

1 February 2018

Ismael Antonio López Pérez
President
Asociación Autonómica e Ambiental Petón do Lobo

Ana Martina Varela Velo
President
Asociación Amigos y Amigas de los Bosques “O Ouriel do Anllóns”

Dear Mr. López Pérez, dear Ms. Varela Velo,

**Re: Communication to the Aarhus Convention Compliance Committee
concerning compliance by Spain with the provisions of the Convention
in the context of mining developments in Galicia**

I refer to the communication submitted by you on 24 July 2017 on behalf of Asociación Autonómica e Ambiental Petón do Lobo and Asociación Amigos y Amigas de los Bosques “O Ouriel do Anllóns”. The communication alleged non-compliance with the Aarhus Convention in the context of certain mining concessions in Galicia and associated access to information requests.

The Chair and the Vice Chair of the Compliance Committee have reviewed your communication and have instructed the secretariat to invite you to reply to a number of questions (see attached) before the communication is forwarded to the Committee for a consideration of its preliminary admissibility.

We would be grateful to receive answers to these questions by **Thursday, 15 February 2018** in order that your communication may be considered for a possible determination of preliminary admissibility by the Committee at its sixtieth meeting (Geneva, 12-16 March 2018). If you consider that a longer timeframe would be necessary in order to reply to the questions, please provide your reply by **Monday, 28 May 2018**, in order that it might be considered for a possible determination of preliminary admissibility at the Committee’s sixty-first meeting (Geneva, 2-6 July 2018).

Please do not hesitate to contact the secretariat if you have any questions regarding the above.

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Enc: Questions for the communicants’ reply

Questions for the communicants' reply:

1. At pages 7-9 of your communication, you allege that there was a failure to carry out public participation with respect to the “San Finx” and “Santa Comba” mining projects in violation of article 6 of the Convention. Did you (or any other persons) challenge the alleged failure to carry out public participation or an environmental impact assessment procedure through either administrative review and/or the courts? If so, please provide details of these proceedings, including their outcome. If you did not challenge the alleged lack of public participation or environmental impact assess procedure either through administrative review or the courts, please explain why not.

2. You state that on 29 May 2017 you filed two complaints with the Commission for Transparency of Galicia with respect to your outstanding information requests of 13 February 2017 (Commission reference RCTG 055/2017) and 20 April 2017 (Commission reference RCTG 054/2017). Please provide the Committee with an update on the status of these two complaints, including whether you have by now received all or part of the requested information. If you have received some but not all the requested information, what domestic remedies are available for you to challenge the failure to provide the rest of the information? Have you used those remedies and if so, what was the outcome? If you have not used those remedies, please explain why not.

3. In section VII on page 9 of your communication, you state that “it is most likely that by the time the Complainants have access to the full file through a judicial ruling...**the information will have lost its relevance. This appears to the goal of the Administration, as in previous cases**” (emphasis in your original). Do you seek to allege that there is a systemic failure by the the Galician Directorate General on Energy and Mines or, more generally, by the Party concerned to provide timely access to environmental information? If so, please provide relevant examples that demonstrate that there is indeed a systemic failure in this regard. Please note that for each example, it will be necessary for you to demonstate that all available domestic remedies were used at the time.
