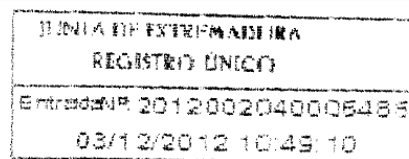




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Unofficial translation from the
Spanish original



03 de noviembre de 2012

Ministerio de Agricultura, Alimentación y Medio Ambiente

Vicesecretaría General Técnica

D^a. María José Gómez

Punto Focal del Convenio de Aarhus

Pza. de San Juan de la Cruz

28071 Madrid

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E-mail: Aarhus-buzon@magrama.es

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SUBJECT: PROPOSED AMENDMENT ACT LEGAL AID.

Mr. **Felix Lorenzo Donoso**, of legal age, with address for notifications at Guadalupe street 17, 06200 Almendralejo (Badajoz), DNI 9154113K, telephone 675 043 835, on behalf of the Plataforma contra la contaminación de Almendralejo, registered in the record of Ministry of Presidency Associations Junta de Extremadura with the number 3,829, to you, acts and, in the most appropriate in law,

EXPOUNDS

1. At its twenty-eighth session, held in Geneva on 15 and 18 June 2010, the Compliance Committee of the Aarhus Convention issued a resolution on the Communication "ACCC/C/2009/36", in which, among its conclusions and recommendations on compliance by Spain with its obligations under the Aarhus Convention, in paragraph B. Recommendations are provided:

(c) To change the legal system regulating legal aid in order to ensure that small NGOs have access to justice;

2. In the fourth session of the Meeting of the Parties to the Aarhus Convention which was held in Chisinau, between the June 29 and July 1, 2011, in which Decision IV/9f was adopted on the compliance Spain of its obligations under the Convention, which determines:

2. Also endorses the following findings of the Committee with regard to communication ACCC/C/2009/36 (ECE/MP.PP/C.1/2010/4/Add.2), that:

(f) By failing to consider providing appropriate assistance mechanisms to remove or reduce financial barriers to access to justice to a small non-governmental organization (NGO), the Party concerned failed to comply with article 9, paragraph 5, of the Convention, and failed to provide for fair and equitable remedies, as required by article 9, paragraph 4; and also stressed that maintaining a system that would lead to prohibitive expenses would amount to non-compliance with article 9, paragraph 4;

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:

(b) Award of legal aid to environmental NGOs; ...”

3. At present, the Ministry of Justice is proceeding with the drafting of a new Free Assistance Act, for which it has been prepared a preliminary Draft Law amendment to the Law 1/1996, of January 10 Legal Aid Free. In the aforementioned draft states:

“One. Article 2 shall read:

<<Article 2. Personal scope of application.

In the terms and to the extent provided in this law and international treaties and conventions on the subject in which Spain is a party, shall be entitled to legal aid:

a) Spanish citizens, nationals of the other Member States of the European Union and the foreigners who are in Spain when they evidence insufficient means to litigate.

b) The Investment Managers and Common Services Social Security, in any case.

c) The following legal entities for the performance of specific advocacy of these associations or matters of general interest to the members when evidence of insufficient means to litigate:

1. ° **Public utility associations**, under Article 32 of the Organic Law 1/2002, of 22 March, regulating the Right of Association.

2. ° Foundations registered in the corresponding Public Registry.”

As you can see, in the draft has not made any changes for compliance with the provisions of the Resolution of the Parties to the Aarhus Convention.

- 1st. In the decision referred to in paragraph 2, also established:

“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;;”

2nd. Our association believes that this would be an opportune time to amend that Legal Aid Act, to comply with the commitment made Spain in the Fourth Session of the Parties to the Aarhus Convention.

For all these reasons,

I REQUEST:

First.- To consider of this application and to take appropriate steps to inform the Ministry of Justice to consider our suggestion to reform the Free Assistance Act so as to comply with the provisions of the Compliance Committee of the Aarhus Convention.

Second.- I would be grateful if you communicate us the Ministry of Justice response to our suggestion.

In Almendralejo, November 3, 2012

The President



Félix Lorenzo Donoso

Plataforma Contra la Contaminación de Almendralejo

Nota.- Copia de este documento fue remitida por correo

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Spanish original**