of resources includes:*”

- *Associations of Terrorism’s victims under Law 29/2011.*
- *Red Cross Spain under Royal Decree 415/1996*
- *Associations, which promote the defense of disabled persons under Royal Legislative Decree 1/2013.*
- *Consumer’s associations.*
- *Trade unions”*

The only one reference to Law 27/2006 (“Aarhus Act”) is at the end of the Draft Law in order to rewrite the Aarhus Act.

In our opinion the Draft Law on Legal Aid discriminate the environmental NGOs and do not help to create a clear and easy framework for environmental NGOs by using Legal Aid.

Eduardo Salazar Ortuño

Chairman

Asociación para la Justicia Ambiental

