



12 June 2013

**Aphrodite Smagadi
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**

Dear Ms. Smagadi,

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

Thank you for your letter of 30 April 2013, inviting Spain to provide information about progress with recommendations of Decision IV/9f in connection with the new communication ACCC/C/2012/78.

Regarding access to justice in environmental matters, the Meeting of the Parties through Decision IV/9f invited Spain 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;

and to report to the Meeting of the Parties through the Compliance Committee on the progress with the studies requested.

With respect to these studies, we would like to inform about the following steps already taken:

1. - The Ministry of Agriculture, Food and Environment in close co-operation with the Ministry of Justice, has launched a process to undertake the preparation of the study in a participatory manner as required by the Decision IV/9f.
2. – Firstly, a preliminary paper was drafted explaining the factual and legal background of communications ACCC/C/2008/24 and ACCC/C/2009/36, the



conclusions of the Committee and the subsequent Decision from the MOP, and describing briefly the current situation in Spain regarding access to justice in environmental matters, as a starting point.

3. – In addition, a questionnaire (ANNEX I) was prepared including relevant questions on the three substantive issues: injunctive relief, legal aid and dual representation.

4. – Both the preliminary paper and the questionnaire were sent to a wide range of stakeholders, among others:

- Environmental justice organizations such as [AJÁ](#), [RADA](#), [IIDMA](#) and [Asociación de Ciencias Ambientales](#);
- The top-five relevant Spanish environmental NGOs represented at the Advisory Council on Environment¹ ([Friends of the Earth Spain](#), [Greenpeace Spain](#), [Ecologistas en Acción](#), [SEO-Birdlife](#) and [WWF-Adena](#));
- Communicants in cases ACCC/C/2008/24 and ACCC/C/2009/36: the aforementioned AJÁ and [Plataforma Contra la Contaminación de Almendralejo](#);
- Trade unions;
- Associations of Judges and Magistrates;
- General Council of Lawyers;
- General Council of Procurators (legal representatives);
- Public Prosecutor's General Office, Environment Division.
- State's Attorney at the Ministry of Agriculture, Food and Environment.
- Regional Focal Points of the Aarhus Convention;
- Members of the academia;
- Public research institutions such as the International Centre for Environmental Law ([CIEDA](#)) and its Observatory of Environmental Policies.

4. – The deadline to complete the questionnaire and send the responses to the Aarhus Focal Point finished on May 15th. We are currently processing all responses received.

¹ The Advisory Council on Environment (CAMA), established by Royal Decree 2355/2004, is the body responsible for the participation and monitoring of environmental policies. The CAMA is chaired by the Minister of Agriculture, Food and Environment and it comprises representatives of the top-five relevant Spanish environmental NGOs (Friends of the Earth Spain, Greenpeace Spain, Ecologistas en Acción, Seo-Birdlife and WWF-Adena) as well as representatives of the main trade unions, business organizations, consumer organizations and the agrarian and fishery sector. Officials of the Ministry of Agriculture, Food and Environment and other ministries can also participate.



5. – The next step will be the drafting of a preliminary study taking due account of all the contributions received. This draft study will be uploaded to the web page of both the Ministry of Environment and the Ministry of Justice for the general public to submit further comments, observations or suggestions.

6. – Following this last period of public consultations, the final study will be drafted, translated into English and sent to the Compliance Committee in due time, at least six months before the fifth session of the Meeting of the Parties, as required in Decision IV/9f.

Please do not hesitate to contact us if you need any clarification on our response.

With best regards,

MARÍA JOSÉ GÓMEZ GARCÍA-OCHOA

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