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Unofficial translation from the  
Spanish original

29 de enero de 2013

## Ministerio de Agricultura, Alimentación y Medio Ambiente

Vicesecretaría General Técnica

D<sup>a</sup>. María José Gómez García-Ochoa

Punto Focal del Convenio de Aarhus

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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

Dear Madam:

On January 29, 2012, we received an e-mail sent by you in which you communicated us literally that:

*«In reply to your information request, I refer the following communication received from the Ministry of Justice.*

*“While Article 2 of the draft Law on Free Legal Aid does not explicitly mention the "small" associations, Article 3 on the basic requirements for granting the benefit, expected to have access to this legal persons regulated in Article 2 lacking assets whose accounting profit in the annual total does not exceed three times the Public Indicator of Multiple Effect Income in the annual calculation - ie 19.170,39 euros.*

*Therefore, the draft is more consistent with actual economic circumstances of the associations, especially those of small size and social purposes. It does not take into account the tax base of companies but include more tangible criteria as effective equity and financial results of organizations, therefore, have less difficulty proving that lack of economic resources and access free legal assistance”.*

*As a National Focal Point, I offer my mediation for any additional communication that you want to raise.*

*Best regards»*

We express our surprise at the lack of rigor shown by the Ministry of Justice in interpreting what is in the draft Law on Free Legal Aid.

The first paragraph of the reply of the Ministry of Justice stated: "**Article 3 on the basic requirements for granting the benefit, expected to have access to this legal persons governed by Article 2 assets lacking**"

Although the draft refers to other legal persons in points 2 to 6 of Article 2, in our case only applies as provided in section 1.C of that article.

Well, what is in the draft is as follows:

*“Article 3. Basic requirements.*

*5. It recognizes the right to free legal aid to **legal persons referred to in paragraph c) of paragraph 1 of the preceding article**, when lacking sufficient assets accounting profit in the annual computation entity is less than the amount equal to three times the public indicator of income for multiple purposes.”*

As can be seen by simply reading the statement refers us to legal persons referred to in paragraph c) of paragraph 1 of Article 2-the only ones with the right to free legal assistance within this section, which specifies:

*“Article 2. Personal scope of application.*

*1.*

*c) **The following legal entities to carry out actions in defense of their specific interests:***

- **Public utility associations**, under Article 32 of the Organic Law 1/2002, of 22 March, regulating the right of association.*
- **Consumer associations and supra-autonomous users**, legally constituted and registered in the State Register of Consumers and Users, solely on the terms provided in Article 24 of the revised text of the General Law for the Defence of Consumers and Users and other complementary laws, approved by Royal Legislative Decree 1/2007, of November 16.*
- **Foundations** registered in the corresponding Public Registry.”*

It is more than obvious that the only legal persons that are awarded the right to the benefits of **Legal Aid Act**, are to those **which explicitly reference** is made in this point. No legal entity that does not meet these requirements will be entitled to the benefits specified in this section.

Our association considers that if the Ministry of Justice has the sincere desire to comply with what is determined in the resolution of the Compliance Committee of the Aarhus Convention on the communication made by "**ACCC/C/2009/36**", ratified in the fourth session of the Meeting of the Parties to the Aarhus Convention in which was adopted the decision IV/9f on compliance by Spain with its obligations under the Convention, should make a **specific mention** in which determined **that the associations that have among their statutory purposes the environmental protection in accordance with the provisions of the Aarhus Convention are entitled to the benefit of Legal Aid.**

We consider that the Government of Spain in this way would get so clearly and conspicuously, demonstrate the determination to fulfill the obligations they undertook in signing and ratifying the Aarhus Convention. No it should be left to free interpretation which can be set explicitly Act.

**For all these reasons,**

**I REQUEST:**

You accept these claims and inform us of the decision taken by the Ministry of Justice in view of them to modify the draft Law on Free Legal Aid.

In Almendralejo, January 29, 2013  
The president



Félix Lorenzo Donoso

*Plataforma Contra la Contaminación de Almendralejo*

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