

18 May 2020

Mr. Joaquin Carril Martinez
Ministry of Agriculture, Fisheries and Food
Madrid, Spain

Ms. Ana Barreira López
Instituto Internacional de Derecho y Medio Ambiente (IIDMA)
Madrid, Spain

Dear Mr. Carril Martinez,
Dear Ms. Barreira,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Spain with the provisions of the Convention on public participation in connection with the updating of environmental permits (ACCC/C/2014/122)

In the course of its deliberations on the above communication, the Compliance Committee has identified one point requiring brief clarification to assist it to finalize its draft findings.

The Party concerned and communicant are thus kindly requested to provide their reply to the enclosed question from the Committee by **Monday, 1 June 2020**, copying the other party on their reply. Each party will thereafter have one week to comment on the other party's reply.

Should you have any questions, please do not hesitate to contact the secretariat.

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of Spain to the United Nations Office and other international organizations in Geneva

Enc: Question from the Compliance Committee to the parties

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Please clarify for each of subparagraphs (a)-(g) of paragraph 2 of the First Transitional Provision of the Spanish IPPC Law (translated in English on pages 3-4 of the communication and set out below), which specific provision of the Industrial Emissions Directive each subparagraph is intended to implement:

“2. According to paragraph 1, permits shall be considered updated when they contain specific prescriptions on:

- a. Incidents and accidents, especially regarding the obligations operators have of communicating them to the competent authority and of implementing measures, even complementary ones, to limit environmental consequences and avoid other possible incidents and accidents;
- b. The failure to comply with permit conditions;
- c. In case of waste generation, the implementation of the waste hierarchy as established in article 4.1.b);
- d. When necessary, the report mentioned in article 12.1.f), which must be taken into consideration in the event of plant closure;
- e. The measures which will be applied in the event of anomalous functioning conditions;
- f. When necessary, the monitoring requirements for soil and groundwater;
- g. In the case of incineration or co-incineration plant:
 - i. Waste treated by the plant, when listed in the European Waste List
 - ii. The emission limit values regulated for these types of plants.”
