

As regards the actions carried out to comply with paragraph 3 of Decision related to Spain adopted by the Meeting of the Parties to the Aarhus Convention at its sixth session, as we noted in our second progress report—sent to the Aarhus Convention Compliance Committee on 30 September 2019—we recognized the existence of two paths towards addressing what was indicated in said Decision.

The first path involved monitoring any judgments that could be handed down with respect to legal aid for environmental non-governmental organizations (NGOs), in the event that they confirmed the case-law laid down by the judgment handed down by the Supreme Court's Administrative Chamber on 16 January 2018, which recognized the right to legal aid for an environmental NGO, because the Supreme Court considered that it met the requirements set forth in article 23 of Act 27/2006, regulating the rights of access to information, of public participation, and of access to justice in environmental matters. The Supreme Court also considered it unnecessary for said NGO to comply with the stipulations of article 2 of Act 1/1996 of 10 January, on legal aid.

After the second progress report was issued, a second judgment has come to our attention, also handed down by the Supreme Court's Administrative Chamber, on 13 March 2019, which ruled in the same manner, granting the right to legal aid to an NGO that had so requested, because it met the requirements set forth in article 23 of the aforementioned Act 27/2006 of 18 July.

The second path we indicated in our progress report of 30 September 2019 was to proceed to reform Act 27/2006 of 18 July. Given the political situation of that time, with a caretaker government and without the necessary parliamentary support, it was very difficult to address such a reform. Now, in view of the aforementioned judgments, we must analyse whether said reform is still necessary.

Another reason that, in our opinion, would make it inadvisable to address, at this moment in time, a legislative reform in this regard, is the possibility that, as a result of the fact that the EU must also address a problem involving non-compliance with the Aarhus Convention as regards access to its courts of justice by individuals and by legal persons, it may have to implement legislative measures (reform of the Aarhus Regulation, the Directive on access to justice) which would either be directly applicable in the Member States or would need to be transposed into their domestic legislation.

As for paragraph 7 of the Decision, Communication ACCC/C/2014/99 referred to a possible violation of article 6, paragraphs 2 and 3 of the Aarhus Convention, because the public had not

been informed through the appropriate means, according to the communicating party, regarding the environmental permit for a change in the combustion process of a cement plant located in the province of Barcelona, Autonomous Community of Catalonia. Therefore, all our efforts have aimed to address that particular case within that territorial scope.

We believe that with the publication of the Instruction by the Catalan regional administration—according to which, once an administrative permit has been granted for a specific activity, the document in which this permit is communicated states that it must be displayed on the notice board of the corresponding municipality—the provisions of the Convention have, as we understand it, been complied with.

Extending possible non-compliance to the entire Spanish territory would require, in our opinion, a new communication and the implementation of a new procedure.

The provisions included in the Industrial Emissions Directive related to public participation and publication of the granting, changing or updating of a permit (article 24), as well as the European directives transposing the three pillars of the Aarhus Convention, comply with the legality established in this convention with respect to this issue. The fact that the Spanish legislation transposes the articles on publicity and public participation of the IED in a literal manner (article 24 of the Royal Decree 1/2016, by means of which the consolidated text of the integrated pollution prevention and control law is approved), and that the publication of the relevant resolution in relation to the changing of a permit complies with all the requirements included in the mentioned Royal Decree 1/2016, allows us to assure that the provisions of article 6, paragraphs 2 and 3, of the Aarhus Convention have been respected and implemented in a legal proper manner.

We must add that, no matter how many means are used for disseminating information about a measure affecting to any possible parties, we will never be sure that it will reach all of them. Furthermore, in many times it is very difficult to know the exact borders of the effects of a specific decision or activity.

To sum up, we definitely believe that nowadays, electronic means to disseminate information are the most effective way to reach all interested parties, taking into account that, as interested people, they would have to do their best to get the referred information.

Many thanks for your attention.