

**From:** Aarhus Punto Focal [redacted]  
**Sent:** 14 March 2019 2:01 PM  
**To:** 'Carlota Ruiz Bautista' [redacted]; Fiona Marshall [redacted]; ECE-Aarhus-Compliance [redacted]; Aarhus Punto Focal [redacted]; rep.ginebraoi (maec.es) [redacted]  
**Cc:** 'Dominique Doyle' [redacted]; Fraile Paredes, M. Olga [redacted]; Larka Abellan, Maj Britt [redacted]; SG de Relaciones Internacionales MITECO [redacted]  
**Subject:** RE: Invitation to join open session on the preliminary admissibility of communication PRE/ACCC/C/2017/159 (Spain), Monday, 11 March, 10:30 CET

Dear colleagues

*As far as IIDMA responses are concerned, regarding the issues arisen by the Compliance Committee, we have to state as follows:*

*We are surprised that the IIDMA filed an appeal on the grounds of unconstitutionality, knowing that whatever outcome, there will not be any consequences affecting their proceeding, from which they reach the conclusion that they have already exhausted all internal procedures and are entitled to turn to Aarhus Compliance Committee.*

*From our perspective, if the Constitutional Court did not give leave to go ahead, to a certain extent, it would be affirming the Supreme Court's sentence, whereas if it assessed any deficiencies, it will issue its judgment.*

*Consequently, for caution and consideration reasons towards Spanish Constitutional Court, we conclude that the Aarhus Compliance Committee should take into account this Constitutional Court pronouncement before deciding on the admissibility of the communication and therefore wait for the result.*

Kind regards.

*Joaquín Carril Martínez*  
*Subdirección General de Relaciones Internacionales*

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