



NATIONS UNIES

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Ref: Pre-admissibility

ОБЪЕДИНЕННЫЕ НАЦИИ

ЕВРОПЕЙСКАЯ ЭКОНОМИЧЕСКАЯ  
КОМИССИЯ

UNITED NATIONS

ECONOMIC COMMISSION  
FOR EUROPE

Palais des Nations, Room 429-4  
CH-1211 GENEVA 10

11 October 2017

Dominique Doyle  
ClientEarth  
London  
United Kingdom

Carlota Ruiz-Bautista  
Instituto Internacional de Derecho y Medio Ambiente (IIDMA)  
Madrid  
Spain

Dear Ms. Doyle, dear Ms. Ruiz-Bautista,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Spain in the context of public participation in the preparation of transitional national plans under the Industrial Emissions Directive**

I refer to the communication submitted by you on 3 August 2017 on behalf of ClientEarth and IIDMA. The communication alleged non-compliance with articles 6 and 7 of the Convention in the context of the preparation of certain transitional national plans (TNP) under the Industrial Emissions Directive (IED) by the Party concerned.

I write to inform you that the Chair and the Vice Chair of the Compliance Committee have reviewed your communication and have requested that the secretariat invite you to provide further information on the use of domestic remedies relevant to your communication. Specifically, the Chair and Vice-Chair invite you to elaborate further on paragraph 52 of your communication as set out below:

1. You state that “IIDMA filed a case before the Supreme Court” in January 2017, yet in the same paragraph you state that “IIDMA has not yet filed the lawsuit due to dilatory manoeuvres by the Ministry”. Please clarify which is correct.
2. What is, broadly speaking, the typical timeframe between the filing of an application before the Supreme Court and the issuance of a final judgment?
3. You state that “IIDMA’s arguments in the lawsuit will not concentrate on the lack of public participation”. Please explain why not.
4. Do you agree that the possibility to challenge the TNP before the Supreme Court is an available domestic remedy for the purposes of paragraph 21 of the annex to decision I/7? If not, please explain why not.

We would be grateful to receive your reply to this clarification request by **Monday, 6 November 2017** in order that your communication may be considered for a possible determination of preliminary admissibility by the Committee at its fifty-ninth meeting (Geneva, 11-15 December 2017). If you consider that a longer timeframe would be necessary in order to reply to the request, we would be grateful to receive your reply by **Monday, 29 January 2018**, in order that your communication might be considered for a possible determination of preliminary admissibility at the Committee's sixtieth meeting (Geneva, 5-9 March 2018).

I hope the above may be of assistance. Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



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Fiona Marshall  
Secretary to the Aarhus Convention Compliance Committee