



## SECOND PROGRESS REPORT DECISION VI/8j/SPAIN

The latest Meeting of the Parties to the Aarhus Convention, held in Budva (Montenegro) in 2017, adopted *Decision VI/8j regarding Spain's compliance with its obligations under the Convention*.

Point 8 of this Decision establishes the obligation to annually present, on 1 October of the years 2018, 2019, and 2020, progress reports on the measures adopted or advances achieved in the implementation of the Recommendations made by the Compliance Committee:<sup>1</sup>

This progress report has been drafted to meet the aforesaid obligation.

### 1) COMMUNICATION ACCC/C/2009/36

Decision VI/8j includes the following recommendations regarding this Communication:

*3. Requests the Party concerned to take measures, as a matter of urgency, to ensure that the remaining obstacles to the full implementation of article 9, paragraphs 4 and 5, of the Convention with respect to legal aid for non-governmental organizations identified by the Committee in paragraph 66 of its findings on Communication ACCC/C/2009/36 are overcome;*

*4. Calls upon all relevant ministries of the Party concerned, including the Ministry of Justice, to work together in that regard.*

Here, we must point out that there have been no significant changes in relation to the situation regarding this Communication indicated in our previous progress report. In that report, two paths for responding to the recommendations made in Decision VI/8j were presented.

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<sup>1</sup> 8. Requests the Party concerned:

(a) To submit to the Committee detailed progress reports on 1 October 2018, 1 October 2019 and 1 October 2020 on the measures taken and the results achieved in the implementation of the above recommendations.



First, the judicial path, to the extent that, as we already indicated in our address to the open session of the 63<sup>rd</sup> meeting of the Aarhus Convention Compliance Committee (Geneva, 15 March 2019), the Administrative Chamber of the Supreme Court has already set forth, in a decision of 16 January 2018, its interpretation recognizing the right of an environmental NGO to bring a case free of charge when the NGO brought an appeal before that Chamber, because a lower court had not recognized that they had this right.

A possible second path, which to a certain extent was suggested in Communication ACCC/C/2009/36, would be through an initiative of the administration that included the joint work of the competent ministries, including the Ministry of Justice. In this regard, it should be noted that in recent month Spain has been experiencing a particular political situation, with general elections held on 28 April 2019 and with a caretaker government without the capacity to implement legislative reform in Parliament. In this situation, and after failing on two consecutive occasions—July and September 2019—to invest a new President of the Government, Parliament has been dissolved and new elections called for 10 November 2019. The prolongation of the caretaker government, which has very limited legislative capacities, will continue until 10 November 2019. The search for a solution using this second path was among the issues that the current Spanish administration had the intention to promote and that, due to the aforementioned obstacles, it was not possible to implement. It is to be expected that after a new Government and Parliament are constituted, this could be possible, pending the results of the November 2019 elections.

(A copy of the court decision is attached.)



## 2) COMMUNICATION ACCC/C/2014/99

Decision VI/8j includes the following recommendation with regard to this Communication:

*7. Also welcomes the willingness of the Party concerned to accept the Committee's recommendation, namely, that the Party concerned take the necessary legislative, regulatory or other measures and practical arrangements to ensure that the public is promptly informed of decisions taken under article 6, paragraph 9, of the Convention not only through the Internet, but also through other means*

As a follow-up to our previous progress report, and in compliance with the aforementioned Decision, the Directorate-General of Environmental Quality and Climate Change of the Department of Territories and Sustainability of the Autonomous Administration of Catalonia issued an Instruction on 28 September 2018, indicating that the units under the aegis of this Directorate-General, once an environmental authorization had been granted or denied, upon informing the city council where the activity was located of the decision by which an environmental authorization was granted or denied, have to indicate that the public must be informed of this decision on the corresponding municipal notice boards and on the municipal website.

This Instruction has been disseminated among the different Autonomous Administrations of the Spanish State, both in writing to the regional contact points for the Aarhus Convention in May 2019 and during a meeting held on 26 September 2019, in order for them to adapt their actions in their respective territories regarding this matter to the contents of the Instruction and pursuant to the indications in Decision VI/8.

(A copy of this Instruction is attached.)

Madrid, 30 September 2019