



## **English translation of selected sections of “ANNEX IV.2\_spanish\_COMMENTS RECEIVED FROM GREENPEACE E IIDMA”**

Only the highlighted text is translated.

### **Section 1**

REMARKS ON THE TRANSITIONAL NATIONAL PLAN (TNP) FROM NOVEMBER 2015.

### **Section 2**

We also consider that this TNP should be subject to a procedure of public participation before being adopted, in accordance with the Convention of the United Nations Economic Commission for Europe (UNECE) on Access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention).

### **Section 3**

4. Absence of a public participation procedure in the preparation of the TNP.

As we have already explained in section 2 of these observations the lack of Implementation of an SEA entails the absence of a public participation procedure, which is contrary to Article 7 of the Aarhus Convention.

### **Section 4**

The TNP falls within the scope of this Article 7 since it is a plan that enables thermal power plants to be exempted from the strict ELVs of Annex V of the IED, which therefore, affects the environment, so public participation is required.

### **Section 5**

The absence of a public participation procedure in the provisions of the Spanish Industrial Emissions Regulation relative to the preparation of the TNP is in conflict with the provisions of the Aarhus Convention and, therefore, this prevails. For that reason the Ministry of Agriculture, Food And Environment is obliged to carry out this open procedure beyond the submission of the plan to the CAMA (Environmental Advisory Board).

### **Section 6**

Taking into account all the observations made by Greenpeace and IIDMA we consider that the November 2015 TNP should:

- Respect the Industrial Emissions Directive
- Submit to a public participation procedure.