



Madrid, 20 enero 2014

Sr^a. D^a. Juana Fuentes García
Concejalía de Urbanismo
Servicio Jurídico Administrativo
Ayuntamiento de Murcia

Dear Ms. Fuentes,

I'm writing to you with regard to the compliance by local entities with the provisions of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and, more specifically, with the Second Additional Disposition of Law 27/2006 (18 July) regulating the rights of access to information, public participation and access to justice in environmental matters, which transposes to national Law both the Aarhus Convention and the European Directives on the matter. The Additional Disposition provides the following (emphasis added):

Fees for provision of environmental information by Local Entities.

Local Entities may establish their own fees for provision of environmental information, which will be generally governed by Legislative Royal Decree 2/2004 approving the Consolidated Text of the Law regulating Local Treasury and, regarding taxable event, exemptions and cases of no-subjection, by the provisions of the First Additional Disposition of this Law.

The taxable event, according to the First Additional Disposition of the Law, is the reproduction and delivery of the information. The cases of no-subjection are the *sur place* access and the access to lists or files. Regarding the exemptions, the provision of environmental information from one public administration to another will be free of charge. Similarly, the provision of less than 20 DIN A4 pages and the provision through electronic means will be free of charge.

Besides, both the Convention and the European Directive provides that fees shall not exceed a reasonable amount, meaning that charges will not be so high that they could act as a deterrent to the public demanding environmental information.

In this regard, the Meeting of the Parties and the Compliance Committee of the Aarhus Convention, in response to the denunciations of excessive fees for urban planning information in some municipalities, in particular in the city of Murcia, issued a recommendation to Spain in the following terms:

“The Meeting of the Parties (...) notes 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”

The Committee, thus, notes that there are still differences in the regime of fees for information regarding building and urban planning. From the information provided to the Committee by the Association for Environmental Justice (*Asociación para la Justicia Ambiental, AJÁ*), it seems that the fees charged by the Murcia City Council for copies of documentation related to urban planning and building are still much higher than those charged for copies of documentation related to the environment.

After being informed of this circumstance, the Spanish Federation of Municipalities and Provinces (*Federación Española de Municipios y Provincias, FEMP*) decided to publish a new issue (#264, December 2013) of Local Chart (*Carta Local*) including a specific entry on the issue of urban planning and building fees.

The publication is available [here](#) (page 59)



Since this item is in the agenda of the Compliance Committee of the Aarhus Convention, I would be grateful if you could please give us an update of any new development in this regard.

Fdo: María José Gómez García-Ochoa

Vocal Asesora